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Foreword

by Jayantha Dhanapala

Civil wars and other forms of civil conflict have been taking place with alarming frequency and intensity in recent years, causing the loss of hundreds of thousands of lives, displacing many millions of innocent people, and bringing economic ruin and social disaster for numerous societies. Such conflicts have been fought largely with small arms and light weapons (SALW).

SALW have proliferated around the world to such an extent that they are easily available in many societies for a modest price. In some parts of the world, for example, an AK-47 semiautomatic rifle can be purchased for merely six dollars. Such easy availability has contributed significantly to the prolongation of many civil conflicts, where the vast majority of victims have been civilians, mainly women and children.

The problems posed by the global proliferation of SALW extend beyond the role that such weapons play in exacerbating civil wars. Their easy availability can undermine peace-building efforts in postconflict situations by creating a general climate of insecurity and by enabling armed and ambitious groups to pursue their violent and self-serving agendas.

Even in nonconflict situations, the proliferation of SALW can be a major cause of concern because the ease with which such arms can be acquired can contribute directly to an increase in social crime and political violence, and even terrorism. A culture of violence, buttressed by SALW proliferation, can be found in many areas of the world.

The task of combating SALW proliferation is not an easy one. Such weapons are easy to carry and conceal, and their clandestine transfers are therefore hard to detect. This has enabled large quantities of arms to move with relative ease and secrecy from one conflict or postconflict zone to another. To add to the problem, the scale of international trade and commerce in a globalized world offers opportunities for illegal shipments and transfers of arms to slip through normal customs control and monitoring procedures.

Illicit trafficking poses a bigger problem in situations where large and difficult borders separate arms-infested societies or where an incipient social unrest offers an opening to arms merchants. In such geographical areas, effective monitoring is inherently difficult and requires resources that are not usually available.

The global spread of organized crime, together with the nexus between drug traffickers and terrorists, has made combating illicit trafficking a daunting task. To make matters worse, political and bureaucratic corruption, which are rampant in many societies, have made illicit trafficking that much easier.

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It is equally important to focus attention on the demand side of the problem, complex as that is. The causes of conflict and organized violence within societies and between states are varied. They can be political, economic, ideological, ethnic, religious, territorial, or historical in nature.

Despite these enormous challenges and complexities, the urgency of dealing with the misuse of small arms and light weapons cannot be overemphasized, given its highly negative impact on the social, economic, and political development of affected societies.

SALW proliferation is a global problem that calls for sustained and internationally supported actions, backed by strong political will and adequate resources. It must also be pursued in tandem with other global actions to address issues of poor governance and underdevelopment, which are primary causes of civil conflict and social strife in many societies.

International expectation is currently focused on the first United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which will be held in New York in July 2001. It is my hope that, with all the preparatory work that has been done, this important event will prove to be landmark in the incipient global effort to protect international society from the violence associated with SALW.



Light Weapons and Israeli-Palestinian Peace

by Jeffrey Boutwell

On January 17, 2001, the director of the Palestinian television network, Hisham Miki, 54, was gunned down while dining in a Palestinian restaurant in Gaza City. Murdered in a style reminiscent of the heyday of the Chicago mob, Miki was shot repeatedly in the head and chest with a silencer-equipped pistol by three masked gunmen.

Reports that followed listed various motives for Miki's killing. Some attributed it to corruption within the Palestinian Authority (PA), others to anger over the way Miki was running the Palestinian broadcasting operation. Whatever the reason, the killing in broad daylight in Gaza symbolizes a sober new reality for the Palestinian Authority and the Palestinian people: the very peace process that might someday lead to true self-determination for the Palestinians has in the meantime let loose a flood of illegal weapons into the West Bank and Gaza Strip that threatens to undermine the very peace for which the Palestinians are fighting.

The surge in Israeli-Palestinian violence that began in September 2000 not only has resulted in hundreds of deaths and injuries on both sides; it also led to the fall of the Labor government of Ehud Barak, the holding of new elections and the formation of a national unity government under Likud head Ariel Sharon, and a freeze on further progress in the peace process. By March 2001, more than six months after the start of what the Palestinians call the *Al-Aqsa intifada*,¹ the West Bank, Gaza Strip, and Israel itself were caught up in a daily cycle of shootings, bombings, and massive civil unrest. In figures provided to the international fact-finding committee headed by former U.S. senator George Mitchell, Israeli authorities cited more than 2,700 live fire attacks by Palestinians on Israelis in the first one hundred days of fighting.² For their part, Palestinian officials accused Israel of using excessive force, including extra-judicial assassinations, to smash the *intifada*, noting that the 350 Palestinians killed during the struggle (by early March 2001) outnumbered by almost ten to one the number of Israeli deaths.³ Proposals for more active international involvement to stop the fighting, including sending two thousand unarmed UN peacekeepers to the region, have thus far come to naught (indeed, the Mitchell commission was a compromise effort by the Clinton administration, in support of the Barak government, to forestall UN action).⁴

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In terms of domestic politics, the Likud-Labor national unity government (led by Prime Minister Ariel Sharon and Foreign Minister Shimon Peres) is certain to have a difficult time reconciling party differences over the Oslo peace process in seeking a way out of the impasse. Similarly, Palestinians remain deeply divided over the wisdom of continuing the Oslo process, with important elements of Fatah (the largest faction of the PLO), the Tanzim (an armed militia of Fatah), and other organizations within Palestinian civil society operating either as armed militias of the PA or, at times, independently of PA control.

Underlying the grim near-term prospects for revitalizing the formal peace process is the reality that Arab-Jewish communal relations have deteriorated sharply since the outbreak of fighting in September 2000. Wanton and vicious violence on both sides has claimed thousands of killed, wounded, and displaced and has made any prospects for reconciliation seem illusory. When one factors in the large numbers of small arms and light weapons held by both Arab and Jewish civilians in the territories, and the inability of either the Israeli army or Palestinian security forces to effectively police their respective populations or confiscate illegal weapons, future prospects are grim indeed.

PROLIFERATING LIGHT WEAPONS

"If I call my clients and say I've got 100 guns, they come running," says Palestinian gun dealer Khalil Abu Ali of Nablus in the West Bank.⁵ During the relatively peaceful days of the Oslo process in the 1990s, when Palestinian-Israeli violence in the territories dropped markedly, an estimated tens of thousands of illegal weapons were making their way into the West Bank and Gaza Strip from Egypt, Jordan, Iraq, and even Israel itself.⁶ Today, Israeli government sources talk of as many as 70,000 such illegal weapons, ranging from automatic pistols, submachine guns, and assault rifles to hand grenades, mortars, Katyusha rockets, and anti-tank missiles. No longer are Palestinian attacks on Israelis confined to individual drive-by shootings of Jewish settlements or ambushes of Israeli cars traveling through the West Bank. Increasingly, Fatah and Tanzim militants, Islamic terrorists from Hamas and Islamic Jihad, and even Palestinian police and security personnel are carrying out paramilitary operations, in squads of ten or more fighters, against Israeli military outposts using hand grenades, mortars, and rockets.⁷

Violence on the part of militant Jewish settlers against Palestinian civilians has increased as well. During the 1990s, settler attacks against Palestinians were most often carried out in retaliation for Palestinian shootings and terrorist attacks against Israelis. Beginning in 2000, however, even before the outbreak of the new *intifada*, settler leaders spoke of increased violence as a way of attempting to derail the peace process. In June 2000, when it appeared that a summit meeting of President Clinton, Prime Minister Barak, and Palestinian Authority chairman Yasir Arafat might produce a last-minute agreement, settler leader Pinchas Wallerstein warned that Jewish settlers would "react with the greatest harshness" to what they considered "immoral, illegitimate, and illegal" concessions on the part of the Israeli government in giving

up West Bank and Gaza territory.⁸ One need only think back to Yigal Amir's rationale for assassinating Israeli prime minister Yitzhak Rabin in 1995 to take such talk seriously. In the end, the summit collapsed with no agreement, paving the way for Palestinian frustrations to erupt. Once full-scale violence did break out, the more militant Jewish settlers, armed with government-issue Galil and M-16 assault rifles, contributed to the escalating cycle of violence with both unprovoked and retaliatory attacks against Palestinians.

