A role for verification and monitoring in small arms control?
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There was a time when controlling the transfer and use of small arms and light weapons was thought to be not only impossible but also undesirable. Small arms and light weapons are used legitimately in large numbers by armed forces and police services around the world. Many civilians also own small arms for hunting or sporting purposes. Their widespread availability in many societies made the idea of small arms control seem rather like trying to put a genie back in a bottle. It seemed far more useful to concentrate on reducing armaments which posed a ‘serious’ threat to stability. Heavy weapons can cause many more casualties over a shorter time, while weapons of mass destruction, besides being horrifying in their potential effects, can also drastically alter the strategic balance. In comparison, small arms seemed to be small fry.

Yet, just a few years later, small arms control is no longer perceived as a naive and frivolous objective but instead as a serious and, in some ways, increasingly accepted policy option. The impetus has not necessarily come from traditional arms control quarters. Humanitarian aid groups, development agencies, medical organisations and law enforcement bodies have all recognised the damage caused by the spread of small arms and light weapons and have sought solutions.

As a result, a relatively complex web of regulations, standards and projects has grown up which is aimed at dealing with specific aspects of the problem, but does not necessarily constitute a comprehensive regime. The United Nations Programme of Action on Small Arms and Light Weapons is itself more a menu of measures than a binding system of controls.

Largely as a consequence, verification and monitoring barely feature on the small arms control agenda.
Ultimately, a more rigorous control and verification system in the field of small arms control would be useful. Without some form of accountability it is unlikely that agreed norms and standards will be fully respected. Any verification and monitoring, will, however, need to be tailored to suit the peculiarities of the issue and to take account of the size and dynamics of the illicit trade which is by its very nature not amenable to verification or inspection.1

Background

Impact

Even though small arms have many legitimate uses, there is no doubt that their excessive accumulation and uncontrolled spread can have devastating effects. Small arms and light weapons2 are now recognised as causing the majority of deaths and injuries in combat and non-combat situations. Many of the low-intensity conflicts which have characterised the years since the end of the Cold War have been fought largely with small arms and light weapons. Often used indiscriminately, these weapons can be responsible for just as many fatalities among civilians as among combatants. In fact, the International Committee of the Red Cross (ICRC) has estimated that, in certain situations, up to 64 percent of the casualties in conflict areas are borne by civilians, often women and children.3 Taking into account non-combat situations, the Small Arms Survey estimates that over half a million people are killed by small arms and light weapons each year, either intentionally or unintentionally, in combat or because of crime. Many more die from forced displacement, malnutrition and disease resulting from gun-related intimidation.4 The humanitarian impact is incalculable.

Characteristics of small arms and light weapons

Unlike heavy conventional weapons, such as tanks or artillery, small arms and light weapons are widely available and relatively easy to produce. Small arms are cheap and easy to conceal, which means they are highly portable and can be smuggled relatively easily across borders. Rapid-fire military assault rifles are becoming increasingly widely available, particularly among rebel groups, terrorist organisations and organised criminal gangs. Even shoulder-fired rockets, mortars and light anti-tank weapons have found their way into the hands of individuals and non-state groups. Often, their firepower now outperforms that of the police or military. Furthermore,
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automatic assault rifles, such as the Russian-designed AK-47 or the German G-3, are reasonably durable, require little or no logistical support, and are relatively easy to use. Even children and teenagers can be trained to use them.

