



Examining international responses to illicit arms trafficking

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Abstract. Concerns about illicit trafficking in small arms and light weapons have moved rapidly up the international agenda since 1996. Within about three years a range of international responses to this problem, and to the closely related issue of small arms proliferation, have developed at sub-regional, regional and international level – in Africa, Europe and the Americas as well as globally. This article examines the development and design of each of the main initiatives in this issue area. It analyses the different ways in which the problems have been framed in each agreement or programme, and the significance of linkages between them. These recent developments are judged to be substantial. Despite the regional and institutional variations, the shared normative and programmatic elements appear to be sufficient to support the development of winning global coalitions – able to establish a co-ordinated international action programme even if not actually to prevent illicit trafficking in the foreseeable future.

Introduction

Efforts to prevent and combat illicit trafficking in conventional arms are now high on the international agenda. Since 1997, they have been the focus of high-profile initiatives by several regional organisations, including the European Union (EU), Organisation of American States (OAS), Mercosur, Organisation of African Unity (OAU), Southern African Development Community (SADC), and the Economic Community of West African States (ECOWAS). At the global level, two of the most prominent UN negotiating processes at the turn of the century relate to the development of an international “protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition” and preparations for an international conference on “the illicit trade in small arms and light weapons in all its aspects’ to be held in 2001.

International talk about combating illicit arms trafficking is not, of course, new. For several decades, States have found it relatively easy to agree in principle that illicit arms trafficking is a “bad thing”, and that all States should do their best to prevent it. Numerous UN resolutions have been agreed to that effect. Such declarations have often been regarded with weary cynicism. It is an open secret that many governments are deeply implicated in much of the illicit arms trade, either by facilitating covert supply to proxies and allies or by turning a “blind eye” to the diversion into the black market of

legal arms transfers from or through their territory. In any case, governments lack the capacity to do more than limit purely criminal activities, and international declarations have not obviously stimulated governments to devote more resources to crime control.

This article examines the recent surge of international activities aiming to enhance co-operation to combat illicit arms trafficking, and the extent to which they are of real interest and significance. One question is the extent to which the regional and international programmes and instruments that are being established are themselves significant in relation to the design and development of international agreements. In many ways, they appear to break new ground. International norms, rules and institutions are being developed in a range of issue areas where there is little history of substantial international co-ordination. Such issue areas include: regulating legal arms transfers; arms brokering; marking and tracing of firearms; weapons stockpile management and destruction; and arms collection from civilians. The article examines recent development of international co-operation in these issue areas at global and regional levels, as they relate to illicit trafficking in conventional arms.

However, the recent development of activities to tackle illicit arms trafficking is also interesting from a number of other perspectives. It is important to assess the extent to which recent international activities are really associated with changes in the patterns of States' interests and concerns relating to covert or illicit flows of conventional arms. That is, does the increased diplomatic activity reflect a real increased interest of governments to tackle illicit arms trafficking? If it does, regional co-operation has some prospect of being effective in some regions, and claims that a powerful coalition is developing for action at a global level are re-inforced.

The topic is also interesting in relation to the development of linked or "nested" international regimes. The relationship between various local, national regional and international institutions and agreements is inevitably complex in this area. Co-operation to combat illicit arms trafficking is thus an interesting case study of the challenges and trade-offs involved in establishing mutually-re-inforcing arrangements at these different levels.

More fundamentally in this context, there are also questions relating to the linkage between issue-areas. It is widely recognised that illicit arms trafficking cannot effectively be tackled through a narrowly focused regime to prevent or combat arms smuggling by criminals. A more comprehensive approach is needed. But this implies further international challenges.

Thus, international co-operation to combat illicit arms trafficking needs to be embedded in broader efforts to combat transnational criminal networks and to prevent and reduce excessive accumulation and spread of small arms and light weapons. The agenda for tackling such "small arms proliferation",

for example, is broad. It includes: preventing and combating illicit trafficking; enhancing controls on legal arms transfers and stockpiles; enforcement of arms embargoes; development, peace-building and governance in conflict-prone and war-torn societies; disarmament in the implementation of peace agreements; civilian weapons collection programmes; and arms stockpile management and destruction of surplus weapons.

The article focuses on international initiatives to tackle illicit trafficking in firearms, small arms and light weapons. It is in this area that many of the most important recent regional or global responses have developed. It therefore does not deal with international efforts to prevent illicit trafficking in other military goods, such as sensitive dual-technologies for weapons of mass destruction or international concern, important though these are.

The article is organised as follows. The next section briefly outlines the character and dimensions of the problem of illicit trafficking in conventional weapons, and particularly small arms and light weapons, to provide necessary context. The following sections examine in some detail the recent regional responses, followed by an examination of global initiatives, particularly within a United Nations framework. The final section provides a concluding assessment, and a discussion of the prospects for establishing a co-ordinated international action programme.

Characterising the illicit arms trade

The term “illicit arms trade” is concise but unduly narrow. The issue area includes all forms of illicit transfers of arms, ammunition and associated materials. More broadly, most recent international initiatives in this area also address illicit manufacture, acquisition, possession, use and storage of such arms and materials.¹

The complex of problems involved in the illicit transfer, manufacture, possession and use of arms is not well monitored or understood. However, it is clearly multi-dimensional. It is driven by demand from a variety of types of client. These include: embargoed governments; armed groups involved in war, banditry and insurgency; terrorists; criminals and criminal organisations; and also citizens who want arms for self defence or cultural reasons but cannot obtain gun licences. The illicit arms trade is (wittingly or unwittingly) sourced from government arsenals, legal producers and gun holders, war booty, arms caches in areas of conflict; as well as by illicit manufacturers. In fact, the source of a large proportion of illicit conventional arms is government disposals of “surplus” arms or thefts from insecure government stockpiles.

There are broadly three types of trafficking processes.² Firstly, much of the trafficking is carried out through small-scale transactions by individuals or small firms that deliberately break the law by illegally transferring arms to illicit recipients, or by displaced people carrying guns for protection. Secondly, higher-value or more difficult illicit shipments of arms often involve corrupt officials, brokers or “middle-men” motivated mainly by profit. These often use well-established networks and channels also employed for smuggling other illicit goods. But the users of arms and their sympathisers are also often directly involved in arms trafficking. Thirdly, governments themselves, or at least agencies of States, are involved. Not only do they often turn a blind eye to the two types of trafficking outlined above, but they also deliberately facilitate covert flows of arms to their proxies or allies, or to embargoed or suspect destinations for profit.

A large proportion of the illicit arms trade is in civilian firearms and small arms and light weapons. Broadly, the term “small arms” refers to conventional weapons produced (if not used) for military purposes that can be carried by an individual, including pistols, rifles, sub-machine guns, assault rifles and grenades. Light weapons can be carried on a light vehicle, and operated by a small crew. They include heavy machine guns, light mortars, and shoulder-fired anti-tank or anti-aircraft missiles.³

Firearms, small arms and light weapons are relatively amenable to illicit trafficking. By definition, they are easily portable. Compared to “heavy” weapons systems such as tanks or aircraft, they are also relatively easy to conceal. They have relatively low cash value, and small shipments of small arms are often not regarded as “strategic” by state authorities, in contrast for example to sensitive components or technologies for missiles or weapons of mass destruction.⁴ Small arms can be transported by individuals or light vehicles, hidden in small storage places, and smuggled in shipments of legitimate cargoes. Moreover, many types of small arms and light weapons require minimal maintenance and logistic support. Therefore they can be operated relatively easily. They are also durable. A cache of submachine guns, for example, may be readily useable after years of storage.

Importantly, small arms and light weapons are more widely traded and held, both legally and illegally, by non-state groups than are heavy weapons. Only national armed forces or large rebel armies normally operate major weapons such as tanks and aircraft. In contrast, small arms and light weapons are also widely held and used by the police, bandits, criminals, and ordinary citizens, and are appropriate for every type of violent conflict: not only interstate or civil war, but also communal conflicts, crime and social violence. Thus these weapons are desirable to all of the main types of clients for illicit arms.

Although governments have been able to agree that illicit transfers of arms, ammunition and military equipment are a “bad thing”, the definition of “illicit transfers” has long been contested. It has always been clear that it includes arms smuggling by criminals in clear contravention of the laws of every state whose territory is involved. But what about transfers authorised by only some of the States concerned, or “covert” state-sponsored supplies to rebel groups?

Throughout the Cold War, the two superpowers and their allies were reluctant to agree that supplying arms to friendly non-state “freedom fighters” was necessarily illegitimate. Governments of post-colonial and developing countries have been inclined to agree, when it came to the question of whether it was wrong in principle to support arms transfers to bodies such as the African National Congress, Palestine Liberation Organisation, or “anti-colonial” resistance groups. In this context, there has been a tendency to confine intergovernmental initiatives on illicit transfers to vague declarations or partisan understandings of what is “illicit”.

Since the mid-1990s, there has been progress towards a relatively inclusive international definition of what is meant by “illicit”. In 1996, the UN Disarmament Commission agreed that “illicit arms trafficking is understood to cover that international trade in arms which is contrary to the laws of States and/or to international law”.⁵ Article 2 of the draft International Firearms Protocol defines “illicit firearms trafficking” as “The import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party without the authorisation of or in violation of the legislation or regulations of any one of the States Parties concerned”.⁶

These are still contested definitions. Some governments continue to argue that the Firearms Protocol’s definition should apply only to transfers between non-State groups and civilians, or even be confined to transfers by transnational criminal organisations.⁷ There is also continuing debate about the extent to which transfers implicated in breaches of international humanitarian or human rights law are included.

As the international debates have become more substantial, it has proved awkward to try to define illicit arms trafficking as a specific issue area for the purposes of developing effective international responses. It frames the problems both too narrowly and too broadly. Illicit arms trafficking is deeply embedded in the broader problems of: international crime and corruption; excessive and destabilising transfers and accumulations of arms; and insecurity and gun control in conflict-prone societies. Thus international responses to illicit arms trafficking need to be part of more comprehensive international efforts in these broader issue areas.

However, the problem of illicit arms trafficking also needs to be divided into narrower issue areas, around which efforts to strengthen international co-operation can more effectively be mobilised. These include co-operation for: individual criminal investigations involving weapons; preventing and combating transnational arms trafficking by criminal or terrorist organisations; enforcement of arms embargoes; preventing diversion of legal arms shipments to unauthorised recipients (including governments); preventing illicit or covert flows of arms to areas in conflict; and collecting and destroying unlicensed arms after conflicts.

The character and success of international initiatives to address illicit arms trafficking problems depends substantially on the ways in which the issue is framed (for example, as an issue of crime or international security). To some extent, this is determined by the regional context. It is not surprising that in the late 1990s the problem of illicit arms trafficking in Central Africa has generally been framed as an international security issue, while in Americas it has primarily been addressed as a problem of combating transnational criminal organisations. However, as will become clear, it is also a matter of diplomatic “art” and agenda-setting processes.

