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## U.S. POLICY NEED NOT BE SILENT ON SMALL ARMS

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*“The spread and misuse of small arms cause, prolong, and exacerbate humanitarian crises around the world. In the last few years, a growing international consensus has emerged that steps must be taken to avoid a world awash in small arms,” says Rachel Stohl, a senior analyst at the Center for Defense Information, and chair of the U.S. Small Arms Working Group. She urges governments to “look to ‘multilateralize’ best practices and develop standards and norms to counter small arms proliferation and misuse.”*

Small arms are a class of weapons responsible for the majority of today’s conflict casualties, and an estimated 500,000 deaths and thousands more injuries each year. The spread and misuse of small arms cause, prolong, and exacerbate humanitarian crises around the world. In the last few years, a growing international consensus has emerged that steps must be taken to avoid a world awash in small arms. These weapons are often traded illegally through the same murky channels used by drug cartels, terrorists, and organized crime. World governments have recognized the importance of reining in this trade.

A United Nations (U.N.) conference on the issue of small arms in July 2001, intended to focus on coordinated international action to deal with the illicit trade in small arms and light weapons, has become the first international effort in what has until now largely been a national and regionally-based undertaking. The U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects underscores the effort to rein in the small arms trade at the international level, and perhaps slow the escalating death toll caused by it.

Non-governmental organizations (NGOs) are becoming increasingly frustrated as governments lose sight of the underlying objective — to eliminate the human suffering caused by the illicit small arms trade. The small arms issue, at the U.N. conference and beyond, requires coordinated international, regional, national, and local action and leadership to eliminate the weapons’ devastating impact, including cooperation and coordination between governments and NGOs. Governments should look to “multilateralize” best

practices and develop standards and norms to counter small arms proliferation and misuse.

U.S. leadership on small arms issues is vital now more than ever. In the U.S. political sphere, however, small arms trafficking has not been a high priority. Often, policymakers are loathe to get involved in the issue of small arms proliferation because they regard it as an attempt to introduce domestic gun control, or they think the issue is too controversial. Others believe that there are other, more important issues to deal with.

The concern of NGOs and activists is that silence on illicit small arms proliferation might mean the issue will receive little or no attention from key policy officials in the near future and will not be placed higher on the political agenda. U.S. inaction on small arms trafficking would be a tragic mistake, not only for the millions of people affected by small arms around the world, but for the credibility and standing of the United States among its allies — which would be damaged by not standing up to stop this scourge. Small arms have become a genuine threat to U.S. national security interests because their proliferation perpetuates violent conflict and creates new cycles of violence and crime. Moreover, the uncontrolled proliferation of small arms puts U.S. troops and peacekeepers at risk when excess weapons destabilize regions of conflict, or when weapons caches are not removed from post-conflict situations. Small arms also diminish U.S. business opportunities and raise costs, hinder the ability of humanitarian and relief organizations to conduct their efforts, and weaken the possibilities for sustainable development.

To counter the dangers of small arms proliferation, policies on legal sales in conjunction with international cooperation to reduce illicit trafficking must be developed. One aspect cannot be addressed without the other, as the line between the illicit and legal trade is often murky or deliberately blurred. Many illegal weapons in circulation were at some point legally transferred by governments or with government approval. The growing use of, and reliance on, international private traffickers also clouds the issue (in some cases these are legal sales, in others, not). Legal government sales in their own right warrant international attention, as they may also lead to human rights abuses, serve to prolong conflicts, or be used for unintended purposes.

Policy options on small arms are abundant and can be implemented with relatively little cost while achieving large and tangible results. The Clinton administration introduced several measures to control small arms proliferation that have not been implemented. Many of these should be embraced by the Bush administration to demonstrate a strong U.S. commitment to the small arms issue.

First, the United States should lead a moratorium on arms sales to all regions of conflict — especially ongoing conflicts — and work with other states to adopt similar moratoria. In many countries and regions, there are enough small arms in circulation to arm the world's worst conflicts several times over. New stocks need not enter the supply chain.

Second, a criterion outlined in the European Union (EU) Code of Conduct and the Organization for Security and Cooperation in Europe (OSCE) Document on Small Arms should be rigorously applied to international small arms exports. Both the EU and OSCE criteria emphasize the exporting state's duty to prevent arms sales that would contribute to human rights violations and other acts of repression, exacerbate regional tensions, provoke or prolong conflicts, be at high risk of diversion into the illicit market, or otherwise threaten international peace and security. Such a policy is in line with a prior State Department pledge to honor strict criteria when licensing small arms exports. Further, administration officials should promote the congressionally mandated International Code of Conduct in ongoing multilateral negotiations to ensure that other countries respect strict exporting

criteria. Governments have an obligation to make sure weapons are not used to violate rights and commit abuses.