**Where do small arms come from?**

The increased attention being devoted to the control of small arms and light weapons probably does not stem from increased availability or trade. In fact, transfers of small arms and light weapons, both legal and illegal, appear to be relatively stable, or even gradually declining. The sheer numbers already in circulation, however, are not reassuring. The UN has estimated that there are over 500 million small arms and light weapons in circulation around the world, but the real number may be considerably higher.\(^5\)

Many of these weapons are decades old and are recycled from conflict to conflict. Others have been transferred from government stocks, particularly in Central and Eastern Europe, following the end of the Cold War.\(^6\) Increasingly considered obsolete and falling foul of North Atlantic Treaty Organization (NATO) standards, these weapons were viewed as a ready source of hard currency by countries in transition. The 1990 Conventional Armed Forces in Europe (CFE) Treaty prohibited the sale of heavy weaponry but did not cover small arms and light weapons. As a consequence, many were sold to countries involved in violent conflict or to abusive regimes, sometimes in violation of UN arms embargoes.\(^7\)

**A control vacuum**

Small-arms control has focused on combating illicit trafficking, but there is increasing acceptance among governments that almost all illegally-held and -transferred weapons, including those used for criminal purposes, are originally transferred perfectly legally. Many nations, even those with stringent laws governing the export of military technologies, lack legislation which takes into account the peculiarities of small arms and light weapons. For example, many legal small arms shipments have been relatively easily diverted to illegal organisations. An increasing number of international arms brokers have exploited loopholes in legislation which effectively allow them to ship weapons anywhere, including to areas of conflict or abusive governments.\(^8\) A lack of common standards for export documentation, particularly end-use certificates, means that they can be easily forged.
Illegal small arms and light weapons are a primary cause of concern for governments. Illegal weapons are used by secessionist groups, terrorist organisations and organised criminal networks, threatening internal security and stability. Yet, according to the Small Arms Survey, illegal transfers probably account for only 10–20 percent of the global small arms trade. The legal trade is far more substantial and can have significant destabilising effects. Patterns of legal supply can often reveal where major arms shipments are going. Keeping watch on regions that are becoming noticeably saturated with small arms and light weapons can provide vital warning of impending conflict or instability.

**International agreements and restraints**

**International action and initiatives**

Initially, it was civil society groups and research institutes that identified the problems caused by the proliferation of small arms and light weapons. Encouraged by the success of the campaign to ban anti-personnel landmines, a vocal group of non-governmental organisations (NGOs) began to press for stricter controls and enhanced transparency for small arms and light weapons transfers.

The failure or absence of comprehensive disarmament as part of peacekeeping and peace enforcement operations, of which Somalia is a particularly conspicuous example, also convinced the UN that small arms control should be addressed more comprehensively at the national and international level. In his 1995 ‘Supplement to An Agenda for Peace’, UN Secretary-General Boutros Boutros-Ghali identified the control of small arms and light weapons, particularly through ‘micro-disarmament’, as a priority for the world organisation. Later, the UN General Assembly established a Panel of Governmental Experts on Small Arms, which made a number of far-reaching recommendations. By 1999, the General Assembly had agreed to convene a major international conference on the illicit trade in small arms and light weapons by the end of 2001, and at this conference a comprehensive, if somewhat vague, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons was agreed.

Almost concurrently, the European Union (EU) also began work on a number of agreements on conventional weapons, including the EU Code of Conduct on Arms Transfers, a regional agreement with common criteria for arms exports, and the
EU Joint Action on Small Arms, a legally binding document which encourages member and non-member states to reduce the destabilising accumulation of small arms through a variety of different measures. A number of other regional organisations also began to examine the issue. In December 2000, the Organization of African Unity (OAU) agreed a common position on small arms and light weapons. NATO’s Euro-Atlantic Partnership Council (EAPC), which includes both NATO allies and partners, developed a small arms work plan including provision for tailored assistance. The Organization for Security and Co-operation in Europe (OSCE) agreed its Document on Small Arms and Light Weapons in late 2000, containing standards and measures to deal with various aspects of the issue.

Standard-setting agreements
Most of the agreements reached to date on small arms and light weapons are of a norm- and standard-setting character. The OSCE document, for example, contains detailed standards and procedures governing arms import and export documentation and procedures, but has no legal status. Although it is politically binding, its provisions are not mandatory. As a result, verification and monitoring can only play a limited and somewhat ad hoc role. Nor is the EU joint action subject to verification or monitoring, even though it is a legally binding agreement. The joint action only places obligations on EU member states in terms of external co-operation and assistance, not in terms of their internal procedures. This encourages them to provide assistance for small arms initiatives, particularly outside the EU. It is the statement of intent that is legally binding, not the measures themselves.

