

A regional perspective on the problem of small arms and light weapons

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The new challenges to national and international security, as well as the nature of conflicts that characterize modern times, have proven the relevance of small arms and light weapons not only in the generation, continuation and aggravation of conflicts, but in the destabilization of institutions, democracy and development of countries and regions. This is why in recent years the international community has paid special attention to the problems posed by these weapons.

A few figures illustrate the dimensions of the problem: worldwide, there are approximately 500 million small arms and light weapons in circulation, which have taken the lives of more than half a million persons, mostly civilians, every year during the past decade. Approximately 20% of the weapons in circulation have been deviated to the illicit market.

Even though there is an increasing awareness of the problem posed by small arms, the response to this matter has not been easy or linear. It has been necessary to generate enough political will to face it and solve the complexities that derive from the multidimensional nature of the problem. The collaborative efforts of a number of governments and the active participation of civil society have been paramount.

Challenges

Two specific challenges needed to be addressed before we could expect progress on the small arms issue. First of all, it was necessary to recognize the problem as a global one, and accept that it needs a collective or at least an agreed response from the international community. The confidential treatment that domestic arms production often receives, the lack of control not only over national and international trade, but also over possession of these weapons, and national security considerations that seek to distinguish transactions made among individual owners from those between states or state-authorized entities, are some of the problems that hinder cooperation at the global level.

In contrast with the approach taken in response to other global issues, such as drugs, a number of states deny any international responsibility stemming from internal practices or policies that clearly

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encourage an excessive availability of small arms and light weapons. In many cases, governments insist on considering weapons as any other commercial product, and thus refuse their control, especially at the national level.

Secondly, it has been necessary to deal with the absence of a clear definition of the types of weapons included in the category 'small arms and light weapons'. For example, there are differences in the definition of the term 'firearm' agreed upon in the United Nations and in the Organization of American States (OAS).

Numerous perspectives

The complex problem posed by small arms can be approached from at least three different perspectives. There is a need to clearly distinguish among them, while at the same time emphasizing their complementary essence. All three perspectives have an important background in Latin America.

First, the manufacture and trade of small arms and light weapons has implications from a *disarmament* perspective, since their control and restriction reduce risks and threats to regional as well as international peace and security, and liberate resources for development. On the other hand, their widespread availability increases tensions in unstable regions, lengthens conflicts and generates a large number of post-conflict problems.

Secondly, in the *fight against organized crime*, the reduction of illegal activities related to the manufacture and trade of small arms and light weapons reduces violence, corruption, and social, economic and political instability within states, thus enhancing states' capacities to face criminal and terrorist groups. It is important to note that the combat against organized crime, and more specifically against the problem of illegal drug traffic, has received a much higher priority than small arms.

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Finally, from a *human security* perspective, the reduced availability of small arms and light weapons has a direct impact in diminishing abuses against civilians—the main victims of these weapons.

Regional efforts

Efforts to limit the excessive availability of legal weapons in Latin America are linked to initiatives in favour of *self-restricting* weapon acquisitions (promoted mainly by Mexico). While these are an important component of sub-regional confidence-building measures, there are no programmes or specific goals in regional organizations due to the opposition of some countries, particularly Brazil. Likewise, efforts to collect weapons from civilians in Latin America are limited. Programmes exist in Central America and in countries such as Brazil and Mexico under different modalities.

In this regard, Central American countries have developed ambitious weapons collection and destruction programmes as an integral part of peace agreements, recognizing that the existence and availability of weapons constitutes an obstacle not only for the implementation of the agreements, but for the strengthening of a safe environment after the conflict. Weapons collection programmes respond to post-conflict situations and have made enormous contributions to the stability of the region. Nevertheless, it is important to underline that illicit small arms and light weapons still pose an enormous problem in the sub-region and much remains to be done, since they are now associated with crime.

In other countries, such as Brazil and Mexico, weapons collection programmes have been developed to combat problems of urban violence, relying on civil society and mostly monetary incentives. These programmes, such as the one supported by Viva Rio in Rio de Janeiro, Brazil or by mothers' organizations in some Mexican states (Puebla, Nuevo Leon and Chihuahua), have had very positive results. However, they continue to be limited inasmuch as they have a strictly domestic reach. They are commendable efforts that require broader institutional support to become permanent programmes and to be expanded beyond local areas.

