

Locking onto Target:

LIGHT WEAPONS CONTROL MEASURES



Taliban soldiers with FIM-92 'Stinger' MANPADS encircle a hijacked Indian Airlines plane as negotiators discuss hijacker demands. Kandahar, Afghanistan, December 1999.

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Throughout 2004, man-portable air defence systems (MANPADS) remained high on the list of international arms control priorities. The sustained threat MANPADS posed to civilian aircraft, coupled with their evident utility to insurgents in such places as Chechnya and Iraq, continued to drive multilateral efforts to bring them under stricter control—often under the rubric of the broader 'war on terror'. Building on work done in the 2004 edition of the *Small Arms Survey*, this year's Measures chapter takes an in-depth look at recent efforts to curb the proliferation of MANPADS. It begins, however, by fitting MANPADS into the broader measures picture.

Since the mid-1990s, a wide range of instruments has been adopted at the regional and global levels to tackle the small arms problem. Typically, these general measures do not target any specific type of small arm or light weapon.

Instead, they tend to cover all or most light

weapons as this term was defined by the 1997 UN Panel of Governmental Experts on Small Arms (broadly speaking, weapons designed for use by several persons serving as a crew, including heavy machine-guns and portable missile and rocket systems). Coverage of ammunition for light weapons is much less extensive.

This relatively broad coverage of light weapons (the weapons themselves) is somewhat surprising, given that several of the instruments under review—as reflected in their titles and use of terms—focus on 'firearms', an expression not normally associated with light weapons. Except for the UN *Firearms Protocol*, these 'firearms instruments' nevertheless apply to a wide range of light weapons. At the same time, two instruments that one might assume cover all light weapons—again on the basis of their titles and use of terms—in fact do not.

This study does not analyse the content of these measures as previous editions of the *Small Arms Survey* provide much of this information. It is sufficient to note that, taken as a whole, these general small arms instruments yield a relatively broad, and in some cases dense, web of regulation that applies to light weapons as well as small arms.

In the past few years, states around the world have increasingly shifted their attention to a specific type of light weapon: MANPADS. The 2004 edition of the *Small Arms Survey* reported on initial international efforts to curb MANPADS proliferation. This year's Measures chapter updates that analysis, focusing on the stringent new transfer standards developed by the Wassenaar Arrangement and the Organization for Security and Co-operation in Europe (OSCE). These principles have gained much international support but are not yet universally accepted. While important normative work remains unfinished, especially at the global level, the principal challenge is now shifting from the development of these norms to their concrete implementation at the national level.

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As ever, the key to implementation lies with states. International instruments are effective only when translated into law and practice at the national level. This chapter takes an initial step towards evaluating national-level implementation with an in-depth review of the transfer control systems of five key exporting countries, all members of the Wassenaar Arrangement and OSCE. In all five countries, the chapter finds that these systems provide the basis for full implementation of the Wassenaar–OSCE MANPADS principles. In at least one instance, they appear to exceed these standards—specifically, the United States in the area of end-use monitoring.

Although the five states have the systems in place that would allow them to meet the Wassenaar–OSCE requirements, further research is needed to ascertain whether they do so in practice. It is also worth noting that these same systems allow for strict control over the broader range of light weapons (and most small arms). The basic elements of national transfer control systems are the same for all these weapons. At their heart lie licensing procedures that assess and minimize risk, including risk of diversion, in advance of any export.

Although many of the most important arms exporting states in the Wassenaar Arrangement and OSCE have systems in place that allow them to meet the Wassenaar–OSCE MANPADS requirements, the same cannot be assumed of the broader Wassenaar and OSCE members, let alone the non-Wassenaar/OSCE world. The last section of the chapter makes a brief foray into this wider world.

The transfer control systems of the two non-Wassenaar/OSCE states reviewed provide at least two findings that probably resonate beyond the two cases. A lack of transparency precludes an evaluation of critical aspects of Brazil's transfer control system, while South Africa—now moving towards Wassenaar membership—satisfies all of the Wassenaar–OSCE MANPADS standards.

Work continues on determining whether states around the world have the control systems that will enable them to fulfil the many commitments they have made in relation to light weapons in recent years. The regulatory framework needed to implement the Wassenaar–OSCE MANPADS principles—among the most stringent of all light weapons measures—is in place in key exporting states. Yet the broader legislative picture is unclear, and—most crucially—it remains to be seen whether law is being matched with practice.

The transfer control systems of key arms exporting states meet the Wassenaar–OSCE MANPADS requirements.

Table 5.1 General small arms instruments: substantive scope

REGIONAL INSTRUMENTS	Weapons / ammunition coverage		
	small arms	light weapons	ammunition
OAS Convention (OAS, 1997)	All small arms	All light weapons	For all small arms and light weapons
OAS Model Regulations (OAS, 1998)	All small arms	Light weapons that use cartridge-based ammunition	For all small arms; for light weapons that use cartridge-based ammunition
EU Code of Conduct (EU, 1998; 2003)	Most small arms	All light weapons	For most small arms; for all light weapons
West African Moratorium (ECOWAS, 1998; 1999)	All small arms	All light weapons except portable anti-aircraft missile systems	For all small arms; for all light weapons except portable anti-aircraft missile systems
OSCE Document (OSCE, 2000)	Small arms 'made or modified to military specifications for use as lethal instruments of war'	Light weapons that can be carried by one or more persons	Does not cover ammunition
OUA Bamako Declaration (OUA, 2000)	All small arms	All light weapons	For all small arms and light weapons
SADC Firearms Protocol (SADC, 2001)	All small arms	All light weapons	For all small arms and light weapons
Pacific Islands Forum model legislation (Pacific Islands Forum, 2003)	All small arms	Light weapons that use cartridge-based ammunition	For all small arms; for light weapons that use cartridge-based ammunition
Nairobi Protocol (Nairobi Protocol, 2004)	All small arms	All light weapons	For all small arms; unclear whether light weapons ammunition is covered
GLOBAL INSTRUMENTS			
UN Firearms Protocol (UNGA, 2001b)	All small arms	Light weapons using cartridge-based ammunition that can be moved or carried by a single person	For all small arms; for light weapons using cartridge-based ammunition that can be moved or carried by a single person
UN Programme of Action (UNGA, 2001c)	All small arms	All light weapons	Unclear whether ammunition is covered
Wassenaar Arrangement Initial Elements (WA, 2004; 2003b)	Most small arms	All light weapons	For most small arms; for all light weapons
Wassenaar Arrangement Best Practice Guidelines (WA, 2002)	Most small arms	All light weapons	Do not appear to cover ammunition

Notes: This table indicates whether, in principle, the instruments it lists cover small arms, light weapons, and their ammunition. It does not consider to what extent these instruments, through their operative provisions, actually regulate these weapons/ammunition. For additional information on the scope of multilateral instruments with respect to small arms ammunition, see Chapter 1 (AMMUNITION).

Additional source: McDonald (2005)