

Chapter 1

Illicit Trafficking in Small Arms: Some Issues and Aspects

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One of the most profound phenomena of the nuclear age has been to shift armed conflict progressively from the regular to the irregular, from the traditional military-to-military war to unconventional means and methods that include terrorism. In Clausewitzian terms, it is irregular war and non-traditional application of armed force that have now become an instrument of policy, with small arms as the tools for “extension of politics by other means”. The very nature of the application of armed force has been changing, limited at one level by the risk of nuclear exchange, and near total and indiscriminate use of armed violence at another. Two centuries of doctrinal and operational concepts have led to legitimization of targeting non-combatants to the extent that society itself has become inclusive to war. This has reversed the classical ratio of dominant military to civil casualties in wars. At the same time, advances in technology have made light, man-portable “small arms” and weapons increasingly lethal and expanded their envelope of effective employment.

The issues impacting on international security have undergone profound changes although the accepted paradigm has yet to adjust to these changes. Traditional State monopoly of instruments of violence, for example, has eroded in recent decades, mostly due to actions of the State itself. The very framework of concepts has to be redefined so that peace, rather than only security, is treated as the goal. Only a comprehensive approach that focuses on peace in an integrated manner can meet the existing and emerging challenges where small arms play a crucial role. In the absence of an integrated approach that seeks peace at global, regional, national and societal levels, we will be forced to continue with only fire-fighting operations.

A. Illicit Transfer of Small Arms

There are two central and basic questions that must be addressed before an attempt is made to identify the prominent issues concerning illicit transfers of small arms: the first is a clear understanding of what would constitute “illicit” transfers; and the second is what weapons are to be included in the classification of “small arms”.

1. Small Arms

There is no universally accepted definition of small arms. Even where some sort of understanding exists, we find that it has been undergoing changes throughout decades. Small arms were generally understood to include personal weapons of troops and limited to 12.7 mm and less calibre even during the Second World War. This traditionally covered man-portable weapons like rifles, pistols, light machine-guns, and, in some cases, grenades, etc. As weapons became lighter and more effective, the classification seems to have expanded to include an ever-increasing number and type of weapons. For example, it is believed that by 1983, NATO had enlarged the original Second World War definition to describe small arms as “all crew-portable direct fire weapons of a calibre less than 50 mm and will include a secondary capability to defeat light armour and helicopters”.¹ Such a broad classification would include weapons such as automatic assault rifles (like the AK-series Kalashnikovs, the US M-16, the Israeli Uzi, etc.), rocket-propelled grenade launchers (like the Russian RPG), machine- and sub-machine-guns, shoulder-fired surface-to-air-missiles (SAMs, like the Stinger, Blowpipe, SAM-7 and its Chinese variant, etc.), and so on. Personal weapons like pistols and revolvers below .38 calibre, sporting rifles and guns (like the 12 bore) below the semi-automatic category would be included, although they represent a different dimension of capabilities.

Many other weapons, which are man-portable and capable of inflicting severe casualties and destruction, must also be taken into consideration; for example, land mines (especially the anti-personnel variety, of which over 110 million are estimated to have already been spread worldwide, and which have tremendous human costs on innocents and non-combatants). To this must be added a range of other light weapons including high explosives (like RDX),

¹ Preface to *Jane's Infantry Weapons 1992-93*, p. 182.

indigenous explosive devices, etc., which are increasingly used in irregular conflicts. It is necessary, therefore, to evolve a commonly accepted definition of light weapons (which should include small arms).

2. Illicit Transfers

For an objective study and analysis of the problem of illicit transfers, it is necessary that a universally accepted definition and classification of small arms and light weapons are adopted at an early date. It is also obvious that such weaponry is standard equipment of military (besides paramilitary, and in many cases, even of armed police) forces worldwide. Since the right to self-defence has been accepted and adopted even in the United Nations Charter, it is to be expected that States will continue to acquire and transfer small arms to other States, and this will continue to be considered a legitimate process and activity. State-to-State transfers, therefore, will continue to be considered legitimate, except where the recipient State is under an international (United Nations-sanctioned) embargo. As long as such transfers and acquisitions remain restricted to the use of military and other armed forces of the State, the risks emanating from them will remain limited to the traditional ones related to inter-State conflict and war.

