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**CANADA**



**LIGHT WEAPONS AND  
MICRO-DISARMAMENT**



**JANUARY 1997**

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JANUARY 1997

# **LIGHT WEAPONS PROLIFERATION AND MICRO-DISARMAMENT**

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## PREFACE

International attention concerning light weapons proliferation as an arms control and non-proliferation issue is a relatively recent phenomena. Within the framework of the United Nations a "Panel of Government Experts on Small Arms" is presently seeking to identify practical disarmament measures regarding light weapons within the context of conflicts being dealt with by the UN. A Canadian expert is a member of that panel.

Canada views the proliferation and use of light weapons to have potentially serious consequences; in particular, excessive accumulations of these weapons can pose significant dangers to internal security and economic development in many countries as well as to international peace and security. The traffic in and possession of such weapons can also have serious consequences for crime prevention as well as public health and safety.

This report reviews much of the literature on small arms and light weapons proliferation and highlights, from a Canadian perspective, a number of issues that makes this subject a complex and difficult area to address. It is the result of a background research study undertaken to assist in the work of the United Nations Small Arms Panel and is being made available with that aim in mind.

The views contained in this report are those of the author and do not necessarily represent those of the Department of Foreign Affairs and International Trade nor those who contributed advice individually or as representatives of their Department.

## **ACKNOWLEDGMENTS**

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## LIST OF ABBREVIATIONS AND ACRONYMS

ACL	Area Control List
AK-47	Avtomat Kalasnikova (designator for Russian designed automatic rifle first produced in 1947)
AKM	newer version of AK-47 (both have 30 round magazines and fire automatic or single shot)
BASIC	British American Security Information Council
CISC	Criminal Intelligence Services of Canada
CSBM(s)	Confidence and Security Building Measure(s)
CFE	Conventional Armed Forces in Europe (Treaty)
DFAIT	Department of Foreign Affairs and International Trade
DCR	Disarmament and Conflict Resolution
DV	Delivery Verification (Certificate)
ECL	Export Control List
EUC	End-User Certificate
EUS	End-Use Statements
FY	Former Yugoslavia
IL	Import Licences
IRA	Irish Republican Army
IFOR	multinational military Implementation Force (Bosnia)
IIC	International Import Certificate
NCO	Non-Commissioned Officer
NGO	Non-Governmental Organization
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
ONUMOZ	United Nations Operation in Mozambique
ONUCA	United Nations Observer Group in Central America
ONUSAL	United Nations Observer Mission in El Salvador
OSCE	Organization of Security and Cooperation Europe
PACD	Program for Arms Control, Disarmament and Conversion (MIIS California)
RCMP	Royal Canadian Mounted Police
TCP	Towards Collaborative Peace ( project of Institute for Defence Policy in Pretoria)
UN	United Nations
UNGA	United Nations General Assembly
UNIDIR	United Nations Institute for Disarmament Research
UNITAF	Unified Task Force (Somalia)
UNAVEM	United Nations Angola Verification Mission
UNOSOM	United Nations Operation in Somalia
UNPROFOR	United Nations Protection Force
UNMO	United Nations Military Observer
UNTAC	United Nations Transitional Authority in Cambodia
UNTAG	United Nations Transition Assistance Group (Namibia)

# LIGHT WEAPONS AND MICRO-DISARMAMENT

## INTRODUCTION

The demise of the Cold War and an increasing awareness of intrastate conflict, largely ethnic in nature, has focused attention on an area of arms control hitherto little explored: namely micro-disarmament as it applies to light weapons. Realization that light weapons are the primary tools in generating human casualties -- military and para-military (state); quasi-military (insurgent) and civilian -- has been recognized for some time. Until recently international arms control studies and efforts have centered almost exclusively on weapons of mass destruction and their delivery systems, and large conventional weapons systems such as tanks, armoured combat vehicles, artillery, combat aircraft and the like.

The United Nations (UN), some individual governments, non-governmental research organizations and academia began to focus increased attention on several of the issues surrounding intrastate warfare, crime and light weapon proliferation early in the 1990s. Probably the first significant international impetus to more seriously address the issue was in January 1995 when the Secretary-General to the Security Council of the United Nations in a report entitled *An Agenda for Peace* stressed the need for "practical disarmament in the context of the conflicts that the United Nations is actually dealing with and of the weapons, most of them light weapons, that are actually killing people in the hundreds of thousands."<sup>1</sup> It was within this context that the term micro-disarmament was first coined. For the purposes of this report, micro-disarmament will be understood to mean the collection and subsequent disposal of light weapons, normally through destruction, used in internal political conflict. This would not necessarily exclude the inclusion of ceilings on light weapons holdings nor the application of micro-disarmament to interstate conflict.

While the problems associated with light weapons in conflict situations were self-evident, practical solutions were not so readily apparent due to a variety of factors:

- the complexity of the matter;
- jurisdictional issues;
- definitional problems;
- the blurring of international, regional, national, sub-national and transnational domains;
- the vast number of suppliers and weapons; and
- a lack of information and research.

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<sup>1</sup> Boutros-Ghali, Boutros. *Supplement to An Agenda for Peace: position Paper of the Secretary-General on the Occasion of the 50<sup>th</sup> Anniversary of the UN*. UN General Assembly Document . A/50/60-S/1995/1, 25 January, 1995

While nothing concrete has yet materialized in the way of alleviating the issue of light weapons proliferation, some useful statistical analysis, regional studies and conceptual frameworks have been developed. As well, some operational applications have occurred that show some promise in addressing the problem of light weapons proliferation.

Efforts to examine the issue of destabilizing light weapons proliferation within the UN have begun in several areas.<sup>2</sup> UN Resolution 49/75M addresses illicit arms trafficking and Annex I of UN Document A/51/42 provides "Guidelines for International Arms Transfers ." The guidelines acknowledge a state's inherent right to self-defence and the right to acquire arms for security, thus they focus primarily on illicit arms trafficking.

As well, the "Panel of Governmental Experts on Small Arms" was formed on the basis of UNGA Resolution 50/70B on Small Arms. The panel is to prepare a report on behalf of the UN Secretary-General, paying particular attention to the role of the UN and the complementary role of regional organizations, covering the following areas:

- the type of small arms and light weapons actually being used in conflicts being dealt with by the UN;
- the nature and causes of the excessive and destabilizing accumulation and transfer of small arms and light weapons, including their illicit production and trade; and
- the ways and means to prevent and reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons, in particular as they cause or exacerbate conflict.

These proliferation and disarmament dimensions of light weapons come within the purview of the Non-Proliferation, Arms Control and Disarmament Division of the Department of Foreign Affairs and International Trade.

Within a different context, the UN Commission on Crime Prevention and Criminal Justice in Vienna is also studying the impact of small arms<sup>3</sup>, primarily within the framework of criminal activities, accidents and suicides, illicit firearms trafficking, and domestic, regional and interregional firearms regulations. A survey of 50 countries is being conducted in an attempt to obtain useful statistics that might contribute towards aiding states in reducing firearms casualties and crime. In a similar vein the Inter-American Drug Abuse Control Commission is looking at ways to control illegal trafficking of arms and explosives related to drug trafficking. Canada is represented on both of these processes by officials from the

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<sup>2</sup> See UN General Assembly. *Measures to Curb the Illicit Transfer and Use of Conventional Arms*. UN Resolution 49/75M, December 15, 1994 and UN General Assembly. *Report of the Disarmament Commission*. UN General Assembly Document A/51/42, 1996

<sup>3</sup> See United Nations. *UN Survey on Firearm Regulation: Guidelines and Questionnaire*. May 1996

Canadian Department of Justice. Canadian officials are able to draw upon their experience with a new "Firearms Act" that has become law in Canada and is in the process of implementation. The intent of this law is public safety, which depends not only on tracking firearms currently inside the country and controlling who owns fire arms, but on controlling the illicit flow of firearms into the country. How the challenge of stopping illicit and controlling legal firearm flows are being met could provide useful examples on processes and procedures in stemming the illegal international flow of light weapons. Controlling the export of both military weapons and non-military firearms is a function of the Export Controls Division of Department of Foreign Affairs and International Trade.

## **LIGHT WEAPONS PROLIFERATION: TERMINOLOGY AND ISSUES – A LITERATURE REVIEW**

While light weapons as an arms control and non-proliferation issue is a relatively recent phenomena, one anthology has determined that there are well over 80 publications on the subject.<sup>4</sup> It has been the subject of some 12 UN resolutions and documents and is a significant study area for several security research organizations and academic institutions<sup>5</sup>. Numerous presentations on the subject have been given in official and unofficial forums.<sup>6</sup> The literature; both academic and official, and theoretical and applied, is attempting to grapple with a number of conceptual and operational issues concerning light weapons proliferation. This section will highlight what much of the literature believes are some of the more important issues pertaining to light weapons proliferation. Where required, a working definition or an assumption will be offered to provide a framework for the analysis and recommendations in this study. A review of much of the available literature detects a difficult struggle in coming to terms with the complexities of the problem. As a result, there is often a tautological drift in the literature, not surprising given the extensive nature of the problem and the relatively recent focus on it as an arms control issue.

### **Arms Control/Non-Proliferation and Domestic Lawlessness**

Arms control<sup>7</sup> has always sought to deal with controlling the weapons endemic to interstate conflict. It attempts to diminish the likelihood of war and constrain its

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<sup>4</sup> Canada, Department of Foreign Affairs and International Trade. *Small Arms and Light Weapons: An Annotated Bibliography*. Ottawa, November 1996

<sup>5</sup>See Joel Johnston, *Current Projects on Light Weapons* London: BASIC, February 1996 also numerous UNIDIR publications on small arms and micro-disarmament.

<sup>6</sup> Several unpublished papers and presentations have been given in, for example, *The Pretoria Workshop on Small Arms and Light Weapons in Southern Africa*. September, 1996

<sup>7</sup>In this paper arms control and non-proliferation will be used interchangeably as both concepts are involved in the issue of light weapons proliferation.

consequences among states. Arms control has generally been defined in military-strategic terms and thus deals with weapons intended for use by the military forces of the world on behalf of the governments or states that they represent. Domestic lawlessness on the other hand has by and large been viewed as the legislative, police and justice responsibility of individual states. This does not mean that international cooperation is not applicable to lawlessness or criminal activity where it involves light weapons or anything else for that matter. But it equally does not necessarily imply that light weapons used in criminal activities are an arms control issue in the classical sense. However, much of the literature on light weapons and small arms as a proliferation issue tends not to treat the issues of law and order and international and regional security separately. Law and order or criminality is sometimes intermingled with organized political violence in the context of light weapons proliferation which thus contributes to the complexity of the issue as an arms control or proliferation matter. One must ask the question where does "arms control" or "non-proliferation"<sup>8</sup> within the realm of international security end, and where does "firearms regulation and enforcement" within the realm of domestic law and order begin? If the definition remains ill defined there will be regime confusion, differing objectives and many more actors involved which could slow or undermine cooperation and eventually constrain any potential successes in controlling light weapons proliferation. Some might argue that it is a humanitarian issue not a security issue and point to land mines as a worthy example of arms control seeking bans on humanitarian grounds. The humanitarian aspect is not the question, arguably poison gas, dum-dum bullets and nuclear weapons were humanitarian issues and not just international security issues. What is clear about those weapons and land mines is that they were designed for and used by the armed forces of a state in pursuit of a state's interest or were used by organized militarily armed political groups against the state and were thus legitimate security concerns. It is obvious that light weapons proliferation as discussed in much of the literature sometimes falls into a large grey area. It is also apparent that the issue is by-and-large avoided in that same literature -- an issue that needs more research.

A suggested approach to compartmentalizing conflict issues within the context of light weapons as an arms control issue, is to define lethal or violent conflict (threatened or actual) as either **criminal** -- which implies the use of firearms for personal gain or satisfaction only, and **political** -- which will encompass all the various reasons for intrastate conflict such as ethnic, language, religion and ideology. It is acknowledged that criminal activity may overlap into political conflict where it is done to obtain money for the cause or where there are criminal elements at work within the political framework of a conflict. Light weapons, particularly small arms, stands firmly in both the areas of criminal and political violence as a

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<sup>8</sup> See David Mutimer "Non-Proliferation and International Security." in *Control But Verify: Verification and the New Non-Proliferation Agenda*. (York University, 1994), 10. Mutimer defines proliferation within an agreed Canadian context as the diffusion of weapons, associated technologies and expertise that produces an adverse effect on local, regional or global security and stability". This definition implies military security but it can mean security in the broadest sense. Again it would be useful to define weapons.

problem. As an arms control issue the focus should be on the political aspect of violence, particularly as it pertains to armed political groups. Facets of this division of violence will be taken up again when discussing the definition of light weapons.

## **Defining Light Weapons**

Defining light weapons might seem like a pedantic issue if one takes the simplistic view that anything used to kill someone is inherently bad and therefore must be controlled or eliminated. There are several reasons why "light weapons" must be defined within the context of arms control. As already stated, arms control has always dealt with state to state security issues, focusing on the forces used by states or alliances in relationship to other states or alliances of states. Light weapons proliferation, on the other hand, has a fall out that deals to some extent with state security in the domestic sense - in short it becomes a law and order issue as well as a national security issue.<sup>9</sup> With some states one may be as important as another - controlling who can possess a hunting rifle may be seen as more urgent than controlling who has hand grenades because hand grenades are not generally available.

In many instances the literature has anguished over the mechanical definition of what a light weapon is - it ranges from any handgun, rifle or shotgun (including homemade zip guns) all the way to all conventional armaments not covered under the UN Registry and/or the Treaty on Conventional Forces in Europe (CFE).<sup>10</sup> Authors have attempted to address the issue by using the NATO definition of light weapons and small arms<sup>11</sup>, by suggesting a range of definitions that include - those weapons carried by infantry, those transported by

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<sup>9</sup> See Joshua S. Krasna. "Narcotics and the National Security of Producer States" *The Journal of Conflict Studies*. Spring 1996, 100 - 125, for a discussion on the changing definition of international security. He would probably make less of a distinction about the legitimacy of arms control regarding non military threats.

