

# The Historical and Asia-Pacific Perspective

by Mitsuro Donowaki

## GLOBALIZING DISARMAMENT

During the cold war, conventional weapons seldom were a major disarmament issue. Nuclear disarmament, or the control of missiles and other delivery means of nuclear weapons, always topped the disarmament agenda, followed by other weapons of mass destruction, such as chemical and biological weapons. When I arrived in Geneva in the fall of 1989 as a newly appointed ambassador of Japan to the Conference on Disarmament, the cold war was ending, with the fall of the Berlin Wall in November of that year and the Bush–Gorbachev Summit Meeting in Malta in December. Still, disarmament representatives in Geneva, including myself, were to be kept fully busy for several more years with the negotiations of the Chemical Weapons Convention, and then of the Comprehensive Test Ban Treaty. In the meanwhile, the collapse of the Soviet Union in 1991 prompted world leaders in the capitals of the northern hemisphere to deal hastily with the possible threat of nuclear proliferation.

Against this background, the Iraqi invasion of Kuwait in the summer of 1990 had the unexpected effect of suddenly making conventional weapons one of the priority disarmament issues. It was estimated that from 1983 to 1989, arms imports made up a staggering \$53 billion of the total \$92 billion of Iraqi imports.<sup>1</sup> During those same years, the world average of arms imports as against total imports was less than 3%. At the same time, about 85% of the total arms imports by the Middle East originated from the five permanent member states (P-5) of the UN Security Council. If the P-5 could have exercised some restraint in their zeal to sell arms to Iraq, the latter certainly would not have become a regional military giant so easily. It was with this sobering reflection that the P-5 undertook several rounds of talks on the restraint of conventional arms exports in 1991 and 1992, but without much success. After all, the control of trade in conventional arms is easy to talk about but hard to realize, for a number of good reasons—the inherent right of states to self-defense, including their right to import arms; the principle of free trade; sales competition among major exporters of arms; and loopholes for illicit trafficking, to name just a few.

It was in light of such circumstances that Japan and the European Community (the European Union [EU] of today) established the United Nations Register of Conventional Arms in 1992. Member states were called upon to report in the register, on

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a voluntary and annual basis, the export and import in seven categories of conventional weapons such as battle tanks, armored combat vehicles, large caliber artillery, combat aircraft, and attack helicopters. Only the number of such major weapons imported or exported, together with the names of the exporting or importing countries, was required.

Thus, the Conventional Arms Register was established not as an export control measure but as a transparency and confidence-building measure. With such a global reporting mechanism, states could avoid unwarranted fears about secret military build-ups on the part of their neighbors. The usefulness of such a transparency and confidence-building measure came to be recognized through the experience of the negotiations that led to the conclusion of the Treaty on Conventional Armed Forces in Europe in 1990.

However, when Japan and European states introduced a draft resolution to the UN General Assembly in 1991 aiming to establish the register, it took an enormous amount of time and effort to persuade the rest of the international community. We had on our side the fact that the initiative came from Japan and the European states rather than the superpowers. Consequently, although a number of countries outside Europe, and particularly their militaries, still tended to believe that military secrecy served their security interests best, the resolution came to be adopted by an overwhelming majority in December 1991.<sup>2</sup>

In a sense, this was a turning point in disarmament history. I recall a diplomat from a nonaligned country's once confiding in me, "In the old days we used to be onlookers or demanders of disarmament that had to be carried out by superpowers and developed nations, but now they are more and more leaning on us demanding us to do this and that." In fact, the so-called "globalization of disarmament" in its true and nondiscriminatory sense started to take place around this time. This was because we were no longer talking only about the weapons of mass destruction held by a handful of countries, but about the conventional weapons held and traded by almost all countries. Approaching its ten-year anniversary in 2002, the UN Register of Conventional Arms has fared reasonably well—with an average of more than 90 states participating every year, 146 out of the 186 member states of the United Nations reporting at least once as of August 2000, and the data thus registered covering most of the global trade in conventional weapons.<sup>3</sup>

## ENTER SMALL ARMS

The issue of small arms, which was to occupy the center stage of disarmament activities in subsequent years, did not attract much attention at the time that the UN Register of Conventional Arms was established. Indeed, it was only from around 1992, with the brutal civil wars of Somalia, Angola, and Rwanda, that the problems of small arms and light weapons (SALW) came to be recognized as a matter of serious concern to the international community. The number of lives lost was staggering: more than 2.5 million in these three conflicts alone. If we consider that the number of

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Hundreds of thousands of civilians, mostly women and children, are being killed or forced to become refugees as a result of subregional and intrastate armed conflicts. In these conflicts, fought mostly in Africa but also in many other parts of the world, SALW are the weapons of choice because they are easy to obtain, carry, and use in irregular warfare, where noncombatant civilians can be made targets.