We now examine the recent regional and international responses to the problems of illicit arms trafficking.

Regional responses

Although illicit arms trafficking takes place on a global scale, each region and sub-region experiences and perceives the problem in different ways. Moreover, countries are typically most affected by and concerned about the problems in their immediate neighbourhood. Thus developing co-operation at a sub-regional and regional level is a particular priority.

Since the 1996, substantial regional initiatives to combat and prevent illicit arms trafficking have developed in Africa, Europe and the Americas. Below we examine these in turn.

In other regions, specific regional co-operative agreements on this issue are so far either weak or absent. This is not to imply that Asian or Pacific States do not co-operate with others to combat illicit arms trafficking. But where they do so it is primarily through bilateral co-operation amongst enforcement or intelligence agencies, or through international institutions such as Interpol and relevant UN programmes. Some distinctive regional arrangements for police co-operation in this problem area are beginning to emerge in East Asia through ASEAN and the ASEAN Regional Forum consultations.⁸ But they have yet to become substantial or distinctive.

For regional co-operation to develop in this relatively new and sensitive issue area, participating countries must not only recognise shared interests and concerns but also there must be political leadership and a degree of commitment. Moreover, it is easier to start developing co-operative approaches in a new issue area if there are already in place some institutional frameworks for agenda-setting and some functioning regional mechanisms or organisations. These can be used, adapted or developed as required, without the challenges and delays involved in arranging special high-level meetings or establishing entirely new institutions.

In practice, regional and international processes have become closely inter-related, in this as in most other issue areas at the end of the 20th century. Global institutions such as the United Nations, and also inter-regional partnerships, can also be used to support the development of sub-regional initiatives, even in the absence of strong local institutions.

Africa

Much of Sub-Saharan Africa has experienced intense problems of insecurity, conflict, criminality and violence during the 1990s. In most regions, small arms and light weapons are widely available. Destabilising flows of illicit or covert arms are a major problem. Most of these flows take place sub-regionally and from one part of Africa to another, drawing on earlier arms supplies during the Cold War and the residues of past conflicts. Nevertheless, there is also high demand for additional arms from outside Africa.

These arms have not in themselves caused the conflicts and crime in which they are used. The multiple crises in much of Sub-Saharan Africa have a range of underlying causes, relating for example to weak and/or oppressive states, wrenching economic and social change, deprivation, and complex social and political divisions. However, wide availability and flows of arms have exacerbated and prolonged conflicts, facilitated warlordism and banditry, and contributed to violent crime.

At the regional and international level, the problem of illicit arms trafficking in Africa has primarily been considered in the context of: excessive and destabilising accumulations and flows of arms (particularly small arms and light weapons); UN sanctions breaking; and an obstacle to post-conflict peace-building and reconstruction. In Post-Cold War Africa, the United Nations and the wider international community have had a direct interest and involvement in addressing each of these issues. Thus they have played an influential role in the development of regional as well as international responses to illicit arms trafficking in these contexts.

The Organisation of African Unity (OAU) is the main regional organisation. African governments have generally been diplomatically careful at

least to try to associate their initiatives relating to illicit arms trafficking with OAU Resolutions. Since the mid-1990s, the OAU has sought to increase its capacity to contribute to efforts to prevent conflicts and tackle security and tackle security problems. Nevertheless it remains a slow-moving institution, with relatively little capacity in these issue areas.

In June 1998, the OAU adopted a decision on the proliferation of small arms and light weapons, stressing the role the OAU should play in co-ordinating efforts to address this problem in Africa and requesting the OAU Secretary-General to prepare a comprehensive report on this issue.⁹ On 14 July, 1999, the Assembly of Heads of State and Government of the OAU adopted a Decision on the Illicit Proliferation, Circulation and Illicit Trafficking of Small Arms and Light Weapons that, *inter alia*, calls for a co-ordinated African approach to the problems addressed by the decision, and requested the OAU Secretariat to organise a continental experts preparatory conference on this matter. The Conference was due to take place in the spring of 2000. It is expected to play a significant role in developing common ground amongst African States, in preparation for the forthcoming international conference on illicit trafficking in small arms and light weapons in all its aspects to be held in 2001 (the 2001 Conference).

However, it is at the sub-regional level that the most significant recent initiatives on illicit arms trafficking have developed in Africa.

West Africa

It was in West Africa that the first sub-regional initiative on illicit arms trafficking after the Cold War was taken. It began in 1993 as an initiative by Mali; developed in 1996 as a co-operation between the UN and Sahara-Sahel countries, and in 1998 became a programme of the Economic Community of West African States (ECOWAS), supported by the UN and many international donors.

In October 1993, newly elected President Konare of Mali requested the UN Secretary-General to provide assistance in the collection and control of illicit small arms in his country. The widespread availability of such weapons was undermining security and obstructing the implementation of the 1992 "Pacte Nationale" peace accord between the Mali government and the Tuareg rebels. This was a precedent-setting request for the UN: it was a request for practical support for weapons reduction and control inside a State where a UN peace mission was not already in place.

It was not until August 1994 that a UN Advisory Mission was sent to Mali to investigate. The mission concluded that a so-called "security first" approach was needed: Mali needed capacity-building assistance with legal systems, policing, border controls and weapons collection, to create a secure

environment in which demobilisation and post-conflict reconstruction programmes could proceed.¹⁰ The UN initiated a programme, co-ordinated by the UNDP, to provide such security assistance, accompanied with guarantees and monitoring systems to ensure that it was not misused by internal security services that were themselves in need of reform. The international engagement helped to re-inforce the implementation of the *Pacte Nationale*. In an important act of political symbolism, Tuareg rebels participated in a high profile weapons destruction event sponsored by the government and the UN. Some 3,000 weapons were burned in an event known as the “*Flamme de la Paix*” in Timbuctu in March 1996.¹¹

Efforts were made to extend this programme to a sub-regional level. A UN Mission to the Sahara Sahel was established. In 1996 this mission reported that the proliferation of illicit light weapons posed a serious threat to all States in the Sahara Sahel.¹² The government of Mali, the UN Department of Political Affairs, UN Development Programme and the UN Institute for Disarmament Research (UNIDIR) jointly convened a sub-regional conference, to examine common problems and identify ways to develop regional co-operation to tackle light arms proliferation and promote conflict prevention and post-conflict reconstruction. The Conference on “Conflict Prevention, Disarmament and Development in West Africa” was held in November 1996 in Bamako, Mali. Government ministers, relevant government agencies (military, police, judiciary, etc), civil society groups, outside experts, and representatives of UN agencies and several donor countries all participated. A fragile consensus was achieved to develop a sub-regional programme not only to co-operate on combating illicit arms trafficking and possession, but also to establish a sub-regional moratorium on legal arms transfers of light weapons.

The emergence of a proposal for a sub-regional moratorium on the import, export, and manufacture of light weapons at the 1996 Bamako conference took many by surprise, including most Sahara-Sahel governments. It was supported by the argument that the region already had a destabilising surplus of such weapons. Moreover, continued legal transfers would undermine efforts to tackle illicit trafficking, in the context of vague and poorly enforced laws on weapons transfers and possession, insecure military stockpiles, banditry, and continued risk of conflict. Nevertheless, without strong informal persuasion by UN representatives and the support of President Konare of Mali and some donor countries, it is doubtful that the proposal would have emerged.

Henceforth, however, the moratorium proposal was the focus for a co-ordinated programme of meetings during 1997–98 to sensitise and persuade Heads of State to support the proposal. Politically, West African governments were gradually persuaded that a declaratory moratorium would help to catch

international attention and mobilise wider international assistance. Importantly, donors agreed that declaration of a three-year moratorium would be accompanied by a "Programme for Co-ordination and Assistance on Security and Development" (PCASED). This programme would provide capacity-building aid to help to strengthen local agencies and institutions, assist with weapons collection and control, and associated peace-building activities.

Attention also shifted from the "Sahara-Sahel" to the Economic Community of West African States (ECOWAS). At the 1996 Bamako conference, non-Sahel countries like Liberia and Cote D'Ivoire, were invited as observers, but some ECOWAS governments including Nigeria were not even represented. It was important to involve such countries, and also to embed the initiative in the main existing sub-regional institution. This helped to attract support from countries like Nigeria and Ghana that had a wider stake in promoting ECOWAS. It also had the effect of marginalising Sahel countries outside ECOWAS. Algeria was probably content to be left out of an initiative of which it was deeply sceptical. But Chad and Cameroon, which retained a lively interest and concern, were unfortunately left out in their allocated "Central African" sphere.

After repeated delays, a moratorium was officially declared by the ECOWAS heads of state and government at their meeting in Abuja on 30–31 October 1998. They declared a Moratorium on the Importation, Exportation and Manufacture of Light Weapons.¹³ It is due to run for least three years, after which progress will be reviewed. This declaration enabled implementation of the Programme for Co-ordination and Assistance for Security and Development (PCASED) to begin in earnest. A plan of action for its implementation was agreed by ECOWAS Foreign Ministers in Bamako on 24 March 1999, together with a code of conduct for the implementation of the ECOWAS Moratorium.¹⁴

The ECOWAS Moratorium, combined with the PCASED programme, attracted wide international attention. The UN urged other sub-regions to consider taking similar initiatives.¹⁵ Predictably, however, implementation has proved to be a challenge. It rapidly became clear in 1999 that there was substantial confusion about the terms of the Moratorium. In several ECOWAS countries, the military and the arms transfer licensing authorities were apparently unaware that their government had declared the Moratorium.

In practice, some arms supplier countries played a key role in establishing procedures for implementing the Moratorium. Faced with applications for licenses for arms transfers to ECOWAS countries, they referred the application to the ECOWAS Secretariat, asking whether ECOWAS had granted a special exemption to permit this transfer.¹⁶ This triggered ECOWAS consultations, leading either to the withdrawal of the application or to the elaboration

through precedent of agreed ECOWAS guidelines for exemption. In one case, for example, Ghana was permitted to import military equipment for use in a military training exercise, provided that the equipment was monitored and returned to supplier after the exercise was completed.

This is an important illustration of the ways in which international engagement has been vital for the development and implementation of the ECOWAS moratorium (and the associated PCASED programme). Following the ad-hoc efforts to promote implementation noted above, some donors aimed to strengthen ECOWAS' capacity to implement its initiative more systematically. In October 1999, the UK sent consultants to report on what needed to be done in this respect. In December 1999, ECOWAS Heads of Government agreed to implement the main recommendations, including the establishment of a new ECOWAS Department of Political Affairs, Defence and Security, with responsibility for implementing the Moratorium.¹⁷

However, the pressure was not all in one direction. For example, in 1997 and again in 1998, participating West African governments directly called on the arms supplying states of the Wassenaar Arrangement to respect and support the West African Moratorium. The "Wassenaar Arrangement" was established in 1996 as the new multilateral conventional arms supplier regime to replace COCOM. At the time, members of the Wassenaar Arrangement were not clear that it was part of the Arrangement's role to be a partner in the development of arms transfer moratoria. Politically, however, they felt obliged to respond positively.¹⁸ Support for the ECOWAS Moratorium henceforth became a recognised part of the on-going concerns of the Wassenaar Arrangement.