<sup>10</sup> According to UN Document A/47/342, 14 Aug 92, UN Register of Conventional Arms, this would include tanks with a main gun of at least 75mm, artillery of 100mm or more, armoured vehicles with an integral weapon of at least 12.5mm or a missile launcher. The Treaty Limited Equipment under the CFE Treaty is somewhat similar.

<sup>11</sup> Dikshit, Prashant. "Internal Conflict and Role of Light Weapons." In *Light Weapons and International Security*, Nirankari Colony, Delhi: Pugwash Conferences on Science and World Affairs, British American Security Information Council, Indian Pugwash Society, and Institute for Defence Studies and Analyzes, 1995, 41-49

pack animal and light truck, to those actually used in internecine conflict.<sup>12</sup> Other typologies include that used by *Jane's Infantry Weapons*<sup>13</sup> dividing light weapons into personal (pistols, sub-machine guns, rifles and light support weapons used by military forces) and crew served (machine guns, cannon, anti-tank weapons, mortars), and ammunition (small arms, combat grenades, mortar ammunition and pyrotechnics). According to reporting and technical presentations at some work shops on light weapons proliferation, it is weapons originally designed for military use that are causing the problems -- in most instances automatic small arms, but also explosive ordnance such as hand grenades. The ubiquitous AK-47 and its variants and similar automatic weapons with large capacity magazines and an abundance of cheap ammunition are the most frequently cited problem.<sup>14</sup> Definition takes on added significance when UN and Regional Arms Registers are discussed in aid of transparency. Defining major weapons systems was a difficult process insofar as the CFE Treaty was concerned -- the potential problems for reporting on light weapons increases significantly.

If the issue of light weapons proliferation from an international security perspective is seen as political violence perpetrated by armed groups, it is suggested that the focus should be on light weapons designed for use primarily by security forces, military and police. A cursory review of firearms regulations of several countries indicates that in broad terms this approximates the division between non-prohibited and prohibited firearms -- notwithstanding varying requirements for registration and safekeeping.<sup>15</sup> While this arbitrary division is subject to criticism, it addresses two concerns that cannot be easily dismissed if obtaining international consensus and cooperation is desired. One is the so-called legitimacy issue in many states involving the right to enjoy a sport or hobby (target shooting, hunting or collection), the requirement for sustenance through hunting (important in many isolated communities particularly with aboriginal peoples), the requirement to protect livestock and crops and control certain animal populations, and in some cases the right to personal security. If international agreements are to be found in the area of light weapons as an arms control issue, then defining light weapons in this manner is not an insignificant issue.<sup>16</sup> As

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<sup>12</sup>Aaron Karp. "Small Arms: The New Major Weapons." *Ploughshares Monitor*. September 1995, 17-20. Also Michael T. Klare "Stemming the Lethal trade in Small Arms and Light Weapons." *Issues in Science and Technology*. Fall 1995, 52-58.

<sup>13</sup> See Terry Gander (ed) *Jane's Infantry Weapons*. 22<sup>nd</sup> edition Surrey England, 1996-97

<sup>14</sup> See. Maj Gen M.R. Nyambuya "Proliferation of Small Arms in Southern Africa" Paper Presented at Pretoria Workshop. Also Report by van der Graff, Henry J. *Proliferation of Light Weapons in the Sahel*. Presentation to Experts Panel on Small Arms and Light Weapons, Regional Workshop in Pretoria, South Africa, 23-25 September 1996.

<sup>15</sup>Canada. *A Review of Firearm Statistics and Regulations in Selected Countries*. Research, Statistics and Evaluation Directorate, Department of Justice, Canada, April 25, 1995

<sup>16</sup>See *European Union Letter to the UN on Small Arms*. Letter dated 28 May 1996. It is clear from this letter that the EU sees automatic firearms and light weapons designed for military use as the problem.

well, such a division addresses one of the main concerns of most security forces -- they must be better armed than the illegal groups or individuals they deal with, criminal or political. Obviously such an approach does not prevent individual states from imposing what ever weapons or firearms restrictions their domestic constituency believes suitable for its own purposes.

## Supply

Much of the literature analyzes light weapons proliferation through the supply side spectrum of diffusion. According to Michael Klare, the diffusion as opposed to proliferation model expands the number of actors involved in supplying weapons and the numbers of actors engaged in acquiring weapons.<sup>17</sup> In a comprehensive analysis of supply sources for light weapons Klare compartmentalizes transfers into nine categories which consist of government grants, government sales or transfers, commercial sales, technology transfers, covert arms deliveries, government gifts to allied paramilitary groups, the black market, theft and exchanges between insurgent and criminal organizations.<sup>18</sup> These can be grouped roughly as follows.

**Government.** According to Klare government grants are transfers at little or no cost, on a state-to-state basis, and are now by and large relics of the Cold War. Government sales are transfers of surplus weapons or weapons from government owned factories. The potential impact of surplus weapons as a contributor to light weapons proliferation cannot be underestimated whether they are deemed to be government or commercial particularly in view of the number of weapons that are currently surplus.<sup>19</sup>

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<sup>17</sup> See Michael T Klare "Light Weapons Diffusion and Global Violence in the Post-Cold War Era." In *Light Weapons and International Security*. Nirankari Colony, Delhi: Pugwash Conferences on Science and World Affairs, British American Security Information Council, Indian Pugwash Society, and Institute for Defence Studies and Analyzes, 1995, 3

<sup>18</sup> *Ibid.*, 8

<sup>19</sup> In 1996 a multi-national inspection team carried out a CFE Treaty inspection in Belarus. As permitted by the Treaty several large warehouse within a declared site were inspected to confirm their contents. In the first warehouse, the inspectors observed long, rectangular wooden crates stacked nine high, twelve deep, in sixty-eight rows. External markings indicated the presence of small arms, possibly 12 to 14 per crate. There were at least ten other warehouses filled in a similar fashion. Some crates were open and the presence of AK-47, AKM, AKS and Dragunov sniper rifles were confirmed. At least one hundred crates of Makarov semi-automatic pistols were also observed. It was estimated that there were probably over a quarter of a million firearms present. The stockpiled firearms are believed to be a legacy of the Soviet era, when second echelon Frontal soldiers would have paused to pick up their firearms on the way west to fight NATO troops. At present the firearms belong to the Belorussians, who have no use for them except as a saleable commodity. Rail and trucking facilities were in direct proximity to the warehouses. The local Belorussians, jokingly offered to sell or trade the firearms with members of the team. Source: Canadian inspector who was a team member and personally inspected the warehouses in question.

**Commercial Sales.** Commercial sales, according to Klare, predominate the diffusion model in all but a few states. He lists an impressive array of major suppliers in this field. However, to suggest that there is no link to government is incorrect. All states, particularly advanced states, are generally aware of these transactions as most have some form of import/export controls (See Annex C). As Jasit Singh points out "the state is the facilitator in the spread of small arms in the overwhelming majority of cases around the world"<sup>20</sup>

**Technology Transfer.** Technology transfers aid in domestic arms production in 22 developing states, where 66 out of 146 weapons are produced under licence, according to Klare.<sup>21</sup> An interesting side light to this observation is that in some instances the prospect, or actual implementation of embargoes from previous supplier states has encouraged this type of diffusion. In this regard embargoes can be a two edged sword.<sup>22</sup> Also technology transfers, like commercial sales, are not normally done without the participation of governments. It should also be noted that reverse engineering - technology theft, is relatively easy to accomplish, particularly with light unsophisticated weapons such as most small arms, hand-held anti-tank weapons and mortars.

**Quasi-legitimate Transfers.** This can encompass two of Klare's diffusion sources. Covert arms deliveries by governments are what Klare considers the most destabilizing as they are going to non-state actors with few controls. Afghanistan, Mozambique, Angola, Cambodia and Nicaragua are noted as the worst examples. As well, government gifts to allied paramilitary groups run a close second to covert deliveries by governments according to Klare.<sup>23</sup> The most damning example given is the Hutu dominated government in Rwanda supplying arms to the Interhamwe Militia. Another example is rump Yugoslavia providing arms to Serbs outside its jurisdiction in the early days of the Yugoslavian break up. Again, these are state sanctioned transfers.

**Illicit Transfers.** Black market arms transfers, according to Klare, are now more important as a result of UN embargoes and the increase in non-state actors as belligerents.<sup>24</sup> On the other hand Karp suggests that the black market as a major source of arms is a myth as the trade is too expensive for most sub-state actors and too risky for individual black

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<sup>20</sup> Singh, 154

<sup>21</sup>Klare, 12

<sup>22</sup> Author's discussion with Pakistani officials and military officers Pakistan Ordnance Factories, December 1977. Pakistani officials cited the arms embargo during the 1965 war as the incentive to become self sufficient, particularly in munitions.

<sup>23</sup>Klare, 13

<sup>24</sup>*Ibid.*, 14

marketeers.<sup>25</sup> Klare's examples of the IRA and drug cartels certainly indicate that only well-financed organizations can indulge in the black market. It appears, however, that both authors may be making suppositions because so little is known about the black market. It is an area that merits more study.<sup>26</sup> Theft, another form of illicit transfer, in the context of Klare's analysis, stems mostly from state sources such as police and military armouries. Exchanges between insurgent and criminal organizations is the final diffusion source. Here examples would be the Colombian drug cartels and insurgent groups, as well as insurgent groups and drug and precious stone cartels in South-East Asia.

## **Demand**

Intrastate conflict brought on by the political, economic and social conditions within a country often feeds the hostilities of ethnic, religious, language and extreme ideology, particularly where democratic institutions are lacking or are unable to address the issues. Political conflict in turn can initiate violence which can create a demand for a variety of light weapons, or where they are already available in large numbers, increase the level and intensity of hostilities exacerbating the situation even more. Often in conjunction with political violence, and occasionally even in its absence, criminal activity can threaten the domestic security of a state. Both political and criminal violence may in turn effect the security and safety of a states citizens and those of neighbouring states.

Violent political situations and uncontrolled criminal activities can fuel an even greater demand by the security forces of a state for more or better light weapons to combat the problem. In turn, where security forces are unable or unwilling to provide protection to the citizens of the state then 'law abiding citizens' will also demand light weapons, essentially personal weapons in order to provide their own protection. Violence escalates, fed by the failure to redress grievances, real or perceived. Even if a solution is reached through negotiation, containment or violence/counter violence, the instruments of violence remain to arm another conflict.

Almost all the literature on light weapons proliferation acknowledges that the underlying issue of violence is demand not supply. According to Naylor, in the context of the black market on light weapons:

"...the single most important thing stoking the market from the demand side is the prevailing maldistribution of income, wealth and ecological capital....and growing disparities in all three categories. Until these are fairly and frankly

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<sup>25</sup>Aaron Karp, "Arming Ethnic Conflict." *Arms Control Today*. September 1993, .8-13.

<sup>26</sup>R.T. Naylor "The Structure and Operation of the Modern Arms Black Market." In *Lethal Commerce: The Global trade in Small Arms and Light Weapons*. (Serial No. 502), 1995, 47-57

addressed, there is little hope of damping the desire of the disadvantaged to seek the tools to rectify those disparities by violent means."<sup>27</sup>

The first regional workshop convened by the UN Panel of Government Experts on Small Arms held in Pretoria from 23 to 25 September 1996 identified five major issues relevant to light weapons proliferation. There was a strong demand element in three of the major issues: an absence of adequate avenues for gainful employment, restricted economic opportunities and rising expectations and mutual vulnerability to each others internal issues in part based on ethnic affinity.<sup>28</sup>

Recent studies show that 91 of 96 armed conflicts accounted for in the last seven years (1989 - 1995) were intrastate.<sup>29</sup> Many of these were ethnic in nature. In terms of the ethnic component to these wars the catalyst was according to one source "collective fears of the future".<sup>30</sup> In essence, conflict occurs because the state becomes weak and is perceived as unable to control events that effect the welfare and security of its constituents. Frequently ethnic differences are seized on by agitators to explain or exploit this lack of security. It is partially within the context of "fear for the future" that the demand for, and violent use of light weapons should be seen.

There appears to be a dilemma evident in some of the literature in addressing the demand side of the equation in light weapons proliferation. It centres around the idea of legal and legitimate; just and unjust; order and disorder. These issues are difficult to address as they are often subjective and sometimes involve choices in which neither solution is particularly attractive. Is the legal government the legitimate government? Is the sub-national group involved in a just or unjust conflict and is order (an absence of armed conflict) more important than disorder (armed conflict) even if it means a just war against an illegitimate government to correct social injustices must be terminated? In other words when does the ends justify the means? These are moral issues that some authors acknowledge directly or indirectly and then move into safer and more quantifiable domains such as supply

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<sup>27</sup>R.T. Naylor, "Loose Cannons: Covert Commerce and Underground Finance in the Modern Arms Black Market," In *Crime, Law and Social Change*. Netherlands: Kluwer Academic Publishers, 1995, 51

<sup>28</sup>Letter dated 3 Oct 96 to DFAIT from Swadesh Rana, Secretary Panel of Governmental Experts on Small Arms. UN

<sup>29</sup>Peter Wallensteen & Margaret Sollenberg. "The End of International War? Armed Conflict 1989-95." *Journal of Peace Research* Vol 33 No 3 August 1996, 353-370.