B. Transmutation of Conflict

Because of the increasing costs and limitations of regular war, armed conflict has been sliding down the conflict ladder.² More and more armed conflict has been taking place at the lower end of the spectrum of war (outlined in Table 1.1). This is borne out by empirical evidence related to wars and armed conflict. By one account, there were 96 armed conflicts during 1989-1995.³

² War here is defined as a continuing armed conflict resulting in more than 1,000 deaths. The definition of war and armed conflict has been further refined by Peter Wallensteen and Margareta Sollenberg ("After the Cold War: Emerging Patterns of Conflict 1989-94", *Journal of Peace Research*, Vol. 32, No. 3, 1995, pp. 345-360) to classify armed conflict as a contested incompatibility which concerns government and/or territory, where the use of armed force between two parties results in (i) a *minor conflict* with at least 25 battle-related deaths during the year, but with 1,000 or less deaths overall; or (ii) a *medium armed conflict* which results in at least 25 battle-related deaths per year with over 1,000 cumulative total deaths; and (iii) a *war* is defined as an armed conflict with over 1,000 battle-related deaths per year.

³ Peter Wallensteen and Margareta Sollenberg, "The End of International War? Armed Conflict 1989-95", *Journal of Peace Research*, Vol. 33, No. 3, 1996, pp. 353-370.

Practically all of them, especially since 1992, were intra-State conflicts and wars. In reality, an external factor has been almost invariably present in such conflicts; and this normally takes the form of transfers of small arms and light weapons.

Table 1.1: Spectrum of War, Armed Conflict and Use of Force

| Level/Type of War | Nature of War |
|-------------------------------------|---|
| <i>Nuclear war</i> | Inter-State, highly organized, indiscriminate mass destruction with nuclear weapons, major high technology weapons as delivery systems. |
| <i>Conventional (unlimited) war</i> | Highly organized, inter-State, military-to-military, mostly fought with major weapons as well as small arms. Total in nature including targeting civil society. |
| <i>Conventional (limited) war</i> | Limited inter-State military-to-military, controlled engagement and escalation, minimal collateral civil targeting, fought with major conventional weapons and small arms. |
| <i>Unconventional war</i> | <i>Irregular war and armed conflict:</i> non-State vs.: State/sub-State/non-State. Dispersed, society as the battlefield; small arms as the primary instruments of war-fighting, limited military involvement, mostly in response to the war. Variations include: <i>Proxy wars</i> – <i>Civil wars</i> , indigenous as well as externally supported – <i>Insurgencies</i> , indigenous as well as externally supported <i>Militancy</i> – Terrorism—transnational and national; political/ideological, narcotics/crime related. |
| <i>Force without war</i> | Stand-off (long-range) use of destructive force. |
| <i>Threat of use of force</i> | Standing forces |

All wars, except nuclear war, employ small arms extensively, although major weapons tend to dominate the conventional war scenario. This complicates the small arms landscape in that such weapons are standard equipment of national (legitimate) military (and even armed police) forces. Since wars at the lower end of the conflict spectrum employ mostly small arms

and light weapons, this shift also implies, among other things, that small arms and light weapons have been playing an increasing role in conflicts across the world. All wars/armed conflicts in the world during the past ten years, with the exception of the 1990-1991 Gulf War, have essentially been fought with small arms. While the risk of organized war has been perceptibly reduced overall, the threat of externally sponsored or supported armed conflict linked to societal dissent has increased.

It is important not to treat so-called intra-State conflict and civil wars as purely internal phenomena. In overwhelming cases, the weapons to fight such conflicts come from outside, either because of ideological or other reasons. In many cases, armed conflict has resulted from separatist movements and struggles. Conflicts in Sri Lanka, the former Yugoslavia, Chechnya, the Kurdish conflict, India (Punjab till 1992, and Jammu and Kashmir till 1996), Myanmar, etc., are examples of such conflicts. Like other conflicts, these have been prosecuted with small arms. In fact, political dissent rapidly assumes violent shape because of easy availability of lethal small arms. Arms have been transferred to the fighting groups (many trained abroad), by non-State as well as Governments in other countries. Such supplies invariably constitute illicit transfers even though they may seek to be justified on grounds of supporting political/ideological goals of ethnic and religious groups or separatist movements.