The PCASED Programme has become an important paradigm for co-operative programmes between donors and regions suffering from widespread illicit arms trafficking and excessive flows and availability of small arms. The main donors to this or closely associated projects include Belgium, Canada, France, Germany, Japan Netherlands, Norway, Sweden, Switzerland, the UK and the USA, as well as the UNDP which has a key co-ordinating role. Since 1999, the European Union as a whole has also supported PCASED.

It is instructive in this context to review the main programme elements of PCASED.¹⁹ They include activities to:

- Establish a culture of peace
- Support Training Programmes for military, security and police forces
- Enhancing weapon controls at border posts
- Establish a regional light weapons data-base and register
- Collect and destroy surplus and unauthorised weapons
- Facilitate dialogue with arms supplier countries (Wassenaar Arrangement etc.)

- Revise national legislation and administrative procedures
- Mobilise resources for the PCASED objectives and activities
- Enlarge membership of the ECOWAS Moratorium

Thus, for example, support for developing appropriate national legislation and administrative procedures to control small arms and light weapons is a core element of the PCASED programme. In this element, the main PCASED aims include:

- Review, update and harmonise national legislation and regulations of small arms and light weapons bearing on civilian possession, use and transfer;
- Ensure the use of legal instruments, such as export and import permits and end-user certificates to control illegal transfers and proliferation;
- Harmonise different national legislation with a view to developing a regional convention on light weapons that would touch on control and reduction as well as humanitarian law issues;
- Set up National Commissions on light weapons issues that would co-ordinate and develop policy relating to these questions. Concomitantly, there would be the emergence of the necessary administrative framework for the regular management of these issues.

Other elements of the PCASED programme re-inforce this one: training and capacity-building of customs, police, the judiciary and security forces; reform of the police and security structures to meet the real needs of the people of the countries involved and to build trust between the police and security forces and communities; collecting surplus weapons; and building and maintaining data-bases.

In spite of the important precedents set in West Africa, it is important to emphasise that the problems of illicit arms trafficking and associated problems remain intense in the region. Several ECOWAS countries continue to be implicated in covert arms shipments, particularly during 1998–99 to the complex of conflicts involving Sierra Leone and Liberia. Moreover, the PCASED programme is only at the early stages of implementation, and ECOWAS is some way from developing adequate institutional capacity to promote and ensure such implementation. Nevertheless, it remains a substantial regional response in a difficult context, with real potential for future development.

Southern Africa

The region of Southern Africa is certainly severely affected by the wide availability and flow of small arms light weapons and illicit arms trafficking, and by the problems associated with them.²⁰ These have been required and used in numerous civil wars, inter-state conflicts, as well as in banditry and crime.

Indeed, covert arms supply was an important component of struggle between South Africa and the “front-line states” during the Apartheid era. With the end of civil wars in Namibia and Mozambique, and transition from apartheid towards democratic elections and an ANC government in South Africa, it became possible to envisage a Southern African sub-regional response to illicit arms trafficking.

South Africa joined the Southern African Development Community (SADC) in 1994. In practice, it took some time for the illicit arms trafficking issue to rise on the agenda of SADC, the main sub-regional organisation. Other issues dominated the agenda in the mid-1990s. Moreover, it took time for relevant SADC institutions to be put in place. The SADC Organ for Politics, Defence and Security was established in 1996, within which the most important committee for our purposes is the Inter-State Defence and Security Committee (ISDSC).²¹ The ISDSC has three sub-committees, for defence, public security and state security, where relevant ministers from SADC countries meet to address concerns relating to regional peace and security. In practice, these bodies were highly politicised in the late 1990s, and hampered by rivalry between President Mugabe (who chaired the Organ for Politics, Defence and Security) and President Mandela.

In practice, the first initiatives in Southern Africa relating to illicit arms started in 1995 through bilateral and trilateral co-operation between South Africa and its neighbours. The new South African government, and particularly the South African police, became intensely concerned about arms flows into South Africa from neighbouring states. As violent crime and personal insecurity increased in South Africa, and political violence continued in Kwa-Zulu Natal, demand for small arms grew. Illicit trafficking of arms into South Africa became profitable and widespread, particularly from arms caches left over from the wars in Mozambique and Namibia, and from arms pipelines associated with the wars in Angola and Central Africa.

As a partial response, South Africa and Mozambique (with the co-operation of Swaziland where appropriate) began a series of joint weapons destruction operations in Mozambique. These were known as “Operations Rachel”, and involved joint operations between South African and Mozambican police (with military support) to find and destroy hidden arms caches, often on the basis of information from local communities in Mozambique. Between October 1995 and June 1996 four such Operations Rachel were conducted.²² They succeeded in destroying some 12,000 firearms, 6,350 anti-personnel mines, 7,000 mortars, 300 launchers and cannons, 1,260 hand grenades, and over 3,300,000 rounds of ammunition. Although this probably constituted only a small proportion of the hidden weapons, these are substantial numbers. Just as importantly, close working relationships developed between the police of

South Africa, Mozambique and Swaziland. These operations were resourced on shoestring budgets from South Africa. But with donor support forthcoming in 1999, they are continuing into 2000 and beyond.

It was not until 1998 that initiatives were taken to develop a genuinely sub-regional programme on small arms proliferation and illicit arms trafficking. As in West Africa, support from outside the region played an important role. In this case, the European Union decided to promote co-operation with Southern Africa as part of its new EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms. As part of its EU Presidency in early 1998, the UK government sponsored a workshop in May 1998 in South Africa, organised by Saferworld (UK) and the Institute for Security Studies (South Africa), on "Developing Controls on Arms and Illicit Trafficking in Southern Africa".²³

The workshop brought together relevant officials from Southern African and EU countries, as well as the EC Commission and representatives from Interpol, the Southern African Development Community (SADC) and the Southern African Regional Police Commissioners Co-ordinating Organisation (SARPCCO). It aimed to explore and develop a regional response to light arms proliferation and illicit arms trafficking, and also to identify ways in which the EU could assist in its implementation.

The workshop participants agreed a document entitled "A Southern African regional action programme to tackle light arms proliferation and illicit arms trafficking".²⁴

This document was subsequently endorsed at the SADC-EU Ministerial Meeting in November 1998.²⁵ It sets out a detailed agenda for action in four key, and interrelated, areas:

- combating illicit arms trafficking (by strengthening laws, regulations and operational capacity; improving marking and record-keeping systems to trace illicit arms; and improving national and regional information exchange);
- strengthening regulation of, and controls on, the accumulation and transfer of civilian firearms and small arms and light weapons (and associated ammunition and explosives);
- promoting the removal of weapons from society and the destruction of confiscated or "surplus" arms, and developing programmes to reverse "cultures of violence";
- enhancing weapons-related transparency, information exchange and consultation in Southern Africa, through measures to increase public transparency and to improve confidential information exchange between police, customs, and legal authorities in the region.

In each of these areas, the action programme not only detailed proposed national and regional measures to be taken by Southern Africa countries and sub-regional bodies, but also identified ways in which the EC and EU Member States could most usefully provide assistance in their implementation.

The challenge in 1999 was to properly establish a SADC programme and the framework for co-operation with the EU and other donors, and also to begin implementation. At its meeting on 13–14 August 1999, the SADC Council took the official decision to establish a co-ordinated SADC framework for the “Prevention and Combating of Illicit Trafficking in Small Arms and Related Crimes”.²⁶ Importantly, it agreed that the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) should be the implementation agency for SADC policy on small arms and cross-border crime prevention. It further established a Working Group to work out SADC policy in this area and develop an SADC regional action programme.

Thus, in contrast to West Africa, police co-operation has been established as the main institutional framework for SADC countries to co-operate in combating and preventing illicit arms trafficking. In fact, there is a relatively long history of police co-operation in Southern Africa. Since the 1970s, there were conferences of Front Line Chiefs of Police, and limited co-operation on police operations developed.²⁷ The Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) was established in August 1995. It has a Permanent Co-ordinating Committee, and a Secretariat consisting of one or two officers from each member state based at the INTERPOL Sub-Regional Bureau in Harare, Zimbabwe. Its joint operations are underpinned by an international agreement amongst participating states signed in October 1997: the “Agreement in respect of Co-ordination and Mutual Assistance in the Field of Crime Combating”.

Most importantly, during the late 1990s SARPCCO established itself as a relatively effective organisation, conducting substantial joint operations to tackle: motor vehicle thefts, drug trafficking, trafficking in precious stones and metals; trafficking in endangered species and their products; illegal immigrants and forged travel documents, and commercial and economic crime. Combating firearms trafficking was one of SARPCCO’s tasks from the beginning, and during 1998–99 this emerged as a priority.

To promote elaboration and implementation of a regional action programme, in September 1999 there was a second EU-SADC workshop in South Africa, sponsored by Finland as part of its EU Presidency together with the UK, and once again organised by Saferworld and the ISS. SARPCCO and all members of the new SADC Working Group participated, and a number of priority areas for practical projects (and EU support) were identified.²⁸ These included information-exchange and training programmes to combat illicit traf-

ficking; co-operation in safeguarding and destruction of confiscated weapons and improvements in arms stockpile management; developing co-ordinated policies on legislation on firearms control and arms transfers; supporting Operation Rachel type operations and voluntary community-based weapons collection programmes; and public education projects. By early 2000, official EU-SADC co-operation on such projects had yet to be established, but some individual projects were starting to be funded on a bilateral and ad-hoc basis.

Alongside these developments, in 1999 the SADC Legal Sub-Committee began negotiations to draft a SADC "Protocol on the Control of Firearms, Ammunition AND Other Related Materials".²⁹ These negotiations made rapid progress, and agreement had virtually been achieved by January 2000. It is intended that the Protocol, which will be legally binding, will be signed at the SADC Council Meeting in summer 2000. The draft provisions of the Protocol have wide scope, covering state-owned as well as civilian firearms. In addition to establishing minimum standards for national firearms legislation, firearms marking, and operational co-operation to combat illicit trafficking and destroy confiscated arms, the draft protocol includes provisions for the disposal and destruction of surplus state-owned firearms, voluntary weapons collection programmes and public education.³⁰

By the beginning of 2000, therefore, a Southern African sub-regional response to illicit arms trafficking was developing rapidly. At key stages in 1998–99, the EU and other donors (the USA and Canada also became involved) helped to stimulate this response through sponsored workshops and the promise of donor support. However, much of the initiative has been driven by SADC governments and agencies, as well as by pressures from Southern African non-governmental groups. South Africa and Mozambique were particularly important in stimulating a regional response, together with the institutions for police co-operation. In practice, Angola and the Democratic Republic of Congo are not yet involved in these efforts, although they are SADC members: they are overwhelmed by the problems of civil war.

