

Small Arms and Light Weapons (SALWs) Illegal Trafficking: Another Challenge for Global Security

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Abstract: The end of the Cold War brought about new security challenges for the conventional arms control field. Many conflicts, interstate and intrastate ones, started to emerge (or better re-emerge) around the globe. Especially in countries of the developing world, numerous armed clashes occurred based on ethnic and religious divisions. These conflicts benefited from a deregulated arms market, which made the nature of the conventional arms trade more vigorous than ever before, thus created new security challenges for the agenda of conventional arms control field. Taking into account that human life and dignity are being threatened worldwide by the circulation and accumulation of Small Arms and Light Weapons (SALWs), new tasks for the Military and particularly the Naval Operations Doctrines started to take effect and be implemented through the Naval Blockade and Maritime Interdiction Operations (MIO) during the recent interstate and intrastate conflicts. Therefore, the old-fashioned arms control agenda must be expanded under a comprehensive and holistic approach to include issues like the effective control of arms transfers at a global level and combating illicit arms trafficking and arms brokering, especially in the category of SALWs.

Keywords: Maritime Transport, Small Arms Stockpiles, Arms Trade, Light Weapons Proliferation, Disarmament, EU Code of Conduct on Arms Exports.

PACS: 89.40.Cc

INTRODUCTION

With the end of the cold-war era, the international system has changed significantly and patterns within the international arms trade domain moved towards a different direction. [1] Quite often, it has been argued that: *“the bulk of the trades in major weapons become banal, posing no clear threat to security”*. [2] The specific market is now characterized as **smaller** and **looser** when compared with the recent past, but clearly there is still a very large volume of transactions involved; it also remains extremely complicated and with rather limited potential for effective control. Of course, numerous initiatives for the regulation of the various aspects of arms trade -both globally and regionally, or even at the national level- are already in place. Well known examples are the United Nations (UN) Register for Conventional Arms, the European Union (EU) Code of Conduct on Arms Trade and many others. [3] However, a large number of on-going (low-intensity, or intra-state conflicts) round the globe turned the international

community's attention towards the Small Arms and Light Weapons (SALWs) issue, revealing the disproportionate impact of SALWs. While accounting for only one-fifth of the global arms trade, they are responsible for heavy injuries and killings of far more people world-wide than any other conventional weapon. Small arms were the most commonly used weapons in the more than a hundred conflicts fought worldwide between 1989 and 1996. A study commissioned by the United Nations World Health Organization and the World Bank found that by 2020, the number of deaths and injuries resulting from war and violence would overtake the number of deaths caused by diseases.[4] Conceived as a serious threat for global security, the aforementioned issue started to be considered and endorsed under the agenda of the traditional conventional arms control context, constituted before merely of the Conventional Forces in Europe (CFE) Treaty and the Certain Conventional Weapons (CCW) Convention.[5] It is widely accepted that the conclusion of the super-powers' confrontation resulted in the supply of SALWs to exceed demand, thus becoming cheap and relatively easy to obtain. In its turn, this might lead to the arming of the local criminal groups and eventually the circulation of weaponry abroad, perpetuating the opportunities for rioting and violent armed insurrection elsewhere. [6] Needless to mention, there is an obvious connection between the recent increase of piracy activity in Africa (Somalia and Gulf of Guinea) because of the easy access to various types of weapons for the local population. [7] And, of course, during the last years a large number of naval operations (i.e. coalition forces during the 1st Gulf War, or NATO in the recent Balkan Wars and the Libyan Civil Conflict) had as major task of their mission the disruption of the weapons supply routes to the warring factions and/or opponents. There is a simple reason behind this action: oceans and seas of the planet are by far the most frequently used medium of transport (see Figure 1).