PEACE FROM THE BARREL OF A GUN?

The Oslo peace accords signed by Israel and the Palestinians in 1993 and 1995 contained a wide range of measures for promoting both Palestinian self-government and Jewish-Arab reconciliation. One of the most important components of those accords was the right of the Palestinian Authority to raise and equip a strong domestic police and security force that could enforce order in the West Bank and Gaza Strip while also cooperating with Israeli security forces to thwart terrorist attacks against Jews. Specifically, the 1995 Oslo II accord (and later, the January 1997 Hebron Protocol) provided for a Palestinian police force of some 30,000 personnel, equipped with 15,000 automatic rifles and pistols, 240 heavy machine guns, 45 armored vehicles, lightly armed shore patrol vessels, and associated communications and transportation equipment. Oslo II also set limits on the number of armed Palestinian police and security personnel that could be deployed in individual towns and villages.

The peace process let loose a flood of illegal weapons into the West Bank and Gaza Strip.

In addition to limiting authorized weaponry to one for every two Palestinian police and security personnel, the Israeli government insisted on the creation of an Israeli-Palestinian Joint Security Coordination and Cooperation Committee (JSC) to oversee "arrangements for entry of the Palestinian Police and the introduction of police arms, ammunition, and equipment."⁹ Initially, most of these weapons were Kalashnikov AK-47 assault rifles (standard issue of the Palestine Liberation Army), brought by Palestinians returning from abroad. In addition to keeping an updated register of any and all firearms in its possession, the Palestinian Authority was also required to pass legislation and strictly control small arms and light weapons in the civilian population.¹⁰

Almost from the beginning, however, the issue of illegal weapons in the Palestinian community was a major stumbling block to further progress in the peace process. In October 1996, the Israeli government published a list of "Major PLO Violations of the Oslo Accords," which noted that while "the PA is obligated to disarm and disband all militias operating in the autonomous areas," it has "failed to undertake a systematic crackdown on illegal weapons, and has confiscated just a few hundred of the tens of thousands of weapons circulating in the autonomous areas."¹¹ In addition to describing how Palestinians were smuggling illegal weapons across the Jordan River and

Dead Sea and through underground tunnels linking Egypt to the Gaza Strip, the Israeli government accused the Palestinian Authority itself of complicity in organized smuggling by capitalizing on the VIP status of PA limousines and aircraft entering the Gaza Strip and West Bank.

In turn, Palestinian officials consistently note that Israelis themselves are heavily involved in running guns into the territories. Israeli underworld figures coordinate shipments of black market M-16s and Uzis into the West Bank and Gaza, while Israeli soldiers have been caught stealing weapons from army depots and selling them to Palestinians.¹² A more recent import are M-16s sporting the cypress tree of Lebanon, stolen from weapons stocks of the South Lebanese Army when it was disbanded as Israel withdrew from Lebanon in May 2000.¹³ As is common elsewhere around the world, weapons smuggling from Israel to Palestinian areas is heavily intertwined with narcotics, stolen cars, and other contraband.

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Despite the profits to be made in weapons smuggling (an M-16 can command up to \$5,000), the main motivations among Palestinians for acquiring small arms and light weapons are political and cultural. For many individuals, according to Palestinian legislator Hussam Khader, "buying a gun is a priority . . . it comes before buying a house, or marriage. Palestinian women will sell their gold to buy guns for their husbands or sons."¹⁴ For groups like Fatah and Tanzim, weaponry ensures political power and independence, whether in relation to the Israeli army or rival militias or the Palestinian Authority itself. For Arafat and the heads of his security forces, the stockpiling of illegal weapons, in excess of the 15,000-plus allowed by Oslo II, likewise represents a lever of control over an increasingly divided Palestinian community.

MILITANT JEWISH SETTLERS

An additional stimulus for Palestinian acquisition of weapons, of course, is the constant friction and violence between Arab and Jew in the West Bank and Gaza Strip. For more than 30 years, since Israel took control of the territories following the 1967 war, Palestinians living in the West Bank and Gaza have daily witnessed well-armed Jewish settlers, as well as Israeli soldiers, living and traveling among them. Armed with government-issue M-16s, Galil assault rifles, and Uzi submachine guns, the Jewish settlers are a constant reminder to the Palestinians that complete sovereignty and control over their lives remains a distant dream. While only a small minority of the more than 170,000 settlers living in the territories is considered extremist (with an even smaller percentage belonging to such outlawed organizations as Kach and Kahane Chai), the settlers do have wide autonomy over their own affairs and considerable political influence in the Israeli Knesset. As often as not, the well-organized settlers tangle with the Israeli government as much as with the Palestinians among whom they live. The same is true for the often uneasy relations between the

settlers and the soldiers of the Israel Defense Forces (IDF) who are deployed in the territories in part to protect the settlements. Despite the fact that the settlements themselves are part of the IDF communications network and territorial defense structure in the territories, many settlers feel that the Israeli army does not do enough to protect their security. As Arab-Jewish relations have grown even more tense at the prospect of additional transfers of West Bank territory to the Palestinians, friction between the settlers and the army has increased. This is especially so in and around such right-wing settlements as Hebron and Kiryat Arba, where settlers have clashed openly with the soldiers.

The sense of vulnerability felt by Palestinians living among well-armed Israeli civilians in the territories was brought home as never before by the Baruch Goldstein massacre of twenty-nine Palestinians at the Tomb of the Patriarchs in Hebron in February 1994. Goldstein, a physician who often treated both Jewish and Arab victims of sectarian violence, was also an IDF reservist (as are most settlers, male and female) and thus was allowed to carry his Galil assault rifle past the IDF troops ostensibly guarding the Arab worshippers that early February morning. Despite the outrage felt by many Israelis following the massacre, Goldstein's grave outside Hebron was made into a shrine by many settlers, and fears have been expressed by more moderate settler leaders about another "Goldstein incident" carried out by settler extremists.¹⁵ The most extreme supporters of greater Israel (Eretz Israel) also applauded the tragic assassination of Prime Minister Yitzhak Rabin in 1995, carried out by Yigal Amir precisely to stop the peace process and the return of the West Bank to the Palestinians.

The inability of successive Israeli governments to adequately control the actions of the more militant settlers in the territories continues to be a grave concern for the future of the peace process. In June 1998, the Likud government of Benjamin Netanyahu actually solidified the settlers' position in the territories when it approved the creation of settler civil guard units in Ma'ale Adumim, Ariel, and other large West Bank settlements, a move long opposed by previous governments, Israeli military commanders, and police officials. As criticized by then member of the Knesset Dedi Zucker, such units could evolve into "armed militias of extremist settlers serving as a private army of the Yesha (Jewish settler) Council."¹⁶ This has indeed happened at times, with armed settlers operating independently of, or even in direct opposition to, army and police authority in the territories. Despite the prohibitions on militant organizations like Kach and Kahane Chai, supporters of the late Rabbi Meir Kahane have formed new groups, such as the Committee for Safety of the Roads, that act as little more than vigilantes in mounting armed patrols on the roads and byways of the West Bank.

WEAPONS, PEACE, AND CIVIL SOCIETY

The widespread availability of small arms and light weapons among Palestinians and Israelis in the West Bank and Gaza Strip poses a significant challenge on three separate but related levels.

First, of course, are the ramifications of the daily gun violence between Arabs and Jews that has characterized the *Al-Aqsa intifada* from September 2000 to the present. It is unclear whether Israeli-Palestinian reconciliation is remotely possible in the near term because of the nature of the violence and the number of victims it has claimed. Even if a formal peace treaty is concluded—one that is acceptable to a majority of both Palestinians and Israelis—how stable will such a peace be when individual security is based so strongly on the carrying of weapons and the use of deadly force?

How stable can a formal peace be when individual security is based so strongly on the carrying of weapons and the use of deadly force?

