

production and, thus, accept that the register will be a reflection of past and general activity, not of future or contemporary specific business transactions. To counter undue time lags in the reporting process and to increase the dynamic nature of the register, it should be possible for participating states to submit data on an ongoing basis at any time.

In some instances, it may be that new production and holdings will be an essential element to be reported. For instance, if participants in the register were to be part of a declared regional moratorium on small arms production, such data would be critical to a register. Nevertheless, reporting of new production (and current holdings) might be a contentious issue among some countries in other circumstances and states may or may not choose to divulge such data in a register. From the perspective of transparency, a small arms and light weapons register would seem to benefit from having a provision for inclusion of information on national production and current holdings, whether or not participants are forthcoming with the data in the initial stages of the register's operation. There is always the possibility that the position of a particular country may change and that they may begin to report the data at a later date.

The Illicit Trade

No one is quite sure of the extent of the illegal arms trade in light weapons. Most observers estimate it to be considerable. Some commentators even place it as high as 50 per cent of the total of arms traffic.³⁵ All agree that it is a large and complex problem.

Illicit arms trafficking can include the theft of weapons, criminal or insurgent action, covert government arms transfers to foreign groups and distribution to domestic paramilitary groups by governments in power for various reasons of expediency.³⁶ These sorts of arms shipments and transfers can take place on both the black and "grey" market, the second generally encompassing the latter two state-sponsored types of arms transactions in which governments may be participants. Typically, in the black and grey markets, weapons begin their life legitimately and then are diverted or stolen, ending up as illicit.

It is unlikely that illicit arms trafficking can be satisfactorily addressed through a light weapons register. By its very illicit nature, such traffic is unlikely to be reported. It is possible that illicit actions may be revealed when one state divulges information which is not included on the data submission of the receiving state. Such discrepancies between exports and imports reported have actually occurred in the current United Nations Register of Conventional Arms but, for the most part, the cause has been a divergence of opinion about the definitions of transfer dates or definitions of types of weapons between providing and receiving state.³⁷ Another approach to addressing illicit trafficking might be to include law enforcement statistics about numbers of criminal charges, prosecutions, etc. It is arguable that such data might help provide an indication of the magnitude and nature of the illicit trafficking problem in a country. However, such data might already be publicly exchanged in other international arrangements concerning criminal law enforcement.