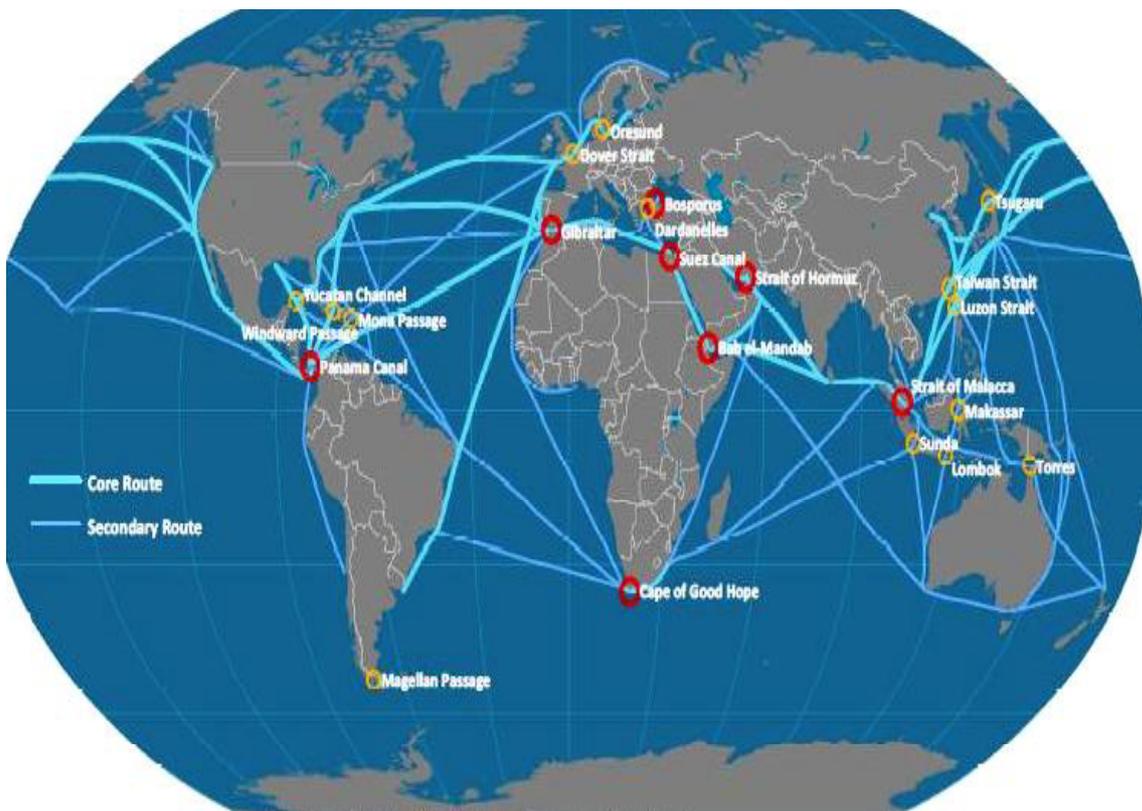


FIGURE 1. Core and Secondary maritime routes [8]

Illegal weapons trafficking, although an old product of the cold-war period, has been considered with much greater seriousness only during the last few years. The primary sources of this plague, have been the states of the Former Soviet Union (FSU) being at that time under economic dislocation; the Afghan Pipeline, a distribution system established by the Central Intelligence Agency (CIA) in the 1980s for the supply of the Mujahedeen; some African countries under past interstate and intrastate conflicts, like Angola and Mozambique; and some South-eastern Asian countries through the oddments of their past wars, namely Cambodia and Vietnam. A relatively recent United Nations' Conference on SALWs revealed that eight million guns are made every year and 25 per cent of the four billion US\$ small arms trade is illicit. [9] Inconsistent policies of export controls and embargoes have played a major role, assisting many of the significant transfers of weapons and related technology that have taken place covertly, including those which are illegal, when international embargoes and national licensing procedures are circumvented.

Moreover, even when these "grey market" transactions have been difficult to be kept out of the public eye due to regional and international transparency regimes, the "black market" of the uncontrolled and unobserved movement of vast quantities of small weapons and ammunition has posed the most serious impediments for an effective control and has inflicted the worst consequences. The problem has received extremely large dimensions, so that one estimate suggests that the size of the illegal arms market could range from US\$1 billion to US\$10 billion, about half of the "legal" arms trade when the demand is high. [10] Small arms are widely accepted as the most widely used tools of violence; the comment of a human rights campaigner of Amnesty International is characteristic: *"As a human rights campaigner, I've visited countless countries where people suffer terrible abuses...Behind so many of these atrocities is one common factor: the gun...and behind that gun are the arms dealers, profiting from a trade that's barely regulated and spiraling out of control"*. [11]

The reverberation of the above issue has started to compel the global community to minimize all small arms transfers. In that context, under a conference held in New York in 2001, the international community started to work on this task, establishing a UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons, in All Its Aspects (PoA). Additionally, there was a signing of an international Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, as a supplementation of the UN Convention against Transnational Organized Crime. [12] These initiatives continued in a similar UN conference under the auspices of the Group of Governmental Experts for the purpose of tracing illicit arms trade and of addressing the issue of Man-Portable Air Defense Systems (MANPADS). [13] However, the arms trade and especially the illicit and covert arms trade in SALWs poses itself as one of the most controversial international issues of our actuality. Moreover, the inter-linkages with the conventional arms control agenda and the peace-management processes complicate further its character, revealing different problematic areas and approaches in several regions of the globe and a long-term confrontation between unilateralism and multilateralism in every initiative or discussion concerning its effective management and control.