Second are the implications of the flood of weapons for a stable Palestinian government and civil society, one based on democratic principles and a tolerance for criticism of authority. In addition to the host of political, economic, and social challenges faced by the Palestinians, can a pluralist, democratic society take root in Palestine in the face of multiple, heavily armed political militias and official police and security personnel operating outside the rule of law?¹⁷

Third are the implications for Israel itself at a time when the country faces the most contentious and existential issue of its fifty-year history. Will a majority of Israelis ultimately decide not to be politically blackmailed by a small militant core of settler and religious supporters of Eretz Israel? Will they accept the hard reality that there can be no coexistence with the Palestinians unless the settlers are removed from the West Bank and Gaza Strip and brought back behind the Green Line?

The ability of just a few individuals to disrupt and even block the peace process has already been demonstrated by Amir's assassination of Rabin in 1995 and the outbreak of terrorist attacks inside Israel just prior to Shimon Peres' failed bid for prime minister in 1996. For his part, Arafat is ever mindful of the staunch opposition to peace with Israel on the part of Hamas and Islamic Jihad. More than once during Hamas demonstrations in Gaza against Arafat's policies has been heard the chant, "Arafat, Arafat, remember what happened to Sadat," a reference to the Islamic militants who assassinated Egyptian president Anwar Sadat in 1981.

WHAT CAN BE DONE?

In light of the poisoned atmosphere enveloping Israeli-Palestinian relations, what should, and can, be done to prevent violence from escalating still further and to resume some semblance of the peace process?


Despite visceral Israeli opposition to any form of substantive international involvement, the time has come for a strong international peacekeeping presence in the West Bank and Gaza Strip. Under the leadership of the United Nations, and with full support from the five permanent members of the Security Council, the UN should insert an armed peacekeeping force into the West Bank and Gaza Strip to separate Palestinians and Israelis. While such a mission entails great risks, not least for the

international peacekeepers who likely will find themselves targets of both Jewish and Arab extremists, one must ask: if Kosovo, Bosnia, and East Timor, why not the West Bank and Gaza Strip? Following more than one hundred years of Arab-Jewish communal violence in Palestine, and with the Oslo peace process all but dead, the international community has a responsibility and a moral duty to act.

Such an international intervention, however, will succeed only if positive, unilateral steps are taken by both the Israeli government and the Palestinian Authority to reduce the threat of armed violence, whether aimed at each other or at an international peacekeeping force.

For its part, the Israeli government should affirm the existence of a new Green Line, as previously discussed with the Palestinians, that would bring a large number of existing settlements along the current Green Line into Israel proper. A number of different border alteration proposals have been advanced that would incorporate 70 to 80 percent of the settlers at a cost to the Palestinians of 10 to 15 percent of total West Bank territory. In return, Israel would agree to disband all remaining settlements in the West Bank, and all of the Gaza settlements, and to turn over all housing and infrastructure to the Palestinians (with immediate compensation paid to Israel by the international community). Only by removing Jewish settlers from the heart of the Palestinian community can there be a chance for peace.

Lastly, international pressure (including the withholding of international aid) must be brought to bear on Yasir Arafat and the Palestinian Authority to crack down on the armed militias of Tanzim and Hamas, to resume joint security cooperation with Israel to thwart terrorist acts, to seize illegal weapons from civilians, and to enact a civil constitution for Palestine that safeguards political dissent and due process. As noted in March 2001 by the European Union's commissioner for external relations, Christopher Patten, "In order for us to go on and provide substantial assistance to the Palestinian administration, we will need to see a tough realistic budget, some real transparency, and measures to ensure complete anti-corruption."¹⁸ Given losses to the Palestinian economy of \$1 billion (25 percent of GDP) in the first six months of the *Al-Aqsa intifada*, the international community should use whatever economic leverage it can muster. In the absence of positive reforms, Arafat must be made aware that neither continued international support (in the form of either money or peacekeeping troops) nor a viable resumption of the peace process with Israel will be possible.

Are such developments at all possible? Very likely not. Are they genuinely needed for there to be peace in Israel/Palestine? Unfortunately, yes. A mere picking up where Barak and Arafat left off in the summer of 2000 is unlikely, especially if there is no resolution of the threats posed by militant Jewish settlers and Palestinian rejectionists (whether secular or religious). Only by separating the two peoples, and removing the weapons they carry, can the international community provide the assistance that will be needed for Israel and Palestine to focus on devoting their domestic resources to where they are most needed and for Arabs and Jews to escape the endless cycle of demonization and violence in which they are now trapped. 

Notes

1 The violence that began on September 28, 2000, was precipitated, according to Palestinians, by the provocative visit to the Al-Aqsa mosque on the Haram al-Sharif (Temple Mount) by Ariel Sharon; many Israelis claim the Sharon visit was only a pretext for massive violence that had already been planned by the Palestinian Authority.

2 See "Israel Submits Statement to Mitchell Committee," *IsraelLine* (distributed by the Israeli Consulate, New York), February 1, 2001.

3 See "Palestinian Memo to the Mitchell Committee of Inquiry," Palestine Negotiation Affairs Department, Ramallah, January 13, 2001. According to Israelis such as Knesset member Naomi Chazan, former prime minister Ehud Barak admitted that Israel was carrying out targeted assassinations of Palestinian activists, a measure that Chazan condemned as immoral and "totally illegal according to any international criteria or law" (quoted in *The Washington Post*, January 8, 2001).

4 A point made by Israelis as well, such as Meron Benvenisti, who has criticized the Mitchell Committee as "one more instrument for stifling any initiative for examining the actions of Israeli security forces and for uncovering the truth lurking behind the propaganda smokescreen." Quoted in Cheryl A. Rubenberg, "The Clinton Years: US Policy Toward Israel and Palestine, Part Two," Palestine Center for Policy Analysis, Washington, DC, January 10, 2001 (available online: <http://www.palestinecenter.org/frames.html>).

5 Quoted in "Smugglers from all sides arm intifada," *Toronto Star*, December 17, 2000.

6 See Jeffrey Boutwell, "The Wild West Bank," *The Bulletin of the Atomic Scientists*, January/February 1999.

7 See "Palestinians Use Anti-Tank Grenades for First Time," *IsraelLine*, November 1, 2000.

8 Quoted in "Settlers Escalate Resistance to Peace Process," *IsraelLine*, June 23, 2000.

9 Oslo II, Annex I, Article III (#1.h).

10 Article XIV of the Oslo II accord states that "no one but Palestinian police may manufacture, sell, acquire, etc., firearms, ammunition, weapons, explosives, unless otherwise provided for in Annex I," while Annex I (Article II) allows the PA to "issue permits in order to legalize the possession of and carrying of arms by civilians."

11 "Major PLO Violations of the Oslo Accords," Government Press Office, Jerusalem, October 25, 1996, item 4.

12 See Khaled Abu Toameh, "Partners in Crime," *The Jerusalem Report*, December 25, 1997, pp. 28–29.

13 See Suzanne Goldberg, "Guns for sale—how stolen Israeli weapons arm Fatah's fighters," *Guardian*, December 16, 2000.

14 Quoted in "Smugglers from all sides arm intifada."

15 Gideon Alon, Nadav Shragai, and Mazal Muallem, "Settler-rabbi warns: Another Goldstein incident could be coming soon," *Ha'aretz* (EIE), November 1, 1998.

16 Quoted in Amos Harel and Nadav Shragai, "Army approves civil guard in West Bank settlements," *Ha'aretz* (EIE), June 12, 1998.

17 In April 1999, the chair of the legal committee of the Palestinian Legislative Council, Abdel-Karim Abu Saleh, criticized the lack of action on passing a Palestinian constitution, noting in particular how "the presence of state security courts is a real danger to the freedoms of our people." See "Palestinian Lawmaker Urges Reform of Courts, Arms," Reuters, April 19, 1999.

18 Quoted in "EU to Monitor PA Funds," *IsraelLine*, March 14, 2001.

The Urgent Humanitarian Concern

by Peter Herby and Lena Eskeland

Sometimes, we are asked why the International Committee of the Red Cross (ICRC) is concerned about the proliferation and availability of small arms. Is this not a crime-related issue, or a political disarmament issue, which has mostly to do with the legitimate rights of sovereign states to defend themselves? To a certain degree it is, but the problems caused by small arms go far beyond this.