As far as I can recall, the first time the United Nations was formally asked to take up the serious problems of SALW was in October 1993, when the president of Mali requested Secretary-General Boutros Boutros-Ghali's assistance in the collection of weapons widely circulating in his country even one year after a successful cease-fire. At a meeting of the secretary-general's Advisory Board on Disarmament Matters in January 1994 in Geneva, he informed the board about this request and his intent to send an advisory mission to Mali.

Also, in his opening address to this meeting, Boutros-Ghali stated, "Regional registers of conventional arms should now be the next step. They have the advantage of allowing the categories of weapons to be registered to reflect the security concerns felt in the region."<sup>4</sup> This statement, however, reflected an incomplete grasp of the real nature of the problem. The UN Register was, as described above, for larger conventional weapons easy to identify and to count, and for greater transparency and confidence-building among countries. Small arms, in contrast, are too numerous to identify and count and too easy to conceal and smuggle, making transparency measures difficult to implement, particularly in underdeveloped regions. What was needed, as was evident from the request of the president of Mali, was immediately to collect and destroy these weapons rather than to count them.

In January 1995, in his "Supplement to an Agenda for Peace," Boutros-Ghali made a more formal appeal to the international community to deal urgently with what he called "micro-disarmament"—the problems of small arms and antipersonnel landmines. "Progress since 1992 in the area of weapons of mass destruction and major weapons systems must be followed by parallel progress in conventional arms, particularly with respect to light weapons."<sup>5</sup> In response to this appeal, the General Assembly established the Panel of Governmental Experts on Small Arms. The panel, which I had the honor to chair, held regular sessions plus three regional workshops in Pretoria, San Salvador, and Kathmandu. We also encouraged input from about six-dozen experts from academia, civil society, and regional security authorities.<sup>6</sup>

The panel's 1997 report<sup>7</sup> included twenty-four measures "to prevent and reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons," as was specifically mandated by the General Assembly. Some of these recommendations were further refined or developed in the 1999 Report of the Secretary-General prepared with the assistance of the follow-up Group of Governmental Experts.<sup>8</sup> The reports of both the 1997 panel and the 1999 group were presented to Secretary-General Kofi Annan, and through him to the General Assembly.

*Prevention Measures.* The panel recommended norms and guidelines to prevent the excessive accumulation and transfer of small arms and light weapons. Most important among them was the recommendation that all states implement the 1996 United Nations Disarmament Commission Guidelines for International Arms Transfers,<sup>9</sup> with particular emphasis on the need to have in place adequate national laws and regulations concerning the legal possession, manufacture, and transfer of such weapons.

In response to the panel's recommendation that "the United Nations should consider the possibility of convening an international conference," the General Assembly decided to convene a UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001. The rationale behind the conference was that prevention of the excessive accumulation and transfer of such weapons could not succeed without an attempt to eradicate the illicit arms trade, and that in turn such an attempt could not succeed without the concerted efforts of the entire international community. Thus, the illicit trade in small arms was from the beginning treated as a problem closely linked with that of the excessive accumulation and transfer of such weapons.

*Reduction Measures.* The 1997 report recommended that the regions or subregions affected by SALW strengthen cooperation among police, intelligence, customs, and border control officials and establish networks of information sharing for this purpose. In a sense, this was an answer to the suggestion that regional registers of small arms be established. On the other hand, it was evident that such efforts by the affected regions and subregions alone would not solve the problem. Therefore, the panel recommended that the United Nations develop guidelines so that peace agreements and peacekeeping mandates would clearly provide for the collection and disposal of such weapons in a postconflict situation.

## INTEGRATING SECURITY AND DEVELOPMENT

Drawing on the reports of the secretary-general's advisory mission to Mali and other countries in West Africa, the panel recommended that the United Nations and all others engaged in development assistance activities adopt and promote a "proportional and integrated approach to security and development" in order to reduce the excessive number of small arms and light weapons circulating in such regions. This integrated approach reflects the finding that people in postconflict regions will not readily give up their weapons unless they feel that local authorities are competent enough to protect their lives and property. Hence a comprehensive approach to secu-

rity and development would include security-sector reforms and the establishment of good governance mechanisms.