Efforts at the UN to secure a legally binding agreement with strong commitments on member states foundered at an early stage. A multifaceted issue, small arms control did not lend itself well to agreement at the global level. Strong resistance to any form of control from some countries only left room for a compromise agreement—the UN Programme of Action.

Negotiated in three preparatory committees, numerous ad hoc meetings and the final conference of July 2001, the Programme of Action is a non-binding document containing largely recommendatory language, which ‘leaves wide margins for states to exercise discretion or interpretation through frequent use of such clauses as “where applicable”, “as appropriate”, “where needed”, or “on a voluntary basis”’. There are no provisions for monitoring and verification. An attempt to introduce
an ad hoc mechanism to monitor progress towards implementation was stymied during negotiations, largely because it was felt that this might impinge on states’ domestic small-arms policies. Proposals for biennial national reports were also dropped shortly before the final text was agreed. As a result, any follow-up will be limited to the biennial review meetings provided for in Section IV of the Programme of Action.

**Legally binding agreements**

It would, however, be incorrect to say that there are no legally binding agreements in the field of small arms control. While the idea of a global conference on small arms was being discussed in New York, the UN in Vienna approached the issue from another perspective—that of crime and law enforcement. In 1998, the General Assembly mandated an ad hoc committee of the Economic and Social Council (ECOSOC) to negotiate a convention on transnational organised crime with three supplementary protocols, one of which was to deal with illegal firearms trafficking. The Firearms Protocol was agreed in early 2001, and is the first global legally binding agreement dealing with small arms and light weapons. It took as its model the Convention against Illicit Firearms Trafficking agreed by the Organization of American States (OAS) in 1997. Both are legal agreements which are subject to signature and ratification and require substantial changes in legislation related to controls over the manufacture, marking and transfer of weapons, but, again, their implementation is not subject to verification or monitoring.

**Targeted assistance programmes**

While many organisations have focused on standard-setting agreements, others have developed assistance programmes which focus on the demand side of the equation and attempt to alleviate the suffering and poverty exacerbated by the availability of small arms. The best example is the work of the UN Development Programme (UNDP). Its interest in the issue grew out of a recognition that security and stability are vital prerequisites for sustainable development, investment and growth—the so-called ‘security first’ approach. The prevalence of small arms in societies was shown to impede development by contributing to an insecure environment. Initial activities focused on ‘weapons-for-development’ schemes, under which development incentives, such as the offer of schools or roads were made in
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return for collected weapons. Since then the UNDP has been active in a number of countries around the world. One of its newest projects, to be conducted in Kosovo, will adopt a more comprehensive approach, with a package of assistance, training and technical support for the region.

These activities are examples of the demand-side measures which are just as important in tackling the proliferation of small arms as those undertaken on the supply side. Many NGOs and civil society groups have increasingly focused on reducing the demand for weapons through public awareness campaigns that highlight the dangers of weapons ownership while at the same time emphasising the need for security sector reform.

In post-conflict settings, the demobilisation of former combatants and their full reintegration back into normal life are also vital in reducing weapons availability and trafficking. For many ex-combatants, faced with difficult economic situations, small arms become tools for making a living, often through intimidation or violent crime. Here, however, demand-side initiatives are a long-term challenge and the results are sometimes difficult to evaluate, especially in the absence of baseline data. Again, these programmes do not necessarily lend themselves naturally to verification in the traditional sense.

The emphasis on such activities comes primarily from the bottom up, but there is also a top–down element. Among governments, particularly those that regularly provide financial or technical assistance for small arms control, there is an emerging trend away from agreements, statements of common intent and lengthy negotiations, and towards practical initiatives which bring concrete benefits to populations plagued by gun-related violence. There is a perceived need among both donor and recipient governments to translate words into action. This is a healthy development, indicative of the maturation of the issue, but it may lead the international community away from stronger control measures which could be subject to monitoring and verification.