A single shot from a standard rifle fired into a crowded market is normally a criminal incident. The unloading of dozens of bullets a minute from an automatic weapon into that same market can unleash a bloodbath. An artillery shell landing in such a situation can arouse passions that render violations of the laws of war virtually inevitable. The proliferation of, and easy access to, these weapons give people—including children—an incredible power. As one woman in Sierra Leone said, “People who hold the guns have all the power. The rebels who killed my children and my husband, they raped me. They raped me openly in the town square.”¹

In recent years, these types of incidents have become all too familiar to delegates of the ICRC and their partners from National Red Cross and Red Crescent Societies in war-torn countries. The unregulated availability of weapons, in particular small arms, combined with their frequent use in violation of the most basic humanitarian norms, poses a direct challenge to the dual mandates of the ICRC—to assist the victims of conflict and to promote respect for international humanitarian law.² Both of these missions are today undermined by the uncontrolled spread and abusive use of arms. The increasingly devastating effects for civilian populations, and the difficulties of providing humanitarian assistance in an environment where arms have become widely available to many segments of society, are well known to most humanitarian relief agencies today. The high levels of civilian death and injury in recent conflicts are no longer being seen simply as an inevitable by-product of these conflicts. Rather, they are increasingly viewed as a result of inadequate or nonexistent control of the flow of weapons—both internationally and domestically. Only recently, however, have the relationships among the availability of weapons, the worsening situation of civilians during and after conflict, and the challenges of providing humanitarian assistance been addressed directly.

ARMS AVAILABILITY AND THE IMPACT ON CIVILIANS

In recognition of the trends described above, the Twenty-Sixth International Conference of the Red Cross and Red Crescent (1995) called upon the ICRC “to

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examine, on the basis of first-hand information available to it, the extent to which the availability of weapons is contributing to the proliferation and aggravation of violations of international humanitarian law in armed conflicts and the deterioration of the situation of civilians."³

In fulfillment of this mandate, the ICRC has, since 1996, attempted to distill its experience with the impact on civilians of high levels of arms availability. It carried out two case studies, analyzing information drawn from its sizeable medical database on patients treated in the organization's hospitals and elsewhere by its medical staff. The objectives of these two case studies were to examine the circumstances in which weapon injuries were inflicted and to assess the levels of weapon casualties (death and injury) during and after periods of conflict, in the absence of disarmament. This work provides unique insights into the nature of arms-related injuries in two situations in which the ICRC has been involved. To our knowledge, these are among the few systematic studies that have been published on the nature of arms-related casualties suffered by the local population in war-torn societies. Following are some of the specific findings from these case studies.

1. One might expect a dramatic drop in arms-related death and injury in a postconflict period. In one war-torn area of Afghanistan where high levels of arms remained in circulation, however, the annual incidence of weapons-related casualties decreased by only 33 percent during the eighteen months following the end of hostilities. The mortality rate from injuries actually increased over the same period.
2. In a region of northwest Cambodia, civilians accounted for 71 percent of noncombat weapon casualties and 42 percent of combat-related casualties (death and injuries inflicted as a direct result of interfactional fighting or by landmines). Weapons-related casualty rates were reduced during the UN's presence but increased to levels comparable to those preceding the peace accord following the UN's departure in 1993.

Both of these case studies indicate that to civilians, the threat of arms-related death or injury in noncombat settings can approach or exceed that during conflict periods if weapons are not removed.

The ICRC also carried out a survey among senior delegates with a collective experience of forty-one assignments in conflict and postconflict settings on four continents during the 1990s. The objective was to gather the *perceptions* of ICRC staff on the degree of arms availability within various segments of given populations, the nature of arms-related incidents involving civilians, and the direct impact of arms availability on ICRC field operations.

There was general consensus among respondents that arms were regularly used against civilians for criminal or coercive purposes. The respondents also indicated that ICRC operations were interrupted more than once per month by armed security threats, impeding access and denying war victims the assistance and protection pro-

vided for by the Geneva Conventions. In all contexts, assault rifles were seen as the principal weapon type responsible for civilian death or injury.

The threat to civilians in noncombat settings can approach or exceed that during conflict periods if weapons are not removed.

In 1999, the results of these two case studies, and the survey among ICRC delegates, were published in the study “Arms Availability and the Situation of Civilians in Armed Conflict.”⁴ The ICRC study came to the following main conclusions.

Civilians often are the primary victims of unregulated arms availability. Civilian casualties outnumber those of combatants in many internal conflicts and have increased throughout the century in parallel with the development of new military technologies. Weapons previously available primarily to organized armed forces are now in the hands of a wide variety of people involved in conflict and postconflict situations. These include highly destructive weapons such as automatic rifles capable of firing hundreds of rounds per minute, rocket-propelled grenades, mortars, and landmines.

Lack of access is a serious danger. Disease, starvation, and abuse increase when humanitarian agencies, including the ICRC, are denied access to the victims due to attacks on humanitarian workers, mined transport lines, or the threat of armed violence. In a large number of recent conflicts, specific regions or even entire countries have become “no go” areas for humanitarian workers because of attacks or the credible threat of attacks on them. Indeed, ICRC field staff themselves experienced a growing number of casualties through the mid-1990s. Although this may have been due to the changing nature of conflict, increased proximity to front lines, and perceived politicization of humanitarian aid, the availability of small arms undoubtedly also played an important role. In addition to the impact on the safety of personnel, weapons availability increases the financial cost of humanitarian operations. Where relief supplies have to be transported by air because of security concerns, an operation’s cost can increase ten to twenty times.

The end of conflict is not really the end. Suffering can continue for years after the fighting ends, since easy availability of weapons engenders a culture of violence, undermining the rule of law and threatening efforts at reconciliation between the former warring parties.

Arms availability presents an urgent humanitarian concern. In addition to its assistance mandate, the ICRC is charged with helping states to promote knowledge of, and respect for, international humanitarian law (IHL). Widespread availability of small arms undermines the very fabric of that law—one of the principal means of protecting civilians in times of conflict. IHL assumes that military-style arms are in the hands of forces with a certain level of training, discipline, and control. When such weapons become available to broad segments of the population—including undisciplined groups, bandits, mentally unstable individuals, and even children—the task of

ensuring basic knowledge of humanitarian law among those in possession of arms becomes difficult if not impossible.

Compared with distributing arms, creating an understanding and acceptance of humanitarian rules is a profoundly difficult and time-consuming task. It should come as no surprise that as highly lethal weapons spread throughout a given population, the potential for violations of international humanitarian law in times of conflict increases.

Although the ICRC study does not suggest that excessive availability of weapons is the *cause* of IHL violations or deterioration in the situation of civilians, it indicates that the unregulated transfer of weapons and ammunition can facilitate such violations, increase tensions, heighten civilian casualties, and prolong conflicts. Among the central conclusions is that because it is largely free of international control, the current pattern of transfers of small arms, light weapons, and related ammunition should be a matter of urgent humanitarian concern.

POSSIBLE WAYS FORWARD

The trade in light weapons is a complex phenomenon, involving many types of actors; existing knowledge of the dynamics involved is far from comprehensive. It is also evident that traditional arms-control approaches are not well suited for the control of small arms and light weapons. Thus, much creative effort—involving the participation of many types of experts, including representatives of governments, industry, police and customs services, humanitarian aid organizations, and human rights groups—will be needed to develop successful approaches and strategies.

Focus on Munitions and Ammunition. It is important to consider controls on the transfer of not only arms but also munitions and ammunition. The shelf life of many of the tens of millions of small arms and light weapons now in circulation may be measured in decades if the weapons are properly maintained. By contrast, it appears that factories for the production of munitions and ammunition can be far more easily identified. The reliable shelf life for these items is said to be shorter than for the weapon itself, and their stocks need to be replenished regularly. As a result, efforts to limit the availability of munitions and ammunition could, in the short term, yield significant results.