ILLICIT AND COVERT ARMS TRADE: THE "GREY" AND "BLACK" MARKET

The illicit and covert arms trade, divided into the *grey market* and the *black market*, involves a range of state and non-state actors. As it was stated in Jane's Intelligence Review, *"although often considered to work independently of one another, one of the most important traits of the illicit arms trade is the extent to which the licit and illicit world are complicit in their actions"*. [14] The grey market is associated with the diversion of legal stockpiles and refers to

state supplies of arms to non-state actors or to embargoed states. It has started during the Cold War, allowing the superpowers to arm insurgent groups involved in conflicts throughout satellite states and continued in the Post-Cold War era, where NATO members supplied the Kosovo Liberation Army during the Balkan conflict and private military companies -with the knowledge of western states- have supplied weapons to Sierra Leone and Liberia, in spite of the UN's sanctions.

On the other hand, apart from direct government supplies, legal stockpiles are eventually diverted to the black market in other ways, like violations of arms embargoes by private arms brokers, theft from military arsenals, and theft of stockpiles in collapsed states. In that context, the involvement of organized crime in the illicit arms trade is almost entirely limited to the black market. [15] The criminal groups involved in the black market have their own dynamics in structure and function. Retailers and middlemen operate based on the principle of demand and supply, looking for new routes for transporting weapons should a new demand occur in any given part of the world. These dynamics made some experts in several conferences related to the subject in question to argue that what started as an enterprise spawned by a political revolution, soon became an enterprise operated for financial gain, which under the threat of crossing international borders, makes the internal security of all nations vulnerable. [16] This was obvious in the case of the uprisings in Albania in 1991 and 1997, where one million small arms were stolen from the Albanian arsenals and first used in Kosovo, while soon a network of gangs emerged, developing routes for arms sales that extended to the rest of Europe, the Middle East, the US and Turkey.

In general, the operation dynamics of the illicit arms trade are concentrated on transportation, mainly in the maritime domain where opportunity is always present. Shipments of illicit arms often virtually disappear while moving from source to final destination; on the documentation, where appropriate documentation is obtained in several ways, including through the corruption of authorized officials, or through the use of forged or counterfeit papers, or even through documentation fraud; on corruption, where, used by all actors involved in arms smuggling, it is sometimes needed to access state-controlled stockpiles or to circumvent export licensing and customs regulations; and finally, on the financing and banking, where payments can take the form of commercial payments to avoid bank involvement, or shipments can be paid in the form of letters of credit and direct transfers of hard-currency funds under the process of money laundering in order to disguise the final destination. [17]

Taking into account the overarching lack of transparency within the legal arms trade, be it state-controlled or by private manufacturers, the generally accepted fact by the majority of international authorities that the demand for weapons is high and unlikely to diminish in the immediate future, and the downward trend in prices (for example, the AK-47 Kalashnikov automatic rifle used to cost about 125 dollars straight from the factory in the FSU and now it can be purchased for 30 dollars at Russian flea markets) [18], the whole situation has started to be very worrying. Armed conflicts, or authoritarian and unrecognized "de facto" states, which appear after these conflicts serve as a source of terrorist activities and illegal arms trade, destabilizing even further the particular regions, as well as the border security of the neighboring states. It is not possible to install viable export regulatory regimes in territories, like Nagorny Karabakh or the Kurdish populated territory of Eastern Turkey and Northern Iraq. [19] Another case study, the one of Slovakia, reveals more complicated dimensions of the problem, particularly in the Slovak-Ukrainian border, where poorly-paid and poorly-trained conscripts who guard the weapon stores and the borders are susceptible to bribes and intimidation, easing the possible transit of illegal weapons. [20] On the other hand, the situation of the illicit arms trade, especially that concerning the SALWs, in other selected regions of the world, like Southern Africa, Northwestern South Asia and Central America, seems to be much more complicated and unscrupulous, involving many of the superpowers and modern European states that claim to

fight this scourge. The routes of this kind of proliferation are presented on Figures 2 and 3 respectively.