It is noteworthy that, in spite of the focus on SARPCCO and police co-operation, the sub-regional response to illicit arms trafficking aims to have a wide scope, addressing wider issue of small arms proliferation and state-owned weapons as well as criminal access to firearms. However, it remains to be seen whether SARPCCO institutions will be able to mobilise co-ordinated actions by all of the agencies that need to be involved. For example, the customs service and the judiciary have little substantial involvement with SARPCCO activities. One problem is that border guards and customs officers in much of Southern Africa focus on ensuring payment of appropriate duties and do not typically regard themselves as having an important role in combating illicit trafficking. It remains to be seen whether further sub-

regional institutions need to be established for customs officers, for example, to address such problems.

East Africa

In comparison with West and Southern Africa, sub-regional responses elsewhere in Africa remain undeveloped. However, there has been significant recent progress in East Africa. There have been major flows of arms throughout East Africa, due to the multiple conflicts in the Horn of Africa, Sudan and the Great Lakes region. Moreover, Kenya and its neighbours have experienced increasing gun-related crime, banditry and cattle rustling. These concerns have pushed the issue of illicit and uncontrolled flows of arms, particularly small arms, high on the political agenda.

Since the mid-1990s Kenya, Uganda and Tanzania gradually developed operational co-operation amongst police, customs and border control officials within the framework of the East Africa Co-operation arrangement.³¹ In the first instance, this co-operation developed in relation to problems such as trafficking in stolen cars. The operational co-operation remained low profile, in part because of higher-level political tensions.

However, during 1999, the political atmosphere improved considerably. The governments of Kenya, Uganda and Tanzania decided to launch a new East African Community (EAC). Kenyan President Arap Moi made a speech calling for sub-regional action in October 1999. On 30 November 1999, the three Presidents signed the Treaty establishing the new EAC at a ceremony in Arusha, Tanzania. The way was opened for rapid progress.

At the same time the Inter-Governmental Authority on Development (IGAD), the primary sub-regional organisation for the Horn of Africa, decided to try to develop sub-regional initiatives in this issue area. It is interested to promote both police co-operation to combat illicit trafficking and a security-building approach to engage with the problem of reducing arms flows to conflict zones and managing disarmament in the context of demobilisation programmes.

In this context, it was striking during the autumn of 1999 that East African states sought to build directly on the earlier initiatives in West and Southern Africa. Due to the ECOWAS precedent, the possibility of an East Africa moratorium on the import, export or manufacture of arms even appeared to be on the agenda, in spite of the unpromising context of the war between Eritrea and Ethiopia and civil wars in Sudan and Somalia.

Perhaps more promisingly, Southern African precedents were also actively explored. Interestingly, East Africa countries already have an Eastern Africa Police Chiefs Conference process, in direct analogy to that of SARP-CCO. East African representatives joined a meeting of the SADC Legal Sub-

Committee in January 2000, to learn the possibilities for rapidly developing their own sub-regional protocol to prevent and combat illicit arms trafficking.³² In February 2000, IGAD co-sponsored a preliminary sub-regional workshop in East Africa to explore the opportunities further. In another parallel with the Southern African process, this workshop was supported by Norway and some EU states, and the two NGOs ISS and Saferworld again helped with its organisation, along with the Nairobi-based Security Research and Information Centre (SRIC). On 12–15 March 2000 Kenya held a meeting of foreign ministers from 10 countries in the Horn of Africa and the Great Lakes region, resulting in the ‘Nairobi Declaration’ on the problem of the proliferation of illicit small arms and light weapons in the Great Lakes region and the Horn of Africa. Building on this, these countries then aimed to establish a ‘regional action programme’ similar to that of Southern Africa.

Europe

The states of Europe and the former Soviet Union are collectively major suppliers of arms and ammunition. This is clear both from official data-sources on legal transfers, including the UN Register of Conventional Arms and the US Congressional Research Service, and from unofficial sources such as the SIPRI arms transfers database.³³ Reliable information on illicit arms flows is relatively scarce. Nevertheless, it is clear that a large fraction of illicitly held or traded weapons have at some stage been exported from European countries, often many years ago.

After the Cold War, military restructuring and downsizing have made vast stockpiles of arms available for release on the market. Many of these have entered the illicit trade. This has particularly been a problem in ex-Warsaw Pact countries, where large arms stocks have been combined with a wide need for hard currency and at least a partial breakdown of internal and border controls during a prolonged and difficult transitional period. Unauthorised sales and thefts from government storage facilities and armed forces has also been a major problem, facilitated by corruption, poor monitoring and record-keeping, and inadequately paid personnel. There is also evidence that substantial quantities of weapons pass illicitly in transit through European countries, or are traded by “third-party” brokers based in their territories. Some governments have also been guilty of tolerating covert arms transfers to one or more favoured parties in armed conflicts, in the Balkans, Caucasus or in Africa.

Europe is perhaps the continent with the most highly developed and dense complex of regional and sub-regional institutions, on which responses to illicit arms trafficking could be developed. Thus it is no surprise that European initiatives relating to illicit arms trafficking are amongst the most fully de-

veloped. However, these initiatives are mainly concentrated in the EU and its Associate Countries. There few no substantial sub-regional initiatives in Eastern Europe and Central Asia. Moreover the Organisation for Security and Co-operation in Europe (OSCE) and NATO have only recently begun to develop regional initiatives to address this problem area.

The OSCE

In principle, the Organisation for Security and Co-operation in Europe (OSCE) appears to be well adapted to provide a framework for addressing the complex challenges posed illicit arms trafficking and small arms proliferation. It is an established security-building organisation, which explicitly recognises the importance of a comprehensive approach to security, in which internal conflicts and problems are a legitimate focus of collective concern not least because they may endanger regional security. Moreover, the OSCE has a widely recognised track record in developing and strengthening collective principles and norms in response to complex challenges.

In practice, the issue of small arms proliferation and illicit arms trafficking emerged on the OSCE agenda some time after United Nations had developed a leading role in the issue area. As discussed below, by 1997 important UN processes were established to develop relevant consensual international norms and recommendations. In this context, many OSCE countries doubted whether the OSCE could make a distinctive contribution in this area.

In practice, there was also a distinct lack of political will to enter such potentially sensitive areas. The conflicts in the Balkans, Caucasus and parts of Central Asia meant that some OSCE Member States had a sensitive interest in covert arms supplies, and the OSCE operates by consensus. Nevertheless, several governments continued to try to find ways to place aspects of the problem of small arms and light weapons proliferation on the OSCE agenda. On 9–10 November 1998, Canada, Norway, the Netherlands and Switzerland, in co-operation with the NGO BASIC, co-sponsored an international workshop on the issue at the OSCE in Vienna. A number of recommendations and areas of potential comparative advantage for the OSCE were identified at the Workshop.³⁴ These included information exchange mechanisms and elaboration of guidelines to reduce the risk of diversion of legal arms transfers and to promote surplus weapons destruction.

However, the crisis in Kosovo frustrated attempts to focus attention on this issue at the OSCE summit in Oslo in December 1998. Nevertheless, during 1999 the issue was discussed at the OSCE's Forum for Security Co-operation (FSC). In December 1999, the OSCE summit in Istanbul accepted the FSC's recommendation to "conduct a working group study of the various proposals relating to small arms and light weapons made by OSCE Member States, with

the aim of agreeing on a set of specific measures that may be taken". It also agreed that a seminar should be convened by March 2000 to examine this set of proposed measures. The outcomes of this meeting remained unclear at the time of writing, but the prospects for rapid progress on OSCE initiatives in this area did not seem good.

NATO and the Euro-Atlantic Partnership Council

The Euro-Atlantic Partnership Council (EAPC), the political forum of the members of the North Atlantic Treaty Organisation and the Partnership for Peace programme, has included the issues of small arms and light weapons in its 1998–2000 Action Plan. In accordance with this Action Plan, the EAPC Council in April 1999 established an Ad-Hoc Working Group on Small Arms. Between March and June, this Ad-Hoc Working Group identified three subjects for further detailed study: stockpile management and security; "best practices" with respect to national export controls; and disarmament of small arms and light weapons in the context of peace-keeping operations.³⁵

In the autumn of 1999, the Ad-Hoc Working Group held detailed consultations, involving some outside experts, to identify practical programmes in each of the above areas. A range of options were identified. Because of its close links with NATO and the Partnership for Peace Programme, the EAPC has potentially strong comparative advantages in promoting practical projects relating to defence and security institutions.

Significantly, many states expressed particular interest in developing projects relating to weapons stockpile management and security. On 2–3 December 1999, the Netherlands and Bulgaria co-hosted an international workshop at its Foreign Ministry to explore these options further.³⁶ Stockpile security touches on the critical issue of reducing thefts and losses from military, police or other official weapons stockpiles. Stockpile management is closely linked to this, but also addresses problems relating to the safe management and disposal of stocks of weapons that have become surplus to requirements. Many countries of the former USSR confront real problems with the security, management of weapons stored on their territory. There was wide interest in developing joint training programmes through NATO and Partnership for Peace programmes, to disseminate good practice and help to establish collective guidelines in this area.

Further, discussions on bilateral projects seemed promising. Moldova, Georgia and Albania were amongst the countries expressing interest in obtaining assistance from NATO countries in tackling some of these problems. For example, Moldova is concerned about large quantities of obsolete and unstable arms and ammunition left in their territory after the break-up of the

USSR. Assistance with securing or destroying such stocks may be mobilised through the EAPC process.

Thus, during 1999, NATO/EAPC moved from doing nothing in this area to a situation where there were real prospects of it establishing co-operative and practical projects to tackle one of the main sources of illicit arms: insecure weapon stores and military units, and surplus military equipment.

The European Union

European Union initiatives on illicit arms trafficking and the proliferation of small arms and light weapons did not start in earnest until 1997. Since then, however, the EU has taken a series of substantial measures. In June 1997, the EU Council established the EU Programme for Combating and Preventing Illicit Trafficking in Conventional Arms. In June 1998, the EU Code of Conduct on Arms Exports was adopted. On 17 December 1998, the Council of the European Union adopted a legally binding Joint Action on the EU's contribution to combating the destabilising accumulation and spread of small arms and light weapons. In May 1999, the EU Development Council passed a resolution stating that EU Commission development assistance funds may be used to assist countries to tackle problems associated with illicit arms trafficking and small arms proliferation.

The EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms set the framework within which the EU's efforts subsequently developed in this area. The Netherlands took the lead in establishing the EU Programme, during its Presidency of the EU in the first half of 1997. It was motivated by a concern to develop a comprehensive EU programme to address light weapons proliferation. At the time, however, some EU states were reluctant to agree to a programme which explicitly focused on restraining legal as well as illicit arms accumulations and transfers, and which singled out small arms and light weapons for attention. The Netherlands government thus decided to aim for an EU programme on illicit arms trafficking, recognising that in practice there were close links between the two issue areas. The process by which the initiative was developed displayed similar characteristics to those of all subsequent EU measures in this area. In particular, there was close co-operation between "like-minded" EU governments and some policy research experts and NGOs such as Saferworld.

The EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms was agreed at the Amsterdam summit in June 1997. It involved political commitments, without binding financial or legal obligations. The Programme provides a framework for EU action in three main areas:³⁷

- I. Strengthening collective efforts to prevent and combat illicit trafficking in arms from and through the European Union, including developing

- enhanced information exchange and improving co-ordination and co-operation amongst intelligence, customs and law enforcement agencies.
- II. Taking concerted action to assist other countries in preventing and combating illicit arms trafficking. Assistance to these countries could include: establishing or strengthening their legal and administrative systems for regulating and monitoring arms possession and transfers; enhancing their capacity to enforce such regulations (for example through helping to resource and train adequate number of police and customs officials); and promoting national and sub-regional co-operation amongst police, customs and intelligence services.
 - III. Taking concerted action to assist countries in regions affected by small arms proliferation and illicit trafficking, especially in post-conflict situations and in regions with only minimal security and stability. Such actions could include: helping to suppress illicit circulation and trafficking in arms; supporting the integration of former combatants into civilian life and the removal of weapons from circulation through measures such as weapons collection, buy-back and destruction programmes schemes.

The Programme is thus relatively comprehensive in scope, focusing on ways in which the EU could support other countries and regions as well as on preventing illicit trafficking from or through the EU itself.

As far as Part I of the EU programme is concerned, most EU states were in need of improved co-ordination even at a national level. Regulating the possession and flow of small arms requires co-ordination amongst a variety of government agencies, since such weapons may be held or used for a relatively wide range of purposes, such as hunting, self defence, display, crime, policing, commercial or military exports, or equipping the armed forces. The different agencies involved tended not to operate in different spheres, and there were serious gaps in co-ordination. To address such problems, in 1997 the Belgian government established a specific central co-ordination unit, with mechanisms to ensure systematic information-exchange and consultation amongst relevant policy-making and operational bodies. In 1998, the Netherlands and the UK established similar inter-departmental committees on small arms and illicit trafficking. The EU Programme helped to stimulate these national improvements, and encourage the wider dissemination of good practices amongst other EU and Associate states.

The first EU activity specifically designed to promote implementation of Part I of the EU Programme was organised by the UK in February 1998 during its EU Presidency. A "European Conference on Trafficking in Arms" was held in London, in which national officials from police, customs, and intelligence agencies, foreign and interior ministries as well as legal experts and Interpol representatives participated. It aimed to promote the co-ordination

amongst EU and Associate countries of operational and enforcement mechanisms to tackle illicit weapon trafficking. The meeting was a useful initial step: before the meeting many of the officials reportedly had not even met or discussed the issues with their counterparts from other EU states, let alone co-ordinated their activities closely. This was even more the case with respect to officials from Central Europe.

The meeting identified a number of needs, including arrangements for better information-exchange and databases and improved systems for identifying and tracing illicit arms. However, except in one area, there was little systematic follow-up during the remainder of the year. The exception related to arms trafficking to terrorists. An EU working group examined proposals in this area through 1998, resulting in an EU Council Recommendation on arms trafficking.³⁸ This included a ten-point programme for information-exchange, co-operation and adoption of best practice amongst relevant national intelligence and enforcement agencies.

In summer 1998, the EU Associate Countries of Central and Eastern Europe publicly aligned themselves with the EU programme, as well as with the 1998 EU Code of Conduct on Arms Exports. The EU Code of Conduct consists of eight criteria which EU states agreed to apply in the decisions on issuing arms export licenses, together with some information exchange and consultation mechanisms relating to their implementation. A important focus of some subsequent ad-hoc workshops was to strengthen links between EU officials and their Central and Eastern European counterparts and discuss priorities for strengthening arms export controls and preventing diversion of arms transfers to illicit or unauthorised use.³⁹

Implementation of Parts II and III of the EU Programme for Combating and Preventing Illicit trafficking in Conventional Arms are concerned with developing partnerships between the EU and countries that are severely affected by illicit arms trafficking and proliferation of small arms and light weapons. In early 1998, the UK Presidency selected Southern Africa as the main initial focus for such efforts, resulting in the co-operation programmes discussed above in relation to Southern Africa. EU countries' support for the West African initiatives (see above) also came within the framework of the EU Programme.

In addition, the EU decided to support a UN weapons collection programme in district in central Albania. In 1997, hundreds of thousands of small arms, including semi-automatic rifles, were looted from police and army stores throughout Albania during the public disturbances after the collapse of pyramid-selling schemes. In June 1998, a UN Mission aimed to develop a gun-collection programme to Albania, and recommended an approach which linked voluntary gun-collection with local development aid

projects.⁴⁰ In January 1999, the UN launched its first pilot project within this programme, in the district of Gramsch. This is co-ordinated by the UNDP, but depended greatly on the support of the so-called “Group of Interested States” convened on German initiative to support practical disarmament measures around the world.⁴¹ The EU agreed to help to fund the UN’s Gramsch project. It insisted that the collected weapons and ammunition were destroyed, rather than returned to insecure Albanian military stores. In practice, EU states also provided technical assistance, particularly in the safe disposal on large amounts of unstable ammunition that was recovered.

By the autumn of 1998, the international context had changed, and all EU states were now prepared to develop a collective programme that went beyond illicit arms trafficking to encompass efforts to prevent and reduce the destabilising accumulation and spread of small arms and light weapons. On 17 December, the EU Council adopted a “Joint Action on the European Union’s contribution to combating the destabilising accumulation and spread of small arms and light weapons”.⁴² The objectives of the Joint Action are (i) to combat and contribute to ending the destabilising accumulation and spread of small arms and light weapons, (ii) to contribute to the reduction of existing accumulations of these weapons to levels consistent with countries’ legitimate security needs, and (iii) to help regions suffering from problems associated with excessive accumulation and spread of small arms to tackle them. In 1999, all EU Associate states, EFTA (European Free Trade Area) member states, and the government of South Africa aligned themselves with this 1998 EU Joint Action.

The first substantive part of this EU Joint Action sets out a set of principles and measures to which the EU and its member states not only commit themselves but also promise to promote their adoption by the rest of international community. Article 3 focuses on prevention measures. For example, exporting countries should commit themselves to supply small arms only to governments (or their licensed procurement agents) in strict accordance with the EU Code of Conduct and with appropriate end-use guarantees, while all countries should import and hold small arms only to a level commensurate with their legitimate self-defence and security requirements. Article 4 focuses on ways to reduce existing accumulations of small arms. For example, assistance should be provided, where appropriate, to countries requesting support for controlling and eliminating surplus small arms in their territory, particularly where this may help to prevent arms conflict or in post-conflict situations. Article 5 focuses on commitments to try to include weapons collection and destruction provisions in peace agreements or international peace missions.

The second main part of the Joint Action is primarily concerned with the ways in which the EU should promote adoption of the above principles and measures. Most importantly, it clarifies that EU funds and resources should be provided for projects aimed at promoting and implementing them. This is further re-inforced by the May 1999 EU Development Council Resolution on “combating the excessive and uncontrolled accumulation and spread of small arms and light weapons as part of the EU’s emergency aid, reconstruction and development programmes”.⁴³ This makes it clear the funds managed by the EU Commission should also be used for these purposes.

During 1999, the EU’s co-operation programmes with Southern Africa, West Africa and Albania continued, and extended to include Cambodia. An EU Fact-Finding Mission was sent to Cambodia in July 1999. On the basis of its recommendations, the EU allocated funds for a project in Cambodia. This is to help to strengthen and extend the Cambodian government’s weapons collection programmes, support the development of appropriate legislation and regulations governing firearms possession and the transfer or sale of military equipment, and promote good practice in stockpile management and destruction.

In summary, between 1997 and 1999, the EU developed a series of substantial programmes to help to combat and prevent illicit arms trafficking and proliferation of small arms and light weapons. In practice, the contribution to such efforts in Africa and elsewhere is more visible than they are to restricting supplies from and through the EU itself, where the effects are harder to observe. It does seem clear, however, that the EU programmes and guidelines helped to raise awareness and restraint amongst national export licensing authorities and enforcement agencies.

The Americas

During the 1980s, covert supplies of arms and ammunition were delivered on a large scale to military groups fighting in the civil wars and insurgencies that took place in Latin America, and particularly Central America.⁴⁴ As these conflicts ended, the war-torn societies and the international community confronted the problems of banditry and social violence associated with the wide availability of arms, particularly small arms and light weapons, amongst civilians. Nevertheless, regional responses to illicit arms trafficking in the Americas have primarily emerged in the context of programmes to combat drug trafficking and transnational organised crime.

For many years, regional efforts to combat drug trafficking in the Americas were mobilised around US government concerns to combat and prevent drug supplies. Along with the processes of production and distribution of drugs, however, came high levels of criminal violence and gun use. The crim-

inal organisations involved acquired large arsenals of illicit arms, to protect their territories and operations. Armed opposition groups in countries such as Colombia and Peru were also deeply involved in trafficking arms and drugs. Many of the weapons came from the USA, where sophisticated firearms could be bought relatively easily due to its liberal gun laws. They could then be shipped to Latin American countries, often taking advantage of opportunities to divert legal exports of civilian firearms to unauthorised destinations.

Concerns about illicit arms trafficking moved up the political agenda of the members of the Organisation of American States (OAS). Moreover, in 1994 the USA resumed active participation in the OAS, after a period of over 25 years in which it had not attended OAS summit meetings. The 1994 Summit of Heads of States of the Americas re-oriented the organisation to meet new challenges, including economic and trade issues, terrorism and drug trafficking.

Mexico, Colombia and others emphasised the links between drugs and arms trafficking. They succeeded in including firearms in the agenda of Inter-American Drug Abuse Control Commission (CICAD) – one of the OAS's Commissions. As a result, in 1996 the OAS established an expert group on firearms and explosives within CICAD. This had the task of determining “applicable measures for effecting inter-country co-operation for controlling illicit transnational movements of arms and explosives related to drug trafficking with a view to preparing model regulations in this field”.

In September 1997, the expert group finalised its recommendations for CICAD “Model Regulations for the Control of the International Movement of Firearms, their Parts, Components and Ammunition”, which were agreed in Lima, Peru, in November 1997.⁴⁵ They are not legally binding. But they provide guidelines for national regulations. They include detailed guidelines on licensing procedures; systems for ensuring authenticity of shipping documents, pre-notification procedures for shipments and transit routes, and national responsibilities relating to record-keeping, information exchange and consultation.