The Importance of IHL in Arms-Transfer Norms and Policies. While the ICRC considers that the primary responsibility for compliance with international humanitarian law falls upon weapons users, states and private companies engaged in production and export bear a degree of political, moral, and, in some cases, legal responsibility before the international community for the use made of their weapons and ammunition. The ICRC has encouraged governments, regional organizations, and nongovernmental organizations involved in bringing about arms-transfer limitations to recognize that IHL is the body of law most relevant to the ultimate use of transferred arms and ammunition. Indeed, the stated purpose of most such transfers is to enable recipients to engage in armed conflict.

Specifically, the ICRC has called on states urgently to review their policies concerning the production, availability, and transfer of arms and ammunition in light of their responsibility under common Article 1 of the Geneva Conventions to “respect and ensure respect” for international humanitarian law. In 1999, states party to the Geneva Conventions committed themselves (in the Plan of Action adopted by the Twenty-Seventh International Conference of the Red Cross and Red Crescent) to “examine the establishment of means to integrate consideration of respect for international humanitarian law into national decision making on transfer of arms and ammunition.”⁵

It is important that states convert this commitment into reality by promoting criteria based on humanitarian law and human rights for arms transfers in norms adopted at the national, regional, and international levels. These measures would be a means of reinforcing Article 1 common to the Geneva Conventions and of improving the implementation of the whole fabric of IHL. As a step toward limiting the availability of arms and ammunition among users likely to commit violations of international humanitarian law, states could develop codes of conduct for arms transfers that contain clear references to, and indicators of, respect for international humanitarian law, or add such references and indicators to those existing standards (laws or policy) that do not include them.

IHL Norms in Recent Regional Initiatives. In the last two years, governments, regional organizations, and NGOs have begun to develop new mechanisms, laws, and codes of conduct to limit small-arms proliferation. Nevertheless, it is regrettable that among the existing body of export codes and national legislation known to the ICRC, few mention respect for international humanitarian law by recipients of arms as a central element in decisions on arms transfers. We discuss here some of the regional initiatives that do include such language.

European Union (EU). The European Union adopted in 1998 the EU Joint Action on Small Arms and the EU Code of Conduct on Arms Transfers. The latter stipulates eight criteria on arms exports. Specifically, member states should take into account, *inter alia*, the record of the buyer country with regard to “its compliance with international commitments, in particular on the non-use of force, including under international humanitarian law applicable to international armed conflicts.”⁶ Although this reference to international humanitarian law perhaps could have been better formulated (as international humanitarian law regulates the use rather than the nonuse of force), it reflects the intention of EU states to take respect for IHL into account in arms-transfer decisions.

Organization of African Unity (OAU). In November 2000, the OAU held a preparatory expert meeting on the illicit proliferation, circulation, and trafficking of small arms and light weapons, followed by a ministerial meeting in Bamako, Mali. The meetings resulted in the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, which highlighted the importance of international humanitarian law when addressing the small-arms issue.

Organization for Security and Cooperation in Europe (OSCE). The OSCE's Document on Small Arms and Light Weapons, adopted in November 2000, seeks to reduce and prevent the excessive accumulation and uncontrolled spread of small arms by articulating norms regarding manufacture, marking, record keeping, export control, border and customs mechanisms, and cooperation and information exchange among law-enforcement and customs agencies in the OSCE region. Specifically, each participating state agreed to avoid issuing licenses for exports where it identifies a clear risk that the small arms in question might "prolong or aggravate existing armed conflict, taking into account the legitimate requirement for self-defence, or threaten compliance with international law governing the conduct of armed conflict."⁷

North Atlantic Treaty Organization (NATO). NATO's Parliamentary Assembly adopted in November 2000 a "Committee Resolution on Small Arms Control." This resolution urges member states to "harmonise national approaches through wider acceptance and application of guidelines and codes of conduct—such as the EU Code of Conduct" and to "enhance evaluation of recipient States' records with regard to adherence to international humanitarian law and control over stocks and flows of small arms."⁸

Despite the progress implied by the existence of these regional initiatives, as yet no clear indicators have been adopted to judge a recipient's likelihood of compliance with international humanitarian law. The following indicators of respect for IHL could be incorporated into codes of conduct and national laws and policies on arms transfers (exports) as an aid in assessing whether the potential recipient is likely to comply with humanitarian law:

1. Has the potential recipient adhered to the relevant IHL treaties?
2. Are the potential recipient's forces trained in IHL?
3. Are there mechanisms to punish violators?
4. Are authority structures able to ensure compliance with IHL?
5. Is the potential recipient the actual end-user?
6. Will the potential recipient maintain control over the arms and ammunition transferred?

Other International Measures. In addition to the above measures specifically relating to respect for humanitarian law, the ICRC study urges states to consider measures of a more general nature aimed at strengthening transparency and accountability in arms transfers. In particular:

1. Establish an international system for the marking of small arms, light weapons, and related munitions and ammunition. Marking with data on the date, country and company of manufacture could make it easier to monitor arms flows and lead to greater accountability and responsibility among arms suppliers.
2. Establish or reinforce surveillance and enforcement mechanisms to ensure respect for UN and regional arms embargoes.

3. Extend the scope of the existing UN Register of Conventional Arms Transfers to cover small arms and light weapons, beginning with specific weapons such as assault rifles and rocket-propelled grenades, which have been used to inflict high levels of civilian death and injury.

National Measures. As regards national controls on the availability of arms, the following measures should be considered.

1. Reinforcement of the ability of states to identify and put an end to illegal cross-border transfers of arms and ammunition.
2. Establishment of mechanisms for ensuring that military-style arms and ammunition are available only to authorized users and that such weapons in the possession of others are collected and destroyed.
3. Provisions in postconflict settlements to ensure that states, with the assistance of the international community, will maintain or acquire direct control over arms and ammunition and destroy surplus weapons at the earliest possible time.
4. Vigorous efforts to ensure that weapons and ammunition rendered surplus by the modernization of arsenals are kept under strict surveillance and destroyed rather than exported. As compared with many other long-term measures proposed for addressing the problem of small arms and light weapons, such steps can have an immediate and beneficial impact. On the other hand, failure to address the issue of surplus arms as a matter of urgency could undermine most other current efforts.

Reducing Violations of International Humanitarian Law. In addition to limiting access to arms for those likely to violate international humanitarian law, a number of complementary steps could contribute to the reduction of civilian casualties in conflict and postconflict situations.

1) Instill humanitarian principles in the general population and young people in particular. In many societies, acts such as the killing, torture, and rape of civilians and the execution of prisoners are accepted as a matter of course in conflict situations, even though they violate basic humanitarian principles and the law of armed conflict. Such acts are often presented as normal and acceptable in film, television, and news portrayals of armed conflict, thus contributing to a "culture of violence." Passive acceptance of this type of behavior means that violators of international humanitarian law do not incur the legitimate revulsion of the societies on which they depend for support.

Increased efforts are needed to ensure that all segments of society are aware of the limits—grounded in their own cultures as well as in international law—on the use of weapons even in times of armed conflict. An emphasis on influencing the attitudes of young people is particularly important in light of the widespread use of young combatants in internal armed conflicts. The International Movement of the Red Cross

and the Red Crescent, of which ICRC is one component, has recently committed itself to using its network of Red Cross and Red Crescent Societies to promote a culture of nonviolence—in addition to promoting public awareness of the human costs of unregulated arms transfers and widespread arms availability.

The failure of states to provide secure living conditions for their citizens creates a vicious cycle.

2) *Increase training of armed forces in international humanitarian law.* In peacetime, a great deal more must be done to ensure that potential combatants not only understand the fundamental rules applicable in war but are also aware that compliance with these rules is expected by their commanders and that violations will be punished. This will require political will and provision of adequate resources. It will also require, where possible, enhanced efforts at dialogue with nonstate groups on the part of all those who have access to them—whether financial supporters, leaders within their own societies, or external actors.

3) *Ensure personal security by means other than weapons.* A vicious cycle of insecurity fuels a demand for arms, which in turn creates a demand for yet more weapons. The trend towards the privatization of security and the failure of states to assume their responsibility to provide secure living conditions for all citizens is an issue that needs urgently to be addressed. Clearly, this will require resources not only for police and criminal justice systems but also for economic and social development. It also implies renewed determination among political and social leaders to resolve conflicts without resorting to force and the support of the international community for efforts to that end.