These recommendations came to be implemented rather well. After a series of studies and workshops organized by the Department of Peace Keeping Operations (DPKO), the secretary-general submitted to the Security Council a report entitled "The Role of United Nations Peacekeeping in Disarmament, Demobilization and Reintegration" in February 2000.<sup>10</sup> "DDR," the acronym for "disarmament, demobilization and reintegration," is now popularly used in relation to the issue of small arms in postconflict regions.

Most donor countries also endorsed the security and development approach. For example, both the Joint Action of the European Union of December 1998 and the OSCE Document on Small Arms of November 2000 refer to the need to assist DDR programs in postconflict regions and to adopt a comprehensive approach to security and development.

The problems associated with the excessive accumulation and transfer of SALW can only be resolved through the two-pronged approach of "prevention" and "reduction." On the one hand, excessive accumulation and transfer of small arms and light weapons has to be "prevented" by establishing norms or guidelines for all members of the international community in controlling the supply of such weapons. On the other hand, the amounts of such weapons have to be "reduced" in the regions of the world already seriously suffering from excessive accumulation.

## THE UN CONFERENCE

The 1999 Report of the Group of Governmental Experts on Small Arms recommended that the 2001 UN Conference on small arms aim to 1) strengthen or develop norms at global, regional, and national levels to prevent and combat illicit trade in small arms and 2) develop agreed international measures to reduce the excessive and destabilizing accumulation and transfer of such weapons, with particular emphasis on the most affected regions. Mobilization of political will for this purpose and the adoption of substantive documents, including an international action program, were also recommended.

It is generally along the lines of these recommendations that the Preparatory Committee (Prep Com) of the conference has been carrying out its work. During the course of its second and third sessions, held in New York in January and March 2001, a draft program of action was carefully prepared and deliberated under the able chairmanship of Ambassador Carlos Dos Santos of Mozambique.<sup>11</sup> In addition, a number of regional entities have been preparing for the conference to varying degrees.

*Regional Preparation.* The recommendations contained in the 1997 panels and 1999 group's reports have been well received and vigorously followed up in Europe and North America through the adoption of the EU Joint Action of December 1998 and the OSCE Document of November 2000. In Africa, the region most seriously affected by the problems of small arms and light weapons, diverse subregional and continent-wide initiatives have been taken in the past few years. For example, in Oc-

tober 1998, the members of the Economic Community of West African States declared a three-year moratorium on the imports, exports, and manufacture of small arms and requested the cooperation of other states both within and outside of Africa. The following month, a ministerial meeting of the Southern African Development Community and the EU approved an action program concerning the proliferation of and illegal trafficking in small arms. In March 2000, at a regional meeting in Kenya to discuss the issue of small arms, the foreign ministers of ten countries signed the Nairobi Declaration on the Problem of Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa.

As a continent-wide initiative, the Assembly of Heads of State and Government of the Organization of African Unity (OAU) decided in July 1999 to take a coordinated African approach to the problems of small arms. Following this decision, after a preparatory conference of continental experts held in May 2000 in Addis Ababa, the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons was issued on December 1, 2000. The declaration, which is fairly comprehensive and detailed, called for "a realistic and implementable program of action" to be adopted by the UN conference. It also appealed for international financial and technical support for initiatives and programs aimed at eradicating the illicit trafficking of small arms and light weapons, the reintegration of demobilized youths, and so forth.<sup>12</sup>

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## **Governments are wary of attempts to restrict their right to import small arms and light weapons needed to maintain internal order.**

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The Latin American and Caribbean region, also seriously affected by the problems of small arms, concluded an Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials in 1997. The convention provided for national legislative measures to establish as criminal offenses the illicit manufacturing of and trafficking in firearms, as well as requirements for marking and export/import licenses.

In November 2000, the Brasilia Declaration of the Regional Preparatory Meeting of the Latin America and Caribbean States was adopted. The relatively short declaration reiterated the importance for the UN conference to take into account the specific needs and experiences in individual regions, subregions, and countries, stating that in their region the illicit trade in small arms was mainly related to drug trafficking, terrorism, transnational organized crime, mercenary activities, and other criminal acts and conduct.