The main obstacle for controlling the flow of weapons remains the considerable divergence amongst the United States and other American states with regard to the possession of weapons by civilians. The United States considers that the high availability of weapons enhances tensions only in unstable or conflict-prone regions, and thus it strongly opposes to limit or even regulate appropriately the access to weapons by civilians and other non-state actors. In contrast, other states have placed the small arms problem in a broader context linked to violence and they plead for a perspective in which weapons are subject to strict controls at the national and international levels.

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This substantive difference can be clearly identified when contrasting the weapon-related policies and legislation of Latin American countries in general, against those of the United States and (to a lesser extent) Canada. However, the tendency in favour of regulation has made some progress in the region, and a process has been started to prohibit certain kinds of highly destructive weapons from being sold to private owners. But overall, important progress has been made in recognizing the global nature of the problem, and consequently, the need for multilaterally agreed actions. In other words, there is a recognition that the problem cannot be solved at the national level, and the principle of shared responsibility, which has developed in the framework of the international fight against drugs, has been accepted in the context of small arms and light weapons.

The Interamerican Convention

This awareness of the global implications of the problem is precisely what gave the cue to Member States of the OAS to agree on measures unprecedented in the international scene when they adopted the *Interamerican Convention Against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials*. This convention, which was signed in 1997 and entered into force in 1998, emerged from a Mexican initiative supported by the Rio Group with the aim to combat one of the main problems of the hemisphere, through cooperation and recognition of the transnational impact of the issue.

The main purpose of the convention is to prevent, combat and eradicate the illicit manufacture of and trafficking in firearms, ammunition, explosives and other related materials by promoting and facilitating modification of domestic legislation and corresponding procedures, as well as a broader exchange of information and experiences between States Parties. It includes the obligation to establish as criminal offences under their domestic laws the illicit manufacturing of and illegal trafficking in firearms, ammunition, explosives and other related materials. It also requires states to keep registers of transactions involving weapons and, most importantly, to obtain the consent of transit states and destination states for any operation involving weapons, ammunition or explosives.

The contribution of the convention to the debate on definitions is quite significant, for in addition to firearms as such—any barrelled weapon which can, is designed to or may be readily converted to expel a bullet or projectile by the action of an explosive, except antique firearms manufactured before

the twentieth century or their replicas—it includes ‘any other weapon or destructive device such as any explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system or mine’. This definition is much broader, for example, than the one agreed upon in the *Protocol against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, which complements the *United Nations Convention against Transnational Organized Crime*.

Other aspects of the regional instrument that should be highlighted are its role in promoting hemispheric and multilateral cooperation in issues such as training, technical and judicial assistance, and exchange of experiences and information, as well as for its follow-up mechanism for implementation. This mechanism, known as the Consultative Committee, gives a permanent character to the issue of firearms, and it ensures the timely identification of obstacles and opportunities to achieve the full implementation of the convention. In addition, it facilitates the coordination of regional and sub-regional efforts, as well as those being developed in other parts of the world or on a global scale.

While addressing the manufacture and trade of firearms from the perspective of their relation to organized criminal groups, terrorism and drug traffic, the convention undoubtedly contributes to a reduction in the proliferation and the availability of weapons by including a number of measures that directly affect their legal manufacture and trade. The convention promotes transparency in international arms transfers, which in itself diminishes excessive availability of weapons. It is important to underline in this context that the convention comprises a strict regime for exports, transit and imports, backed by the Model Regulations also elaborated and approved in the OAS in its recognition of the need for governments to exert absolute control over operations involving small arms and light weapons.

Upon elaborating and signing the convention, the American states not only positioned themselves at the forefront in this matter, but they also set a reference point for other regions and drove forward the preparatory process of the *United Nations Conference on Illicit Trade in Small Arms and Light Weapons in All its Aspects*.

The compromises reached at the OAS with the United States, the world’s greatest weapon producer, later facilitated the negotiation of agreements with global outreach. Also, the necessity of full participation of other actors—including producers and consumers—to solve the problem has been underlined

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since the adoption of the OAS convention. This does not mean that the region has solved the problem. Many tasks remain to be done in order to consolidate the steps already taken and achieve irreversible progress. The ratification of the *Interamerican Convention* by all Member States of the OAS, and particularly by the United States and Canada, is the top priority. Furthermore, we must develop a culture against weapons at all levels of society and intensify campaigns to raise awareness in schools, the media and in government bodies to take further steps in the fight against proliferation.

Small arms and light weapons are unlikely to be ever prohibited, and yet their possession and use must be strictly limited and controlled—just as any other product with similar potential for individual damage and posing a threat to our society would be.