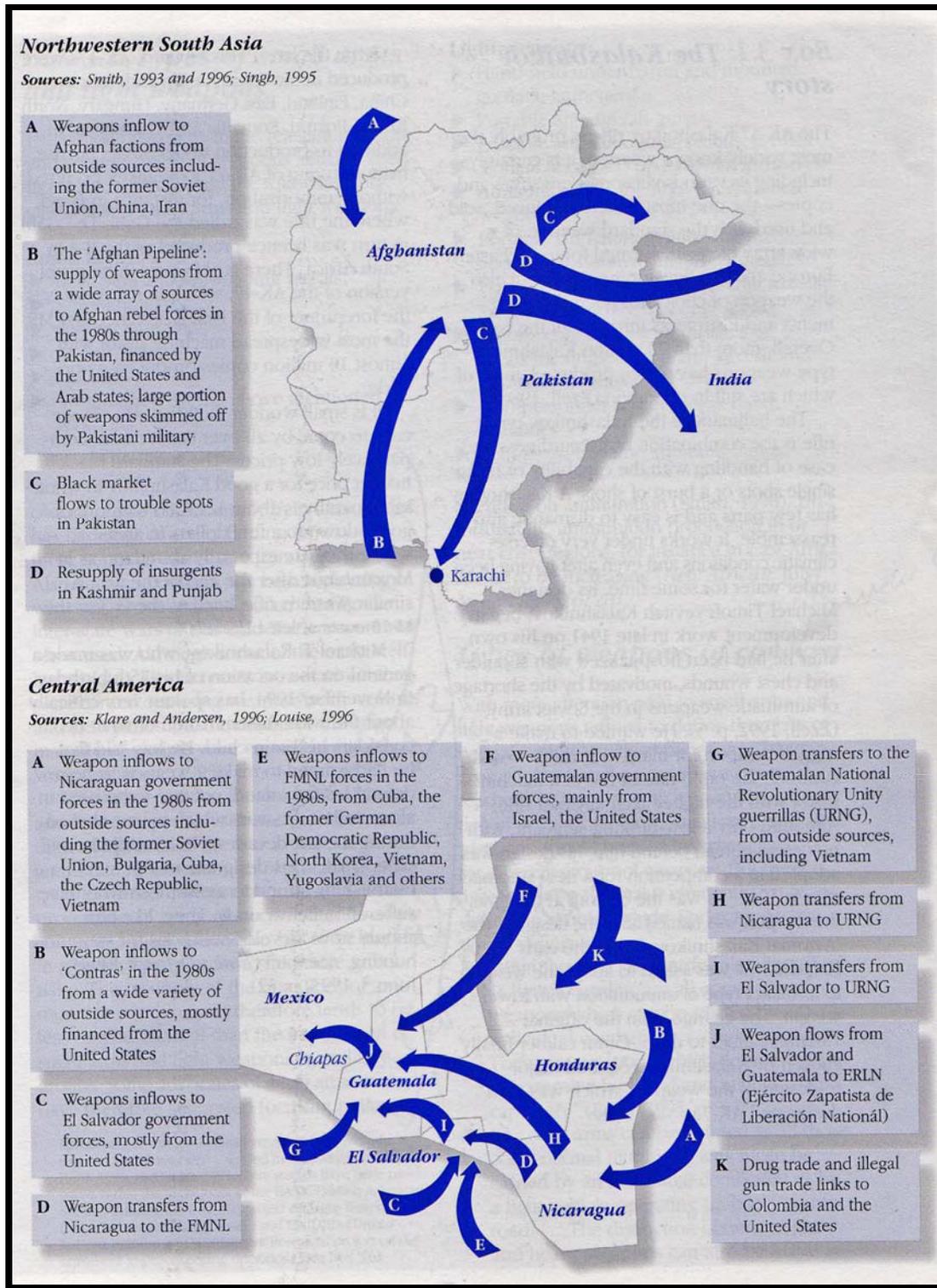


FIGURE 2. Light weapons proliferation and circulation in selected regions (1) [21].