In comparison, the Asia-Pacific region may appear to lag behind in its preparation for the UN conference on small arms. There are several possible reasons for this. First, this region as a whole is not besieged by regional or internal armed conflicts, which may account for a relative lack of interest in the problems related to small arms and light weapons. Secondly, this region is neither a major supplier of small arms, as

are North America and Europe, nor a major recipient of such arms, as are Africa, Latin America, and the Caribbean. Thirdly, in most Asia-Pacific countries, governmental authorities are in good control of internal order and security, including criminal and terrorist use of such weapons. Lastly, the Asia-Pacific region comprises subregions and countries with diverse cultures, interests, and concerns, making it difficult to find a common approach on almost any issues. For example, the Asia-Pacific does not have a regional organization comparable to the OAU, OAS, and OSCE: the Association of South-East Asian Nations (ASEAN) Regional Forum (ARF) is not much more than an informal forum for dialogue created only seven years ago.

Of course, this does not mean that the Asia-Pacific region can remain indifferent to the problems related to small arms. In today's world of globalization, a matter that is of great concern to three other continents cannot fail to be a matter of great concern to this region as well. Therefore, several attempts have been made during the course of the last year to look at the issue of small arms from regional or subregional perspectives. In May 2000, the government of Indonesia hosted, with the cooperation of the UN Regional Centre for Peace and Disarmament in Asia and the Pacific, the Jakarta Regional Seminar on Illicit Trafficking in Small Arms and Light Weapons, in which all the ASEAN countries participated. Then, in June 2000, the government of Japan hosted the Asia Regional Workshop on Small Arms in Tokyo with the participation of representatives from about a dozen countries of the Asia-Pacific region as well as eighteen countries from other parts of the world. Also in June 2000, the Regional Centre for Strategic Studies in Colombo hosted the Conference on Small Arms and Light Weapons Proliferation in South Asia in Kandalama, Sri Lanka. Five months later, the first ARF Experts Group Meeting on transnational crime was held in Seoul, Republic of Korea, and included discussion of small arms and light weapons. Lastly, the Pacific Island Forum (called the South Pacific Forum until last year) has been organizing the South Pacific Chiefs of Police Conferences for the past few years to discuss the control of firearms, ammunition, and other related materials.

As these meetings were held, it became clear that some Asia-Pacific subregions do suffer from the acute problems of small arms and light weapons. Indeed, at least three subregions have expressed their strong interests to be actively engaged in the efforts to prevent and reduce the excessive and destabilizing accumulation and transfer of such weapons.

1) *Cambodia*. In Cambodia, where prolonged civil wars came to an end several years ago, the government has been making efforts to collect and destroy weapons since 1997. In 1998, the Working Group for Weapons Reduction, a group of local and international NGOs, started to cooperate with such actions. The international community also joined these efforts. In March 2000, the European Union Assistance in Curbing Small Arms and Light Weapons in Cambodia (EU ASAC) began to conduct a feasibility study on pilot projects that may be called "weapons for development" projects. Japan also started to send several missions to Cambodia to discuss weapons issues, after a promise made by the late Prime Minister Keizo Obuchi during his visit to Cambodia in January 2000. Then, in July 2000, at the Japan-EU Summit

meeting held in Tokyo, it was announced that “Japan and the EU will assist Cambodia in its efforts to resolve the issues related small arms in the country.”<sup>13</sup> This was followed by a UN mission sent by Secretary-General Kofi Annan in January 2001 to study the role that may be played by the United Nations in assisting DDR programs in Cambodia.

The strong wish of the Cambodian government to tackle the problem of excessive availability of small arms was evident at the ARF CBM Seminar on Conventional Weapons Transfers hosted in Phnom Penh in February 2001 with the cosponsorship of the governments of Canada and Japan. I remember well the speech made by Mr. Uch Kiman, Secretary of State of the Ministry of Foreign Affairs and International Cooperation, in which he said, “We need your help to consolidate peace, to demobilize our armed forces—not to send them to the front lines—to collect weapons and to destroy them—not to ask for military assistance or military hardware to fight any war.”<sup>14</sup> This was followed by another international symposium on “Culture of Prevention” organized by the Foreign Ministry of Japan in Tokyo one month later. At this symposium, attended by a wider international audience, Lt. Gen. Hok Lundy, Director General of the Cambodian National Police, made a strong appeal for assistance to “train the Cambodian police force in professionalism” and for “enhancement of the standard of living of local people . . . aiming at the implementation of weapons in exchange for development.”<sup>15</sup>

2) *ASEAN*. In other ASEAN member countries, mainly consisting of archipelagos such as the Philippines and Indonesia, the issue of small arms poses slightly different but nonetheless serious problems. As was manifested by the recent turmoil in East Timor, the primary concern for those countries in South-East Asia is how to maintain their territorial integrity while accommodating the diverse interests of numerous ethnic and religious groups. Though it may be true that there is some room for security sector reform and improved governance, national authorities in these countries invariably are anxious to stop the illicit influx of small arms and light weapons into their territories. Therefore, they have an interest in closer cooperation among regional police, border control, and customs officials and are in need of financial and technical support for the establishment of such regional networks of information sharing and cooperation.