Difficulties of monitoring and verification

Why monitor and verify small arms control?

The lack of verification and monitoring as part of small arms control agreements certainly stands out in the arms control field. The lack of such procedures may
simply be due to the relative infancy of the issue: even just six or seven years ago, the idea of a universal agreement on small arms negotiated under UN auspices seemed fanciful. Control measures can take decades to agree and develop. The political climate needs to be favourable and governments must be persuaded that control is in their interests. Tougher standards, incorporating verification and monitoring, may develop over time, but it would be unrealistic to expect a comprehensive regime to be established in just a few years. Yet the prevalence of political—rather than legal—agreements in the field of small arms control would seem to indicate that there is something about the very nature of small arms and light weapons that precludes strict verification and monitoring.

There are strong reasons to promote verification, however. These include its potential role as a confidence-building measure where issues of international security and stability are at stake. Verification also has value when agreements require countries to co-operate for the common good over and above their national interests, as with environmental agreements. In these kinds of agreement there is a temptation for countries to try to ‘free ride’—that is, to benefit from the positive impact of an agreement without actually upholding it themselves. In the case of small arms and light weapons, all states have a national interest in combating arms trafficking.

No small arms ban
Verification involves measures to detect non-compliance as a means of encouraging compliance with, and confidence in, agreements. Often this involves a focus on the production, testing and deployment of proscribed weapons systems and their component parts. Systems subject to a total ban, such as those covered by the 1987 Intermediate-Range Nuclear Forces (INF) Treaty, lend themselves to verification. Small arms and light weapons, on the other hand, are not banned and are legitimately traded and used every day. Regulations are still relatively weak and are built around restrictions governing production and transfer, although not usually use. The implementation of the vast majority of multilateral small arms agreements remains a national prerogative and is conducted almost entirely at the national level.

Alternatively, challenge and on-site inspections may be used to verify that states have not exceeded certain agreed thresholds for weapons holdings, as they are under
the CFE Treaty. However, many states resent the intrusive nature of inspections conducted under such regimes and are unwilling to agree to monitor small-arms holdings. More fundamentally, multilateral small-arms agreements have yet to actually incorporate any such thresholds or limits for holdings. Although the idea has been suggested in some forums, discussion on the issue has not been taken seriously thus far. Too many states, including some which are usually leaders in small arms control, still jealously guard information regarding their stocks of small arms and light weapons, which they perceive, rightly or wrongly, to be sensitive information central to national security. Reporting on holdings of small arms and light weapons would, it is feared, reveal too much information about defence posture and planning, and the size and capacity of the armed forces, as well as any reserve capacity. The fact that much of this information is either readily available or easy to infer from published or specialist sources seems to be irrelevant.

Illicit trade is unverifiable

In principle, the verification and monitoring of illicit small arms trafficking are impossible because of the clandestine nature of the trade. First, there is clearly no record of current stocks of illicit arms circulating around the world. Second, even if figures did exist, they would change continually due to increases in diversion from legal transfers to illegal markets or decreases as a result of confiscation and destruction. In addition, verification of measures taken to suppress trafficking could hamper criminal investigations and the activities of police, border and other law enforcement officials.

Verification opportunities

Selective verification

Verification could play a role in preventing diversion to illegal markets. Here it would have a value beyond mere confidence building and actually become part of the solution. One area where further work is clearly needed is the harmonisation of end-use assurances. Strict export control regimes are vital in preventing the diversion of small arms to illegal markets and to unintended end-users. Exporting countries require end-use and end-user assurance documentation as a means of exerting some control over their exports once they have left their territory and
preventing their subsequent transfer to other states or actors. No uniform end-use assurance documentation or practices currently exist, so certificates or documents can be easily forged. Common standards for end-user assurances would reduce the opportunities for forgery, but they must also be accompanied by procedures to verify delivery according to end-user certificates. This can be done through embassies or foreign trade representations at the point of import or arrival of shipments. Even though most countries do not have the resources to verify all deliveries at the point of import and use, the possibility of such inspections could have a useful deterrent effect, such as has been demonstrated with the Convention on International Trade in Endangered Species (CITES).

