

In terms of SALW, it should be noted that the “rules of war” focus on the ammunition and not the delivery system (i.e. the gun). For legal, technical and other reasons it is better to focus on the ammunition than the launcher – after all, a rifle can discharge a legal or an illegal bullet. However, this approach is not useful in dealing with DEW.

Arms control agreements restricting numbers of weapons have generally not been applied to SALW. The most recent agreement of significance dealing with conventional weapons is the *Treaty on Conventional Armed Forces in Europe* (1990): it limits the number of tanks, artillery (100 mm plus), armoured combat vehicles, combat aircraft and combat helicopters that the States Parties can collectively hold in the Treaty Area. This restriction has de facto limited the number of such items held by the signatories. Similar agreements were later made under various articles of the *Dayton Accords* applicable to some states of the former Yugoslavia. Transparency agreements such as United Nations Register of Conventional Arms do not include SALW.

Multilateral and Unilateral Export/Import Constraints

There are numerous multilateral and unilateral means of preventing, constraining or regulating the flow of SALW from one state to another. Arms embargoes have had mixed success in preventing SALW flows. Failures are easier to measure than successes, and the failures are significant – witness the experiences of South Africa, Rwanda and the Balkans. Arms embargoes, whether initiated under the auspices of the UN, other international organizations or by individual states, often have the unintended result of diffusing SALW production to states that previously had no such production facilities. States such as South Africa, Israel, Pakistan, Taiwan, Argentina, and Chile have all been under various forms of embargo. The reaction of such states has been to develop a significant SALW production capability. They have also sought to cultivate an export market in order to support this expense, thus feeding the distribution of SALW into the world market.

A regulatory attempt to constrain illegal flows is manifested in The Organization of American States’ (OAS) *Convention Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Explosives and Other Related Material*. Signed in November 1997, the OAS *Convention* is a regional effort designed to control the illicit manufacturing and trafficking in firearms, ammunition and explosives.³³ Although it is too early to ascertain whether this agreement will be an operational success, there is little doubt that it has made a significant political impression.

There have been a number of declaratory resolutions and agreements of a non-binding nature that demonstrate intent and encourage adherence to a standard regarding weapons

³³ This agreement requires signatories, among other things, to develop an effective paper control system for licit exports and imports, appropriately mark all firearms, and establish as criminal offences any acts of contravention.