On the other hand, since they are not the major producers of weapons, these governments are very wary of any attempts to restrict their right to import small arms and light weapons needed for the maintenance of internal order. Strict export criteria involving humanitarian criteria on the part of supplier countries might adversely affect their national interests.

For these reasons, from about the time of the Jakarta Regional Seminar of May 2000, the ASEAN countries began taking greater interest in the UN conference. As a result, during the latest Prep Com in March 2001, the Vietnamese delegation spoke on behalf of the ASEAN countries to set out the group’s basic position. This was followed by unprecedented and active interventions by the delegations of the ASEAN member countries, which can be generally characterized as thoughtful and constructive.



3) *Pacific Islands.* The Pacific island countries also are starting to show strong interest in the UN conference on small arms, since the uncontrolled possession and inflow of such weapons, even though modest in number compared to other seriously affected regions, could have extremely destabilizing effects. During the January and March 2001 Prep Com sessions, the delegations of Solomon Islands and Vanuatu, respectively, spoke on behalf of the Pacific Island Forum (PIF) to express its commitment to making a constructive contribution to the conference. As mentioned, the PIF Chiefs of Police Conference has been held the past few years, and model legislation for the control of firearms, ammunition, and other related materials is being developed. Furthermore, a workshop for the PIF countries to consolidate their approach to the UN conference is scheduled for May 2001 in Brisbane under the sponsorship of the government of Australia.

## CONCLUSIONS

It is not too late for any region or subregion of the world to join the struggle to resolve the problems of small arms and light weapons. Inevitably, it will take the concerted efforts of the entire international community to address these problems in a comprehensive way. The UN conference of July 2001 should be understood not as an end but as the beginning of a process that has to be pursued vigorously in order to make the world a safer and better place to live. 

## Notes

1 U.S. Arms Control and Disarmament Agency, *World Military Expenditures and Arms Transfers 1993–1994* (Washington, DC: GPO), p. 115.

2 UN General Assembly Resolution 46/36, “Transparency in Armaments,” was adopted on December 9, 1991, with 150 votes in favor, none against, and two abstentions (Cuba and Iraq).

3 “Report on the continuing operation of the United Nations Register of Conventional Arms and its further development” (A/55/281).

4 “The Disarmament Agenda of the International Community in 1994 and Beyond—Statements of the Secretary-General,” United Nations.

5 “Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations,” UN Doc. A/50/60, January 3, 1995, para. 63.

6 Nearly half of the presentations made have been published in *Small Arms Control: Old Weapons, New Issues*, ed. Jayantha Dhanapala et al. (Burlington, VT: Ashgate, 1999).

7 “Report of the Panel of Governmental Experts on Small Arms” (A/52/298).

8 “Report of the Group of Governmental Experts on Small Arms” (A/54/258).

9 “Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991” [Official Records of the General Assembly, Fifty-First Session, Supp. 42 (A/51/42)].

10 “The Role of the United Nations Peacekeeping in Disarmament, Demobilization and Reintegration” (S/2000/101).

11 “Draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,” A/Conf.192/PC/L/4/Rev.1, February 12, 2001.

12 For more on the Bamako Declaration, see Virginia Gamba, “African Contributions to the International Debate,” this issue, pp. 79–85.

13 “Japan-EU Summit Joint Conclusions,” Tokyo, July 19, 2000.

14 "Toast Delivered by H. E. Mr. Uch Kiman, Secretary of State, Ministry of Foreign Affairs and International Cooperation at the Reception in honor of participants to the ARF CBMs Seminar on Conventional Weapons Transfers," Phnom Penh, February 21–22, 2001.

15 Keynote address delivered by Lt. Gen. Hok Lundy, Director General of Cambodian National Police, "International Symposium on Conflict Prevention, Culture of Prevention: Multi-Actor Coordination from UN to Civil Society," Ministry of Foreign Affairs, Tokyo, Japan, March 13–14, 2001.

