

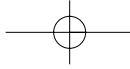
Over a Barrel

Light Weapons &
Human Rights in
the Commonwealth

*A report by the non-governmental
Commonwealth Human Rights
Advisory Commission chaired by
Professor Margaret Reynolds*

Edited by
Abdel-Fatau Musah & Niobe Thompson

Cover: Confiscated arms on the Rwanda - Zaire Boarder, 1994 — Photo: Howard J. Davies (Panos)



The Commonwealth Human Rights Initiative (CHRI) is an independent international NGO, mandated to ensure the practical realization of human rights in the countries of the Commonwealth. Ten years ago, its founding organizations* felt that while the member countries had both a common set of values and legal principles from which to work, and also provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Harare Principles, the Universal Declaration of Human Rights, and other internationally recognized human rights instruments and declarations made by Commonwealth Heads of Governments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its biennial CHOGM reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in various Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member-state governments and civil society associations. By holding workshops and developing linkages, CHRI's approach throughout is to act as a catalyst for activity around its priority issues.

The nature of CHRI's constituent groups - journalists, lawyers, legal educators, trade unionists, doctors and parliamentarians - ensures for it both a national presence in each country and a local network. More importantly, these are strategic constituencies, which can effectively steer public policy in favour of human rights. By incorporating human rights norms into their own work and acting as a conduit for the dissemination of human rights information, standards and practices, their individual members and collectives are themselves capable of affecting systemic change. In addition, these groups bring knowledge of local situations, can access policy makers, highlight issues, and act in concert to promote human rights. The presence of eminent members of these professions on CHRI's International Advisory Commission assures CHRI of credibility and access to national jurisdictions.

* Commonwealth Journalists Association, Commonwealth Trade Union Association, Commonwealth Lawyers Association, Commonwealth Legal Education Association, Commonwealth Medical Association, Commonwealth Parliamentarians Association and Commonwealth Press Union

Originally based in London, CHRI moved to India in 1993. *There are a very few rights-based international organizations with either a primary chapter in South Asia or even a locally-based Program Officer.* The South Asian Commonwealth countries of India, Sri Lanka, Bangladesh and Pakistan together account for about 80% of the entire population of the Commonwealth. India, as the largest country of the region with its huge population and deeply embedded democracy, is of major importance to human rights advocacy. Whether in making governments more accountable or undertaking actions to sensitize civil society on human rights issues, developments in India have a widespread replication effect in the entire Commonwealth.

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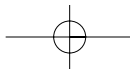


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The Commonwealth





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Preface

I am honoured to present to the 1999 Commonwealth Heads of Government Meeting this comprehensive report, *Over a Barrel: Light Weapons and Human Rights in the Commonwealth*. The Commonwealth Human Rights Initiative strongly urges Commonwealth leaders to face the complex problem of light weapons proliferation in all its aspects.

This report will disturb and challenge readers. The facts provided here reveal a contradiction between, on the one hand, the Commonwealth's failure to address the tragic consequences of an unrestricted light weapons trade and huge accumulations of weapons in Commonwealth societies, and on the other, its historic commitment to protect human rights as documented in the Harare Declaration. This consensus, reached in 1991, represented a major threshold for the Commonwealth, particularly with regard to the level of the Commonwealth's commitment to making and keeping peace in its member societies. A long-time Canadian observer recently put it this way: "Added to the Secretariat's traditional 'good offices' function, the Harare Declaration launched a broad discussion of how the organisation could perform a range of functions falling under the general heading of good governance, conflict prevention and peace-buiding."¹

Now that many multilateral organisations, such as the Southern African Development Community (SADC), the Organisation of African Unity (OAU), the Organisation of American States (OAS), the European Union (EU), and the United Nations, have developed strong positions against the uncontrolled proliferation of light weapons, the Commonwealth is a latecomer to this issue. At the same time, the Commonwealth, by pledging its support for initiatives designed to curb the spread of this category of weapon, and by acknowledging that light weapons in society are a danger to human rights, can make an important contribution. The Commonwealth must act.