<sup>30</sup> David Lake, Donald Rothchild. "Containing Fear: The Origins and Management of Ethnic Conflict." *International Security*. Vol. 21, No. 2 (Fall 1996), 41-75.

side controls.<sup>31</sup> While this study will not elaborate further on the demand aspect of light weapons proliferation, it is an area that must be addressed if the problem is ever going to be solved. A review of Annex A, regarding proposals for addressing light weapons proliferation, clearly demonstrates that most solutions centre around supply side control. In so far as demand is concerned, it is an area that is acknowledged but not seriously addressed within the context of light weapons proliferation. It is almost axiomatic that without a holistic approach addressing both demand and supply, many regions and states will continue to reap the consequences of the excessive and pervasive presence of light weapons.

While there are other issues regarding light weapons proliferation not yet discussed, most are subsets of the supply and demand facets of light weapons proliferation. Encompassing both supply and demand is what Singh calls norms and inhibitions - in essence education, public dialogue and transparency<sup>32</sup>. This is an area where advocacy groups, NGOs, the media, governments, regional and international bodies can all play a role in stigmatizing violence and the tools of violence as a means to an end. It is a popular solution in the literature and one that is relatively easy to implement in comparison with many supply and demand side solutions. Its effectiveness, however, can only be seen as slow, long-term and in some instances problematic.

## UN PEACE OPERATIONS AND MICRO-DISARMAMENT

UNGA Resolution 50/70B on Small Arms was quite clear and specific in its direction to the "Panel of Governmental Experts on Small Arms". One of these explicit charges was types of weapons being used in conflicts being dealt with by the UN, and the ways and means to prevent and reduce small arms as they cause and exacerbate conflict. With this in mind it is worth concentrating on an area that is well within the capability of the UN to act, that is the desirability to include in UN peace operations a micro-disarmament element that would not only contribute to reducing the number of light weapons in a specific area but would do so where it is liable to achieve results. The proposal that peace operations must include a systematic comprehensive disarmament program including the elimination of arms

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<sup>31</sup>See. Klare and Anderson *A Scourge of Guns: The Diffusion of Small Arms and Light Weapons in Latin America*. Washington D.C.: Federation of American Scientists, July 1996. They appear to have made the choice "better injustice than rampant gun violence" even though wide spread violence perpetrated or ignored by the security forces and disregarded by the judiciary is acknowledged. In their case it may be a matter of degree. They believe that the security forces should be democratized and severely reduced in size over time. Less impassioned assessments tend to merely mention the problem of demand in passing. The forwards to most of the UNIDIR studies on Managing Arms states that "the Project believes that the way to implement peace... is to focus not just on the sources of violence (such as social and political development issues) but also on the material..."

<sup>32</sup>Singh, Jasit, ed. *Light Weapons and International Security*. Nirankari Colony, Delhi: Pugwash Conferences on Science and World Affairs, British American Security Information Council, Indian Pugwash Society, and Institute for Defence Studies and Analyzes, 1995, xi

caches and a weapons destruction program has been made a number of times in the light weapons proliferation literature<sup>33</sup>. The desirability seems self-evident but the reality of implementation is normally not so easy. To this end it is worthwhile examining those operations where some element of micro-disarmament was involved to ascertain the issues, the problems and potential solutions.

The United Nations Institute for Disarmament Research (UNIDIR) through its project on Disarmament and Conflict Resolution (DCR) is in the process of publishing 11 case studies on "Managing Arms in Peace Processes". The UNIDIR project is a systematic analysis of peace operations that included some form of micro-disarmament. As well, some other research literature has analyzed the ineffectiveness or lack of specificity in several of the same peace operations where demobilization was part of the post-conflict peace-building process.<sup>34</sup>

This section will examine some of the same missions analyzed in the UNIDIR studies and draw on their survey findings and those of other studies, as well as interviews with some Canadian military officers who participated in these operations. The issues and problems involving the micro-disarmament aspects will be addressed with a view to establishing recommendations for consideration in future UN operations where there is potential to include a micro-disarmament dimension. Only those UN missions that have specific lessons for future operations will be analyzed. In addition to selecting some key UN peace operations with a micro-disarmament element, two missions specifically dealing with regional issues involving light weapon proliferation will also be reviewed as they have significance for aspects of firearms or light weapons regulations.

The UN has conducted 42 peace operations since its inception, 26 are completed and 16 are on-going.<sup>35</sup> Several of these operations were subsequent operations in the same area: for example UNAVEM I, II and III in Angola and UNSOM I and II in Somalia. Few of these missions had a disarmament component to the mandate as the peace agreements that led

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<sup>33</sup> See Annex A Table One

<sup>34</sup> Of particular note is Jacklyn Cock. "A Sociological Account of Light Weapons Proliferation in Southern Africa," In *Light Weapons and International Security*. Nirankari Colony, Delhi: Pugwash Conferences on Science and World Affairs, British American Security Information Council, Indian Pugwash Society, and Institute for Defence Studies and Analyzes, 1995, 101-103; Christopher Smith. "A Global Survey of Stocks and Flows of Light Weapons in the International System and a Case Study of Light Weapons Proliferation in Southern Africa." A paper delivered to the *U.N. Panel of Government Experts on Small Arms*. United Nations, New York, June 26, 1996, 15, 19, 26-31; Edward Laurence, *The New Field of Micro-Disarmament: Addressing the Proliferation and Buildup of Small Arms and Light Weapons*. Research Report Prepared for the Disarmament Section of the Foreign Ministry of the Federal Republic of Germany. California and Bonn: Monterey Institute of International Studies (MIIS) and the Bonn International Centre for Conversion, June 1996, Appendix 8.

<sup>35</sup> UN Department of Public Information Web Site effective 31 Sep 96

to UN peacekeeping did not include a disarmament section.<sup>36</sup> Many did, however, have a verification component to the agreement and mandate which involved UN observers ensuring that certain geographic areas did not contain more than a specified number of military weapons (normally large calibre weapon systems such as tanks and artillery) or troops. In all of these cases the task of the observers was to observe, report and in some cases negotiate with opposing sides to encourage compliance. There was seldom an enforcement mechanism. Those missions that had a micro-disarmament component are relatively recent and invariably are concerned with internal conflict -- albeit the belligerents were in many instances supported by states or groups outside of the country concerned.

### **Advisory Missions Concerned With Light Weapons Proliferation**

There are two primary reasons to discuss the Sahara-Sahel and Rwanda missions concerning the issue of light weapons. First, they highlight the destabilizing problems of light weapons proliferation in Africa. Second, within the context of the Canadian experience discussed in the next section, the issues and difficulties reflect possibilities where countries such as Canada can provide financial and expert assistance.

**Sahara -Sahel.** The Secretary-Generals Advisory Mission to the Sahara-Sahel was not a UN peacekeeping operation; it was however the first UN advisory venture addressing the issue of light weapons proliferation and hence is a landmark from which a few valuable insights can be gleaned. Several useful sources are available on this Mission whose sole responsibility, initially, was to address a states concern over the destabilizing proliferation of light weapons. This report draws primarily from those sources listed in the footnote<sup>37</sup>

In October 1993 a request by the President of Mali to the UN Secretary-General to assist in the collection of an increasing excess of light weapons within his country met with agreement and a UN Advisory Mission was formed, visiting Mali in August 1994. The mission reported, among other things, that the problem of light weapons was not unique to Mali but had to be addressed on a sub-regional basis and that the overall security situation had to improve before collection could commence. In early 1995 the Mission visited six other countries in the area, Burkina Faso, Chad, Cote d' Ivoire, Mauritania, Niger and Senegal. These states were requested to establish a *National Commission on Illicit Small*

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<sup>36</sup> A review of the literature on micro-disarmament issues points to an apparent lack of understanding regarding the latitude in devising UN Mandates. Unless disarmament forms part of the peace accords on which a mandate is formulated there is little a mandate can do to address the issue. Too many authors merely state that peacekeeping operations must include a systematic comprehensive disarmament program. What should be stated is that Peace Accords and Agreements for which the UN mounts a peacekeeping operation should include disarmament. The facilitators or third party negotiators and the belligerents must try to incorporate disarmament features within the Peace Agreement.

<sup>37</sup> See, 1995 Sahara-Sahel Advisory Mission Report (Excerpts) Unattributed; also Henry J. van der Graff . *Proliferation of Light Weapons in the Sahel*, Presentation to Experts Panel on Small Arms and Light Weapons, Regional Workshop in Pretoria, South Africa, 23 September 1996..

*Arms* to work with the Mission and to suggest how the problem of light weapons proliferation should be addressed. It was established that part of the problem centered on the failure of governments to provide security.<sup>38</sup> This appears to be in part a "cause and cause" condition where a proliferation in criminal activity was aided and abetted by a proliferation of firearms which created a security problem that created a situation where more firearms were needed to offset the threat. There were several causes of the original weapons proliferation -- Chad, Mali, Niger and Senegal had experienced intrastate conflict. It was the missions belief that most of the weapons creating the problem were of the AK-47 variety and had been in the region for some time.. It was recognized that firearms used primarily for hunting and ceremonial purposes (presumably non-automatic with low capacity magazines) had been carried in the past and these were not a serious problem. While the states concerned had reviewed their legislation concerning firearms, only Burkina Faso had updated it. It was stressed that sub-regional harmonization would improve their mutual capacity to enforce legislation. Also legislation needed to be supported by adequate control measures - customs procedures and border controls. The key recommendations addressing the issue of light weapons proliferation in the region might be summarized as outlined below.

- States in the region must continue to study and address the issue of light weapons proliferation by maintaining their National Committees established at the behest of the mission . They should seek to improve and broaden their mandate and improve cooperation among the states concerned.
- Security in the area must be enhanced - this includes all organizations dealing with law and order including the police, gendarme, customs and the military. It was recognized that in many instances the states concerned did not have the financial resources nor the expertise to address this problem. There is a role then for assistance in the form of training and financial support from the international community. It should be stressed that part of this training must involve the hearts and minds of the community at large. In other words professionalism must be instilled and corruption, extortion and undisciplined behaviour must be eradicated from the forces concerned.
- States must strengthen their legislation and judicial procedures in regards to firearms. This must include an ability to enforce the laws preferably in close cooperation with other states in the region.
- The states both individually and collectively should mount an education and publicity campaign to sensitize the population to the harm incurred by light weapons proliferation. This would include the involvement of the various law enforcement agencies.

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<sup>38</sup> See. Lake and Rothchild, 41. Security is a perception problem as well as a real problem.

It was later noted by the Secretary-General in his report to the General Assembly on the Advisory Board on Disarmament Matters that this mission heightened the need for practical answers to questions such as incentive programmes, the level of stability required before programmes could be implemented, and codes of conduct for supplier states. He stressed the requirement for an adequate level of personal security in countries plagued with a proliferation of light weapons if micro-disarmament is to work.<sup>39</sup>

As a complementary step in micro-disarmament 2,642 rifles, machine guns, grenade launchers and pistols, all in good working order were collected and destroyed in Mali in March 1996. These weapons were turned in as result of negotiations implementing a cease-fire agreement between the Government of Mali and the Tuareg Rebellion leadership. The programme was voluntary and the destruction method, a public bonfire, served to publicize the campaign.<sup>40</sup>

**Rwanda.** What will be examined here is *The International Commission of Inquiry for Rwanda* established by UN Security Council Resolution 1013 on 7 September, 1996. The mandate of the Commission was, in summary and among other things, to: investigate reports on the sale or supply of arms to former government of Rwanda forces in violation of UN Security Council resolutions; to identify those aiding and abetting the illegal acquisition of arms; and to recommend measures to end the illegal flow of arms.<sup>41</sup>

Like the Sahara-Sahel Mission this mandate was to address directly the issues, implications and solutions regarding light weapons proliferation as a destabilizing contributor to intrastate violence. While the Commission's work is not yet complete, there are still some interim lessons that may prove useful, particularly as the conflict is still ongoing. In the view of Brigadier Alam, a member of the commission, "since the Rwandan genocide was carried out primarily by the Government forces and related militia, the arms used were also primarily supplied through legitimate Government-to-Government contracts"<sup>42</sup> This points to a very important and difficult aspect of controlling light weapons proliferation in terms of legitimacy. Klare notes that according to research conducted by Human Rights Watch, Egypt supplied \$6 million of arms to Rwanda mostly 60 mm and 82 mm mortars and ammunition, 2000 RPG-7 (anti-armour weapons), anti-personnel mines, AK-47 rifles and millions of rounds of ammunition. Similar weapons were also purchased from South Africa,

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<sup>39</sup> Boutros-Ghali, Boutros. *The Secretary-General's Report to the General Assembly on the Advisory Board on Disarmament Matters*. UN General Assembly Document A/50/391, 1995.

<sup>40</sup>See "Micro-Disarmament in Africa." *Disarmament Times*, May 1996; also, some of this information came from discussions with a Canadian member of the original Advisory Mission.

<sup>41</sup> United Nations. *UN Security Council Resolution 1013 (1995) 7 September 1995*

<sup>42</sup>Brig M Alam, Untitled Paper presented at the Regional Workshop on Small Arms, Pretoria, South Africa 23-25 Sep 96.

and France offered grants - all allegedly before the 1994 massacres and before the UN embargo was in place.<sup>43</sup> Some of the recommendations emanating from the interim report<sup>44</sup> state that:

- There is a greater need for transparency, including a UN Registry of such transactions. The rationale that this should be implemented without resistance by member states is based on the premise that the providing state and the receiving state should be able to justify the legitimacy of the transfer.
- More research is required into regional arms trafficking networks.
- Better cooperation and exchange of information is required between UN agencies working in the same area.
- A permanent investigative body dealing with small arms proliferation should be created at the UN to respond in crisis situation. This would not only contribute to addressing the crisis but would also be able to contribute to the data and understanding of light weapons proliferation.
- UN embargoes on a state must urge bordering states to strengthen their monitoring and enforcement capabilities as it concerns the embargoed state. These states should also be encouraged to maintain a register or data bank of movements and acquisitions of light weapons and their ammunition.