CONCLUSION

The international community in recent decades has adopted wide-ranging prohibitions and limitations on the transfer of chemical, biological, and nuclear weapons, missile systems, and certain components of these technologies. States in some regions have established controls on the transfer of major conventional weapons systems. However, until recently, little attention has been given to the transfer of small arms and light weapons, which have inflicted most of the death and injury in recent conflicts.

Recent small-arms initiatives on the national, regional, and international levels are encouraging. Nevertheless, much work still remains to be done, both within and outside of the UN process. Both governments and civil society have important roles to play.

In the short term, the challenge will be to raise awareness of the human costs of arms availability and to put the issue squarely on the international agenda. It will be necessary to challenge the fatalistic acceptance of daily news reports of armed attacks on civilians for which no one is held responsible. It will also be necessary to recognize the fact that a large proportion of all illicit transfers begin with weapons that were

originally transferred legally, and that few problems will be solved without addressing both licit and illicit aspects of arms transfers.

As a part of this, the ICRC believes it is of utmost importance to ensure that the “human cost” of the widespread proliferation of arms is at the forefront of the debate before, during, and after the July 2001 UN Conference on Small Arms. The link between unregulated arms availability and the detrimental consequences for civilians in conflict and postconflict situations should be recognized in any documents coming out of the UN conference. Furthermore, governments should recall their obligation to respect and ensure respect for international humanitarian law.

In the long term, the principle needs to be established that those who supply arms in situations where violations of international law can be expected share responsibility for the use of their weapons. Success in reducing the human cost of unregulated arms proliferation will depend on creating a sense of responsibility and accountability among those who produce, those who distribute, and those who use arms. Weapons serve as tools for implementing life-and-death decisions and are instrumental both in enforcing and in undermining the rule of law. They cannot be considered as simply another form of commercial goods to be governed by the law of supply and demand.

An evaluation of the likely respect for international humanitarian law by the recipient should be an integral part of all decisions by governments and arms manufacturers on the supply of weapons and ammunition. Codes of conduct for arms transfers are one promising approach to developing agreement on what constitutes responsible practice, but they need to be strengthened to include specific criteria, and to be implemented in order to be effective.

The ICRC strives to ensure that general and special protections to which civilians are entitled by international humanitarian law become realities in each and every armed conflict. Improved protection of civilians in situations of armed conflict *can* be achieved, through better *implementation* of and *respect* for existing humanitarian law and other international norms. However, addressing the current unregulated availability of small arms and light weapons is also an indispensable element in improving respect for IHL.

The ICRC considers that by requiring respect for humanitarian law from those who seek to arm themselves, states will make a major contribution to the protection of civilians from the type of unspeakable suffering that the world saw in conflicts throughout the last century. In so doing, states will not only strengthen the basis for the rule of law but also promote reconstruction of war-torn societies and long-term social and economic development.



Notes

1 ICRC, “Women and War,” *People on War* radio series, March 2000.

2 International humanitarian law is a set of rules that, for humanitarian reasons, seeks to limit the effects of armed conflict. In particular, it protects those who are not, or are no longer, taking part in fighting and restricts the means and methods of warfare. International humanitarian law is also called the “law of war” and the “law of armed conflict.” Its principal instruments include the Geneva Conventions of 1949 and their Additional Protocols of 1977.

3 Meeting of the Intergovernmental Group of Experts for the Protection of War Victims, Geneva, January 23–27, 1995; Recommendation VIII(c), endorsed and adopted by the 26th International Conference of the Red Cross and Red Crescent, 1995.

4 “Arms Availability and the Situation of Civilians in Armed Conflict,” ICRC, June 1999.

5 “Plan of Action,” Final goal 1.5 (23), 27th International Conference of the Red Cross and Red Crescent, 1999.

6 *EU Code of Conduct*, Criterion Six.

7 *OSCE Document on Small Arms and Light Weapons*, Section III, (A), 2(b), (v).

8 NATO Parliamentary Assembly, *Resolution on Small Arms Control*, Art. 8 d.

Ballots and Bullets in East and West Timor

by Teresa Hutsebaut

INTRODUCTION

Small arms that linger in the aftermath of conflict have riddled the prospects for peace first in East Timor and now in West Timor. The International Committee of the Red Cross has reported that “the widespread availability of arms engenders a culture of violence, undermines the rule of law and threatens efforts at reconciliation among former warring parties.”¹ To this list, one could add that small arms enable the terrorizing and intimidation of internally displaced persons and those exiled in refugee camps.

The violence infecting West Timor is an aftereffect of the contagion of terror that swept through East Timor in 1999 following its August vote for self-determination. Despite the favorable outcome for the proindependence East Timorese on the ballot, an “overwhelming majority were brought to West Timor against their will, usually at gunpoint.”² Today, 100,000 of those East Timorese remain stranded in camps under the “protection” of armed and menacing pro-Jakarta militiamen hostile to East Timorese independence.³

It is clear that the removal of small arms from East Timor may have averted the current crisis in cross-border refugee camps. Needless to say, disarmament and the demobilization of militias should be accelerated as a necessary precursor to peace. Although the number of encounters with small arms are few in relation to past scenarios like Cambodia or the present one in Sierra Leone, it must be recognized that the Timorese are significantly traumatized, and small arms play a role. Countless news reports include statements by the UN territory’s administrator, Sergio Vieira de Mello, stressing that disarmament has not been taken seriously by the Indonesian government, the custodian of the process. After more than two decades of suffering, even one more incident is too many. As such, at the dawn of this newly independent state, it is necessary to embark on a comprehensive program of disarmament—otherwise, community peace will remain cursory and short-lived.⁴

There are precedents for such efforts. A program for small-arms reduction in Mali was a rare example of successful disarmament. In a 1997 report, the British American Security Information Council (BASIC) suggested that lessons can be extracted from the Malian disarmament experience that are applicable both on the African continent and beyond.

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While the circumstances and preconditions for peace differ somewhat from country to country, the general conceptual approach applied in Mali can provide lessons applicable to the current scenario in East Timor and the troubled camps on the western half of the island. This paper interchangeably reflects on experiences with small arms in East and West Timor. It is believed that the precursors of violence in one are the same as the other—small arms in the control of unfettered militias.

MALI'S SMALL-ARMS REDUCTION

A civil conflict in Mali smoldered for ten years between the autonomy-seeking Tuareg nomads and the Malian government until a peace accord was agreed upon in 1992. However, despite this proposed reconciliation, the flow of small arms was unremitting and civil conflict persisted. Ultimately, its inability to rein in the violence prompted the Malian government to seek the disarmament advice and assistance of the United Nations.⁵

The Mali mission was undertaken at the request of the government of Mali and with the cooperation of the opposing Tuareg group. It was a smooth operation because it slid nicely into the basic paradigm of peacekeeping, which urges the consent of parties and impartiality. In the end the majority of the rebels came forward to retire their weapons.

Mali's successes offer lessons for East Timor.