Alongside this process, negotiations began in early 1997 for an OAS Convention against illicit firearms trafficking and manufacture. In May 1997, the US president Clinton and Mexican President Zedillo declared that they would work together for the success these negotiations. Agreement was achieved remarkably rapidly. In November 1997, the governments of the Organisation of American States (OAS) signed the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and their Component Parts.⁴⁶ The agreement came into force in 1998 (after two ratifications), and by October 1999 had been ratified by nine of the 31 signatory States.⁴⁷

The stated purpose of the OAS Convention is: “To prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and related materials” as well as to “promote and facilitate co-operation and exchange of information and experience among States Parties”. The OAS Convention sets out a range of substantial commitments, control mechanisms, legal requirements, and co-operation procedures. These include:

- instituting legislative measures to criminalise illicit manufacturing and trafficking, as well as offences deemed to facilitate such activities;
- marking firearms at the time of manufacture and import, identifying the name of manufacturer, the place of manufacture, and serial number to facilitate identification and tracing;
- establishing an effective and more standardised system of export, import and international transit licenses;
- strengthening controls at export points;
- exchanging information in areas such as: authorised producers, dealers, importers, exporters and carriers of firearms, ammunition, explosives, and other related materials; and scientific and technological information for prevention, detection and investigation;
- exchanging experience and training in areas such as identification, detection, tracing and intelligence gathering;
- providing mutual legal assistance to facilitate investigation and prosecution of illicit activities and establishing illicit weapons activities as extraditable offences.

There is also provision for a consultative mechanism to review implementation and further elaborate guidelines and best practices as appropriate.

The CICAD Model Regulations and the OAS Convention are mutually reinforcing. Their primary focus is to strengthen controls on legal firearms transfers and manufacturers, to reduce the scope for diversion for illicit or unauthorised purposes. The scope of the OAS Convention is restricted to civilian transfers of firearms. Transfers between States and for purposes of national security are not covered. Nevertheless, it is important to recognise that it has a wide definition of a firearm, to include virtually all arms that can fire projectiles. It is also legally binding, which may improve implementation and compliance.

Nevertheless, it takes time to implement the detailed regulations and systems required by the OAS Convention and the CICAD Model Regulations. By the end of 1999, some OAS States had largely incorporated the obligations into their national practices, including Brazil, Mexico, Canada and the USA (although the latter two States had not yet ratified the Convention). But most developing country members of the OAS had not yet managed to do so. For

example, systems for marking all firearms on import were not yet in place in most countries.

In June 1999, the OAS General Assembly adopted a resolution requesting CICAD to continue to provide assistance to OAS member States to promote compliance with the OAS Convention. There have also been sub-regional efforts. For example, Paraguay is a known centre for illicit arms trafficking in South America. Partly in order to promote implementation in this neighbourhood, on 24 July 1998, Mercosur members (Argentina, Brazil, Paraguay and Uruguay) and Associated States (Bolivia and Chile) signed the Memorandum of Understanding that created a Joint Register Mechanism of Buyers and Sellers of Firearms, Explosives, Ammunition and Related Materials. This is at least evidence of political will amongst key Mercosur countries to promote effective implementation to the extent that they can.

International and global responses

As discussed in the Introduction, it is possible to trace international efforts to combat illicit trafficking in conventional arms back many years; at least as far back as the League of Nations. However, during the Cold War, global co-operation on arms trafficking was largely limited to declarations. INTERPOL provided an international mechanism for co-operation on criminal investigations by the Police. But even in this case, INTERPOL systems for tracing stolen firearms were relatively rudimentary until the 1990s. As far as the United Nations is concerned, it was not until the Cold War was drawing to a close that General Assembly resolutions on illicit arms trafficking began to have much significance. In this section, we briefly outline international developments from 1990–97, and then examine key recent international responses to illicit arms trafficking.

The United Nations 1990–98

In 1988, the UN General Assembly adopted Resolution 43/75I. This brought together the substance of previous UN documents relating to the potentially destabilising effects of arms accumulations and transfers, and to illicit and covert arms trafficking. It also established a UN Group of Governmental Experts, which met from 1989 to develop ways and means of promoting transparency in arms transfers, and to consider the issue of illicit arms. The Group reported in July 1991.⁴⁸ Its most important recommendation was for an international register of arms transfers, which led to the establishment of the UN Register of Conventional Arms. It also recommended some general norms and good practices for States to combat and prevent illicit arms

trafficking, including: adequate national legislation; effective arms transfer licensing systems, border controls and customs authorities; and international information exchange.

The Group's recommendations formed the basis of General Assembly resolution 46/36 H in 1992, which amongst other things called upon the UN Disarmament Commission (UNDC) to consider establishing guidelines for international arms transfers. This started an important process for developing agreed norms, on legal arms transfers as well as on illicit arms trafficking. After difficult negotiations, the UNDC finally achieved consensus on a set of guidelines and recommendations in 1996.⁴⁹ Though limited, these continue to help to provide an internationally agreed set of norms, as a basis for international discussions in this contested area.

In the meantime, the changed international context meant that the UN had become much more intensely involved in international peace-keeping and peace-building operations, including difficult humanitarian interventions in the context of internal conflicts, pre-emptive deployments of troops, and missions to monitor and implement peace-agreements. As a result, the UN had increasingly to deal with the problems associated with the wide availability and flows of small arms, and to try to manage the processes of disarming, demobilising and re-integrating former combatants. Moreover, with the end of the Cold War, the problems of transnational crime, drug trafficking and terrorism also rose higher on the international security agenda.

As discussed in the previous section, in response to a request from Mali in 1993, the UN became involved in supporting Mali in its efforts to assist in the collection and control of illicit arms. Stimulated by this, in 1995, the UN Secretary-General issued a report, "*Supplement to An Agenda to Peace*" – an addendum to his 1992 *Agenda for Peace* – in which he highlighted the problems of light weapons proliferation and internal conflicts, and the need for "micro-disarmament" programmes to tackle them.⁵⁰ After the ensuing debates, it proved possible to secure agreement in the General Assembly to Resolution 50/70 B, sponsored by Japan, which proposed a UN study on the significance of small arms and light weapons in conflict situations in which the UN is involved.

More specifically, a UN Panel of Governmental Experts was to be established in 1996 to prepare a report on:

- (a) the types of small arms and light weapons actually being used in conflicts being dealt with by the United Nations;
- (b) the nature and causes of the excessive and destabilising accumulation and transfer of small arms and light weapons, including their illicit production and trade;

- (c) the ways and means to prevent and reduce the excessive and destabilising accumulation and transfer of small arms and light weapons, in particular as they cause or exacerbate conflict.

The UN Panel held three sessions between June 1996 and July 1997, together with three regional workshops (in South Africa, El Salvador and Nepal). Its report was published in summer 1997,⁵¹ and accepted by majority vote by the UN General Assembly in December 1997. The 1997 Report of the UN Panel of Experts made some 23 recommendations to help to prevent and reduce excessive and destabilising accumulations and transfers of small arms and light weapons.

Alongside these developments the UN also began a process aimed at promoting controls on civilian firearms, for the purposes of crime prevention and public safety. In 1995, the Commission on Crime Prevention and Criminal Justice, one of the subsidiary bodies of the UN Economic and Social Council (ECOSOC) requested the Centre for International Crime Prevention, based in Vienna, to carry out an international study of firearm regulation. One of the primary motivations for the study was concern about transnational illicit trafficking in firearms.

The UN "International Study on Firearm Regulation" was released in May 1997.⁵² Between September 1997 and January 1998, a series of four regional workshops were held in Slovenia, Tanzania, Brazil and India to consider the study and discuss the possibility of establishing agreed international guidelines. The wide variety of national norms and laws relating to the sale, ownership, possession and use of firearms by civilians meant that agreements on domestic firearms regulations did not seem to be a promising approach. However there was wide interest in co-operative action to combat transnational illicit trafficking in firearms.

An international protocol against firearms trafficking

In April 1998, the ECOSOC Commission on Crime Prevention and Criminal Justice adopted a resolution calling for a "legally binding international instrument to combat illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations Convention against Transnational Organised Crime."⁵³ Having just signed the 1997 OAS Convention, OAS member States were particularly strongly in favour of such an international firearms protocol. Moreover, a consensus in support of the proposal had developed amongst the G-8 states by early 1998, which was formally expressed at the G-8 summit in Birmingham, UK, in May 1998. Following a UN General Assembly resolution to the same effect

in December 1998, negotiations for a Firearms Protocol formally began in January 1999, with a view to completion before the end of the year 2000.

At the time of writing, the negotiations are still underway. Nevertheless, by the end of January 2000, the main components of the draft protocol were becoming reasonably clear.⁵⁴ Most fundamentally, the initial draft of the protocol was based largely on the 1997 OAS Convention. It has retained this basic character through subsequent revisions. Thus the Firearms Protocol will be a legally binding agreement, supplementary to a UN Convention on Transnational Organised Crime. It will apply to all classes of firearms, but not to State-to-State transactions or transfers for purposes of national security. The definition of a "firearm" may not be as wide as in the OAS Convention, but will probably at least include any barrelled weapons that will expel a shot, bullet or projectile, excluding pre-1900 antiques.

The main articles of the Draft Firearms Protocol include the following. Each State Party must ensure that activities prohibited by the Protocol are criminalised by the adoption of appropriate national legislation. It must confiscate all illicitly manufactured or trafficked firearms, and ensure that such confiscated weapons do not fall into civilian hands. For the purposes of identifying and tracing firearms, States Parties shall require that appropriate markings identifying the name of the manufacturer, place of manufacture, and serial number, are applied at the time of manufacture and on each import.⁵⁵ They shall ensure that reliable records containing information required to identify or trace the firearms are maintained for at least ten years. They shall establish or maintain effective systems for licensing exports or imports of firearms, in accordance with a set of guidelines and minimum standards established in the Protocol.

To prevent theft or diversion, States Parties shall ensure the security of firearms at the time of manufacture, import, export or transit, maintain effective border controls, and strengthen transborder co-operation amongst police and customs. They shall exchange information on issues including: authorised producers, dealers, importers and exporters of firearms; means of concealment and trafficking routes used by criminal organisations; legislative experiences, and ways and means of combating money-laundering. They shall co-operate in tracing lines of supply and diversion points for firearms that may have been illicitly manufactured or trafficked, including providing prompt and accurate responses to requests for assistance in such tracing. State Parties shall identify a national contact point, and establish an international focal point to facilitate implementation. It is also possible that the Protocol will include provisions for the registration and licensing of arms brokers. All of the obligations outlined above relate to parts and components and ammunition as well as to the firearms themselves.

Toward an international action programme on small arms and light weapons

The negotiations for an international Firearms Protocol are explicitly targeted against illicit trafficking in civilian firearms by criminals. However, as discussed above, most illicit arms originate from legal producers or government stockpiles. In many circumstances, particularly in regions of conflict or war-torn societies, illicit arms trafficking is closely linked with excessive and destabilising flows and accumulations of small arms and light weapons, including those in which governments are involved. In parallel with the Firearms Protocol negotiations, international discussions developed on these wider agendas relating to internal or international security, peace building and disarmament.