C. Transfer and Proliferation of Small Arms

There is a tendency to treat the transfer of small arms in a manner similar to the transfer of major weapon systems. While certain amounts of weapons are spread as a result of the profit motive and other considerations by sub-State actors, *the State is the supplier or facilitator in the spread of small arms in the overwhelming majority of cases across the world.* The primary incentive of States for promoting proliferation emanates from ideological and/or perceived national interests and goals. In some cases, of course, the supply of arms is perceived to be necessary to promote freedom struggles. This was a major reason for supply and acquisition of arms in many of the freedom movements leading to decolonization. But ideology has not operated only in support of freedom struggles. The export of revolution, for example, went beyond the question of mere political freedom to defining the nature of the political system. In other cases, ideology, especially the variety that is based on ethnicity and/or religion, has been the driving force of external support for separatist

movements. The supply of small arms in such cases has introduced armed violence in some situations. This in turn has fuelled more proliferation, if not quantitatively, certainly qualitatively. Ideology has also been employed in providing legitimacy to transnational criminal activities like narcotics trafficking.

There are a number of aspects to illicit transfers and the spread of small arms that deserve attention:

1. *Cold War Legacy.* The risk of armed conflict escalating into nuclear exchange-limited wars of the Cold War and proxy wars, became instruments of policy. The super-Powers (and their allies) supplied small arms and light weapons as a tool for supporting/pursuing armed conflict in search of their national strategic interests.⁴ The bulk of the proliferation of small arms in the world at present has originated from the legacies and strategies of the Cold War. This debris of the Cold War has been further diffused as a result of regional Powers and sub-State and non-State actors pursuing their own political and ideological agendas. Attention to illicit transfers must, therefore, address not only transfers by States to non-State actors, but also those by sub-State and non-State actors and entities to non-State actors.
2. *Cascading.* While States have played a direct and indirect role in promoting the proliferation of small arms and light weapons, their further diffusion has also resulted significantly from the cascading phenomenon, both among other States as well as within the State itself. In most cases, the initial supplies have been controlled or funnelled through State (mostly intelligence) agencies. But since the primary goal of such supplies has been to arm non-State actors and groups, the process does not remain confined within the original framework, and thus a “boomerang” effect is witnessed. The diffusion of weapons in Pakistan’s society following transfers to non-State actors by State agencies, is one of the many examples.

⁴ For a detailed account of the arms supply pipeline, see M. Yousaf and M. Adkin, *The Bear Trap: Afghanistan’s Untold Story*, Leo Cooper, London, 1992, ch. 6; and John G. Merriam, “Arms Shipment to the Afghan Resistance”, in Grant M. Farr and John G. Merriam, *Afghan Resistance*, Westview Press, Boulder, 1987, pp. 71-102.

3. *Loose National Controls.* A large amount of illicit traffic and spread of small arms is made possible by loose national controls over such weapons.⁵ In fact, there is gross variation in the legislation on the subject varying from the belief that no controls should apply (as in the United States) to Japan (where no weapon is allowed). Loose controls in the territories of the former Soviet Union are a special area of concern.
4. *Retrenchment of Military Power.* Availability, traffic, and proliferation of small arms have also received a boost from the effects of retrenchment of military power. A substantive draw down of military power has taken place since the Cold War started to wind down in the late 1980s, later coming to an end. Global military strength has been reduced by over 4 million during the past ten years rendering large quantities of small arms surplus. The processes of disarmament and demobilization, wherever they have taken place, have increased the potential for proliferation, especially where controls have been lax or incentives for proliferation been high.
5. *Transnational Ethnic and Ideological* (including religious) factors, in conjunction with the communications revolution in all its facets, providing support for internal conflicts, raise the demand for small arms, including by sub-State and non-State actors. This is particularly acute in some aspects.⁶
6. *Narcotics Linkage.* Drug trafficking is another aspect which is inevitably linked to the spread of small arms in the producing countries and transit territories.⁷ Transnational criminal activity, especially narcotics trafficking, is a major factor sustaining illicit transfers of small arms

⁵ For example, over 92,000 licences for arms were issued in Karachi alone (which reportedly had more than 100,000 Kalashnikovs outside State control) as part of the Pakistan Government's policy of "liberalizing" availability of small arms to the public. See *Dawn* (Karachi), 31 March 1996.

⁶ For one view of religious motivation for armed violence see Bruce Hoffman, "Holy Terror: The Implications of Terrorism Motivated by a Religious Imperative", RAND Paper P-7834, RAND, Santa Monica, 1993.