None of the above recommendations have been officially implemented. While worthy of consideration some of these recommendations as in the Sahara-Sahel recommendations, require substantial outside assistance in the way of funding, training and education in order to implement them.

### **Collective Overview of Selected Missions**

A collective assessment of the micro-disarmament aspects of several UN Peace Operations will attempt to high light some of the issues that should be addressed if future missions with a micro-disarmament objective are to be successful. The operations in question had the following micro-disarmament components: the disarming of irregular units and/or individuals, the disarming of combatants, cash/land for weapons, weapons destruction and arms embargoes. A synopsis of comments and observations from participants and analysts

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<sup>43</sup> Klare, 20. It should be noted that the investigations into the supply of light weapons to Rwanda on or before the UN embargo was in place is a matter of continuing confusion. There are currently accusations that a UK firm was involved in brokering third party arms purchases from certain East European countries in defiance of the embargo. Source: CBC news 22 November 1996.

<sup>44</sup> UN. *Interim Report of the International Commission on Rwanda*. S/1996/67, 29 January, 1996.

regarding the micro-disarmament component of various missions can be found at Annex B. The observations from Annex B will be the basis for recommendations on improving peace accord and mandate language, and UN force operational implementation. A brief review of selected UN operations will be outlined below to capture the essence of the micro-disarmament aspects of the mission. Details can be found in the UNIDIR documents previously mentioned and in various other sources listed in the bibliography.

**Mozambique** is perhaps one of the worst cases regarding the problems concerning the proliferation of light weapons.<sup>45</sup> ONUMOZ, the UN peacekeeping operation in Mozambique, lasted from December 1992 to December 1994. As an aid in the transition from a state emerged in a costly civil war, to a relatively peaceful emerging democracy, ONUMOZ was by and large a success.<sup>46</sup> It is in the details where the Mission failed to achieve its mandate and in the process failed to address the problem concerning the proliferation of light weapons. The total number of troops demobilized on all sides was approximately 78,000 not including some 15,000 government soldiers demobilized prior to the official UN supervised assembly areas being formed. From all sources the UN Force registered approximately 100,000 weapons of various types plus ammunition, mines, grenades and explosives. While this is a respectable number it came nowhere close to registering the actual number of just small arms in the country which some sources estimate as high as six million AK-47s alone.<sup>47</sup> Many of these weapons were allegedly distributed to the population at large for their own security. Without getting into the details of the operation a synopsis of a few of the problems involving the mission that had some impact on the micro-disarmament element follows.<sup>48</sup>

- Neither party trusted each other thus information provided to the UN was lacking or inaccurate.
- Neither party had sufficient control over its own military resources.
- There was insufficient international funding to implement the reintegration support scheme for demobilized combatants.

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<sup>45</sup> See M.T. Klare. "Light Weapons Diffusions and Global Violence in the Post-Cold War Era and Prashant Dikshit, "Internal Conflict and Role of Light Weapons" In *Light Weapons and International Security*. Nirankari Colony, Delhi: Pugwash Conferences on Science and World Affairs, British American Security Information Council, Indian Pugwash Society, and Institute for Defence Studies and Analyzes, 1995

<sup>46</sup> For details on the history of the conflict see Eric Berman, *Managing Arms in Peace Processes: Mozambique*, UNIDIR/96/22 UN 1996

<sup>47</sup>Berman, .51

<sup>48</sup>Most of this list was drawn from Berman.

-Implementation of the demobilization process in a timely fashion was not possible because the cease-fire commission was not ready, there was little trust and conciliation, assembly sites were too few, not developed and not accessible to all.

- There were delays in demobilization due in part because too few combatants wanted to join new army.

- Registered arms in assembly areas were not secured (UN personnel were unarmed).

- Most munitions handed over were of poor quality (UN suspected better munitions held back).

- Not every soldier demobilized had a weapon.

- Belligerent parties sometimes refused UN authority to collect and disable weapons at so-called non-assembly areas.

- Verification of weapons was to take place after demobilization but demobilization was slow and parties were unenthusiastic about verification. The extra time did give the UN opportunity to discover more sites. Verification teams comprised of UN and belligerent representatives visited 744 sites but all were not verified because of time constraints and no permission to inspect some sites.

- The General Peace Agreement was too non-specific concerning disarmament and arms destruction allowing parties to stall and circumvent.

- The arms collected, rather than being destroyed, were handed over to the new government and military. It far exceed their requirement and most of what was collected may well be back in circulation.

Haiti appears to be an example of an effective micro-disarmament effort although it is statistically difficult to verify. During the initial Multinational Force Intervention in Haiti the US Army conducted a gun buy-back program. Its stated goals were to reduce the number of weapons, promote stability and provide monetary incentives to Haitian citizens who supported the program. The program cost almost US \$2 million and resulted in the surrender of several thousand firearms (US forces also seized many firearms for which there was no reward). The total number of weapons seized and bought back was about 33,000. To encourage the handing in of the more lethal weapons, prices were US \$100 for handguns, \$200 for semi-automatic guns and grenades, \$400 for automatic weapons and \$600 for

heavier weapons. Most authorities believed that the objectives were achieved and the program was a success.<sup>49</sup>

El Salvador was considered to be one of the more successful micro-disarmament efforts conducted by the UN. In accordance with the peace accords more than 11,000 insurgents surrendered approximately 10,000 handguns, rifles and automatic small arms as well as 74 missiles and 9000 grenades. These weapons and a similar number from demobilized soldiers of the Salvadoran Army were destroyed. However, it soon became apparent that in spite of this success as many as 200,000 to 300,000 military style weapons remained in civilian hands.<sup>50</sup>

Nicaragua created a Special Disarmament Brigade to conduct buy-backs after demobilization. The first buy-backs began in January 1992. This was to get at caches that demobilized combatants had not previously handed over and were using to rearm. The gun buy-back program cost US \$6 million and during that time over 142,000 weapons and 250,000 pieces of ammunition and ordnance were either bought-back or seized. A combination of cash and food was used. It was a flexible programme catering to groups and individuals. Groups who handed over caches were collectively rewarded with food, construction material and cash. Much of the money for this enterprise came from foreign donations. The buy-back program did not distinguish between functioning and non-functioning weapons. All were destroyed by fire in open pits for cost-effectiveness and psychological reasons.<sup>51</sup>

## Summary of Findings

The analysis of several other UN operations that had a micro-disarmament component are encompassed in the comments and observations at Annex B. The cursory overviews contained in this section, in conjunction with the observations at Annex B, are sufficient to indicate some of the characteristics required, and some of the elements to avoid, for a successful micro-disarmament component to a UN peace operation.

A few general observations should be made as they are perhaps key to any UN peace operation that has or should have a micro-disarmament element. First and foremost, micro-disarmament starts with the negotiations among belligerents, and in this case if the negotiations are being brokered by a UN third party or facilitator it is through him or her

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<sup>49</sup>Edward Laurence *The New Field of Micro-Disarmament: Addressing the Proliferation and Buildup of Small Arms and Light Weapons*. Research Report Prepared for the Disarmament Section of the Foreign Ministry of the Federal Republic of Germany. California and Bonn: Monterey Institute of International Studies (MIIS) and the Bonn International Centre for Conversion, June 1996. Appendix VIII

<sup>50</sup>Edward Laurence, Appendix V

<sup>51</sup> Edward Laurence, Appendix VIII

that the micro-disarmament component of an agreement must be closely examined. A peace agreement that does not realistically address the element of micro-disarmament is flawed for purposes of mandate and mission implementation, and there is little that the Secretary-General or a Force Commander can do to correct it short of additional ad hoc negotiations. Second, frequently there was an implementation problem due to insufficient resources, either financial, personnel or both. Third, peace agreements have many other components which will frequently be more germane to the peace process than micro-disarmament which is often seen as a confidence building as opposed to a non-proliferation issue. Some of these are free elections, resettlement, land reform, reformed security forces, recognition of new rights, etc. It is axiomatic that sometimes elements of the micro-disarmament component of an agreement may have to be sacrificed to achieve the more important aspects of the accord. Notwithstanding, there are a number of areas where a more systematic approach to micro-disarmament should improve results.

### **Micro-Disarmament Recommendations For Peace Operations**

The first step to micro-disarmament within the context of UN peace operations is to ensure that peace negotiations taking place in a given state, whether brokered by a UN facilitator, a guarantor state or states, other third parties or various groups within the state put micro-disarmament on the table as part of the negotiations. To this end a set of guidelines should be developed for negotiators outlining the benefits of micro-disarmament, principles to be applied (CSBMs, good faith, equality, sufficiency, public safety, etc), and suggestions for implementation guidelines (assembly areas, verification, control and destruction). Although difficult to guarantee funding at this stage, the offer of financial assistance, commensurate with the quantity and quality of light weapons handed over for destruction is a worthwhile consideration, whether this be in resettlement assistance or demobilization bonuses on an individual or collective basis.

Although it may be difficult to obtain agreement with all belligerents, there should be a reward and penalty factor for compliance or non-compliance within the micro-disarmament component of a peace agreement. This may include a bonus for the number of weapons handed in over a certain amount, or denial of assistance, if for example, arms caches are discovered that have not been reported or certain elements refuse to cooperate in either searching for or handing over weapons.

Once an agreement has been secured with a micro-disarmament component, care must be taken that the mandate accurately reflects the requirements of the peace agreement. Particular attention has to be given to financial and force resource allocation. There must be adequate time between the signing of a peace accord and force deployment to permit the

belligerents to organize their forces and prepare for demobilization and the handing over of weapons.<sup>52</sup>

The micro-disarmament component of the mandate probably requires a central coordinating staff within the Mission Headquarters and perhaps a disarmament staff at the Directorate of Peacekeeping Operations (DPKO) in New York. Leaving the implementation to sector and contingent commanders to carry out in accordance with their own interpretation may cause uneven application and indifferent results. Just as each headquarters has an operations officer, a logistics officer, an information officer and in some cases even personnel designated as economics and agricultural officers, so too should it have a disarmament officer. The staff should be made directly responsible for coordinating all aspects of the disarmament component of an agreement. If difficulties arise then they should be able to address it through the "disarmament net" all the way to the Mission Headquarters. This is not to suggest that commanders, contingent or sector be bypassed. What a proper staff net does is relieve the commander from addressing specialized detail. Responsibility would include the development and application of standing operating procedures and the organization of weapons collection points, verification, security and destruction.

In conjunction with a proper staff system, disarmament teams could be formed with the sole responsibility for the micro-disarmament aspects of the agreement. These would be officers and NCO's, knowledgeable in weapons identification, verification and destruction.<sup>53</sup> Depending on the mandate of the mission, they could work alone or in conjunction with sector and/or contingent commanders and their forces.

If a buy-back or reward system is used to encourage the surrender of weapons then it should be a sliding scale of reward directly related to the lethality of the firearm concerned. As was done in Haiti, automatic weapons in good condition would warrant a much greater reward than a broken shotgun (which may not warrant any reward).<sup>54</sup> Another method,

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<sup>52</sup> If a peace enforcement operation is mounted where no agreement exists and the use of force is deemed probable, then disarmament activity must be implemented quickly through force, reward or a volunteer system. It may be better in some circumstances to go in with large forces relying on coercion to ensure disarmament before the novelty wears off on the belligerents and they can adjust to the new circumstances. Above all the operation must be able to guarantee the protection of those that are disarmed.

<sup>53</sup> Disarmament teams would be similar in some respects to verification teams now used by most signatory states to the CFE Treaty.

<sup>54</sup> There may be a risk that individuals would steal from caches or each other if too big a reward was placed on certain weapons. As well, there is a belief that cash rewards only fuel the arms market as the cash is used to buy better weapons. It is perhaps better to use goods in combination with a limited amount of money, credits or other types of reward. Rewards may not be as useful or may prove to costly to implement in states where extreme poverty is not a problem. While \$400.00 US may be very attractive in Haiti as a reward, it may be less alluring in Northern Ireland.

which would require good cooperation from all sides, would be to decide during the peace negotiations what the minimum requirement for surrender of weapons would be before a reward system was implemented. Collective assistance bonuses could be provided for certain bench marks over that number. Penalties may also be incorporated within the terms of the peace agreement by stating that after a certain date anyone possessing a firearm who is not authorized to do so will be subject to certain penalties by the state. Presumably this would be after an election to ensure even application.

Although anathema to some, good intelligence will go a long way to contributing to disarmament compliance. An intelligence component to a UN Mission would prove useful.<sup>55</sup> It might also be advantageous building into a peace agreement and mandate the right to inspect certain areas or installations much as is done in both the CFE Treaty and Vienna Document.<sup>56</sup> If properly addressed this might overcome the tendency to refuse the UN access to certain areas as has been done on previous UN missions which in turn might encourage more openness on the part of belligerents.

These recommendations are by no means complete. But they do highlight some of the more important considerations if micro-disarmament is to be an effective component of UN peace operations. Study beyond this point is really the purview of those responsible for negotiating, funding and mounting UN peace operations. To this end several suggestions may be considered. With regards to brokering peace agreements upon which a mandate is formed, perhaps former UN negotiators could be consulted or assembled and either through written submissions or preferably through attendance at a workshop provide input into working guidelines on issues of micro-disarmament for negotiation purposes. The production of such guidelines could be done by the UN Secretariat or an ad hoc group established for that purpose. Concurrently or afterwards, guidelines or operating procedures for UN peace missions on implementing micro-disarmament could be developed. Again this would necessitate consulting or assembling relevant former commanders and staff that were involved in previous micro-disarmament missions. As well, military verification personnel from states involved in the CFE Treaty could provide useful input. Such an operational study and guideline could be done by the UN DPKO staff, an ad hoc panel or perhaps an institution such as the Lester B. Pearson Canadian International Peacekeeping Training Centre.