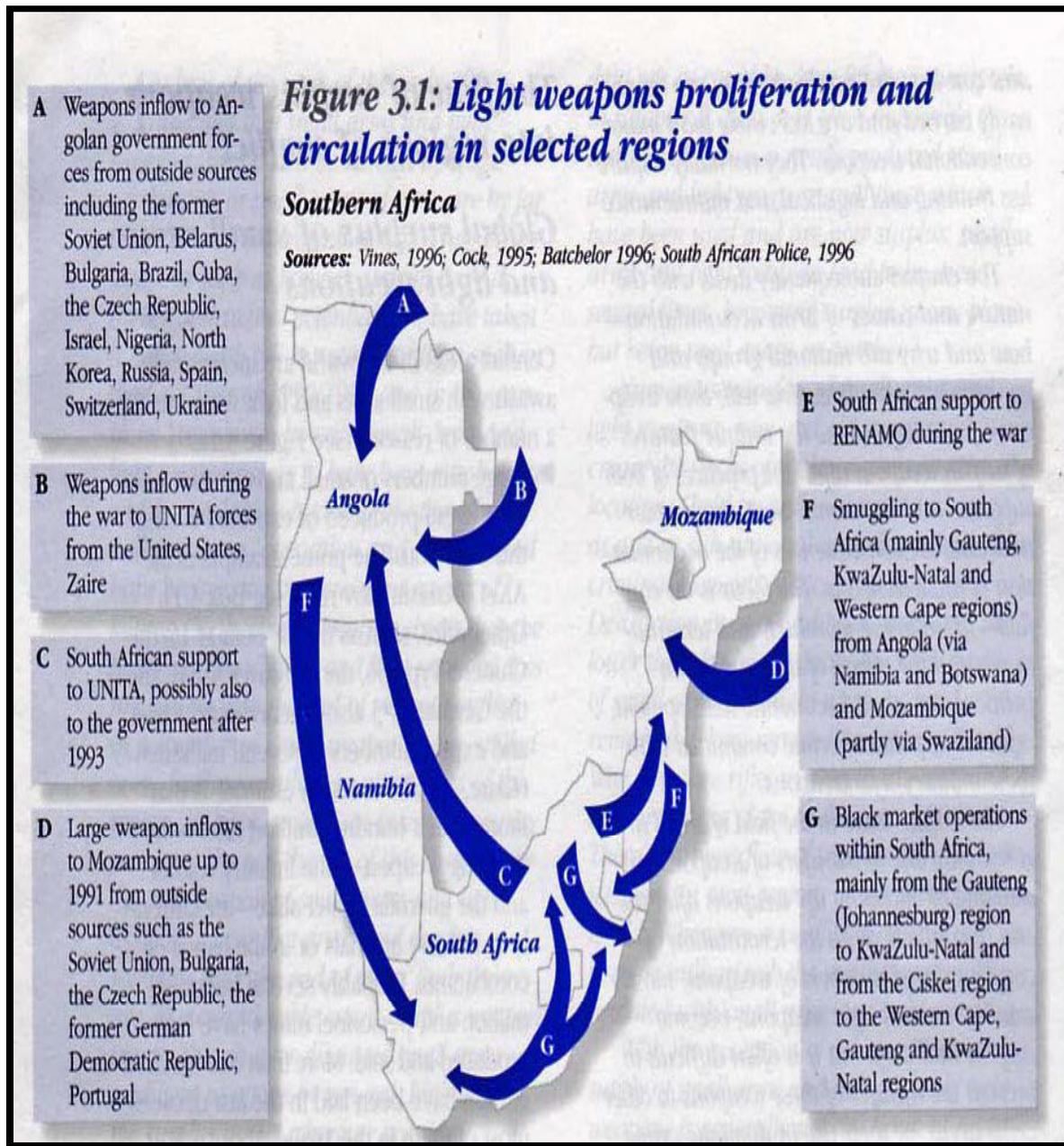


FIGURE 3. Light weapons proliferation and circulation in selected regions (2) [22].