Of indisputable importance in Mali was the government's commitment to remedying the small-arms problem, demonstrated by its asking the United Nations to provide support to deter violence within Mali's sovereign domain.⁶ Secondly, Mali employed a "security first" method, urging general societal security with the police or the national guard firmly in place and prepared to defend the personal security of inhabitants.⁷ Lastly, while the government collected and destroyed the arms that littered the country, it also heralded the necessity of regional measures, which would halt the seeping of arms through porous borders.⁸

Mali's successes are attributed not only to arms reduction but also to efforts to reform and reintegrate soldiers capable of maintaining a secure environment. President Konare stated that it was integral to peace-building efforts for armed factions to be disarmed, demobilized, and given constructive roles in society.⁹ Once militias lost their weapons, it was important to disarm or dismantle their existing norms of behavior. The conceptual underpinning was that "disarmament and human development are linked."¹⁰

According to Conciliation Resources, "the agreement to disarm must be universal and the process supervised by a neutral body that is acceptable to all parties."¹¹ In the Mali case, not only was the supervisor of the process neutral, but also the entire population was encouraged to take a stake in and ownership of it.¹² In addition to the neutrality of the custodian of the process, there were three major components to the Malian success: 1) the participation of traditional community-based organizations,

which ensured confidence in the process; 2) the cooperation of surrounding states (Niger and Burkina Faso were engaged, ensuring that new cross-border shipments of arms were derailed); and 3) development initiatives that accompanied the removal of arms.¹³

The achievement is also due to the incorporation of a broad approach to conflict management, which tackled the root causes of strife, including poverty, development issues, and social disorder.¹⁴ The Brahimi Report on UN peacekeeping operations suggests that “demobilized fighters (who almost never fully disarm) will tend to return to a life of violence if they find no legitimate livelihood, that is if they are not reintegrated in to the local economy.”¹⁵ In Mali, reintegration efforts included personal economic security with funds made available to former militiamen to begin microenterprise projects.¹⁶

Three components identified by UNIDIR as integral to the establishment of stability in postconflict situations were present in the Mali small-arms reduction program:

- 1 the implementation of a comprehensive, systematic disarmament program as soon as the peace operation is set up;
- 2 the establishment of an arms-management program that continues into the postconflict reconstruction processes; and
- 3 the encouragement of close cooperation on weapons control and management programs between countries in the region where the peace program is being implemented.¹⁷

Rarely, if ever, were these elements present during the process of disarmament undertaken by Indonesia within West Timor and on its border with East Timor. Disarmament was not initiated successfully, nor were sufficient attempts made by Indonesia to engage the international community in its disarmament plans.

The successful comprehensive disarmament program undertaken in Mali provides an acceptable model for emulation in West Timor and in some areas in East Timor. While underscoring that circumstances are quite different—namely, cooperation was present at all levels in Mali—it remains that there are lessons to be learned from the model that Mali’s actions provided.

SMALL ARMS: EAST TIMOR

Portugal vacated East Timor shortly after a civil war raged out of control between independence and integration militias in 1974. In the power vacuum that ensued, Indonesia snatched East Timor through military intervention. Soon after, in 1976, East Timor was annexed against the will of its people and made a province of Indonesia.

Since that time, movements against the Indonesian government have pushed for independence. Under President Suharto, those initiatives were suppressed with force by Indonesia throughout the 1980s.¹⁸ Finally in 1999, after Suharto’s downfall,

Indonesia's interim president B.J. Habibie agreed to a referendum that would address the question of independence.

Prior to the August 1999 referendum, the prointegration factions—supported and controlled by elements of Indonesia's military—assaulted the population with complete impunity, pushing their corresponding political agenda and leaving a general atmosphere of insecurity.¹⁹ Considering the perilous climate before the vote, UN secretary-general Kofi Annan implored the Indonesian authorities to first remove weapons from militias and then allow a neutral international force to monitor the referendum.²⁰ His plea fell on deaf ears.

On August 30, 1999, East Timor held its referendum, with an overwhelming 78.5 percent of the population voting in favor of severing relations with Indonesia.²¹ Unfortunately, their celebration was short lived. From as early as two days to one week after the vote, the International Federation for East Timor (IFET) Observer Project reported that militia members armed with automatic weapons were terrorizing the population, with “extreme bursts of gunfire” and exploding hand grenades.²² Needless to say, the wishes of the East Timorese as expressed in the referendum were not respected. Quite the contrary: the prointegration factions demolished almost everything in sight after the referendum, including the immediate hope for a peaceful community. The magnitude of the disaster was captured in the UN secretary-general's report, wherein the situation in East Timor was referred to as a “humanitarian crisis of massive proportions.”²³ In the end, the systematic destruction by the pro-Jakarta militias left “three quarters of the population displaced, and three quarters of buildings burned or razed.”²⁴

How was it possible for this violence to spread like brushfire? Action in Solidarity with Indonesia and East Timor (ASIET) reported that “unwittingly the role of the maintenance of peace and security was delegated to Indonesia (consequently the Indonesian police and military) in a May 5 agreement signed by Indonesia and Portugal under UN auspices.”²⁵ It is important to underscore that, according to the United Nations, “large elements of Indonesian military and police” were behind the violent actions of the prointegration militias.²⁶ Unlike in Mali, the importance of security was not stressed enough in this potentially explosive situation. Indonesia's complicity and entanglement in militia violence left little room for the prospect of a secure environment.

One might conclude that since a situation of war was not present in early August 1999, security was a secondary notion. But Indonesia was well armed and could supply vast weaponry to prointegration militias. As such, it was somewhat predictable that a noxious situation would erupt after the vote for independence. It was known that guns were ever present in East Timor, and that the potential for destruction lurked prior to the vote. On August 17, 1999, IFET issued a statement that described “widespread reports of arms shipments entering the territory.”²⁷ However, in the fear of losing the long sought-after opportunity for a referendum, the United Nations and the international community accepted that Indonesia would be responsible for security.²⁸ Disarmament as a component of an overall security scheme appears to have been nudged to the side. In retrospect, the elements of a disaster were in place: a

prevalence of arms combined with an array of internal problems, including political grievances and inevitable tensions no matter what the outcome of the vote.

SMALL ARMS: WEST TIMOR

There has been a deluge of small arms in Indonesia throughout the past two decades. The danger, as Michael Renner has stated in general, is that "the easy availability of small arms has made recourse to violence more likely."²⁹ Acts of violent crime have been documented in West Timor for more than one year. Since militias moved from East to West, the problems of weaponry and violence simply shifted geography. Karen Orenstein of East Timor Action Network visited the camps in September 2000, noting that militias guilty of rape and mass murder "have access to modern weapons" and exist shoulder to shoulder with the East Timorese refugees.³⁰ The effects of small arms and militia activity on the civilian populations in West Timor camps call for a reexamination of the approach to cleaning up and controlling the weapons following the vote. Although East Timor has stayed out of the news in terms of reports of violence, the same militias, with the same guns, are wreaking havoc elsewhere on the island. As Secretary-General Annan said in a recent report on the protection of civilians in armed conflict, citing the example of West Timor, "failure to separate armed elements from civilians has led to devastating situations in and around camps."³¹

It is critical that security and then the humanitarian presence be restored.

The intimate relationship of guns to civilian harm was portrayed in the 1997 study by the International Committee of the Red Cross. Recalling the years of Indonesian rule, Medical Aid for East Timor notes that women were sexually abused, assaulted, and made sexual slaves by prointegration militiamen during Indonesia's twenty-five-year reign of terror. Understanding the context of their fear and following decades of such intimidation, it is easy to appreciate the concerns of the East Timorese in the camps. Lamentably, nearly one-eighth of the East Timorese population rests uneasily in a hostage-like situation across the border in West Timor, under the uncertain care of Indonesia. Their attempts to leave have been blocked by armed militiamen.

In a thorough examination of the situation in East and West Timor, Hainsworth and McCloskey list two priorities for the island: the disarming of militants followed by the assured safe return of refugees home to East Timor.³² The murder of UNHCR aid workers by pro-Jakarta armed forces was followed by the flight of 400 aid workers.³³ This led to a further deterioration in the security and health of the refugees in camps. Since humanitarian workers have left West Timor due to the precarious security situation, it is critical that security and then their presence be restored. The violence eroding the physical and also mental health of East Timorese makes a persuasive case for Indonesia and the international community to invest in a timely solution.

Recalling Mali, it is evident that the policing of the region with neutrality and persistence and the removal of small arms are inescapable priorities.

Complicating the control of weapons in the hands of militias and paramilitaries in places like West Timor is their legitimate presence under state law.³⁴ Restraining the flow of weapons from the military to paramilitaries and civilians must compete with a culture of tolerance for guns and their presence in everyday life. In East Timor, and now in West Timor, Indonesian authorities have not made a suitable effort to outlaw the holding of military-style weapons by rogue groups.³⁵ The former head of the Jesuit Refugee Service, Mark Raper, lamented that "there is no process of accountability for the perpetrators of violence."³⁶

COMPREHENSIVE MEASURES

Removing arms from the hands of the instigators of conflict is only one element of a vast, long-term, and intense project. On a superficial level, it seems that the munitions cause the atrocity. Yet the malice with which a weapon is fired is also an articulation of internal decay in society. The need for a comprehensive approach is apparent, as the issue of disarmament must address not just the presence of weapons in West Timor but also a lack of security systems and uncertain justice.