In December 1997, the UN General Assembly agreed, by resolution 52/38 J, to establish a UN Group of Governmental Experts on Small Arms. This UN Group of Experts was established in early 1998, and consisted of representatives of 23 States, including all five of the permanent members of the UN Security Council and key states from each of the main regions. It was asked to report on the implementation of the recommendations in the 1997 Report of the UN Panel of Experts, and make recommendations for further actions. It was also asked to make recommendations on the objectives, scope, and agenda of an international conference on the illicit arms trade in all its aspects, which was to be convened by 2001 (the 2001 Conference).

This new UN Group of Governmental Experts was essentially an international negotiating body tasked with achieving a politically-binding agreement on recommendations to States and international organisations to prevent and reduce destabilising flows and accumulations of small arms and light weapons. A consensus report by the Group would almost certainly be accepted by the UN General Assembly. Moreover, international momentum was now developing towards agreeing substantial international responses to small arms proliferation and associated illicit arms trafficking. In this context, many States (including China, France and the UK) which had not participated in the previous Panel of Experts felt obliged to engage more closely with the issues and carefully negotiate the content and formulation of any recommendations.

After meeting over a period of 15 months, the UN Group of Governmental Experts finalised a consensus report on 1 August, 1999.⁵⁶ It was subsequently endorsed by the UN General Assembly. In summary, the 1999 Report reviewed in detail progress towards implementing each of the recommendations of the 1997 Panel of Experts, concluding that some progress had been made in specific areas but in most cases there had been insufficient implementation. The Group made a range of further recommendations, to the UN, other international and regional organisations, and States. For example, these included:

- All States should ensure adequate safeguards on weapons stores to prevent loss or theft;
- International assistance should be provided where requested to efforts to collect and safeguard weapons or destroy surplus or confiscated weapons;
- All States should ensure that they exercise control over all arms brokering activities performed in their territory or by dealers registered in their territory, even in cases where the arms do not enter their territory;
- All States should ensure that they have laws, regulations and procedures in place to exercise effective control over the production or transfer of small arms and light weapons in their areas of jurisdiction. Applications for export authorisations should be assessed according to strict national criteria for all weapons, including second-hand or surplus arms.
- All small arms and light weapons should be reliably marked during the production process with information enabling authorities to identify the country of manufacture, the manufacturer and serial number. All necessary measures should be adopted and enforced to prevent the manufacture, stockpiling or transfer of inadequately marked weapons. All inadequately marked weapons that are collected or confiscated should be expeditiously marked or destroyed;
- The UN, and Member States in a position to do so, should promote and support initiatives to disseminate useful or successful practices relating to stockpile management and storage, weapons collection, and destruction of surplus arms;
- The UN and other international or regional development assistance organisations (such as the World Bank) should intensify and co-ordinate their activities in adopting an “integrated and proportional approach to security assistance and development aid” in regions where conflicts come to an end and where serious problems relating to small arms proliferation have to be dealt with urgently.

In addition to these and other recommendations of the 1999 Report of the UN group of Governmental Experts on Small Arms, several other recent documents also help to provide a basis for the next stage of developing co-ordinated and sustained international action on small arms proliferation and illicit arms trafficking. After three years of discussions, in April 1999 the UNDC adopted some new “Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on the consolidation of peace”.⁵⁷ These guidelines relate, for example, to the speedy reduction and removal of surplus arms through weapons collection and destruction in conflict-prone or war-torn areas.

The 1999 Report of the UN Group of Governmental Experts on Small Arms and the 1996 and 1999 UNDC guidelines the now form the main basis

for international efforts to develop co-ordinated and sustained international actions against illicit arms trafficking and small arms proliferation. The main focus of international negotiations in this area during 2000–2001 will be the international conference on illicit trafficking in small arms and light weapons in all its aspects, to be held in 2001 (the 2001 Conference).

The first Preparatory Committee for the 2001 conference was due to be held from 28 February–4 March 2000. The objectives and scope for this conference remain contested. However there is broad consensus that its main objectives are to:

- strengthen or develop norms and standards at the global, regional and national levels that would re-inforce and further co-ordinate efforts to prevent and combat the illicit trafficking in small arms and light weapons in all its aspects;
- develop agreed measures to prevent and combat illicit arms trafficking and small arms proliferation in war-torn or conflict-prone regions;
- mobilise political will and raise awareness in the international community;
- promote responsibility by States with regard to arms transfers.

It is widely hoped that the 2001 Conference will not only achieve agreements at a high political level on relevant sets of general norms and standards, but also on a number of politically binding agreements and programmes in specific areas. These may include: regulating arms brokering activities; marking and tracing small arms and light weapons; international mechanisms to support responsible stockpile management and destruction of surplus weapons; and information exchange arrangements.

In fact modest international mechanisms to mobilise support for practical measures such as weapons collection and destruction have recently been started. In March 1998, an open-ended “Group of Interested States” was established to mobilise such support on request. Chaired by Germany, this group has since supported a number of projects, including a workshop in Guatemala to learn from Central American experiences with weapon collection, a weapons collection project in Albania, and weapons destruction in Liberia in November 1999. To help to support such efforts, a Trust Fund for the Consolidation of Peace through Practical Disarmament Measures was established by the UN Secretary-General in August 1998. Similarly, the UNDP Trust Fund for Support to Prevention and Reduction of the Proliferation of Small Arms was established in November 1998 as a result an initiative by Norway. These are small funds, however, and as yet mechanisms to match resources with those that need them are inadequate.

The UN Security Council

Finally, the UN Security Council (UNSC) has become progressively more concerned about the enforcement of its mandatory arms embargoes, and associated issues relating to illicit arms trafficking. In 1998, the UN Secretary General submitted a report to the UNSC on Africa, which highlighted the problems caused by illicit arms trafficking and small arms proliferation in the region.⁵⁸ For example, in Resolution 1196 (1998), the Council expressed its willingness to consider all appropriate measures to assist the effective implementation of UN arms embargoes, including inquiries into arms trafficking routes, deployment of monitors at borders and points of entry, and follow-up of possible specific violations.

Similarly, in 1995 and again in 1998, the UNSC established an International Commission of Inquiry on arms flows to the Great Lakes region of Central Africa. In May 1999, the Security Council decided to establish two expert panels to collect information and investigate reports relating to the violation of the measures imposed against UNITA with respect to arms and related material, petroleum and petroleum products, diamonds and the movement of UNITA funds.⁵⁹ In a precedent-setting initiative, systematic efforts were made by the UNSC to exert pressure against such violations by UNITA in the autumn of 1999, with some effect. Overall, the UN Security Council is becoming more active in the enforcement of its mandatory arms embargoes, but has yet to establish effective mechanisms that enforce embargoes rather than investigate violations.

Concluding remarks

In 1996, there were few international or regional co-operative measures to prevent or combat illicit trafficking in conventional arms. By the beginning of the year 2000, the situation has changed very substantially. Much has been achieved over the last three years. There are substantial regional initiatives in Europe, Sub-Saharan Africa and the Americas. Important progress has been made towards establishing agreed norms and guidelines at the international level in this challenging issue area. A powerful international coalition of concerned states, regional and international organisations, experts and NGOs is developing to use these to mobilise international action.

There are good prospects for an international protocol against trafficking in firearms to be agreed before the end of 2000, in the framework with the UN Convention against Transnational Organised Crime. The forthcoming 2001 Conference (the “international conference on illicit trafficking in small arms and light weapons in all its aspects” due to take place in 2001) now

provides an international focus for efforts to establish an international action programme to tackle small arms proliferation and illicit arms trafficking.

Does this recent surge of initiatives indicate increased political will to prevent and combat illicit trafficking in conventional arms “in all its aspects”? In some regions, this does appear to be the case. With the end of the Cold War, powerful states have reduced interests in maintaining covert arms supplies to allies and proxies. It has become easier for concerned groups to make plausible arguments to governments that they have an interest in conflict prevention and post-conflict peace building. As transnational crime and terrorism rise on the political agenda, so too do concerns to combat arms trafficking. Democratic governments are increasingly sensitive to public concerns, and aware that decisions to authorise dubious arms transfers may well come back to haunt them politically.

However, the surge of recent initiatives on illicit arms trafficking and small arms proliferation remains consistent with a more cautious assessment. The complexity of the issue area offers many opportunities for coalitions of a few concerned states, international organisations and public pressure groups to frame proposals so that they are hard to resist in principle. Once such proposals are on the agenda in an established regional or international forum, they can be pursued to some agreement. But it will require sustained and co-ordinated implementation before those involved in illicit arms trafficking may be greatly inconvenienced, particularly with respect to small arms and light weapons for which there are so many sources of supply and opportunities for concealment.

By the same token, however, there appears to be the potential for a “winning coalition” to be developed by 2001 in support of an international action programme, which establishes some strong international norms together with mechanisms to support worthwhile co-operative efforts and regional and national initiatives. For example, a combination of key members of the OECD, OAS, EU and Associated Countries, and SADC, together with a few other concerned States, amounts to a powerful potential coalition of States. Similarly, a substantial NGO coalition also appears to be in formation, with the establishment of the International Action Network on Small Arms (IANSA).⁶⁰

Perhaps the major challenge over the next five years is for these groups to co-ordinate and clarify useful shared objectives, so that these can be achieved and institutionalised before the present high levels of international awareness and concern give way to other priorities.

Notes

1. See, for example, the scope of the *Report of the UN Group of Governmental Experts on Small Arms*, (UN Document A/54/258, United Nations, 19 August 1999), and of the *Draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, (United Nations: UN Document A/AC.254/L.147/Add.3, 27 January 2000).
2. See, e.g. A. Karp, "The Rise of the Black and Grey Markets", in R. Harkavy and S. Neuman (eds.), *The Arms Trade: Problems and Prospects in the Post Cold War World*, in *The Annals of the American Academy of Political and Social Science*, 1994 (535), 175–189; or M. Klare, "The Subterranean Arms Trade: Black Market Sales, Covert Operations and Ethnic Warfare" in A. Pierre (ed.), *Cascade of Arms: managing conventional arms proliferation*, (Cambridge, Mass; Brookings, 1997), pp. 43–74.
3. The 1997 *Report of the UN Panel of Governmental Experts on Small Arms* (United Nations: Document A/52/298; 27 August 1997) provided a more refined and precise definition, which has become internationally accepted. This distinguishes between small arms, which are weapons designed for personal use, and light weapons, which are designed for use by several persons serving as a crew. The category of small arms includes: revolvers and self loading pistols, rifles and carbines, submachine guns, assault rifles, and light machine guns. Light arms include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tanks guns, recoilless rifles, portable launchers of anti-aircraft missile systems, and mortars of calibres less than 100 mm. Ammunition and explosives form an integral part of small arms and light weapons used in conflict.
4. Shoulder-fired anti-aircraft missiles or anti-tank missiles have emerged as an exception to this, as concerns have increased during the 1990s about access by terrorists or insurgent groups to sophisticated systems such as the US Stinger and UK Blowpipe missiles.
5. United Nations Disarmament Committee, "Guidelines for international arms transfers in the context of General Assembly Resolution 46/36 H of December 1991", *Official records of the General Assembly, Fifty-first Session, Supplement No 42* (United Nations: A/51/42, annex 1, 1996) paragraph 7.
6. *Draft Protocol against Illicit manufacturing . . .*, (A/54/258), passim. Note that, at the time of writing, amendments to this definition remained under discussion.
7. For example, Pakistan made this argument in the Firearms Protocol negotiations and also, together with Qatar, Oman, the Sudan and Syria, argued that the definition should not prevent arms transfers to groups involved in struggles for self-determination or who might need them for self-defence. See footnote 47 of *Draft Firearms Protocol*, *ibid*.
8. ASEAN Regional Forum intersessional group on confidence-building measures consideration of the issue of "preventing and combating illicit trafficking in conventional arms".
9. The decision was taken at the thirty-fourth meeting of the OAU Council of Ministers, held in Ouagadougou, Burkina Faso, from 4 to 7 June 1998; OAU Council of Ministers CM/Dec.432 (LXVIII), Proliferation of Small Arms and Light Weapons Doc.CM/2057 (LXVIII) Add.2.
10. *Report of the Mali Advisory Mission*, (New York: United Nations, 1994).
11. R. Poulton and I. Ag Youssouf, *A Peace of Timbuktu: democratic governance, development and African peacemaking*, (Geneva: UNIDIR; 1998).
12. *Sahara-Sahel Advisory Mission Report* (New York, United Nations, 20 September 1996).