Third, the United States as well as other exporting nations should set an example by adopting a policy of export restraint that is designed to prevent diversion and dangerous weapons buildups, based on the existing U.S. policy to “audit, and if necessary, cut off” exports to a state if arms export license applications “exceed the normal, reasonable, domestic needs of a given importing country or show other abnormalities.” Excess small arms should not be introduced to vulnerable areas or made available on the open market. Developing countries should be encouraged to spend scarce resources on strengthening their infrastructures, not expanding military strength. Even though excess defense articles are often provided at a reduced cost, many countries would be better served with institutional support.

Fourth, the State Department should ask for, and Congress should grant, continued and increased funding for small arms destruction programs and continued cooperation on weapons destruction and stockpile management, in order to help destroy surplus weapons that would otherwise cascade to regions of conflict. Programs are currently under way in Eastern Europe and cooperation is ongoing with the South African Development Community. Currently, the State Department receives \$2 million for these programs. This is not enough. The State Department should ask for and receive additional funds for these programs and look to expand them to other regions. The collection and destruction of surplus weapons facilitates post-conflict reconstruction and lessens the likelihood of a country returning to war. In the end, the minimal costs associated with such programs are less than the costs associated with conflict and prolonged post-conflict reconstruction efforts that would inevitably develop from excessive and destabilizing accumulations of small arms.

Fifth, the State Department should develop an information-sharing mechanism on United Nations arms embargoes, either within the United Nations or in regional fora. The United States should also improve implementation and enforcement of the U.S. arms brokering law, a 1996 amendment to the Arms Export Control Act (AECA), passed on July 21, 1996, and

encourage other countries to enact similar restrictions. In the past, the United States has been critical of the lack of adherence to U.N. arms embargoes and has recommended increased cooperation in the international community on enforcing compliance. Monitoring and regulating the trade in small arms and prosecuting violators of national and international arms control laws would make implementing arms embargoes less of a challenge than it is today.

Sixth, the State Department should advocate immediate Senate ratification of the Organization of American States (OAS) convention on small arms trafficking. The United States signed, in November 1997, the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, which is intended to increase controls over and traceability of small arms as they move across borders. Given that the United States has already implemented the majority of measures outlined in the convention, ratification will serve as an example to the rest of the hemisphere. An effective regime to control the illicit trafficking of small arms could be duplicated in other regions and lead to meaningful international control of the illicit trade.

All of these steps will lead to progress on the issue, but the U.S. government cannot do the work to counter small arms proliferation and misuse alone. Therefore, the United States must push for the development of legally binding norms and the implementation of measures to stop weapons from winding up in the hands of abusive forces, be they governments or non-state actors. The overall goal must be to raise international standards on the export and use of small arms and light weapons.

Working within the U.N. system or other appropriate international fora, the U.S. government should begin negotiations on the following three, legally binding instruments:

— A framework convention on international arms transfers that sets out normative export criteria based on states' current obligations under international law.

— An international agreement on brokering that creates international laws and procedures that discipline the activities of arms brokers and strengthens national laws to prosecute traffickers who violate these norms.

— An international agreement on marking and tracing that develops systems for adequate and reliable marking of arms at manufacture and/or import and record-keeping on arms production, possession, and transfer.

The United States also should encourage the establishment of transparency mechanisms specific to small arms and a norm of non-possession of military-style small arms by civilians.

While waiting for governments to take substantial action, NGOs and activists have organized. Many are participants in the International Action Network on Small Arms (IANSA), a network of more than 320 organizations and individuals from 70 countries. Because the small arms issue is so wide-ranging, NGOs represent a broad range of interests and have varied policy recommendations. But all NGOs agree that the proliferation of small arms must be stemmed and the misuse of the weapons diminished.

Those NGOs pushing for global action to combat the small arms tidal wave realize that action is a step-by-step, long-term undertaking. Individual and unilateral activities will not alleviate the totality of human suffering caused by small arms proliferation; that will require a long-term, international, and comprehensive commitment. But in the short term, U.S. action and leadership on small arms will begin the process of preventing the damage these weapons cause. NGOs are not asking the United States or other governments to ban an entire class of weapons, but rather to transfer and use them responsibly and ensure that all actors — individuals, armed groups, and other governments — do so as well.

Immediate and future action should include a partnership between governments and NGOs, working together to reduce the damage from small arms. Tapping into broad segments of civil society and giving voice to the victims of human rights abuses will ensure a grounded and comprehensive small arms policy. But, in the end, it is governments that must be held accountable, to ensure that small arms do not continue to be used, in the words of U.N. Secretary-General Kofi Annan, as “weapons of mass destruction.”

Addressing the proliferation and misuse of small arms is not about global gun control as critics have claimed.

Sensible small arms policies are not designed to prevent domestic ownership of firearms and hunting rifles as some groups fear, but to ensure that today's high-powered light arms are not used to terrorize or commit crimes. The United States is encouraged to create international standards and norms to stop the spread of

small arms. The bottom line is that addressing small arms is about saving lives, ending human suffering, and creating a more sustainable and peaceful future. ©

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