The idea of comprehensive disarmament was expressed by small-arms expert Edward J. Laurance of the Monterey Institute of International Studies, who highlighted that "solutions will require a broad scope of policy options involving such areas as development, human rights, refugees, judicial systems and police work."³⁷ Understanding this reality, "the root causes of conflict, issues of structural instability . . . need to be addressed concurrently to the small arms reduction process."³⁸ Herein lies the success of the Malian process.

Simply removing weapons without concurrent rehabilitation of warring societies is insufficient. Sergio Vieira de Mello urged that beyond retrieving the weapons, it is also vital to "dismantle the militias—otherwise it won't take long for them to reorganize and rearm."³⁹ Consequently, in the absence of meaningful livelihoods after conflict, former combatants aim their weapons toward criminal uses (theft) or for senseless civilian attacks. Pro-Jakarta militiamen, for example, have been making a living by looting shops, robbing locals, and redirecting the few humanitarian supplies to themselves as leaders.⁴⁰

Once militias are dismantled, the Indonesian authorities should be prepared to rehabilitate the bulk of soldiers, prosecute offenders, and reintroduce the others into society. Studies have shown that demobilization of thousands of soldiers, guerrillas, or police without adequate structures to occupy them and to provide them with a sustainable means to earn a living can cause immediate chaos and intensified crime.⁴¹

In September 2000, under the pressure of the UN Security Council, Indonesia undertook a half-hearted weapons collection program.⁴² At this point it has not moved beyond a sporadic collection of weapons. Participation in the gun buy-back program remains voluntary, and "Timor militiamen are unwilling to give up their guns . . . as the weapons come in handy to extort and bully East Timor refugees."⁴³

Apart from the monetary, there is no incentive for an important behavioral change. The program is not truly enforced with adequate incentives or the law. Militias dig in their heels and continue to tote weapons. Even the monetary incentives are not so great: although the weapons can be turned in for a one-time sum of money, the holders of the weapons can make more money in the long run by seizing goods from humanitarian sites or by looting stores on a regular basis.

Outlawing military-style weapons and enforcing the approach undertaken in Mali can pave the way for militia members to move on with their lives. Although the pro-Jakarta players are not compliant thus far, it can be said that the principles articulated by the Malian president—that armed factions must be disarmed, demobilized, and given constructive roles in society—still apply and should be sought after as an ideal.

LOOKING BACK, STEPPING FORWARD

Disarmament on the island is creeping forward at a slow pace. Well over a year ago, the Indonesian government issued an assurance that they would secure the environment for the East Timorese.⁴⁴ However, the intimidation of refugees continues in West Timor and the threat of violence looms.

There is no incentive for the militias to undertake an important behavioral change.

UNIDIR noted in the aforementioned study that “arms must be managed early in the mission.”⁴⁵ Such was the case in Mali. Conversely, “last year (in East Timor) they were armed with pipe guns and machetes and now they carry automatic rifles and hand grenades.”⁴⁶ Recalling the points in the UNIDIR study listed previously, it is essential first that a disarmament program be set up swiftly. Secondly, an arms management or reduction program must be continued into the reconstruction phase. In late September 2000, Indonesia’s security minister Yudhoyono said that the collection of firearms would soon be under way. Unfortunately, there was no mention of “disbanding militias, raised and trained by the Indonesian military during their 24 year occupation with East Timor.”⁴⁷ One should note that a “comprehensive” disarmament program never really lifted off. Besides collecting weapons, human rights abuses must be addressed, and the rule of law must be enforced.

Part of developing the community should be the establishment of immutable boundaries to acts of violence with weapons. In the Report of the Security Council Mission to Jakarta and Dili, it was noted that pro-Indonesian militias were undertaking atrocities and threatening the population with complete impunity.⁴⁸ The political push for punishment to counter the atrocities has not been implemented despite the reports of human rights abuses noted in several UN documents. Human rights violations continued for a year after the vote, and “2000 saw a steady decline in Indonesia’s willingness and or capability to achieve justice.”⁴⁹ Even Indonesian vice air marshal Graitto Usodo said in an interview that in order for disarmament to be successful, “the

disarmament process had to be seen as part of the framework of the rule of law in Indonesia.”⁵⁰

The last and essential point must be the encouragement of cooperation of countries in the region. In this case, because East/West Timor is an island, the responsible and most influential party is Indonesia. Yudhoyono acknowledged that “some military officers still feel kinship towards the militias”⁵¹—causing uncertainty in how to deal with them. Yet this is no excuse for allowing their behavior.

Suppliers of arms too have a responsibility to curb the infusion of arms to situations where human rights are not regarded. After all, “much of the supply and acquisition of small arms and light weapons is legitimate trade which occurs among governments or among legal entities authorized by governments.”⁵²

CONCLUSION

The pernicious effects of small arms first in East and then in West Timor beleaguer the process of building a safe and independent East Timor. The escalation of local crime following major conflict has been widely documented to be injurious to the reconstruction of any state.⁵³ Aside from the imperative to remove arms, the comprehensive concept of disarmament introduced by the United Nations and undertaken successfully in Mali should be implemented. There is no other case precisely like that of East and West Timor. However, as a point of departure, it should be noted that there are models of successful disarmament, as in Mali.

The occasion of the UN 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects offers the opportunity to look at one fatal aspect of small arms—the illicit transit of weapons. Will it result in an answer to the problem of reluctant sovereign states entrusted with weapons removal? Will it tell us what to do now with existing weapons in places like West Timor?

The example of Mali offers some answers. As for the rest, it is up to the international community of small-arms activists (IANSA) and like-minded governments to put such issues onto the international agenda. States sharing responsibility for the outcome of the forthcoming conference should reflect on the East Timorese civilians still running from bullets long after having their say at the polls; and they might also consider why those who fled remain in the fragile security of a West Timor camp.



Notes

1 International Committee of the Red Cross, *Arms Availability and the Situation of Civilians in Armed Conflict* (Geneva: ICRC Publications, 1999), p. 71.

2 K. Orenstein, “The refugee crisis and accountability: Observations and analysis of a fact-finding mission to the East Timorese refugee camps in West Timor,” 2000 (available: <http://www.etan.org/news/2000a/deleg3.htm>).

3 D. Farsetta, “West Timor Refugee Crisis Continues,” *The East Timor Estafeta*, vol. 7, no.2, Spring, 2001, p.

4. In total, 260,000 East Timorese were displaced to West Timor.

4 The UN resolution “Consolidation of Peace Through Practical Disarmament Measures” (A/RES/54/54, p.16) defines “comprehensive” as small-arms control with “confidence building measures, demobilization and

reintegration of former combatants." For the purposes of this article, I include social reconstruction, economic development, human rights, and supply-side control under this umbrella.

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17 V. Gamba in E. A. Zawels et al., "Disarmament and Conflict Resolution Project—Managing Arms in Peace Processes: The Issues," UNIDIR, 1996, p. xvii.

18 S. Traub, "Inventing East Timor," *Foreign Affairs*, vol. 79, no. 4, July/August 2000, pp. 74–89.

19 Report of the Security Council Mission to Jakarta and Dili, UN Doc. S/1999/976, September 14, 1999, para. 14.

20 Traub, "Inventing East Timor."

21 For background information, see the United Nations Transitional Administration in East Timor (UNTAET) (available: <http://www.un.org/peace/etimor/UntaetB.htm>).

22 "Ominous Signs only Two Days After Historic East Timor Vote: Militia Roadblocks and Widespread threats Against Local Population, International Observers and UNAMET Personnel," International Federation for East Timor Observer Project, IFET-OP Report #8, September 1, 1999 (available: <http://etan.org/ifet/report8.html>). See also "Media Alert. Militia Attacks in Dili" (available: <http://www.wetan.org/ifet/media12.html>) and "Militia Attacks in Dili" (available: <http://www.etan.org/ifet/media11.html>).

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24 IFET Letter to Security Council Members, September 15, 2000 (available: <http://www.etan.org/ifet.scletter02.html>).

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