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<sup>55</sup> See Andrei Raevsky *Managing Arms in Peace Processes: Aspects of Psychological and Intelligence*. UNIDIR/96/31 UN New York, 1996

<sup>56</sup>The Vienna Document, a confidence and security building agreement involving the member states of the OSCE, permits inspections of specified areas. The CFE Treaty permits verification inspections of military installations to ensure Treaty compliance.

## **LIGHT WEAPONS REGULATION CONTROLS -- A CANADIAN PERSPECTIVE.**

Firearms regulations at first glance would appear primarily to be a national concern based on the views, desires and requirements of a country's domestic constituents. If that is the case, then there would seem to be little relation to the international community. However, it is indeed difficult to address the issue of destabilizing light weapons proliferation within the context of intrastate conflict without taking into account the effect or non-effect of national fire arms regulations, and other pertinent regulations particularly transfer control and illicit movement across international borders.

UN "Guidelines for International Transfers"<sup>57</sup> suggests that states should, among other things: ensure adequate legislation on arms transfers including effective import and export licences; provide for sufficient numbers of customs officials; and define what weapons are appropriate for military use only. At the international level states are encouraged to cooperate in combating illegal arms sales; comply with UN embargoes; require verifiable end-user certificates; regulate private arms dealers and report all relevant transactions to the UN Register of Conventional Arms.

A review of Canadian policy, legislation and enforcement mechanisms indicates that Canada has met or exceeded the criteria as established by the UN. Annex C contains a synopsis of Canadian regulations pertaining to the control of light weapons with special emphasis on automatic firearms.

### **Domestic Firearms Legislation**

The domestic regulation of firearms in Canada bears mention as it may have applicability to other states for ameliorating intrastate conflict -- political or criminal. Canada has recently undergone a lively debate on the merits of greater control over personal firearms particularly as it focuses on universal gun registration. The outcome of this was the passage of bill C-68 by the Federal Government making it compulsory to register all privately owned firearms, prohibiting some handguns that were previously legal, and making it more difficult to own firearms if the owner has not had requisite training or is believed to be a risk to themselves or others if they possess firearms. The legislation also establishes more severe penalties for crimes in which firearms are used. The Firearms Act will take effect over a period of several years -- universal registration will be fully in effect by the year 2003, so it will be some time before it can be analyzed in terms of its success in reducing gun related casualties.

When applying the Canadian experience in regulating domestic firearms, it should be remembered that Canada has had a long history of some form of firearms control and an

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<sup>57</sup> UN General Assembly. *Report of the Disarmament Commission*. UN General Assembly Document A/51/42, 1996, Annex I

equally long history of law and good order. As part of the development research for establishing new firearms regulations statistical data was collected on aspects of firearms ownership in several countries.<sup>58</sup> It was evident that no one model would be applicable to all states. First there were significant jurisdictional differences regarding federal and unitary states and differing divisions of power and constitutional permissiveness. Second, there were cultural and historical differences.<sup>59</sup> Third, the Canadian legislation was very much interested in addressing the issue of domestic violence dealing with family relationships. Nevertheless, the processes and objectives involved in the Canadian experience may be instructive for states wishing to implement tighter firearms restrictions in an effort to control all types of firearms violence.

### Firearms Transfers

National firearms legislation will not be effective unless the supply of firearms can be controlled, particularly illicit trafficking. In regards to legal transfers, Canada has strict export criteria as can be seen by a review of Annex C. The importance of this issue was recently reinforced by the Minister of Foreign Affairs when he stated to Parliament that:

"I have instructed my officials to carry out more rigorous analyzes of the regional, international and internal security situations in destination countries to forestall the possible destabilizing effects of proposed sales; to apply a stricter interpretation of human rights criteria, including increasing our requirements for end-user certificates and other end-use assurances, to further minimize the risk that Canadian military equipment might be used against civilians; and exercise the strictest controls over the export of firearms and other potentially lethal equipment to satisfy me that gun control laws and practices in recipient countries are adequate to ensure that Canadian firearms do not find their way into the illicit arms trade nor fuel local violence."<sup>60</sup>

However, legislation and regulation are one thing, enforcement another. Recent incidents in Canada have demonstrated that Canada is not immune to illicit firearms transfers into the country and through the country. The potential for an influx of firearms is compounded by a long border with the USA whose attitudes towards gun regulation and the

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<sup>58</sup> See Technical Document Firearms Control Task Group *A Review of Firearms Statistics and Regulations in Selected Countries*, Research, Statistics and Evaluation Directorate, Department of Justice Canada, 25 April 1995. This study analyzed seven countries, Australia, New Zealand, Japan, Switzerland, United Kingdom, France and the USA on the basis of firearm ownership (numbers of firearms), casualties and regulations.

<sup>59</sup>Kopel, David B. *The Samurai, the Mountie and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?* Prometheus Books, Buffalo New York 1992.

<sup>60</sup> See. DFAIT. *Notes For An Address by The Honourable Lloyd Axworthy Minister of Foreign Affairs On The Annual Report on Military Exports*. 96/31 Ottawa, June 18, 1996, 8

rights of its citizens to bear arms differs significantly from Canada. The illicit transfer of firearms into Canada may be seen as a microcosm of what is happening in some parts of the world on a much grander scale. Firearms smuggling was of such concern that the government formed a "Firearms Smuggling Work Group" to produce recommendations on coping with the problem. Its work was published in May 1995.<sup>61</sup> Representation on the Work Group came from various provincial police forces, the Royal Canadian Mounted Police (RCMP), Revenue Canada (Customs and Excise), Department of Foreign Affairs, Ministry of the Solicitor General and the Department of Justice. All members of the group agreed that smuggling is dynamic and a strategy was required to reduce all forms of smuggling. Key recommendations, some relevant to this study, state that:

- a national task force to complement current criminal intelligence and enforcement at all levels of government should be formed. It would be responsible for promoting national coordination, policy development and information-sharing to strategically target the illegal importation, circulation and criminal use of firearms. Of special note the task force would develop and maintain cooperative working relationships with enforcement agencies in other countries to establish coordinated strategies in dealing with the smuggling problem;
- the proposed national task force and the law enforcement community should focus on certain smuggling "hot spots" such as certain border areas;
- all firearms must be subject to a rigorous review and control process at point of entry/exit including in-transit shipments in Canada;
- all firearms should be recorded (uniquely identify each firearm and store the information indefinitely in a retrievable context) at the border whether, leaving, arriving or transiting;
- firearms smuggling violators must be subject to severe penalties and police and customs should be able to seize conveyances and other instruments used in trafficking; and
- a national comprehensive database on all firearms is required.

Many of the foregoing recommendations have or will be implemented. Administering and enforcing firearms regulations in all their manifestations is costly from both a government and an individual basis. While this is perhaps not a significant factor for Canada, it certainly is for many of the states that desperately need enhanced legislation and enforcement. In the case of Canada much of the infrastructure is already in place. The

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<sup>61</sup> Canada. *The Illegal Movement of Firearms In Canada*. Report of the Firearms Smuggling Work Group, May 1995

Minister of Justice estimates the cost of universal registration alone at \$85 million -- other sources suggest it could well be much more. As well, the Canadian populace can by-and-large be expected to cooperate in the venture. Therefore, when recommendations are made that a particular state or group of states must tighten regulations on light weapons, it behooves the world community to consider providing expert assistance and financial support, particularly to less developed states.

Partially in response to the Firearms Smuggling Working Group recommendations, a Firearms Unit of the Criminal Intelligence Services of Canada (CISC) was established to concentrate exclusively on firearms smuggling, trafficking and other firearms offences occurring in Canada. The unit is composed of RCMP and Customs intelligence analysts. This unit's tasks are to:

- "- collect criminal intelligence on the illegal movement of firearms;
- analyze and correlate the gathered intelligence;
- identify organizations and individuals involved in the illegal movement of firearms;
- establish possible links between organizations and/or individuals involved in the illegal movement of firearms;
- identify methods and trends associated with illegal movements of firearms;
- disseminate intelligence to appropriate enforcement agencies;
- promote cooperative working relationships between enforcement agencies at all levels;
- keep records of intelligence gathered on the illegal activities of firearm dealers; and
- sponsor joint force meetings to share criminal intelligence."<sup>62</sup>

There are 14 manufacturers in Canada that can produce restricted and non-restricted firearms and only five that are licenced to manufacture, import or export prohibited weapons or components. As of 1994, authorized dealers in Canada for firearms and ammunition numbered 8,616 in accordance with the number of permits issued. A total of 11 permits were refused or revoked -- some of these may have been ones issued on a temporary basis to cover gun shows or exhibitions.<sup>63</sup> While these statistics may seem irrelevant to the context of this study, they demonstrate two points. First, Canada appears to have excellent knowledge and control over firearms production. Second, it serves to illustrate the problem

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<sup>62</sup>Canadian response contained in United Nations. *UN Survey on Firearm Regulation: Guidelines and Questionnaire*. May 1996, 47

<sup>63</sup> Canada. Department of Justice. *Review of Firearms Registration*. TR1994-9e (Unedited) Research, Statistics and Evaluation Directorate, Nov 1994

of tracking light weapons diffusion. Authoritative sources such as *Jane's Infantry Weapons*<sup>64</sup> lists only one Canadian manufacturer, yet this source is used by many in studies on light weapons diffusion. Several other sources consulted on light weapons manufacturers also failed to mention Canada as a producer. Admittedly, being licensed to produce or import/export does not indicate that it is actually occurring. The problem with much of the research on light weapons production is that it draws from sources that advertise production and, while these may indeed be the biggest "proliferators", it does not capture those that do not advertise, thus demonstrating another problem for the illicit tracking of light weapons.

Canada's firearms regulatory and enforcement system is by and large able to contain firearms smuggling to the point where there are not huge numbers of military type weapons entering the country unlike in many developing countries. Those weapons that do enter the country are by and large destined for organizations or individuals involved in criminal activities. The RCMP have a longstanding relationship with law enforcement agencies in the USA, particularly the Bureau of Alcohol, Tobacco and Firearms, and cooperates with INTERPOL in matters concerning firearms.<sup>65</sup> However, no state is entirely immune from political violence and if for some reason the political or social structure of the country proved incapable of responding to a serious situation, then the country could become ripe for an influx of arms. This situation is compounded due to Canada's long border with the USA. One only has to look at the UK which has very strong gun control legislation and in comparison to Canada a much smaller coastline and border, and the means to enforce compliance. Yet the UK finds it difficult in making significant dents in the number of weapons and explosives accumulated by the IRA.<sup>66</sup> The application of these observations is to demonstrate how formidable it might be for individual states and the international community to control or prevent light weapons fueling the demand of violent political conflict, particularly where there is money available to purchase arms illegally and the states seeking to prevent illicit arms transfers do not have sufficient resources to meet the challenge.

When it comes to illicit arms transfers whether in the tens, or the thousands, policy designed to constrain or reduce the availability of light weapons through controls on legitimate transfers will *ipso facto* enhance the attraction of the black market for both illicit suppliers and illicit users.<sup>67</sup> It is elementary economics that when demand exceeds supply

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<sup>64</sup> Gander, Terry J (ed). *Jane's Infantry Weapons: 1996-1997*. Jane's Information Group, Coulsdon, Surrey.

<sup>65</sup> Canadian response to UN Survey, 14

<sup>66</sup> Smith, Christopher. "A Global Survey of Stocks and Flows of Light Weapons in the International System and a Case Study of Light Weapons Proliferation in Southern Africa." A paper delivered to the U.N. Panel of Government Experts on Small Arms. United Nations, New York, June 26, 1996, 8

<sup>67</sup> See. Aaron Karp. "The Rise of Black and Gray Markets." *The Annals of the American Academy*. 535 September 1994, 177. He coins the word "antipolicy" for this activity.

then profitability increases attracting more would be suppliers.<sup>68</sup> All one has to do is look at what prohibition on alcohol in the 1930s did to the USA and, more recently, the effect of high taxes in Canada on cigarettes in regard to smuggling. Illicit activity increased dramatically and criminal competition compounded the problem. Supply controls on legal or open transfers must then address illicit transfers to prevent circumvention of export or import controls.

Canada has well established legislation and enforcement procedures for controlling illicit firearms trafficking which it is seeking to improve. Within this context, Canada's Department of Justice is involved in both the UN Commission on Crime Prevention and Criminal Justice in Vienna, and the Inter-American Drug Abuse Control Commission. As well, Canada is a member of the Firearms Seminar Group of the Organization of American States and is a member of the G7/P8 group of countries addressing firearm regulation. Within the G7/P8, Canada is working on enhancing inter-country cooperation through information sharing on technologies and criminal intelligence to combat smuggling and trafficking and transnational organized crime. Canada is proposing a number of options for enhanced firearms transfer controls and harmonization through the Inter-American Drug Abuse Control Commission on the basis of bilateral or multilateral agreements. Some of these proposals include:

- standardization of firearms-weapons identification schemes;
- standardization of firearms weapons classification schemes and associated terminology;
- standardization of international import/export procedures including more detail and improved monitoring of sanctioned transfers;
- enhanced support for each states domestic agenda for firearms control; and
- improved collaboration and mutual efficiency in tracing, investigative and enforcement activities involving firearms.

There is most definitely a synergy with arms control regarding illicit firearms trafficking. To this end it might be useful for the UN to coordinate its studies and committees on illicit arms transfers in a forum where both the arms control and crime prevention interests can mount a cooperative approach to the study of illicit weapons transfers and participate in advisory bodies relevant to assisting states in combating weapons smuggling. This may mean occasional joint sessions, sub-panels or sub-committees to address the problem. As well, Canada's recent experience in coming to grips with firearms smuggling through various criminal justice and enforcement forums could provide a source of experience for UN members to draw upon, particularly in situations such as they exist in southern Africa or in the context of missions similar to the Sahara-Sahel Advisory Mission. The expertise which Canada has developed may well be of value internationally particularly in a pre- or post-conflict situation when dealing with the effects of intrastate strife. Bilateral

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<sup>68</sup> This view is also supported by Singh, 154.

and multilateral assistance in training customs, law enforcement and other officials in designing national export control legislation and enforcement mechanisms along with assistance in dealing with illegal imports of light weapons is an area where Canada and other like-minded countries with similar expertise can provide assistance.