# African Contributions to the International Debate

by Virginia Gamba

## INTRODUCTION

In 1995, UN secretary-general Boutros Boutros-Ghali acknowledged the impact of small-arms proliferation on the security of people and made a general call for “microdisarmament,” or the reduction in the level of small arms and light weapons world-wide.<sup>1</sup> As a result of this call, the United Nations created a Panel of Experts on Small Arms and Light Weapons, which commenced a two-tier process to analyze the extent and scope of the problem of small-arms proliferation and its potential for control and reduction.

The recommendations of the Panel of Experts<sup>2</sup> led to many regional efforts to understand, control, and stem proliferation. The first to bear fruit was the Inter American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other related materials undertaken by the Organization of American States (OAS) during 1997. Since then, many other regional processes and debates have engaged the attention of the international community in preparation for a United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects (July 2001).

In parallel, the United Nations during 1998 also embarked on an attempt to reduce illicit manufacturing and trafficking in firearms. The General Assembly directed that an International Instrument (Convention) Against Trans-National Organised Crime,<sup>3</sup> which was being negotiated in Vienna, should include a protocol explicit to firearms and ammunition. That protocol, on the Illicit Trafficking and Manufacture of Firearms and Ammunition, has been a work in progress and has only been finalized during March 2001. The protocol aims at introducing measures that will be binding internationally and that will improve international cooperation to, *inter alia*, prevent and combat the illicit trafficking of firearms. Some of the aspects of the draft protocol that are of relevance to the small-arms discussions are being entertained at the UN Conference on Illicit Trade. These include obligations for governments to:

- 1) make it a criminal offense to illegally traffic, manufacture, possess, or use a firearm; to remove the markings on a firearm; or to illegally reactivate a deactivated firearm.

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- 2) adopt strict measures that require the registration and licensing of firearms brokers.
- 3) introduce legislation for the confiscation and forfeiture of firearms that have been illegally trafficked;
- 4) ensure that firearms are appropriately marked as stipulated in the protocol;
- 5) keep detailed records on firearms, including the markings at the time of manufacture, particulars of import or export licenses, and particulars of the final recipient of the firearm; and
- 6) establish an effective system of import and export licensing.

Since the Vienna firearm protocol has been in progress for so long, it follows that it has influenced the draft agenda of the UN conference. That draft agenda, for example, looks at national, regional, and global measures to improve transparency, tracing, and record-keeping; improve import and export controls; and criminalize illicit firearm offenses, among other issues. All of these recommendations echo the dimensions of the Vienna process.

Given the topicality of the small arms debate, it is fitting to concentrate here on a) the way Africa has managed this process and b) the impact of African subregional debates at the national and international level.

### AFRICAN SUBREGIONAL INITIATIVES

African subregional initiatives on small arms and light weapons commenced in 1996 and have yielded a number of positive results.

1) *ECOWAS Moratorium on the Import, Export and Manufacture of Small Arms and Light Weapons (1998)*. In West Africa, member states of the Economic Community of West African States (ECOWAS) declared a three-year renewable moratorium on the import, export, and manufacture of light weapons and adopted a Code of Conduct governing its implementation. ECOWAS has also established a regional project administered by the United Nations Development Program called the Programme for Coordination and Assistance for Security and Development (PCASED). Since its establishment in 1999, the activities planned under the PCASED have reflected a growing concern with the linkages between arms availability and a culture of violence in West Africa; revision of legislation; training of law-enforcement agencies; weapons collection and destruction; and improvement in record-keeping and transparency.

2) *The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa* was concluded in draft form in November 2000. The implementation mechanism is entitled "Draft Coordinated Agenda for Action and its Implementation Plan" (2000). This draft, formally launched by the Minister for Foreign Affairs of Kenya in March 2001 in New York, consolidates regional agreement on a common institutional framework of

coordination and ensures regional cooperation. The Agenda for Action focuses on:

- 1) legislative measures;
- 2) operational and capacity-building measures;
- 3) measures for the control, seizure, forfeiture, distribution, collection, and destruction of small arms and light weapons;
- 4) information exchange and record keeping;
- 5) public awareness programs with a strong link and coordination with civil society and nongovernmental organizations.

Thus, the Nairobi Initiative focuses on the harmonization of legislation, on the improved controls over government stocks, on accountability of all stocks, on public awareness, and on improved border controls. The recommended controls affect producers, intermediaries and users.

