

Strengthening Controls: Small Arms Measures



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A displaced girl in San Markande, Nicaragua.

weapon becomes unusable, though its component parts—recycled in newer weapons—may last even longer. Small arms typically pass through many hands before the end of their lives, further complicating control efforts. This life cycle typically begins with production and moves on at some stage to possession, but does not necessarily end with first possession. Transfer, re-transfer, and stockpiling are all part of the normal small arms life cycle. The regulatory regimes the chapter examines are designed to maintain control over small arms at various stages of this cycle. When efforts to control guns fail, they frequently end up in the wrong hands for the wrong purposes.

The effective tracing of small arms can help identify and ultimately suppress illicit trafficking networks. End-use assurances play a similar role in preventing the diversion of these weapons to unintended end-users and end uses. Brokering controls, when further developed, will fill a crucial gap in the current regulatory framework, as they will limit the freedom certain brokers now exploit when facilitating illicit arms deals. Secure stocks are equally essential in combating diversion, while the national regulation of civilian ownership is a cornerstone of efforts to minimize the misuse of small arms.

This chapter looks at a series of regulatory regimes proposed or actually employed, at the national, regional, and global levels, for the purpose of controlling small arms at various points in their life cycle. The coverage is selective, yet the areas the chapter examines are widely recognized as key components of broader efforts to control small arms. These areas include marking and tracing, end-use certification, stockpile management, and the regulation of civilian possession. These studies are complemented by an examination of a specific instrument (the recently concluded UN *Firearms Protocol*), region (eastern Africa), and type of actor (NGOs).

Small arms control efforts confront a series of problems. One is the remarkable longevity of these weapons. If stored carefully, small arms can have a very long life cycle. Usually several decades pass before the original

The requirements of effective small arms regulation are complex.

There is growing recognition of the importance of tracing and its link to other facets of the fight against small arms.

These regulatory regimes are at varying stages of development. Controls over civilian ownership are, with important exceptions, quite extensive, and in recent years pressure to tighten regulations in both developed and developing countries has mounted. By contrast, arms brokering remains largely unregulated, even at the national level, though the regulatory spotlight is slowly shifting to this key activity.

In a world of sovereign states, all these regulatory regimes are inevitably rooted in national legislation and institutions. The case of eastern Africa illustrates the complex, yet essential task of translating the political commitments made at the multi-lateral (sub-regional) level into effective action at the national level. While national regulation will remain the foundation of broader control efforts, the inescapably trans-national nature of small arms proliferation makes multilateral co-operation indispensable. As difficult as this often is for states wary of infringements on their sovereignty, the need for the harmonization of small arms controls is increasingly evident. Effective tracing mechanisms cannot be developed without some minimum level of harmonization. End-use assurances will remain open to abuse and fraud so long as state practices remain sharply divergent. The development of significant controls over brokering will require broad agreement on definitions and on scope of jurisdiction.

False end-use documentation is often used to divert arms, particularly small arms, to the illicit market.



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Candle-light procession in Zug, Switzerland, shortly after the shooting rampage that left 15 people dead.

These two levels of activity—national and multilateral—necessarily reinforce one another. Any multilateral instrument relies on national implementation for its success. Very often, the implementation of such instruments has a significant impact on existing national systems—in both developed and developing countries. At the same time, the efforts of individual states to independently strengthen national controls over small arms quickly run up against the limitations imposed by divergent state practices, creating pressure for the development of multilateral measures designed to harmonize and standardize these controls.

The chapter describes the wide variety of actors that are involved, at national, regional, and global levels, in attempts to strengthen small arms controls. It highlights, in particular, the crucial roles NGOs play in building support for such efforts and in shaping and implementing specific policy initiatives. Yet the chapter also emphasizes that the principal role in small arms control must be played by states.