This report explores the complexity of the problem of light weapons in the Commonwealth, and shows us how this menace affects all Commonwealth citizens, in both the developed and the developing worlds. Each chapter provides us with the evidence to convince governments that urgent action must be taken to halt the suffering of Commonwealth citizens.

In **Part I**, the editors, Abdel-Fatau Musah and Niobe Thompson, advocate that the Commonwealth act according to its collective conscience and develop a strategy to protect their citizens from light weapons violence.

Part II explores the links between the quality of governance and the spread of light weapons and conflict in South Asia, and shows how human rights are routinely abused in conflict zones throughout the region.

Part III identifies the ways in which the small arms trade is undermining fragile democracies in several regions of Africa.

Part IV focuses on the harsh reality of the arms trade within the Commonwealth, concentrating on the role of the Commonwealth's two most important arms exporting nations – the UK and South Africa – and exploring the shady world of light weapons brokering.

Part V provides a critique of current approaches to light weapons proliferation, and details some of the areas in which the Commonwealth should take action in curbing the crisis.

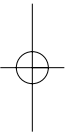
In responding to this report, it is important that Commonwealth leaders recognise that a disproportionate impact of the light weapons trade is felt by the most vulnerable Commonwealth civilians, particularly women and children.

The expansion of the light weapons trade, and the conflicts it feeds, encourages the enforcement of child soldiers into military action. One of the most horrifying trends of contemporary armed conflict is the employment of children. It is estimated that 300,000 are currently in armed service and many hundreds of thousands more are involved in various ways in war zones. The global statistics for the past decade reflect a grim picture

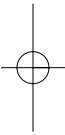

Over a Barrel: Light Weapons & Human Rights in the Commonwealth

– 2 million children killed, 6 million seriously injured or disabled, 1 million orphaned and 12 million made homeless.

I have long viewed the Commonwealth as a family of nations drawn together by a shared experience of history, which has established a strong bond between our countries. While this foundation has created a very positive relationship between nations, we do not always utilise our collective strength by taking initiatives to benefit the citizens of the Commonwealth. As we approach the new millennium, this report, *Over a Barrel: Light Weapons and Human Rights in the Commonwealth*, provides a unique opportunity to accept collective responsibility for comprehensively addressing the task of controlling irresponsible trade, ending illicit trafficking and rebuilding war-torn societies.



The Commonwealth Human Rights Initiative strongly urges Commonwealth leaders to consider the recommendations in this report. They have been carefully drafted, with the demands of the light weapons crisis balanced against an understanding of the Commonwealth's capacity to act. An initial step for the millennial CHOGM would be a pledge to adopt a **Commonwealth Consensus on Light Weapons**. This Consensus would adopt a balanced approach to the problem, addressing both the irresponsible supply of weapons to areas of real or potential conflict and the demand for weapons in societies where human security is threatened.



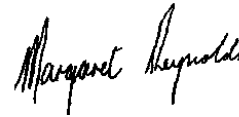
The Commonwealth Human Rights Initiative also reiterates its call for the appointment of a Commonwealth High Commissioner for Human Rights, who, together with a more robust Commonwealth Ministerial Action Group, would help the Commonwealth to translate the rhetorical promise of an association of peoples founded on a respect for human rights into a reality. This is foremost a question of credibility for the Commonwealth. It is time the Harare Principles were backed up with real institutions possessing a clear and authoritative voice.

The Canadian International Development Agency and the Ford Foundation have been the principal supporters of the work leading to the publication of this report. CIDA has for some time taken a lead among international donor agencies in creatively addressing the questions of development and human rights through the prism of “human security”,² and has supported many initiatives aimed at removing weapons from the societies of developing countries. The Ford Foundation is a strong supporter of all

CHRI's advocacy for human rights, and has enthusiastically embraced the work on light weapons CHRI has undertaken. The Commonwealth Foundation has also generously supported CHRI's work, by funding research in the UK.