## **FUTURE STUDY**

Several issues have already been addressed requiring further work in the area of light weapons proliferation. This section will conduct a cursory overview of some areas being studied and will highlight a few additional areas that may be worthy of study, not necessarily related to the core issues discussed in this paper.

### **Selected On-going Studies**

There are several ongoing projects on light weapons proliferation that will soon be reaching fruition. Others are more long term in nature.<sup>69</sup> A few of the more significant activities include the following.

#### **- British American Security Information Council (BASIC)**

The BASIC project on light weapons intends to create a framework necessary to develop a joint plan of research and advocacy on the light weapons trade. It includes building a network of like-minded people working on light weapons proliferation studies; creating mechanisms to share information; determining the support for more extensive research and publicizing the issue of trade in light weapons.<sup>70</sup>

#### **- United Nations Institute For Disarmament Research (UNIDIR)**

The UNIDIR project on Disarmament and Conflict resolution is examining the modalities of disarming warring parties as an element of efforts to resolve intrastate conflicts. As noted previously, the study will individually review 11 collective security actions where disarmament has been attempted - UNTAC (Cambodia), UNTAG (Namibia), UNPROFOR (Yugoslavia), UNOSOM and UNITAF (Somalia), UNAVEM (Angola), ONUSAL (El Salvador), ONUCA (Central America), UNOMOZ (Mozambique), Haiti, Liberia and the 1979 Commonwealth Operation in Rhodesia/Zimbabwe.<sup>71</sup> Each case study gives a short

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<sup>69</sup>See Joel Johnston, *Current Projects on Light Weapons*. London: British American Security Information Council, February 1996 for a synopsis of most of the ongoing projects and studies in the area of light weapons proliferation.

<sup>70</sup> *Ibid.*, 9. Also see INTERNET <http://www.igc.apc.org/basic/>

<sup>71</sup> All these publications are noted in the bibliography under the names of the individual authors who wrote the studies. As UNIDIR publications they are listed as (UNIDIR 95/15, 95/30, 95/41, 96/7, 96/17,

history and background to the conflict; a discussion and analysis of international involvement and eventual intervention, normally through the UN; highlights of the dynamics of the operation itself; and finally it culminates in a detailed analysis of the micro-disarmament aspects of the mission. In most cases this latter portion was addressed through the medium of a questionnaire survey sent to former individuals (mostly military officers) who had served on the UN operation in question. The responses numbered in the range of as low as four (Rhodesia/Zimbabwe) to as high as 51 (UNPROFOR). It is the intention that the individual studies in the DCR project will be collated into an over-arching paper that will summarize the conclusions of the various studies and make recommendations for further study or for implementation.<sup>72</sup>

This study has particular significance for defining the role of UN peace operations in micro-disarmament. Hopefully, it will not only demonstrate what went right and wrong with previous micro-disarmament programmes but will also provide criteria for future peace missions. This study should add considerably to the rather cursory overview in this paper on all aspects of UN peace operations and micro-disarmament.

#### **- Towards Collaborative Peace (TCP)**

Towards Collaborative Peace (TCP) is a project sponsored by the Institute for Defence Policy in Pretoria. It is a two year applied research project studying illegal light weapon transfers across the borders of seven countries in southern Africa and four in South America. On the supply side, it hopes to make proposals on local and regional control measures. From the demand side it is investigating the promotion of a culture of violence and working on education measures to counter the trend.<sup>73</sup> TCP has sponsored the first regional workshop of the UN Panel of Government Experts on Small Arms in September 1996.

One TCP ongoing study concerns significant increases in violence and increases in small arms and drugs in the Iguazu Triangle of Paraguay, Argentina and Brazil. An interesting preliminary finding and one that has not appeared elsewhere in the literature on light weapons proliferation concerns the role of free trade in making it easier to smuggle contraband including light weapons. There is the perception that free trade has cut back on the quantity and quality of border controls. This is a subject that should be studied as it applies to other areas notably the European Union and NAFTA -- first to discern if it is a problem and second to investigate how it is or can be rectified.

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96/21, 96/22, 96/32)

<sup>72</sup>Ibid., 18.

<sup>73</sup> TCP Project News 1 *Institute for Defence Policy*, September, 1996

## - Program for Arms Control, Disarmament and Conversion (PACD)

PACD is sponsored by the Monterey Institute of International Studies in California.. Its primary mission is to monitor current development and conduct research on the acquisition, export and buildup of conventional armaments including light weapons. It is cooperating with a number of international institutions on this matter.<sup>74</sup>

### Other Issues for Study

The issues noted hereunder concerning light weapons proliferation have either not been covered in the literature reviewed, have merely been touched upon, or require to go beyond where they are at present. This is by no means a comprehensive list.

### Defining the Issue -- The Jurisdictional Framework

The issue of arms control and domestic crime and where the light weapons proliferation issue resides within that context was discussed very briefly within the section on terminology and issues. An excellent framework in which to address some of these problems is outlined by Jasjit Singh.<sup>75</sup> He divides the determinants into three areas. First are *international measures* which would include: transparency and accountability in light weapons manufacture and transfer; controlling trans-national flows, including trade in the so-called black, gray and white markets; and, harmonizing state national policies to achieve common goals. Second are *national measures* which would include: improved border surveillance and control; stricter domestic gun control legislation and enforcement; and stronger and more effective measures against illegal possession and trafficking in small arms. Third are what he calls *norms and inhibitions* which in essence involves education and public dialogue on the detrimental effects of light weapons proliferation.

Similar in many ways is UNGA Document A/51/42, 1996<sup>76</sup>. It summarizes the more immediate actions that can be taken to combat illicit arms trafficking. The Guidelines contained in Annex I of that document suggest action at both the state and international level that can be taken.

At the state level:

- ensure adequate national legislation to control arms transfers;
- fight bribery and corruption in connection with arms transfers;

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<sup>74</sup> Joel Johnston, *Current Projects on Light Weapons*. London: British American Security Information Council, February 1996.

<sup>75</sup> Jasjit Singh (ed) *Light Weapons and International Security*. xi

<sup>76</sup>UN General Assembly. *Report of the Disarmament Commission*. UN General Assembly Document A/51/42, 1996, Annex I

- establish and maintain effective export and import licenses;
- define which weapons are for military use only;
- ensure adequate numbers of customs officials;
- ensure exported arms have an import certificate from the receiving state; and
- take into account INTERPOL recommendations.

At the international level:

- regulate private arms dealers;
- comply strictly with UN embargoes;
- cooperate with other states to combat illegal arms trafficking;
- require some form of end-user certificates for international arms transfers;
- develop and enhance the application of compatible legislative and administrative standards; and
- report all relevant transactions to the UN Registry of Conventional Arms.

The important issue is a logical division of effort and focus of resources. While there is a connectivity between international and national level actions, the UN Panel of Governmental Experts on Small Arms, for example, should focus on the international actions to be taken. The national aspects of controlling and enforcing light weapons regulations might lie more in the domain of, for example, the UN Commission on Crime Prevention and Criminal Justice. This in no way suggests that states, particularly less advanced states, should be left on their own in implementing national control measures. It is here that advanced states with good legislation and enforcement procedures could provide expertise, training and financial assistance to assist poorer states who have demonstrated the requirement and desire to bring destabilizing light weapons under tighter control. This is an area that should be further studied.

### **Embargoes: A Two Edged Sword**

As noted earlier in reference to Pakistan, arms embargoes on states also encourage the diffusion of light weapons production which is unlikely to cease after the embargo is lifted. From this aspect embargoes should be employed with care. South Africa became a major manufacturer and exporter of arms when it was under UN embargo. The potential for embargoes to aid in light weapons proliferation is an issue worth examining even if it determines that the ends justifies the means, notwithstanding the impact on light weapons diffusion.<sup>77</sup>

### **A Registry of Light Weapons**

Transparency and education is an area that appears to have universal support in the literature, both official and unofficial. While its short term effectiveness is debatable, over

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<sup>77</sup> Source: A former Canadian UN military officer stated that a Croatian munitions factory functioned for some time in an area closely controlled by the UN which was allegedly weapons free and under embargo.

the longer term it may have some inhibiting effects on exporting and importing states. It is recommended that more serious consideration be given to developing a guideline and format for a UN light weapons register (either separate and/or regional in nature). As stated earlier light weapons definitions and categories would be an essential element of such a guideline. Much of the literature assumes that a registry will constrain the market in light weapons. Karp suggests an enhanced UN register will temper the gray market.<sup>78</sup> This is an assumption that may not hold up in application as many of the weapons used in the gray market do not originate in the sponsoring country. Would light weapons production data be a more worthwhile approach than imports and exports or are all three required? A study on all light weapons and small arms producing states to determine who is currently participating in the UN Registry and whether these states could or would provide reasonably accurate inputs might also be worthwhile.

### **Free Trade**

One of the TCP studies has indicated a possible link between free trade and an increased flow in illicit arms trafficking. As trade barriers come down and more goods move across international borders unchecked, this issue is one deserving further study - not only to verify whether it is a problem but in recommending how it can be addressed.

### **Arms Control and Domestic Lawlessness**

Arms control as an instrument of international security appears to be drifting towards more non-traditional areas. As discussed earlier, does arms control have a role in domestic lawlessness? From the "arms" aspect of arms control should it continue to look only at arms in relationship to a states military and/or weapons designed expressly for the military? From this question, to some extent, comes the requirement to define light weapons for purposes of arms control and non-proliferation. These are important questions if jurisdictional conflicts are to be avoided, cooperation is to be forthcoming and focus maintained.

### **Co-opting The Suppliers**

Although not mentioned previously in this paper, it is evident that while the cooperation of governments is essential, the cooperation of arms manufacturers is desirable. Like the alcohol and tobacco industry it might be worthwhile asking selected arms manufacturers to design a "code of ethics" and perhaps advise on technical controls -- ammunition comes to mind.<sup>79</sup> Inviting them to make presentations or form an advisory committee might encourage a sense of responsibility and in the process make a worthwhile

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<sup>78</sup> Karp. 178

<sup>79</sup> See Bronwyn Brady "Collecting and Organizing Data" *Light Weapons and International Security*. Jasit Singh (ed), 140-151 and Tara Kartha "Ammunition as a Tool for Conflict Control" London: June 30, 1996. Brady's article hints at a willingness to cooperate from some manufacturers.

contribution to solving the problem. The question of inclusiveness is one issue that arises from this approach. If, for example, the door is open to NGOs and other parties that are seen as part of the solution, should it be open to those who may be seen as part of the problem?

## **Others**

There are many additional areas requiring further study. As well, there is a plethora of recommendations for addressing the problem of light weapons proliferation. Most of the proposals and observations in Annex A and B have enough unknowns about them to warrant more study.

## **CONCLUSION**

Light weapons proliferation is a complex issue involving international and national policies, overlapping jurisdictions, legitimacy and illegitimacy (frequently a subjective judgement), historical and cultural factors. The longer term solution to the violence for which light weapons are a tool clearly lies in the demand side of the light weapons proliferation equation. In the meantime, shorter term or more immediate action can be taken on the supply side to ameliorate the situation. This paper has reviewed some of the issues involving light weapons proliferation and investigated two areas that might show promise in reducing or controlling light weapons proliferation: micro-disarmament as part of UN peace operations, clearly an international response requiring national cooperation; and regulatory controls, clearly a national responsibility involving international cooperation. As well, a cursory review of the literature and ongoing projects on light weapons proliferation issues indicates several other promising steps that can be taken to alleviate the problems stemming from the issue of light weapons proliferation. There are also a number of areas concerning light weapon proliferation that require clarification and further study. Among these are the proper domain of arms control within the context of domestic criminal violence. This is not an academic issue if jurisdictional conflict is to be avoided and cooperation is to be gained. Equally important is the definition of light weapons within the context of arms control. There is strong merit in concentrating on military weapons and excluding weapons clearly designed for non-military use. This does not preclude state and international cooperation and controls at the law enforcement level to control non-military firearms.

As discussed in this paper, all future UN peace operations should be conducted with a view to micro-disarmament. While this applies almost exclusively to those situations deriving from internal conflict and civil war, it does not rule out its application to interstate conflict. For peace operations, the UN mandate is not the place to start. It is in the negotiating stage over the peace agreement where the micro-disarmament element must be established. Facilitators, negotiators, and good offices, whether provided by the UN or by other third parties must keep this in mind when working out the details of a peace agreement. In this light it may be useful to develop UN guidelines. If micro-disarmament discussions alone are stalling an immediate peace agreement due to mistrust or other influences, then the

door must be left open to negotiate a micro-disarmament element at a later date. When a peace agreement includes micro-disarmament it must be clearly addressed in the mandate. Subsequent mandate renewals must continue to address the issue. UN orders to Force Commanders must be clear and unequivocal on implementation procedures and Force Commanders must have the wherewithal in resources (human, technical and financial) to implement the decisions. Implementation must be firm, fair and universal in its application, preferably under centralized direction. As well, micro-disarmament will normally have to address demobilization and resettlement taking into consideration the uniqueness of the conflict and the culture of the belligerents. Above all there will have to be security guarantees that are enforceable.