13. *Declaration of a Moratorium on importation, exportation and manufacture of light weapons in West Africa*, Economic Community of West African States, twenty-first Ordinary Session of the Authority of Heads of States and Government, Abuja, 30–31 October 1998.
14. *Plan of Action for the Implementation of the Programme for Co-ordination and Assistance for Security and Development (PCASED)*, adopted by ECOWAS Foreign Ministers in Bamako on 24 March 1999, and the *Code of Conduct for the Implementation of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons*, adopted by ECOWAS Heads of States and Government in December 1999. See United Nations document A/53/763-S/1998/1193, 18 December 1998, for details of the Programme for Co-ordination and Assistance for Security and Development (PCASED).
15. See e.g. *Report of UN Panel of Experts on Small Arms*, (United Nations: Document A/52/298; 27 August 1997).
16. Interviews with relevant national officials, June and October 1999.
17. Personal Communication, Foreign and Commonwealth Office, London, December 1999.
18. Public Statement of the Wassenaar Arrangement, Vienna, 10 December 1997.
19. *Programme for Co-ordination and Assistance for Security and Development*, Economic Community of West African States, 1998.
20. See, e.g. C. Smith and A. Vines, *Light Arms Proliferation in Southern Africa*, London Defence Studies No 42, (London: Centre for Defence Studies, 1997); V. Gamba (ed.), *Society Under Siege*, (South Africa, Institute for Security Studies, 1997) Volume I.
21. H. Solomon and J. Cilliers, "The Southern African Development Community and Small Arms Proliferation", in V. Gamba (ed.), *Society Under Siege: licit responses to illicit arms* (Pretoria, Institute for Security Studies, 1998), pp. 75–93.
22. See M. Chachiua, *Operations Rachel 1996–1999*, ISS Monograph Series No 38, (South Africa: Institute for Security Studies; June 1999), for a detailed discussion of these operations.
23. EU-Southern African Conference on "Developing Controls on Arms and Illicit Arms Trafficking in Southern Africa", Saferworld/Institute for Security Studies, Midrand, South Africa, 3–6 May 1998.
24. *Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking*, (London: Saferworld/ISS; May 1998).
25. Joint Communiqué on the Ministerial Conference between the European Union (EU) and the Southern African Development Community (SADC), Vienna, Austria, 3–4 November 1998.
26. SADC Council Decision, Prevention and Combating of Illicit Trafficking in Small Arms and Related Crimes, 13–14 August 1999.
27. F. Msutu, Head of Interpol Sub-regional Bureau for Southern Africa, "Building the Capacity to Combat Illicit Trafficking of Firearms in Southern Africa", paper presented at seminar hosted by Belgian Ministry of Foreign Affairs, *Implementing the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms: a Programme of Action*, Palais d'Egmont, Brussels, 30 November–1 December 1998.
28. A. McLean and E. Clegg (eds.), *Towards implementation of the Southern Africa Regional Action Programme on Light Arms and Illicit Trafficking*, Report of Seminar, 8–9 September 1999 Pretoria, South Africa (Pretoria: Institute for Security Studies; 1999).
29. Interviews, O. Mokou, Director National Point of Contact SADC, South Africa, September 1999; O. Mangwana, National Point of Contact SADC, Zimbabwe Ministry of Foreign Affairs, in Pretoria, September 1999.
30. Interview, L. Dlamini, Chair, SARPCCO Legal subcommittee, Vienna, January 2000.

31. Interviews with Tanzanian, Kenya and Uganda police officials: Cape Town, 1997; Tanzania Police official, Midrand, 1998.
32. Personal Communication, L. Dlamini, Vienna January 2000.
33. For further information on the UN Register of Conventional Arms, see for example, the annual reports of the UN Secretary-General on the UN Register of Conventional, and also the Bradford Arms Register Studies series of publications, including example M. Chalmers and O. Greene, *A Maturing Regime?: the UN Register in its sixth year*, BARS Working Paper No 6, (Bradford, Bradford University, January 1999). The US Congressional Research Service publishes annual reports on arms transfers, see for example, R. Grimmett, *Conventional Arms Transfers to the Third World 1991–98*, Congressional Research Service, Library of Congress, Washington DC 1999. The Stockholm International Peace Research Institute (SIPRI) publishes their findings on the international trade in major conventional arms annually, most recently in *SIPRI Yearbook 1999: armaments, disarmament and international security*, (Oxford: SIPRI/Oxford University Press, 1998).
34. *Small Arms and Light Weapons: an issue for the OSCE?*, Report of a workshop organised by the Governments of Canada, Norway, Netherlands, and Switzerland, in association with BASIC, Hofburg Palace, Vienna 9–10 November 1998 (London: BASIC, 1999).
35. *Work Programme on Ways in Which the EAPC Might Contribute to the Challenge of Small Arms and Light Weapons*, (Brussels, NATO/EAPC Unclassified EAPC(PC-SALW)WP (99) 1 (revised); 25 June 1999); EAPC/PFP and the Challenge of Small Arms and Light Weapons (Brussels: NATO/EAPC Unclassified EAPC(C)D(1999)23; 4 November 1999).
36. Seminar on *Strengthening Management, Security and Transparency of Small Arms and Light Weapons Stockpiles*, The Hague, 2–3 December 1999.
37. EU Council, *EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms*, June 1997.
38. EU Council, *Council Recommendation on Arms Trafficking*, Brussels, 24 November 1998.
39. For example, On 2 October 1998, the Austrian Foreign Ministry and Saferworld co-hosted a conference in Vienna to review the challenges of preventing and combating illicit arms trafficking from or through the EU and Associate Countries. See O. Greene, *Tackling Illicit Trafficking in Conventional Arms; strengthening collective efforts by EU and Associate Countries*, Saferworld Report, (London: Saferworld, April 1999).
40. Report of the Evaluation Mission to Albania, 11–14th June 1998, (New York, United Nations, 1998).
41. See, for example, “Recent Disarmament Steps reviewed By Group of Interested States”, UN Press Release DC/2623 (New York: United Nations, 18 December 1998).
42. EU Council, *Joint Action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union’s contribution to combating the destabilising accumulation and spread of small arms and light weapons*, (Brussels, EU Council, 17 December 1998).
43. EU Development Council, *Resolution on combating the excessive and uncontrolled accumulation and spread of small arms and light weapons as part of the EU’s emergency aid, reconstruction and development programmes*, EU Document No 109/2/99 Rev 2 (DEVGEN), 6 May 1999.
44. See, for example, M. Klare and D. Andersen, *A Scourge of Guns: the diffusion of small arms and light weapons in Latin America*, Federation of American Scientists, USA, 1996.
45. OAS CICAD Drug Abuse Control Commission, *Final Report of the Group of Experts on the Control of Arms and Explosives Related to Drug Trafficking*, CICAD/AREX/doc.5/97 (Washington DC: OAS, 1997).

46. Organisation of American States, *Twenty-fourth Special Session*, AG/doc.7 (XXIV-E/97) rev.1, (Washington DC: OAS, 13 November 1997).
47. The nine states to have ratified by October 1999 are: Bahamas, Belize, Bolivia, Brazil, Ecuador, El Salvador, Mexico, Panama, and Peru.
48. Report to the UN Secretary-General, *Study on Ways and Means of Promoting Transparency in International Transfers of Conventional Arms*, UN General Assembly Document A/46/301 (New York: United Nations, 1991).
49. UN Disarmament Committee, "Guidelines for international arms transfer. . ." 1996, passim.
50. UN Secretary-General Boutros Boutros Ghali, *Agenda for Peace: a Supplement*, (New York, United Nations, January 1995); see also UN Secretary-General Boutros Boutros Ghali, *Agenda for Peace*, (New York: United Nations, 1992).
51. *Report of the Panel of Governmental Experts on Small Arms*, 1997 passim.
52. United Nations International Study on Firearms Regulation (New York, United Nations, 1998). (first released as released as Economic and Social Council, Crime Prevention and Criminal Justice Division, E/CN.15/1997/L.19, United Nations Office in Vienna, 30 April 1997).
53. Economic and Social Council, Crime Prevention and Criminal Justice Division, E/CN.15/1998/L.6/Rev 1, (Vienna, United Nations Office in Vienna, 28 April 1998).
54. The latest version of the draft protocol available was UN document A/AC.254/L.142/Add.3, (Vienna, United Nations, 27 January 2000).
55. The question of whether firearms must be marked on each import remained open at the time of writing.
56. Report of the UN Group of Governmental Experts on Small Arms, UN Document A/54/258, (New York: United Nations, 19 August 1999).
57. UN Disarmament Commission "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on the consolidation of peace in the context of General Assembly resolution 51/45 N", *Report of the UN Disarmament Commission*, General Assembly Document A/54/42, (New York, United Nations, May 1999).
58. UN Secretary-General, *Report on the causes of conflict and the promotion of durable peace and sustainable development in Africa*, UN Document A/52/871 – S/1998/318, (New York, United Nations, 13 April 1998).
59. UN Security Council Resolution 1237 (1999) and documents S/1999/837, (New York, United Nations, 30 July 1999); S/1999/829 (New York: United Nations, 28 July 1999).
60. The International Action Network on Small Arms is a global network of over 300 non-governmental organisations from all regions. It was established in October 1998, to facilitate NGO action. See, International Action Network on Small Arms, *Founding Document* (London, IANSA, 1998).