3) *The Declaration Concerning Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC)*. This declaration was signed by heads of state in Namibia on March 9, 2001. Fourteen countries in southern Africa committed themselves to taking all necessary steps to prevent, combat, and eradicate the trafficking in and illicit proliferation of firearms, ammunition, and other related materials in the SADC.<sup>4</sup> They committed to undertaking reviews of national legislation; prohibition on unrestricted possession; regulation of central registration; regulations and controls over manufactures, imports, exports, transfer, possession, and use; standards for marking; regulations over brokers; legislation to comply with sanctions on violation of embargoes; improvement of operation capacity to combat the illicit trade; promotion of national and regional public education programs to reduce demand; improved controls over state-owned small arms and light weapons; development of effective programs for collection, storage, and destruction of surplus and redundant stocks; joint and combined regional operations to locate, seize, and destroy caches; development of programs to reduce legal firearms possession and availability; provision of mutual legal assistance to suppress illicit manufacturing, trafficking, possession, and use of arms; information exchange and transparency; and institutionalization of measures for cooperation between law-enforcement agencies in order to rub out corruption.

All of these commitments were expressed in the announcement that a legally binding instrument in the form of an SADC regional protocol will be developed along these lines, with signature and ratification expected before the end of 2001.

4) *The Southern African Police Chiefs Cooperation Organization (SARPCCO) Declaration on Small Arms and Light Weapons (1999)*. The police agencies of Africa have also been engaged in discussions on small arms and illicit trade, and it is important to note progress in their deliberations. In 1998, SARPCCO issued the first formal declaration of its kind on the issue of the negative impact of arms availability on crime and human security. Since then, SARPCCO has been involved through its legal subcommittee in providing assistance to the SADC secretariat on the drafting of the

Regional Protocol on Firearms. Furthermore, it has begun a police process leading to the creation of a regional database on seized and captured arms.

5) *The Eastern African Regional Police Chiefs Cooperation Organization*. In Eastern Africa, during 2000, the regional police organization (EARPCCO) engaged in discussion and workshops leading to the creation of an Action Programme to combat small arms proliferation in the region. These discussions have focused on:

- the urgent need to strengthen legal controls on weapons possession and transfer;
- the need to enhance operational capacity to combat illicit arms trafficking;
- an emphasis on the removal and destruction of surplus weapons and on the development of education programs.

An interesting and strong recommendation from this body is the immediate need to enhance the capacity of subregional institutions for implementation of any policy on arms prevention, control, and reduction.

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**With the more practical input of those most affected, the discussion at the global level has become enriched and strengthened.**

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There have been other international efforts with direct impact on the way African subregions address the problem of small arms and light weapons. Of these, the most important is the European Union (EU)-SADC collaboration on an Action Programme for the control and reduction of illicit small arms trafficking. In 1999, an EU/SADC Working Group on Small Arms was created; it met for the first time in early 2000. Its usefulness is best expressed in terms of the Joint Communiqué of the Ministerial Conference between SADC and EU of November 2000 in Gaborone, Botswana, which states:

The Conference noted the common wish expressed by both the SADC Council of Ministers and the Council of Ministers of the EU to continue to collaborate in tackling the problems associated with the destabilising accumulation and proliferation of small arms and light weapons, with the aim of reaching further common positions and substantive results at the UN Conference on the Illicit Trade of Small Arms and Light Weapons in All its Aspects, to take place in New York on 9-20 July 2001. The Conference considered that close consultation between the EU and SADC was likely to contribute also, after the recent failure of negotiations in Vienna, to the finalising of the Protocol on the fight against manufacture and trafficking of illicit firearms and their component parts and ammunition, which was additional to the Convention against organised cross-border crime. This collaboration should be undertaken mainly through the EU/SADC Working Group on Small Arms.<sup>5</sup>

All of these subregional initiatives in Africa share a broad and comprehensive approach. Thus, most countries in Africa have found that any resolution of small-

arms proliferation must include measures that would address the prevention, reduction, and control of the problem. In so doing, the emphasis is both on improving the quality of controls and in reducing the availability of arms. This is why different subregions have arrived at similar conclusions and recommendations without necessarily having started from a broad mandate for action. Despite this being the case, the similarity in scope and character of subregional recommendations makes implementation very easy to coordinate as well as lays the grounds for improved information exchange from subregion to subregion. Thus, one of the recommendations of the OAU Ministerial Declaration of 2000 (discussed below) particularly calls on the OAU to assist in coordination of subregional program implementation.

