

# **Up in Arms**

**Controlling the international  
trade in small arms**

**An Oxfam GB paper for  
the UN Conference on the Illicit Trade in Small Arms  
and Light Weapons in All Its Aspects  
July 2001**

## Summary

- The UN Conference on the Illicit Trade in Small Arms and Light Weapons should be a launch pad for future detailed work on measures to control the trade in small arms.
- The conference should agree a Plan of Action, giving a detailed timeline by which progress should be achieved. The Plan of Action should contain: negotiating timetables for a Code of Conduct on all arms transfers by 2005; a convention on marking, tracing and record keeping by 2002; a convention on brokering by 2005; and follow-up mechanisms, including another conference to review progress in 2005.
- International efforts to tackle the problem of small arms proliferation must also address demand factors, providing financial and political support to local community disarmament initiatives.
- Civil society organisations have an important contribution to make to the conference. Member states should welcome NGO participation in the conference.

## Introduction

1. In July 2001, the United Nations is convening in New York the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Significant progress has already been made over the last three years on formulating an agenda, thanks to the work of the UN Panel of Governmental Experts on Small Arms, preparatory committees and regional organisations. In July, the member states will face the challenge as to how to take this agenda further so as to tackle small arms proliferation on the global level.
2. No one knows exactly how many small arms are circulating in the world today. Some sensible estimates put the figure around 500 million, which would mean one weapon for every 12 people on this planet. Whilst such numbers can only remain conjectural, evidence that small arms are readily available in many parts of the world is not hard to find. As supplies flood the market, prices are falling in real terms.
 

- In north-eastern Kenya, the barter rate for an AK-47 has dropped from 10 cows in 1986 to its present level of 2 cows.
  - In Sudan, an AK-47 can be purchased for the same price as a chicken.
  - In Central America, automatic weapons sell for around \$400.
  - In the Philippines, local manufacturers sell machine-guns on the black market for around \$375 and revolvers for as little as \$15.
3. The proliferation of small arms has changed the nature of conflict in many parts of the developing world. Wars, which only a decade ago were fought with spears, bows and arrows, are now waged with automatic and semi-automatic weapons (an AK-47 fires 600 cartridges per minute; an M-16 rifle shoots between 700 and 850). For the civilians living in areas of conflict and insecurity, the consequences are horrific.

- According to the UN Secretary General, the death toll from small arms ‘in most years greatly exceeds the toll of the atomic bombs that devastated Hiroshima and Nagasaki’ (*We the People*, 2000).
- In 1990s around 5 million people died as a direct result of conflict. International Committee of the Red Cross estimates that half the people killed in conflict are civilians caught in the crossfire.
- In Angola, the UN estimates that 1 million people – 10% of the population - have been forced to flee their homes as a result of the conflict.
- In Colombia there are around 30 000 violent deaths each year, 74% involving firearms.

### **Why is Oxfam GB interested in small arms?**

4. Oxfam GB has worked with victims of conflict for 58 years. We are present in over 70 countries, 27 of which are in conflict. In many parts of the world, we have seen armed conflict and insecurity resulting in enormous human suffering, through deaths and injuries, human rights violations, obstruction of humanitarian aid, the destruction of livelihoods, and mass displacement of people. One lesson drawn from our experience, whether in Asia, Africa, Eastern Europe or Latin America, is that conflicts are fuelled by the international transfer of arms, most notably small arms and ammunition. Ease of access to the weapons of war has become a fundamental humanitarian concern.

5. A second lesson drawn from Oxfam GB’s work is that action to restrict the supply must be matched by measures to address the complex factors that contribute to end-user demand, including poverty, insecurity, lack of sustainable livelihoods, lack of equitable access to services, assets and opportunities. Without action being taken to break the cycle of violence, many communities will be reluctant to surrender them.

- ‘Small arms are destroying this community. Every family has a weapon because they are afraid to be without one’ (District Chief of Police in Wajir, northern Kenya, November 2000).

6. Oxfam GB recognizes the right of countries to export and import weapons for legitimate purposes of self defence and law enforcement. However, states that engage in the arms trade have a corresponding duty to respect international human rights and humanitarian law and to promote peaceful international relations. Foremost amongst these responsibilities is taking the necessary action to ensure that weapons do not end up in the wrong hands, whether non-state parties or security forces that violate human rights.

### **What should be on the UN conference agenda?**

7. The UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects offers the international community an opportunity to begin work on a global approach to controlling the trade in small arms. To be effective, the conference must consider both the licit and illicit trade in small arms as the two are inextricably linked. UN member states should also recognize the important role civil society organisations have to play in combating the proliferation of small

arms, both as representatives of arms-affected communities, and as a source of expert information. NGOs have a vital role to play in implementing and supporting disarmament projects. Oxfam GB urges member states to develop a constructive dialogue with civil society organisations and to welcome NGO participation in the conference.

8. Progress on small arms issues has already been made internationally through regional initiatives. The conference should support and build on this work, for example by considering how regional agreements can be widened to embrace new parties and by offering technical and financial support to implement existing initiatives.