SALWs: SECURITY CHALLENGES AND IMPLICATIONS

Security challenges of the SALWs arise from their distinctive features, being their **low cost**, their **portability**, their **minimum training requirements** and their **concealability**. Light arms cost a tiny fraction of the price of major conventional weapon systems. They can be carried by an individual soldier or by light vehicles and they require very little of a repair and maintenance infrastructure. In addition, an individual combatant is able to receive the necessary training to fire a gun or a light weapon in only a few hours or days, and finally, SALWs can be concealed in the clothing or hand luggage of a single individual, making them the perfect tools

for assassinations, terrorism and banditry. [23] An example of their concealability is the case study of Slovenia, where the relevant authorities have identified various methods of hiding weapons and their components, as inside televisions, radios, books, dog food, or even inside a loaf of bread, a chocolate bar or a coffee pack. [24]

On the other hand, the above distinctive characteristics are in accordance with the dynamics of this sort of weapons, being their increased lethality, especially after the end of the cold war, and the proliferation of their making technology. For instance, modern assault guns can fire a burst of 30-35 bullets, inflicting the death of many people at once, particularly in crowded environments, as the February 1994 Hebron massacre committed with a 35-round Galil assault gun. Moreover, while the production of major conventional weapon systems is confined to a dozen of industrial powers, the production of SALWs is spread to a much larger group of countries. It is a fact that by 1999, approximately 45 nations were producing light weapons of one sort or another, 22 of them being in the developing world. [25] According to the survey of 2005 made by the World Policy Institute of New York, small arms are responsible for two million casualties each year. Almost 300,000 – mostly civilians – are killed in wars and other armed conflicts and insurgencies; another 200,000 people are killed in homicides, suicides and unintentional shootings, while small arms fires wound one and a half million people around the world annually. [26] Totally aware of this terrible reality, The former UN Secretary General, Kofi Annan, stated in the UN's SALWs Conference of New York in June-July 2006 that the proliferation of light weapons, such as machine guns, has spawned a “*culture of violence*”. [27] This is evident from the data in Table 1.

TABLE 1. Small Arms Stockpiles and ratio of population per arms [28]

Country	Small Arms Stockpiles				Ratio: Population per Arms			
	Population	Armed Forces Weapons	Police Weapons	Civilian Weapons		Total Weapons*	Num. of Citizens per Weapon	
Egypt	74,035,000	1,935,000	257,000	N/A	Egypt	74,033,000	2,192,000	33.7
Jordan	5,703,000	313,000	20,000	600,000	Jordan	6,900,000	933,000	7.3
Turkey	68,234,000	3,947,000	199,000	8,000,000	Kuwait	2,687,000	147,000	18.2
Yemen	20,975,000	340,000	73,000	7,000,000	Lebanon	3,600,000	674,000	5.3
Israel	5,374,000	1,363,000	22,000	503,000	Morocco	29,231,000	939,000	31.1
US	293,027,000	15,000,000	1,000,000	240,000,000	Saudi Arabia	24,573,000	638,000	38.5
					Tunisia	9,563,000	201,000	47.5
					Turkey	68,234,000	12,146,000	5.6
					U.A.E	4,496,000	207,000	21.7
					Yemen	20,975,000	7,500,000	2.7
					Israel	5,374,000	1,888,000	2.8
					US	293,027,000	256,000,000	1.1

*Minimum small arms total stockpiles, including armed forces, police and privately-owned weapons.

Trying to identify how this vast accumulation of light weapons occurs, the Bonn International Centre Conversion Survey argues that three models of the global spread of SALWs have been put forward. The first one is the *proliferation model*, which, following the familiar pattern of the conventional arms trade, supports that there are a handful of major producers exporting weapons to a large number of recipients, so policies must focus on detaining the flow on the supply and recipient side. The second one is the *circulation model*, which, maintaining that the number of small arms already transferred to volatile areas cannot be controlled with supply-oriented approaches due to the illicit trade basically with government involvement, supports that disarmament policies must be devised and focus not only on lowering the domestic availability, but also on lowering the relevant demand for them. Finally, the last model, known as the *diffusion model* combines the aforementioned ones, by giving a typology of the ways by which these weapons are acquired by parties to a conflict. These include [29]:

- Indigenous production.
 - Purely domestic.
 - Imported technology and licensed production.
- Legitimate import.
 - Government grants.
 - Government sales.
 - Commercial sales.
- Illicit import.
 - Covert arms transfer from foreign governments.
 - Foreign government gifts to paramilitary groups.
 - Black market arms imports.
 - Imports from allied foreign insurgent groups.
- In-country circulation.
 - Theft from government arsenals.
 - Seizure of equipment from opponents.
 - Exchanges between domestic insurgent organizations.
 - Exchanges between domestic insurgent and criminal organizations.