This extensive African subregional debate has necessarily had an impact on the continental level. This was evidenced at the OAU Ministerial Meeting of December 1, 2000, in Bamako Mali, where the member countries agreed on a Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons.<sup>6</sup> In fact, the key issues taken up at the African continental level, as expressed in the Bamako Ministerial Declaration of December 2000, include many of the elements identified at the subregional level, such as the need to:

- create national coordination agencies on all aspects of the control of arms,
- enact stronger legislation with more prohibitions on possession (civilian and state);
- create programs for destruction of surplus arms and action programs for recovery and destruction,
- improve and standardize record keeping and transparency (nationally and regionally);
- ensure effective implementation of decisions through the creation of follow-up mechanisms that are mostly police-centered;
- improve coordination between civil society and government officials.

## NATIONAL AND INTERNATIONAL IMPACT

In Preparatory Committee meetings in advance of the July 2001 UN Conference, it became clear that there is a strong correspondence between the African regional processes and the ongoing international debate. This makes the potential impact of Africa on the creation of an international agenda in 2001 enormous, for three reasons.

- 1) Because the African subregional initiatives and the nature and scope of the OAU Bamako Declaration of 2000 recognize the links between the licit and illicit markets and emphasize the need for practical and feasible plans of action, the international debate will have

little choice but to consider broadening the scope of the July 2001 conference to cover the full extent of the problem.

- 2) Likewise, since African subregional and regional initiatives are concentrating on practical plans of action for their implementation, the need for a substantial follow-up process to the UN conference has already been identified.
- 3) All African initiatives so far, including the OAU Bamako Declaration, have recognized the role of NGOs and civil society in stopping the small-arms trade and in reducing its impact. This has set a precedent that will enlarge the role of NGOs during the 2001 UN Conference—a role that has already produced assistance in the identification of primary issues of concern in the drafting of the preparatory papers to the UN conference.

The elements of the African subregional initiatives, adequately reflected in the Bamako Declaration, have also acquired a strategic importance because they shed light on the basic pillars of a strategy that can ultimately unite international political will behind a common objective. For example, the link between licit and illicit trade, and the need to strengthen legal controls and the manner in which they are enforced, are on par with the need to contain and reduce illicit trafficking in arms through, *inter alia*, enhanced border control and improved exchange of information and capacity among specialized agencies.

None of these basic elements was seen in a clear-cut way in the previous discussions that the international community entertained on this subject. Before the African processes were under way, the international dialogue had two defects: 1) it looked at supply and demand issues only and 2) it was based on input and information from a very specific sector of the international community: that of weapons suppliers. With the more practical input of victims of violence and those most affected by the proliferation of arms, the discussion at the global level has become enriched and strengthened.

## CONCLUSION

The way that Africa is managing the small-arms proliferation debate should be of interest to the international community because it demonstrates that regions most affected by a problem also have a better understanding of what is needed to find permanent solutions. Since the small-arms agenda is a very real one in Africa, the solutions that are favored by Africans are much more pragmatic and comprehensive than those offered by interested members of the international community, such as the weapons-producing states. Thus, it is not surprising that, in clear recognition of the linkages and responsibilities in preventing, managing, and reducing small-arms proliferation, African initiatives are also assisting international efforts to look at a problem in a comprehensive, feasible, and long-term manner.



Lastly, by recognizing that arms proliferation and its impact on people is a collective problem that requires collective solutions, African countries are also embarking on a protracted discussion within the continent that cannot but become in itself a trust-building exercise leading to an integrated approach to human security in Africa.



### Notes

1 "Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations," UN Doc. A/50/60, January 3, 1995, p. 14.

2 UN General Assembly, A/52/298, August 27, 1997.

3 The UN Convention against Transnational Organised Crime and the two ancillary protocols, one against trafficking in women and children and the other against smuggling migrants, were signed in Palermo in December 2000. Agreement by this time could not be reached on the aforementioned protocol on firearms.

4 Letter dated March 16, 2001, from the permanent representative of Namibia to the UN under-secretary-general for disarmament affairs, UN Doc. A/CONF.192/PC/35.

5 Article 60 of the Joint Communiqué of the Ministerial Conference between the Southern African Development Community (SADC) and the European Union (EU) Gaborone, Botswana, November 29–30, 2000.

6 "OAU Ministerial Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons," Bamako, Mali, December 1, 2000, reproduced in *Agreements, Resolutions, Initiatives and other Documents on Small Arms and Related Issues*, 3d ed. (ISS, 2001).