#### Progress in 1998

- The Organisation of American States' Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Material in 1998 made important progress on harmonising license procedures and introduced a requirement for firearms to be marked at the time of manufacture.
- The European Union's Code of Conduct on Arms introduced human rights, regional stability and development criteria into consideration of licence application, as well as setting up a system of denial notifications.
- The Southern African Development Community has endorsed the Southern Africa Action Programme on Light Arms and Illicit Arms Trafficking, laying out a programme to tackle illicit trafficking, increase regional co-operation, remove and destroy surplus weapons, and strengthen controls on civilian possession and tracing of arms transfers.
- The Economic Community of West African States signed a Moratorium on the Exportation, Importation and Manufacture of Light Weapons.

#### In 2000

- The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa put forward a strategy for dealing with the root causes of small arms possession, including tackling internal political strife and extreme poverty.

9. In addition to developing regional progress, Oxfam GB urges the participants in the UN conference to take the following global steps:
  - Agree a **Plan of Action** to map out the way forward for introducing more effective controls on exports of small arms and light weapons. The plan should include:
    - A statement of shared **norms and standards** on small arms exports to underpin future work. These standards should take into account whether small arms are at risk of being exported (or diverted) to countries where they may be used in human rights abuses or in violation of humanitarian law, fuel conflict or undermine development. The statement should provide the basis for a **Code of Conduct to be agreed by 2005**.
    - **Follow-up mechanisms**. The conference should agree to reconvene by 2005 to agree, consolidate and assess progress on small arms controls. To ensure

that momentum is sustained in the interim, an inter-governmental panel of experts, reporting to the Secretary General, could be established to give advice and monitor the progress on improving international export controls.

- A **timeline** for future work, setting a brisk pace to achieve realistic goals by 2005.
- **Agreement to work towards a convention on marking, tracing and record keeping by 2002.** This should build on the work of the UN Vienna Protocol on Firearms, which - if agreed in early 2001 – may establish an internationally recognized system of marking firearms on manufacture and on each subsequent transfer. The primary target of the protocol is transnational organized crime and has been devised to prevent illegal diversion of arms into criminal hands. Whilst work on the protocol continues on a parallel track to the disarmament remit of the UN 2001 conference, the success of the Vienna negotiations will have an important effect on the illicit trade in small arms and light weapons. Lessons may also be learnt from the OAS experience of a regional marking regime, such as the need for swift ratification by all parties and technical assistance to developing countries to bring the convention into force. Introducing such a system will be an important step in distinguishing between licit and illicit arms, empowering authorities in their attempts to control the flows of weapons through their territory.
- **Agreement to work towards a convention on international regulation of brokering and shipping agents by 2005.** Again, building on the work of the Vienna Protocol, the conference should acknowledge that brokering and shipping should be regulated internationally in order to prevent brokers or shippers from evading legal controls by moving between jurisdictions. National laws provide helpful precedents to the formulation of a convention:
  - i. In the US since 1998 any US citizen or foreign national working as a broker has to register and apply for licences on each subsequent transaction. The law also applies to US citizens acting outside US territory.
  - ii. In Sweden, brokers have to apply for a permit to trade and then apply for licences for all subsequent transactions. These are judged by the same criteria as the rules governing arms exports from Sweden.
  - iii. Arms brokers are required to apply for a licence for deals organised on German territory. This law, however, demonstrates the need for international regulation for it does not cover the broker working from another country and therefore it is fairly simple for him or her to slip into another jurisdiction to make the deal, thus evading control.

Learning from these experiences, an international convention on brokering and shipping should:

- i. Be based on shared norms and standards as established in the Plan of Action.

- ii. Establish that each nation exercises jurisdiction over its citizens and foreigners working in its territory, and where possible, over its citizens working abroad.
  - iii. Include a commitment to establish national registers and national systems for licensing individual transactions.
  - iv. Establish a system of information exchange on those prohibited from acting as brokers or shippers.
  - v. Provide technical assistance to developing countries to implement the convention.
- The conference should also acknowledge the part that demand factors play in the trade in small arms. A fully balanced approach must be taken to tackle demand factors in recognition that the desire to possess small arms is often a symptom of complex underlying problems of ongoing conflict, insecurity or lack of access to justice. Poverty and lack of development opportunities also play an important part in creating a context in which communities resort to arms. The conference should respond to the challenge presented by demand factors by committing themselves to tackle poverty and invest in development. The conference should also more directly offer financial and political support to conflict prevention and local disarmament projects.
  - In addition to the four priorities mentioned above, Oxfam GB would welcome progress on a wide range of other measures, including
    - i. Introducing an international system of end-user certificates accompanied by provision for follow-up mechanisms;
    - ii. stockpile management and destruction of surplus arms;
    - iii. improved international customs and police co-operation;
    - iv. strengthening the UN embargo system through improved monitoring and implementation procedures, including substantially greater resources to monitor UN Security Council sanctions

### **What are the prospects for success at the conference?**

10. The magnitude of the problem of small arms provokes a long agenda of possible responses. It may well not be possible to achieve all the steps listed above in July 2001. At the very least, however, the conference should be approached constructively by all participants, and be seen as an opportunity to map out the way to make progress in the future. Whilst the nature of this first conference makes any legally binding outcome, such as a convention, unlikely, participants should seek common ground on which they can make a politically binding commitment to a plan of action.
11. It is also vital that the conference should give a boost to the progress already achieved in regional fora. Whatever is agreed in July should not hamper these initiatives. Momentum on tackling small arms proliferation must be sustained so that the men, women and children of the world need no longer live in fear of the bullet.

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