I want to thank Brian for organizing this conference and IPPNW for engaging this very challenging but vitally important health issue.

As one who has worked for several years to develop coordinated efforts to diminish the nearly free market gun trade, I am truly encouraged that such a powerful constituency is engaging this issue. I hope that IPPNW as an organization – and you in your individual capacity -- will continue to play a leadership role in bringing this issue to the broader medical community through national medical associations and other professional affiliations, and also to your governments and politicians.

As you know, it is all too easy for people who want to use them – whether in crime, war, or suicide – to get guns, grenades and other small arms. In this session I am asked to highlight current international approaches to curbing arms availability.

I will do so, focusing mainly on two global initiatives, negotiated through UN auspices in the past year: The UN Conference on the illicit arms trade, and also a UN protocol on firearms trafficking.

I will also try to put these global initiatives in context with national and regional initiatives – relate them to Wendy’s presentation on domestic controls and perhaps – hopefully -- relate these measures to Mick’s presentation to follow.

Without getting into the area that I think Greg will cover, I will describe some of the measures that might be most usefully pursued through coordinated international efforts – either negotiations or campaigns.

Before getting into any of that, it is important to understand where weapons come from. At the risk of stating the obvious, weapons originate in factories – mostly in sophisticated factories in western and in many developing countries, but also sometimes in crude factories, shacks, or sheds or in the middle of the jungle.

Pete Abel, in a study conducted in 2000 and featured in the book that Joao so kindly mentioned that I edited, Running Guns, identified two clear trends in gun and small arms manufacturing from 1960 to 1999—

an increasing number of countries producing small arms and an increasing number of manufacturing enterprises within those countries are manufacturing such weapons.

He found that 385 companies in 64 countries were manufacturing small arms – guns, grenades, and so on – and/or ammunition in the 1990s. Given the secrecy that attends the business of gun manufacturing in many parts of the world, this accounting probably errs on the side of caution,
under-reporting manufacturing. The list of producers runs A to Z – Argentina, Brazil, Belgium, all the way to Zimbabwe.

Several of the new producers are states that did not exist in the 1980s – states in the FSU, for instance. That accounts for some of the growth in production.

Others are developing world states that have pursued industrial development through one of the few avenues open to them – weapons production. Weapons production is generally exempt from the structural adjustment pressures that the international financial institutions place on developing countries, and military industry is also exempt from the open market pressures of the World Trade Organization. Military industry is not covered by free trade agreements. Thus, we can probably expect more countries will seek to pursue this route.

And once an industry fulfils the limited orders of its domestic market, which with the exception of my country, the United States, is usually a quite small, limited market, it will seek to enter the export market.

Indeed, despite the increasing number of countries that produce their own weapons, the vast majority of countries (and private citizens within countries) currently still rely on the international arms trade – both legal and illegal (or authorized and unauthorized) -- for weapons.

Knowing the magnitude of either the state authorized or black market trade in weapons with precision is not possible – given the secrecy that attends this business (both the legal and the illegal business). However, in the most compelling study undertaken to date, the Small Arms Survey (another excellent source of material that you should all know about. It’s a major research program that started a year ago and now issues a yearbook annually and has a website as well) - The Small Arms Survey estimated the annual trade in guns, grenades, and so on to be in the low billion of dollars, and that the vast majority (in terms of dollars) of small arms exports in recent years are legal – state authorized, rather than illegal. It’s actually quite a small portion of the trade that is unauthorized, or illegal.

In addition to new production of weapons in and by manufacturing countries, there is a tremendous amount of recycling of old weapons. Once conflicts end, the weapons cycle out to neighboring countries filtering through very porous borders. In addition, most of the developed countries when the Cold War ended, rather than destroying their surplus weapons gave those weapons away or sold them to accrue some kind of diplomatic or economic benefit. So as a result of this recycling you have many states acting as exporters, beyond just those who are actually producers. You have states like, until recently, Afghanistan serving as an exporter as well as an importer of weapons, because so many weapons were passing through the country. Similarly Cambodia and Mozambique and many other countries that are awash in weapons that do not themselves produce weapons end up becoming exporters.

One thing that I think is important to keep in mind when talking about international efforts, or national or regional efforts to control weapons, is that almost all states regulate gun exports. Factories do not, by and large, export weapons as they please, which means that states bear responsibility for weapons export decisions. And to me that means that states/governments, rather than arms manufacturing corporations, should be the primary focus of efforts at pressure and reform.

States may, and do often, license companies to export for commercial reasons. In the case of the US – which is one of the most transparent exporters – we know that they are approving exports of about a half a billion dollars per year in small arms exports around the world, many to countries in conflict.
But states are also garnering diplomatic or strategic benefits from state-sponsored weapons sales or shipments. This is all to say that guns are an inherently political issue. They are about power, legitimacy, and also about money and diplomacy.

So we have money, diplomacy, strategic interests against efforts to regulate and diminish the trade.

So I say all of that by way of framing this issue, and that it is perhaps not surprising then that it has proven difficult to dramatically change the international rules of gun trading – to gain widespread agreement by states to curb this practice.