There is also potential to introduce more comprehensive verification or monitoring of the destruction of surplus and seized weapons, a practice which has become a common feature of many small arms programmes. Examples include the verification and monitoring carried out by the EU Stability Pact for South Eastern Europe in Croatia and the Federal Republic of Yugoslavia. These measures could be expanded to other states as the OSCE document encourages observation by neighbouring countries. Verification and monitoring of weapons collection and destruction programmes can also be an important confidence-building measure, since they help convince the public that weapons removed from civilian ownership are actually destroyed and not returned to legal or illegal circulation.

One element in support of verification would be a comprehensive database of weapons collected and destroyed. In principle, this kind of data could be compared against data shared within multilateral forums such as the OSCE (see below). The question what action should be taken in the event of discrepancies being found is another matter entirely. In the absence of legally binding obligations, engaging in a political dialogue would be the principal option for interested parties.

**Monitoring of transparency**

Heightened transparency in the legal trade in small arms and light weapons has been the clarion call of NGOs for years. Gradually, it is becoming a reality. The importance of transparency in this sphere cannot be overestimated. Not only can it led to greater accountability, and therefore restraint in the legal trade, but it can also help identify the nature and extent of the illicit trade, an important step on the road towards control.
Transparency and information exchange were left out of the UN Programme of Action but they have formed a part of other multilateral agreements. Arguably the most comprehensive information exchange regime on small arms is that established by the OSCE’s Document on Small Arms and Light Weapons. It provided for the exchange of information on policy and practice related to various aspects of the small arms issue, including controls over manufacture; national marking systems; controls over export and import, including brokering activities; stockpile management and security procedures; and techniques for the destruction of small arms and light weapons. In adopting the document, OSCE participating states also agreed on the annual exchange of information on small arms exports to and imports from other OSCE states, as well as numbers of weapons destroyed.

This exchange on small arms transfers it the first of its kind—small arms and light weapons are included neither in the categories of conventional arms covered by the UN Register of Conventional Arms nor in reporting under the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. Although limited to transfers within the OSCE region (which, some may argue, are not usually those of concern), a fundamental step has been taken towards openness and transparency.

Crucially, the information exchanged within the OSCE is not publicly available, but is restricted to the governments of OSCE participating states. This reduces the opportunities for monitoring and verification by outside organisations. However, there is an emerging trend among governments to do so. EU member states and others already produce annual reports on arms exports which are scrutinised by parliaments and the public. This in itself creates opportunities for monitoring. Furthermore, increasing numbers of countries may choose to make their OSCE submissions public—Germany, for example, has just put its OSCE submission on the website of its Ministry for Foreign Affairs.23

Although the OSCE document does not contain provisions for information exchanges to be reviewed, the OSCE participating states decided to assess the results of the first round of information exchanges at a workshop in Vienna in February 2002.24 As a result, recommendations were made to improve information exchange, and as a follow-up templates and guidelines for completing them in the form of a ‘model answer’ were designed. Yet there is no provision in the OSCE document or
any other information exchanges on small arms for reviewing the information provided or ascertaining whether the policies and practices reported on are fully implemented. Nor is there any verification of statistical data exchanged on transfers or destruction of weapons, although it is possible to conceive of verification of figures in both cases.

**A role for NGOs in verification and monitoring**

Without a legally binding agreement or convention, there will be less scope for mandatory verification or for supranational verification bodies such as the Comprehensive Test Ban Treaty Organization (CTBTO) or the International Atomic Energy Agency (IAEA). Although there is some scope for legally binding agreements on small arms, they would probably deal with specific technical aspects of the issue, such as the regulation of arms brokers or the marking and tracing of small arms. Other elements are likely to remain subject to only politically binding or even voluntary controls.