While the first model is usually related to a multilateral approach in conventional arms trade control, preferred by supporters of the traditional arms trade regimes like the Wassenaar Arrangement (WA), the EU Code of Conduct on Arms Exports, the UN's Protocol on Firearms and few more, it lacks of the ability to embrace the regional and domestic problematic folds and it is driven in majority by politically binding directives. The second model is often based on a unilateralist approach in the field in question, so lacking of the universality of norms and principles. The third model, in a policy perspective of course, can drive through thorough and in-depth integrated approaches in the issue of SALWs control, but it requires the willingness of all the actors under a common reference point and a legally binding regime, such as a possible international arms trade treaty, including the issue of SALWs and their ammunition.

International level

The three major international regimes in the field of conventional arms trade control are the UN's Register of Conventional Arms, merely limited on the field of transparency and information exchange; the UN's Firearms Protocol as a supplementation of the UN's Convention against Transnational Organized Crime, which excludes of its agenda the state-to-state or state-to-non-state actors transactions of the particular weapons; and the UN's Program of Action to Prevent, Combat and Eradicate the Illicit Trade in SALWs in All Its Aspects, which does not include the "legal" trade of these weapons and does not provide any enforcement mechanisms,

being only politically binding. The UN Register of Conventional Arms, established on 9 December 1991 by the UN General Assembly, called upon all the UN states to provide annually information on the previous years' imports and exports of seven types of weapons: tanks; ACVs, large-caliber artillery, combat aircraft, attack helicopters, missiles and missiles launchers. [32] Recently, two amendments have been included concerning the lowering of artillery threshold reporting down to 75mm and the inclusion of MANPADS. [33] Although the Register calls upon member-states to exercise restraint in exports and imports of conventional arms by placing adequate laws and administrative procedures, it is not a legally binding convention and contains many qualitative and quantitative shortcomings. For example most of Russia's declared arms exports, including those to China and Taiwan, could not be verified, because many of the recipients do not participate in the Register, like China, most Arab states and African countries. [34] The main reason for that participation unwillingness is the non-inclusion of SALW in the Register and its discriminatory character, since it includes only transfers and not weapon inventories. This, results in a fairly accurate notion about the arms inventories of the importing countries not possessing a significant indigenous defense industry, whereas the major arms producers, not importing much have got considerably less to report, keeping the actual state of their inventories undisclosed. [35] Consequently, the Register does not provide so much transparent assessment for the military potential of many countries, having additionally a lot of discrepancies on the type and model of weapons, both in qualitative and quantitative terms. [36]

The only legally binding document concerning global measures to regulate international transfers of weapons, but limited itself in the category of small arms, has been the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, which has been established in June 2001 by a relevant General Assembly resolution as a supplementation of the UN Convention against Transnational Organized Crime. [37] The parties to the Protocol have undertaken the legal commitments to combat the illicit trade in firearms by criminalizing the trafficking-related activities in their domestic laws; seizing and destroying confiscated weapons; keeping records and providing for an exchange information, experience and technical assistance; marking weapons at the manufacturing point and at import; complementing the import and transit licensing requirements under a common content; and finally establishing security measures for the prevention of theft, loss or diversion of weapons. [38] However, despite its global, legally binding applicability, the Protocol comprises imperfections and weaknesses. To begin with, it applies merely to the illicit manufacturing and trafficking of firearms and their components and to the investigation and prosecution of offences established under Article 5 of the Protocol, where those offences are transnational in nature, involving organized criminal groups as well. [39] This means that it does not apply to state-to-state transactions or to state-to-non-state actors transactions and moreover it does not enable itself to the regulation of the legal trade in arms, which under the globalized and innovating market networks of rogue states and relevant non-state actors, may sounds legal formally but it is illegal by nature. Additionally, it merely encourages state-parties that have established a system of licensing or authorization of manufacturing or a system of licensing and authorization of brokering, to include the relevant information in their exchanges of information. In addition, it only suggests for national registration and licensing systems of arms brokers, without any obligatory mandate on that field. [40]

Eventually, a modest (but significant) step towards the development of international norms and practices for restrictions on SALWs has been the UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, known as UN PoA, which contains measures to be undertaken at the national, regional and global levels. [41] At the national level, the UN PoA agreed, *inter alia*, to put in place adequate laws and administrative procedures to exercise effective control over the production, exports, imports and retransfers of SALWs, criminalizing the relevant illicit activities; to establish national coordination agencies for policy guidance and monitoring as well as national point of contacts as