So what has been happening? I’m going to briefly run through two major initiatives. Before doing that I would note that I’m not trying to give short shrift to the very many actions and activities that are going on in regional political groupings around the world. The Organization of American States, the Organization of African Unity, the West African states, the South African states, the European states through the OSCE and even through NATO, all of these blockings have taken on some aspect of this issue of small arms in recent years, and made, in almost all cases, politically binding statements and declarations. One of those, the one negotiated through the Organization of American States, was actually a legally-binding treaty.

One other legally-binding treaty has been negotiated, and that was a firearms protocol the formal title is “Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, and Other Related Materials.” This represents the first global regime to cover all commercial transfers of firearms. It was negotiated beginning in early 1999 within the broader UN negotiation on a convention on transnational crime. So this firearms treaty was a protocol to a transnational crime convention that was being negotiated by the ECOSOC – the Economic Council of the United Nations.

Six years ago small arms were not on the international agenda. It was then that then UN Secretary General Boutros Boutros-Ghali coined the term "micro disarmament" and talked about the humanitarian and societal impacts of the spread of small arms and light weapons. And at the 50th anniversary opening of the UN General Assembly several governments spoke about the impact of illicit arms trafficking in promoting--mainly--crime.

Now, 6 years later, nearly every part of the UN system and many regional groupings have engaged the issue of guns.

• OAS convention in 1997 against illicit firearms trafficking, legally binding, been ratified by 10 states, not the US
• 1998 ECOWAS moratorium
• Statements by OAU – Bamako Dec from last December
• Statement by OSCE last November
• SADC regional agreement on firearms – legally binding?

Governmental attention has most often been directed at the "illicit" part of the trade, this makes sense, as states would be expected to start with the easiest part of the pie. But even this slice has proven too ambitious for states to take on aggressively.

Wendy described the goals of domestic legislation to curb availability of firearms domestically by raising the costs associated with gaining access to weapons. Similarly, international initiatives seek to raise the costs to irresponsible gun exporting.

The Firearms Protocol to the Transnational Crime Convention
Formally -- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Material. It represents the first global regime for all commercial transfers of firearms and ammunition, devised to prevent illegal diversion of these weapons.

Negotiations began in early 1999, within broader UN negotiations of a convention on transnational organized crime by the Economic and Social Council’s Commission on Crime Prevention and Criminal Justice. The agreement was completed after a couple of hiccups this past spring, and is a legally-binding treaty that has been adopted by the General Assembly in May, and is now subject to ratification by states around the world.

The agreement sets out comprehensive procedures for the import, export and transit of again, the commercial part of the trade in firearms, ammunition, etc. That is, firearms being exported with the authorization of states but for profit, basically, from private companies to private end-users in other countries. This protocol does not concern the more political or diplomatic side of the trade from governments to other governments. Transfers between states for national security are excluded from these measures.

Core to the program are the agreement to an international standard for marking firearms at the point of manufacture and at the point of import to assist in tracing and criminal investigations relating to crimes committed with firearms.

Many of the protocol’s main provisions mirror those found in the OAS convention, including its strict focus on commercial transfers of arms and its exclusion of state-to-state transfers. Many provisions have been modified in order to gain global consensus.[1] While it is still a work in progress, the protocol is expected to:

- establish an international, legally binding definition of ‘illicit arms trafficking’;
- create common international standards for the export, import and in-transit movement of firearms, ammunition and their parts and components, including licensing and end-use certification;
- improve international cooperation on commercial transfers of firearms;
- regulate the activities of those engaged in commercial arms brokering;
- require record keeping of arms transfers, potentially for a minimum of ten years;
- establish a comprehensive system for marking firearms at manufacture and possibly at each subsequent point of entry into a new state; and
- encourage widespread and systematic international information sharing and cooperation to improve the identification and tracing of firearms.

Like the OAS convention on which this was based, the UN Firearms Protocol will improve transparency and controls over the legal shipments of firearms and, by doing so, make the illegal trade easier to identify.

So that’s the first really important, in my view most important, global initiative on small arms. It’s way too soon to say whether it’s had any effect or impact as maybe Joao knows, I don’t know if any states have actually ratified this protocol yet.

UN Conference on Gun Running

The second global initiative is the one you have probably heard more about, the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects – what I call in shorthand the UN Conference on gun running.

This initiative grew out of an expert panel from the United Nations that reported back in 1997, it had a list of I think 26 recommendations of things that states could do. Whereas the Firearms Protocol was largely an outgrowth of a focus on crime and drug trafficking, the gun running
conference was more an outgrowth of concern about the impact of conflict and post-conflict situations in particular on civilians and also on UN peacekeeping forces deployed abroad. So as a result of that concern, the UN General Assembly authorized a report that in 1997 provided this list of recommendations, one of which was to hold a global conference on illicit firearms trafficking.