Enforcement operations, UN sanctioned or mounted, are not necessarily predicated on a peace agreement although generally some form of acquiescence on the part of warring parties is required before such an operation is mounted. In this case, the mandate becomes the key issue. At the very least the mandate must address the issue of micro-disarmament so that the Force Commander knows what to do with weapons seized or acquired otherwise. Whether light weapons are taken by force, voluntarily handed over, collected as part of a peace agreement, collected through a reward and penalty system, or in any combination of the foregoing, a UN force must have clear directions on collection, safekeeping and disposal. In the case of peace enforcement operations, it is conceivable that the initial mandate may not address the issue due to a requirement to launch a force quickly. If that is the case then there should be sufficient flexibility to permit the Force Commander to initiate his own weapon collection and destruction program through force or negotiation with the warring parties, or to seek additional direction or mandate amendment from the Security-Council.

As noted before, it is recommended that negotiation guidelines be formulated for third party facilitators undertaking peace negotiations on behalf of warring parties. The production of such guidelines could be done by the UN Secretariat or an ad hoc group established for that purpose. The next step would be to produce guidelines or operating procedures for UN mission commanders on implementing micro-disarmament. Both these guidelines would have to be considered by the UN Security Council when developing a mandate for a UN Mission, particularly with regards to resources.

Second, while firearms regulation and enforcement is a national responsibility, the UN, regional organizations or other facilitators should be prepared to provide advice when it is sought. Whether the advice is tendered through a formal or a more informal process (for example; The Sahara-Sahel Mission or The International Commission of Inquiry for Rwanda), it should have the requisite makeup to provide legal, customs and enforcement advice. It should also be able to recommend what financial or other resource assistance such as training is required to help establish a regulatory and enforcement capability. Too often it is forgotten that states need both financial resources and expert advice to combat the proliferation of light weapons and the forces that demand them. In this regard, there may be value in establishing an ad hoc committee or panel within the UN that draws on both arms

control and crime control expertise to further study the legislative and enforcement aspects of light weapons proliferation. The countries on this committee or panel should be prepared to staff missions from national resources with the relevant expertise when requested, if ever a Member State seeks assistance in addressing its own legislation and enforcement problems.

## ANNEX A

### LIGHT WEAPONS PROLIFERATION A SYNOPSIS OF PROPOSED SOLUTIONS

The publications, papers and work groups that have addressed the question of light weapons proliferation have furnished a number of recommendations for confronting the problem. The three tables in this annex attempt to summarize most of the proposals found in the literature to date.<sup>80</sup> While not all proposals can neatly be categorized, it is useful to divide them into three categories: one that requires interstate, regional or global cooperation -- TABLE ONE; one that is generally a national governments responsibility -- TABLE TWO; and one that suggests more research -- TABLE THREE. It should be noted however, that occasionally the division of national and international responsibilities is not always clear-cut, and in some cases of national responsibilities international assistance is clearly implied.

The tables are divided into four columns, column one contains serial numbers for reference purposes. Column two contains proposals some which are blends of similar recommendations. Column three contains observations and judgements on the practicality and problems surrounding the recommendation. The fourth column in each table indicates the number of authors reviewed for this paper that have made a similar recommendation. Proposals that are overly idealistic or extremely general in nature such as better cooperation between governments, regulate the trade in light weapons or demilitarize and disarm the region are not included in the synopsis. Most authors are pragmatic enough to realize that full implementation of their recommendations would be unlikely - but the general belief is that even minor success is better than none. For TABLE ONE, an \*asterisk in column three of a serial indicates a judgement that a proposal might have a realistic chance of implementation in whole or in part given the right circumstances and the will to proceed. Because of the national responsibilities generally implied in TABLE TWO, a judgement on implementation possibilities is not made. TABLE THREE requires no judgements.

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<sup>80</sup>See Canada, Department of Foreign Affairs and International Trade. *Small Arms and Light Weapons: An Annotated Bibliography*. Ottawa, November 1996 for an excellent summary of studies to date. Many of the proposals in the tables were gleaned from this publication.

**ANNEX A**

**TABLE ONE  
Light Weapons Proliferation - International Action**

<b>ONE</b>	<b>TWO</b>	<b>THREE</b>	<b>FOUR</b>
<b>Serial</b>	<b>Proposal</b>	<b>Comment</b>	<b>Times</b>
1	Peacekeeping operations must include a systematic comprehensive disarmament program including the elimination of arms caches, and weapons destruction program. <sup>81</sup>	* This should be a primary consideration for all operations in particular if it involves intrastate peacekeeping operations. Close cooperation with belligerents is required and fairness is essential.	6
2	An ongoing national post conflict small arms control program is required after any initial disarmament by international peacekeeping forces.	This may more correctly deemed a national issue. International assistance and advice on firearms regulation and on addressing inequities, real or perceived is required..	3
3	Expand the UN Register to include small arms.	Implicit in serial 3 to 5 is a proper classification system. It could include production facilities and production numbers not just exports and imports.	10
4	Create a separate UN register for light weapons.	* There are problems with the current registry that would have to be resolved first. A new registry might be able to build on the old one without being constrained by it. This is largely a transparency issue - contributing to norms and public review.	6
5	Create a regional small arms register. Includes any non-specific transparency proposal.	*See serial 4	6
6	Peacekeeping mandates must include the use of force to disarm belligerents once a political solution has been accepted.	This proposal requires careful study and must be considered within the constraints of serial 1. It implies a potential for large well armed forces and could adversely effect the decision of donor countries to contribute troops and/or money. It also requires the absolute support of the primary belligerent forces. Light weapons are easy to hide so this could prove quite difficult to enforce.	3
7	Establish an international legal framework to confront the issue of light weapons control.	See serial 4 Table 2.	

<sup>81</sup> In this context, as stated in the paper, it is the peace agreement leading up to the mandate, not the mandate itself, that determines the breadth and scope of micro-disarmament.

## ANNEX A

8	Develop an early warning system for internal conflicts: assumes preventive diplomacy and even arms embargoes might be used.	* A good idea in principal but a note of caution. If done by regional or global organizations, it could be seen as meddling in the internal affairs of other states. It must not be seen as a North-South issue. Perhaps there is a role for NGOs and other organizations. It should include good offices assistance for conflict resolution.	5
9	Develop ways of tracking weapons through international manufacturing standards..	Implied here is the cooperation of weapons manufacturers. As this involves sovereignty and commercial issues, it may prove difficult to address.	2
10	Publicize the problems associated with the proliferation of light weapons. Political, policy and popular. Includes education of governments and populations..	*This can be done through various international agencies, governments and the media. Transparency is also a factor.	8
11	Create anti-light weapons task force and commissions -international and regional.	This is partially addressed through UN Res 50/70B. It also relates to recommendations from the International Commission on Rwanda. <sup>82</sup>	3
12	Aim for a treaty to regulate all light weapons transfers.	At best this is a long term goal.	1
13	Ban certain types of light weapons.	*This incremental approach appears to be making progress in the case of anti-personnel mines. If not banning certain weapons, then at least severely circumscribe their transfer and use.	3
14	International norm to condemn and or control destabilizing light weapons transfers. Included here would be black listing states with bad human rights records or making aid contingent on suitable light weapon controls.	This can also be associated with serial 10. Of course no state destabilizes an area, all arms transfers merely contribute to area stabilization!	5
15	Ammunition controls and restrictions	While this has some potential, proposals merely to ban or prevent production, sales and transfers of common types of ammunition are unlikely to gain support to the extent that it would be effective. Targeting specialized or unique ammunition such as white phosphorous or certain types of anti-aircraft missiles might. This approach is suitable for states individually or collectively through an international supply control regime.	5

<sup>82</sup> UN. *Interim Report of the International Commission on Rwanda*. S/1996/67, 29 January, 1996.

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16	Develop new, or expand current, supply control regimes.	There is a connection with serial 14 & 17. Several author allude to the Wassenaar arrangement on export controls.	7
17	Develop a regime to eliminate black market military sales.	This is both a national and international problem. Several authors allude to this problem directly or indirectly. This is a police intelligence and enforcement responsibility (national police forces and INTERPOL). Unfortunately some governments are involved in black (gray) marketing, directly or indirectly, usually in substantial quantities. Hence enforcement and convictions may be difficult to achieve.	8
18	Support regional recipient restraints	A call to the international community to encourage rather than attempt to circumvent regional agreements to control light weapons.	2
19	Tagging new weapons	This idea has been around for some time as a way of tracking large conventional weapons systems. Detractors argue that it is too easy to alter equipment.	1

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**TABLE TWO  
Light Weapons Proliferation - State Action**

<b>ONE</b>	<b>TWO</b>	<b>THREE</b>	<b>FOUR</b>
<b>Serial</b>	<b>Proposal</b>	<b>Comment</b>	<b>Times</b>
1	Improve security of state armouries.	There is a connection to serial 2.	2
2	Eradicate corruption and develop professionalism within the security forces and customs forces.	This is undoubtedly the wish of most governments. While not a particularly helpful suggestion, it does point to a significant problem. This is an area where international assistance might be useful.	3
3	More effective border control	Most states that need it lack resources. Also ties in to serial 2.	2
4	Address the social and economic forces that move people to violence.	This is primarily a national responsibility. But in many cases international support and aid is required.	9
5	Tighten national controls over light weapons transfers: includes more transparency and better customs controls	This could also be part of an international effort to establish norms and procedures. This proposal can be broken down into several sub parts including the requirement to stifle black markets in firearms. In some cases this can be tied into serial 2	13
6	Tighten national controls over manufacturing particularly private manufacturers.	This ties in with serial 5 and is a problem in some states more than others.	2
7	Tighten national gun control legislation and enforcement.	Some will argue that this plays into the hands of totalitarian states, particularly if it is aided and abetted by international bodies. On the other hand, a democratic state that faces destabilization through small arms proliferation has a responsibility to protect its citizens. A sensitive subject to address from an international perspective.	7

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8	The state must provide sufficient security of person so firearms are not deemed necessary for personal protection.	This theme goes through several studies, although in some cases it is not in the form of a proposal. This is an area where international assistance may be required, either financial, advisory or in the form of constraints such as embargoes or sanctions on destabilizing neighbors. Also linked with serial 7.	2
9	Demobilization must include improved reintegration into the social and economic fabric of the country.	This is another area where international assistance may be required.	3
10	Reduce state stockpiles of light weapons for national contingencies	Presumably this is so weapons do not fall into the wrong hands.	2
11	Mothball/stockpile surplus light weapons until obsolete.	*While this is the opposite to serial 10, the intent is to keep them as war stocks until they are obsolete, as opposed to selling them on the open market once they are declared surplus. This is what Canada has done. Presumably they would then be destroyed.	2
12	Weapons buy back programmes	This can be both a national and international effort.	3

**ANNEX A**

**TABLE THREE  
Light Weapons Proliferation Research Requirements**

<b>ONE</b>	<b>TWO</b>	<b>THREE</b>	<b>FOUR</b>
Serial	Study Proposal	Comments	Times
1	The link between weapons availability and violence.	This may be a cultural, economic and social issue.	2
2	The scope of regional small arms trade	Research of origins, sellers, buyers and destinations of arms and ammunition.	3
3	The link between illicit drugs and light weapons trafficking.	Probably not a universal problem But it would appear to have regional applications.	3
4	Causes and consequences of light weapons proliferation		1
5	Develop a conceptual framework on the problem of light weapons proliferation.	Modeling based on demand and supply profiles. New paradigm.	4
6	Definitions and classifications of light weapons.	See section on issues and terminology	3
7	Merits of regional or global arms registries for light weapons		1
8	Technical measures for tracking transfers		1
9	Cultural factors promoting light weapons proliferation		1
10	Norms which might curtail proliferation.		1
11	Guidelines for researching size and location of surplus weapons stocks		1
12	Geographic areas and political situations susceptible to light weapons proliferation		2
13	Identify motives of suppliers: is it largely profit or political		1
14	Ascertain reliable sources for statistical data.	Source gives many suggestions for developing a wide data base.	1
15	More research into the potential of controlling ammunition.		1

## ANNEX B

### UN PEACE OPERATIONS AND MICRO-DISARMAMENT A SYNOPSIS OF ISSUES AND PROBLEMS

A number of observations concerning issues and problems surrounding disarmament efforts on UN peacekeeping operations have been noted in several studies and documents. In many cases the problems rested with a failure of the warring parties to fully comply with the peace agreements or uncertainty in the interpretation of the agreements. In most cases there was no enforcement requirement nor did the UN possess the means to enforce the agreement. Many of the comments made in the UNIDIR studies went beyond assessing the immediate issues of disarmament and focused on problems inherent with all UN peace operations -- lack of resolve and direction, lack of resources, political interference, paralysis of decision making at all levels, restrictive mandates, and extreme differences in the professional competence of various contingents, just to name a few. Many of the problems overlap or are subsets of a greater problem (no resources for example).

Table One to Annex B highlights a number of observations on the missions concerned both negative and positive that should be addressed if similar operations are mounted in the future. It gives negotiators and force commanders an idea of what they should be addressing for future operations. Some of the problems listed are a distillation of several similar observations in the literature.

**TABLE ONE**  
**DISARMAMENT PROBLEMS IN UN PEACE OPERATIONS**

Serial	Observation	Comments	Missions
1	Peace Agreement not specific enough on disarmament matters, leaving too much to interpretation, particularly disarmament and arms destruction.	Could apply to Somalia as well, except there was no peace agreement.	Mozambique
2	The weapons permitted to be retained by the state far exceeded their requirement.	This is a problem in dealing with a sovereign state. Are wars allowed to continue because the UN will not broker an agreement that fails to include an element of disarmament by one side or the other?	Mozambique Arguably this applies to other missions as well.