⁷ For a detailed account of the linkage, see Tara Kartha, "Southern Asia: Narcotics and Weapons Linkage", in Jasjit Singh (ed.), *Light Weapons and International Security*, Pugwash, IDSA and BASIC, New Delhi, 1995, pp. 63-86.

around the world.⁸ The focus on drug trafficking so far has been confined to tackling it as a social problem because of the direct impact on society and its physical and psychological health. Attention has also been paid to the factor of drug money laundering. But the relationship between drug trafficking/money laundering with the illicit transfers and spread of small arms and their financing, needs greater attention.

7. *Commercial Motive.* The profit motive, especially since the linkage with narcotics trafficking provides very high dividends, is an important factor promoting illicit traffic in small arms. The manufacturing of such weapons outside State control has increased and will pose serious challenges in the future.

D. Controlling Illicit Transfers and Spread

Given the extent and nature of illicit transfers of small arms that have already taken place, and the diffusion of these arms to actors and entities outside State control and society in general, instituting controls to regulate such transfers and diffusions will be a Herculean task. On the other hand, the risk to civil society and to the stability of States, particularly democratic polities, is likely to keep increasing. Fortunately, the international community is increasingly conscious of the problem. But one of the greatest hurdles that it will have to face in controlling illicit transfers is to get States to accept a uniform code that will ensure that Governments and their agencies do not pursue such transfers in the future, and cooperate in relation to measures regarding past transfers. This, of course, is easier said than done. Measures will need to be instituted in an integrated manner at national, regional, and international (global) levels since they cannot be addressed piecemeal or at any single level. Broad possible measures have been examined and proposed by the author elsewhere, and are not intended to be duplicated here again.⁹

The key to control lies in enhancing transparency and accountability regarding such transfers and further diffusion. Production and supply of small arms need to be made completely transparent while strong norms like end-use

⁸ For a regional case-study see Tara Kartha, *op. cit.*, note 4.

⁹ See Jasjit Singh, "Evolving Approaches to Control the Spread of Small, Light and Similar Weapons", paper presented at an international seminar on *Conventional Weapons Transfers after the Cold War*, organized by the Japan Institute for International Relations, Tokyo, 21-22 December 1995.

certification need to be established to ensure that diversion and diffusion are restricted. There is normally notable hesitance in enhancing transparency of military postures because of national security concerns. But such concerns regarding small arms should be minimal because the scale of equipment and increased transparency will not really affect national security adversely. A system of verification concerning end-use will also be necessary. Covert and illicit arms transfers pose special problems in this regard. While international cooperation and more responsible national policies are perhaps the only solution to ensure that States strictly observe elimination of illicit transfers, for the future it would be necessary to evolve identification systems (material signature etc.) of weapons manufactured so that when illicit arms are recovered, it should be possible to trace the manufacturers and, possibly, the suppliers.

Prioritization of which weapons to focus on first will be necessary so that the more destabilizing weapons are controlled earlier. For example, control of automatic weapons and sophisticated weapons like shoulder fired surface-to-air missiles, denotes the type of weaponry which requires institution of control earlier than, say, home-made shotguns. Shoulder fired surface-to-air missiles like the Stinger and SAM-7, etc. have been used by militant non-State actors to shoot down over 325 aircraft in the past 15 years. It is sobering to recall that there have been a large number of strikes on civil aircraft with shoulder fired surface-to-air missiles, while hundreds of such weapons are loose in society and moving around the world without governmental control. The process requires a universally accepted definition of small arms and light weapons. The United Nations Experts Panel is expected to come up with some agreed definitions. But this, at best, can only represent preliminary steps. More work will also have to be undertaken to institute universally acceptable norms of what constitutes illicit transfers.

National control measures will also need to be strengthened. These would include, (i) improved border surveillance and control, (ii) stricter gun control legislation and its effective implementation, and (iii) strong and effective measures against illegal possession and traffic in small arms (especially automatic and semi-automatic weapons). National measures will need an increasing degree of harmonization at the regional as well as global levels. Above all, the central driving factor to stop the already high risk of stability to States and civil society will have to be built on increasing awareness and consciousness of the problem and the possible solutions. This should logically lead to strong norms and inhibitions at the societal, national, and international levels against the spread of small arms and light weapons.