This report, which represents a comprehensive survey of current understanding in the field of light weapons proliferation and human rights, is a collection of articles solicited from leading experts – most of them academics and human rights activists. They received no material compensation for their work, and yet contributed on the basis of their concern for the victims of light weapons violence and their enthusiasm for this project. They are given CHRI's most sincere thanks. As well, the two editors of this report – Dr. Abdel-Fatau Musah and Niobe Thompson – attended the development of this project from inception to printing, and CHRI thanks them for their energy and commitment.

The Commonwealth Human Rights Initiative has sounded an alarm in launching this report. We look forward to working with the Commonwealth Secretariat to pursue every effort to control the proliferation of light weapons in and among member nations.



Margaret Reynolds
Chair, Advisory Commission, CHRI

¹ Charles van der Donkt, "Living up to a Name: Creating a 21st Century Commonwealth," paper presented at a recent conference, Examining the Commonwealth's Political Role: Constraints, Challenges and Opportunities. 26 August 1999, Wits University, Pretoria, South Africa.

² CHRI defines Human Security as a concept which perceives the security of the individual as of equal importance as that of the State, and indeed which perceives the security of the State as contingent upon that of its citizens.

Over a Barrel: Light Weapons & Human Rights in the Commonwealth

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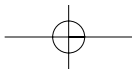
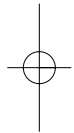
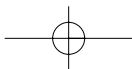
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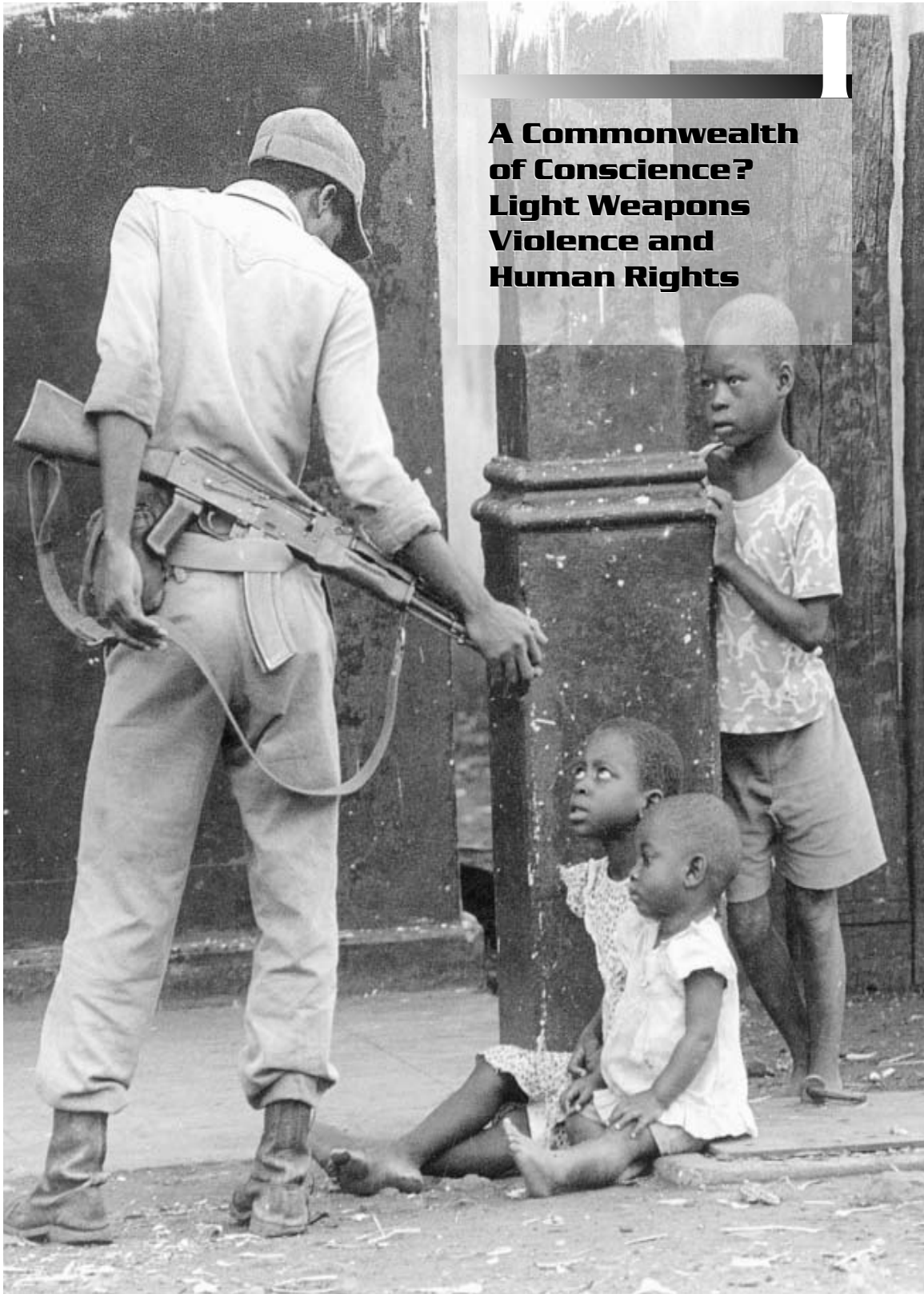
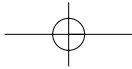
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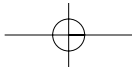
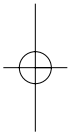