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3	Peace Agreement timetables became unmanageable	This requires flexibility in both the peace agreement and the operation supporting it. Flexibility can be a negative as well as a positive aspect as it might encourage delays. detriment however.	Mozambique Cambodia Former Yugoslavia (FY) <sup>83</sup>
4	Insufficient UN resources to properly implement disarmament measures - either troops or money.		All
5	Inadequate storage facilities for weapons retrieved from combatants	In some cases there was no direction on what to do with confiscated weapons.	Mozambique FY
6	A lack of commitment on the part of warring parties to implement the agreement.	In many cases this is a security and a trust issue.	Most
7	Insufficient information on extent of arms in country and where they were.		Angola Mozambique FY
8	Absence or violation of arms embargoes.	Where there were violations this was mostly illicit transfers. It is unlikely that the UN would have had sufficient forces to curb them.	Somalia Angola Mozambique Cambodia
9	Inability of UN to guarantee the safety of demobilized combatants	Disarmament must ensure the security of those who are disarmed. A failure to do so will severely hamper any future attempts at disarmament	Angola Liberia FY Cambodia Somalia
10	Inadequate UN training or direction on the details of the disarmament component of the agreement . <sup>84</sup>	Similar to serial one	FY Possibly Mozambique and Somalia

<sup>83</sup> The term FY will indicate all states within the former Yugoslavia and both UNPROFOR and IFOR/OSCE.

<sup>84</sup> One Canadian source, a former UNMO in UNPROFOR, said that in one sector directions were that no non-UN personnel were to be armed, two contingents did little to enforce the directive while a third was very aggressive in enforcing it - to the extent that a shepherd had his shotgun confiscated which he was using to protect his flock against feral dogs. Once the weapons were seized there was no central direction on how to dispose of them and he suspects some went home as souvenirs or were distributed elsewhere.

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11	Absence of a reward or incentive scheme for complying with disarmament.	This was a common theme in many of the poorer states. It goes hand in hand with serial 9 and is undoubtedly costly to implement.	Liberia
12	Inability of the UN to enforce disarmament measures.	A function of the peace agreement and the lack of UN resources.	Angola Mozambique Somalia
13	Too much flexibility in determining how or even if disarmament should be carried out. Inconsistency in application.	See serial 24. Obviously common sense must prevail.	Somalia Mozambique
14	Inconsistency in application of disarmament measures by different contingents of a UN Operation. <sup>85</sup>	Some contingents ignored disarming, others were very robust in application.	Somalia FY Cambodia
15	It was impossible to implement the disarmament aspects of the peace plan or mandate.	This was by and large a function of resources and cooperation.	Cambodia
16	No penalties for non-compliance in peace agreements.	It may be difficult to broker a peace accord if penalties are sought.	All
17	UN was not seen as neutral by one of the parties to the agreement.		Cambodia May also be the case with Somalia
18	Only old weapons were handed in.	This was probably the most universal observation when disarmament was actually implemented.	All
19	Possession of weapons a cultural, social, and security issue. Many did not see the logic in handing over weapons.	This can also be tied to serial 9 and 11.	Most states.
20	Buy-back programs not effective. Could create greater problems.	So many that it would be seen as a method of making money without putting a sizeable dent in stocks. Only old weapons would be handed over. Could involve thefts and merely encourage more arms to enter the country.	Cambodia Mozambique El Salvador

<sup>85</sup> See footnote 77

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21	Rapid, massive deployment and quick implementation of mandate including disarmament is best approach to achieving mission.	The longer a mission dragged out the less likely it was to achieve its objectives.	Cambodia Somalia
22	Credible threat of use of force works.	This applies to specific incidents and is not a general observation.	FY
23	Disarmament works best when there is no appreciable threat to only one warring faction in a dispute. Equality of application. Take advantage of mutual interests.	In FY agreements were easiest to implement when no side ended up at a distinct disadvantage.	FY
24	Flexibility required in implementing disarmament.	This of course is the opposite to serial 13. In this context timing is the issue.	Liberia FY
25	Reward should be commensurate with condition and lethality of weapons handed over.	Depends on whether this is a CSBM for symbolic reasons or real micro-disarmament.	Haiti (applied) Central America (not applied)

## ANNEX C

### CONTROLLING LIGHT WEAPONS TRANSFERS PERTINENT CANADIAN REGULATIONS

#### INTRODUCTION

In Canada, controlling light weapons transfers, including small arms or firearms, into and out of the country is the responsibility of a myriad of regulatory bodies ranging from various divisions within the Department of External Affairs and International Trade (DFAIT) through Revenue Canada (Customs and Excise) to the RCMP. The regulatory agencies are in turn bound by numerous legislative and administrative acts and directives.<sup>86</sup> This annex will highlight some of the more relevant Canadian regulations that demonstrate what Canada has attempted to do in constraining light weapons proliferation. More appropriate to the issue of light weapons control, they may also provide examples for regulatory guidance in some foreign jurisdictions. It also provides examples that could be followed should there be some attempt to formulate a regional or universal guideline or treaty for controlling light weapons transfers. It is by no means unique nor necessarily the most comprehensive or effective approach to controlling illegal transfers, but it is probably one of the better national control regimes in existence.

#### CANADIAN EXPORT CONTROLS<sup>87</sup>

##### Policy

Canada closely controls the export of military goods and technology to countries that: pose a threat to Canada or its allies; countries involved or under imminent threat of hostilities; countries under UN Security Council Sanctions or countries that have a persistent record of serious violations of the human rights of their citizens unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population.<sup>88</sup> Some might see these policy guidelines as too subjective in nature while

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<sup>86</sup> Some acts relevant to firearms and light weapons control are: Criminal Code, various Criminal Law Amendment Acts, Customs Act, Explosives Act, Export and Import Permits Act, and The National Defence Act.

<sup>87</sup> Much of the information contained in this annex is drawn from Canada, Department of Foreign Affairs and International Trade. *A Guide to Canada's Export Controls*. September, 1996

<sup>88</sup> The process for determining whether a state meets the criteria is complex and involves perusal of export applications by some or all of the following government departments: Industry Canada, The Department of National Defence (including various intelligence sections), the RCMP, the Canadian Security and Intelligence Service, the Communications Security Establishment, the Atomic Energy Control Board, Customs and Excise and various Divisions within DFAIT.

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others might suggest that they are not flexible enough. Subjectivity is unavoidable and this provides sufficient flexibility to cope with apparent anomalies. In the final analysis exports are not conducted in secret thus they will eventually be subject to scrutiny both political and public.

### Documentation

Canada and its major industrialized trading partners have generally harmonized their export control systems in order to prevent diversions or trans-shipments of controlled commodities to unauthorized end-uses or unauthorized destinations. The members of Wassenaar all subscribe to a minimum set of controls. Many states outside of Wassenaar also have a variety of similar controls. Among the tools used by many advanced states are a matrix of end use controls to assist in achieving a high level of confidence on an exports final destination. These include:

**International Import Certificates (IIC).** These are intended to ensure the receiving government is aware of the proposed shipment and can ensure that it is not diverted en route or on arrival. The same procedure may apply to imports into Canada.

**Delivery Verification Certificates (DV).** This certifies (not verifies though that is implicit) that the goods have arrived in the importing country in accordance with the terms of both the Canadian export permit and the foreign issued IIC.<sup>89</sup>

**End-Use Certificates (EUC)/Import Licences (IL).** The Canadian exporter is required to get the importer to obtain an EUC or IL from the designated authorities and then forward it to the DFAIT Export Controls Division.

**End-Use Statements (EUS).** In lieu of an EUC or IL where these are not issued by governments. The statement must be an "original letterhead" and must identify the end user and purpose and use of the products to be imported; correspond to the commodity description; identify whether for civilian or military use; and declare that the goods will not be diverted or re-exported.

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<sup>89</sup> For both IICs and DVs, it presupposes that the signing authority for the government in question is legitimate (not paid off or forged) and the government in question cares about and has the ability to track the shipment.

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There are 39 countries administering IIC, DV, EUC and IL requirements.<sup>90</sup> If one then includes those countries in the Wassenaar Arrangement that are not among the 38 countries, the number rises to 47. This is not to suggest that all states outside the 47 mentioned are deficient in controlling light weapons exports and imports but it does demonstrate a lack of standardization.<sup>91</sup>

### CANADIAN EXPORT CONTROL LIST

Items that are the subject of this study fall under Group 2 of the export control list (ECL). Following are relevant extracts bearing on transfers of light weapons

**"Group 2-Munitions List...2001.** Arms and automatic weapons with a calibre of 12.7mm or less and accessories as follows, and specially designed components therefore:

- a. Rifles, carbines, revolvers, pistols, machine pistols and machine guns;
- b. Smooth-bore weapons specially designed for military use;
- c. Weapons using caseless ammunition;
- d. Silencers, special gun mountings, clips and flash suppressors for arms controlled by sub- items 2001.a. to c..

**Notes:**

1. 2001 does not control smooth-bore weapons used for hunting or sporting purposes. These weapons must not be specially designed for military use or of the fully automatic firing type.
2. 20001. does not include firearms specially designed for dummy ammunition and which are incapable of firing any controlled ammunition.
3. 2001. does not control weapons using non-centre fire cased ammunition and which are not of the fully automatic firing type."<sup>92</sup>

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<sup>90</sup>Canada, Department of Foreign Affairs and International Trade. *A Guide to Canada's Export Controls*. September, 1996 Canada, x

<sup>91</sup> For a discussion on this matter see K. Krause, K. Epps, W. Weston, D. Mutimer *Constraining Conventional Proliferation: A Role For Canada*, York University (March 1996), 119-134.

<sup>92</sup> *Ibid.*, 47. Items 2002 onward involve weapons that would clearly be constrained by most responsible states, thus itemizing them will not be done

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### "Group 5 - Miscellaneous Goods...5500 Prohibited weapons, as follows:

1. prohibited weapons described in paragraph (c), (e) or (f) of the definition "prohibited weapon" in subsection 84(1) of the Criminal Code.
2. any component of a prohibited weapon referred to in paragraph (a), that is an assembly or subassembly that contains one or more parts described in paragraph (c);
3. any part that is a piece of the action of a prohibited weapon referred to in paragraph (a), including the bolt or bolt-carrier, that is designed to enable the prohibited weapon to discharge bullets in rapid succession during one pressure of the trigger, whether or not the part permits the discharge to be limited to a single bullet for each such pressure (all destinations).<sup>93</sup>

"In addition to the ECL and the ACL, export controls exist specifically for automatic firearms. Automatic firearms as defined in ECL Item 5500 may be exported only to countries with which Canada has intergovernmental defence, research, development and production arrangements. The countries on this list are: Australia, Belgium, Denmark, France, Germany, Italy, Netherlands, Norway, Saudi Arabia, Spain, Sweden, United Kingdom and United States"<sup>94</sup>

"As a general rule, export permits for goods falling under ECL items 2001 to 2008... will be issued for a single shipment/single consignee only. The export permit becomes invalid after the first shipment is made even if the shipment was only a partial one. Exporters must re-apply for a new export permit to cover any shortfall."<sup>95</sup>

"At the discretion of the Export Control Division, the supporting documentation requirements may be waived for applications to export certain goods.... Firearms (ECL Items 2001 only). Applies only to rifles, carbines, revolvers or pistols (except those covered under ECL Item 5500) if the shipment does not exceed fifteen of these firearms"<sup>96</sup>

### REMARKS

It should be clear from a review of Canada's export controls that there is a strong focus on controlling automatic firearms as part of the export regime. From an international perspective this is probably not a significant observation in view of the fact that Canada has a

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<sup>93</sup>*Ibid.*, 81

<sup>94</sup>*Ibid.*, iv

<sup>95</sup>*Ibid.*, vii.

<sup>96</sup>*Ibid.*, x

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minuscule small arms industry in comparison with most other states. It should also be noted that import restrictions exist on the same weapons to the same degree as export restrictions.

### DOMESTIC LAW AND ENFORCEMENT

Canada has recently adapted stricter controls on domestic firearms possession and enforcement procedures as well as more severe penalties for firearms offenses. It will take sometime for the law to be fully implemented and equally sometime to judge whether or not it will be effective in its aims and objectives. As well as tighter controls on firearms and firearm owners, penalties have been increased in several areas, most notably mandatory four year jail terms for certain offenses committed with a firearm.

### EXTRACTS BILL C-68

#### Definition of a Prohibited firearm

"prohibited firearm means... an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger, or any firearm that is prescribed to be a prohibited firearm..."<sup>97</sup>

#### Trafficking Offenses

"99.(1) Every person commits an offence who

- (a) manufactures or transfers, whether or not for consideration, or
- (b) offers to do anything referred to in paragraph (a) in respect of a firearm, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition knowing that the person is not authorized to do so under the firearms Act or any other Act of Parliament or any regulations made under any act of Parliament

*Remarks: Section 100 expands the restriction to possession for the purposes of transferring. The punishment for both 99 and 100 is a minimum sentence of one year and a maximum of ten years. Section 101 also covers those convicted of transferring any prohibited or restricted weapon illegally and depending on the circumstances could be liable to a term not exceeding five years or punishable under summary conviction.*

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<sup>97</sup>Canada. *An Act Respecting Firearms and other Weapons* Statutes of Canada 1995 Chapter 39, Bill C-68. December 1995, 70

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### Export and Import Offenses

103. (1) Every person commits an offence who imports or exports  
(a) a firearm. A prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition, or  
(b) any component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm,  
knowing that the person is not authorized to do so under the Firearms Act or any other Act of Parliament or any regulations made under an act of Parliament.

*Remarks: Section 104 also makes it an offence to import or export otherwise than under the authority of the firearms act etc. A conviction under section 103 can range from a minimum of one year to a maximum of 10 years. A conviction for violating 104 can be a summary conviction to a maximum of five years in jail.*

### Miscellaneous

*Remarks: Section 170 and 171 notes the requirement to abide by the Explosives Act and the Export and Import Permits Act. Section 173 forbids assistance in diversion of automatic weapons.*

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