It may be that NGOs are best placed to work within this environment. Indeed, NGOs are playing an increasing role in the field of verification and monitoring. NGOs have taken the lead in monitoring the implementation of the 1997 Ottawa Convention on Anti-Personnel Landmines. The International Campaign to Ban Landmines (ICBL) has created a network of civil society organisations that monitors and reports on compliance with the convention. Although the convention includes reporting requirements which are obligatory for states parties, it is the ICBL’s *Landmine Monitor* which is increasingly seen as the authoritative source of information on implementation.25

It is possible that NGOs will come to play a similar role in monitoring the implementation of non-legally binding agreements as well.26 Organisations such as the Small Arms Survey, Saferworld, the Stockholm Peace Research Institute (SIPRI) and the Bonn International Center for Conversion (BICC) have already begun to move in this direction. The UK-based NGO International Alert (IA) is presently undertaking a mapping of states’ implementation of their international commitments, including the UN Programme of Action, the OSCE Document on Small Arms and Light Weapons, and others. This will help to shed light on levels of implementation of these largely voluntary and non-binding agreements. The initial mapping of activities in a large number of countries is likely to be somewhat
superficial, but IA is working more closely with selected governments to review not only their implementation of these agreements but also their capacity to do so, as well as generating explanations for their level of commitment or progress. This exercise will serve a dual purpose: it will provide information about implementation of international agreements, and it will help governments identify gaps and needs in their own policies and practices.

The involvement of NGOs in monitoring and verification is a promising development in the field of small arms control. However, the international community must be careful to avoid relying exclusively on such a method. NGOs have limited resources but, more importantly, in some situations they may have difficulties working with governments in order to collect the information they need. NGO monitoring should not become a substitute for more intrusive verification that brings with it a sense of accountability and responsibility.

Conclusion

Methods of verification and monitoring of small arms control are bound to differ substantially from those used in other arms control fields. A new approach will be needed for small arms—one that is innovative and creative. A variety of different approaches may have to be combined in order to monitor and verify various different aspects of the implementation of small arms control initiatives. These approaches will lean more towards monitoring than verification, as the intrusive nature of verification regimes are likely to be resisted by states that are keen to preserve their national sovereignty, keep issues related to national security under wraps, and protect the commercial interests of their arms industries.

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Endnotes

1 According to the Guidelines of the UN Disarmament Commission, the term ‘illicit’ can be defined as all transfers which are in contravention of both national and international law.

2 There is no internationally accepted definition of small arms and light weapons. However, a UN panel defined small arms as those manufactured to military specifications for use as lethal instruments of war. Small arms, which are those designed for ‘personal use’, include revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns. Light weapons, which are designed for use by several persons serving as a crew, include heavy machine guns, portable anti-aircraft guns, portable anti-tank guns and recoilless rifles, portable launchers of anti-tank missile launchers and rocket systems, portable launchers of anti-aircraft missile systems, and mortars with calibres of up to 100 millimetres (mm). Ammunition, explosives, munitions and landmines are also included in this definition. United Nations, Report of the Panel of Governmental Experts on Small Arms, UN document A/52/298, 27 August 1997.


8 Brian Wood and Johan Peleman, The Arms Fixers: Controlling the Brokers and Shipping Agents, Peace Research Institute Oslo (PRIO), Norwegian Initiative on Small Arms Transfers (NISAT) and British American Security Information Council (BASIC), Oslo and London, 1999.


16 NATO, EAPC Partnership Work Programme, EAPC(PC)(SALW)WP1(Final), adopted 9 July 1999.

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23 The German information exchange submission is available on the website of the Ministry of Foreign Affairs (Auswärtiges Amt), www.auswaertiges-amt.de/www/en/aussenpolitik/friedenspolitik/abr_und_r/kleinwaffen.html.