The focus on the illicit trade, as you probably can guess, was because that’s the part of the trade that was easier for states to start off focusing on. The phrase “In All Its Aspects” at the end of that long conference title, however, identifies a kind of ambiguity or lack of clarity in what the mandate of this conference precisely was. Many states believed or understood that the illicit trade is integrally and intimately related to the legal trade. That is, that most weapons start out legally and are then diverted into the illegal trade at some point.

So the mandate was quite unclear. Goals and interests of states varied tremendously. I think it’s fair to say that the expectations for the outcome were quite muted, at least by many folks in the humanitarian and non-governmental community. Except that this global conference provided a unique opportunity for organizing and raising awareness about this issue of the impact of small arms – which doesn’t take a lot of education, people get that pretty quickly – but what it also provided was an opportunity for starting to educate people about the possibilities for campaigning, for coming together to try and lead governments to take more effective measures.

So what did happen? The final conference document was a political document, not a legally-binding treaty, which we knew going into it. The political will certainly did not exist at this point for a legally-binding treaty. So, many of us hoped that it would launch some legally-binding processes, perhaps one having to do with encouraging states to control the activities of their private citizens who broker arms deals, weapons transfers into conflict zones or zones of human rights abuse. That didn’t happen. The final document does not provide a single mandate for the negotiation of a binding instrument.

It also, unfortunately, didn’t have strong normative language about placing the primary responsibility for uncontrolled arms transfer on governments, and for requiring them to have in place strong normative human rights and humanitarian law framework when deciding whom to exports to. It virtually ignores the human consequences of unchecked small arms flows, consistently privileging the values and legal concepts of sovereignty, national security and non-interference over those of human rights and humanitarian law.

The Conference did, however, set up a continuing process. In five years there will be a follow-on process, a Review Conference, to see how well the Program of Action which outlines steps that states should take – they can interpret how to apply them in their own national, regional contexts – and so in five years time states will gather again to review the implementation of this.

That presents us with a tremendous opportunity and challenge, as Etienne said in his presentation. One thing that the Program of Action did include – quite important to this crowd – is a clear statement of the public health impact of illicit weapons transfers on public health interest. So this gives us, if it was needed, great legitimacy in working very vigorously to persuade our national governments of the importance of taking stronger measures to curb the illicit trade.

Some of the kinds of measures that need to be prioritized in the international context and then of course internalized through national governments, embedded in national law, are first and foremost – and this is one thing that the Program of Action did strongly call on states to do – the development of really strong national legal frameworks to criminalize offenses related to arms trafficking. So first and foremost, all states need to be sure that any kind of activity that leads to the violation of a UN Security Council-mandated arms embargo is criminal within national legal systems. They need to investigate and enforce those kinds of laws as well.
They need to regulate the activities of these private citizens who broker arms deals abroad.

A strong norm needs to be developed in terms of whom legal state-authorized exports will be made to. National law enforcement of these provisions needs to be heightened. International intelligence and law enforcement cooperation need to be heightened. Curbs on money laundering, which finances gun purchases, need to be heightened, and so on.

The problem with this list is that it’s a long list{1}* . And part of what’s still needed on this issue, I believe, is a really compelling campaign. We still need to bring many more people into this issue, so that in five years time governments feel the pressure to take legally-binding farther-reaching measures.

The broader medical and public health community plays a really important role. As we’ve seen in many of the presentations on medical data and the impacts, this human impacts data is of course why anybody cares about these issues at all. You also play a really important role, in part at least, in trying to depoliticize this issue through the cold, rational cost analyses and presentation of data on the impacts to individuals’ health, society, and so on.

So I come back to where I started in saying I’m really heartened that you’re here.

These initiatives that have come before, with a little distance from the July conference, are actually quite good. The thing you might all know about the UN Conference was the US’ hard-line position. In the end I think that was quite a good thing that they came out so strong, as it resulted in quite a lot of media coverage which probably would not have otherwise focused on this conference. Now “small arms” have been added to the list of international issues on which the US is obstructionist (ABM treaty, Kyoto, landmines, ICC, small arms). And that has a multiplier education effect. People are going to keep hearing about this issue and that gives us another avenue and angle for trying to organize.

So I look forward to working with IPPNW and with you, and again, I thank you for your past work and encourage your future work on these issues.

FOOTNOTES******************************************

{1}*
A more comprehensive list, from Ms. Lumpe’s notes, is as follows:

• establishment of adequate national laws and regulations to criminalize offences related to arms trafficking; regulate the activities of arms brokers. regulate sales within and from national jurisdictions.
• cardinal norm (the “golden rule”): “No arms for atrocities,” and set a high uniform standard for arms trade controls, consistent with states’ existing obligations under international human rights and humanitarian law.
• effective national law enforcement of these provisions;
• international intelligence and law enforcement cooperation to assist in enforcement of these provisions;
• curbs on money laundering, which finances gun purchases;
• restrictions on corporate shells and front companies used to broker and run guns; and
• measures to address the more difficult factors that perpetuate demand
[1] Notably, the protocol is unlikely to include explosives within its mandate, unlike the OAS convention.