Mozambique Military — Photo: Paul Wienberg (Panos)





**A Commonwealth
of Conscience?
Light Weapons
Violence and
Human Rights**





A Commonwealth of Conscience? Light Weapons Violence and Human Rights

Local, regional and world leaders must accept the fact that we cannot let the free market rule the international arms trade. We must not enrich ourselves through the commerce of death. Rather, we must realise that the arms trade is most often a friend of dictators and an enemy of the people. The time has come to choose human lives over arms.

Dr. Oscar Arias, *Nobel Laureate*

If there are dangers in the Commonwealth attempting too much, there are also dangers in attempting too little.

Dr. Margaret Doxey¹

Weapons in society are a human rights issue. Conflicts today, many of them ripping the life-blood out of the democracies of the Commonwealth, are fought most often with cheap and portable light weapons. The automatic rifle remains the world's deadliest weapon, responsible for roughly 90% of casualties in armed conflict.² Along with a range of sophisticated and deadly types of light weapons, it is also cheap and abundant throughout zones of conflict. US\$50 million, the cost of a modern jet fighter, will purchase enough assault weapons to equip an army of 200,000.³ Among warlords, rebel organisations, criminal networks, and security forces in the world's poorest regions – South Asia and Sub-Saharan Africa – these are usually the weapons of choice. For the Commonwealth, three elements of the scourge of light weapons in society must be understood and addressed:

- The flow of new weapons into zones of conflict and instability through legal sales;
- The flow of weapons via underground and illicit networks, due to a deficit of law enforcement and international cooperation;

- The recycling of old weapons within chronically unstable regions from expired conflicts to wherever demand is greatest, due to insufficient weapons collection and destruction programmes.

Peace is not only a core human value, but indeed a core human right. Two decades ago, the human rights scholar Katarina Tomasevski reminded us that “war is by definition a means of violating human rights. Historically, the most massive violations of human rights have resulted from warfare.”⁴ Consequently, the right to peace, in an era of conflict, has become increasingly fundamental to universally held notions of human rights, and must remain an area of central concern for citizens, states and human rights organisations. The UN Commission on Human Rights has resolved that “Everyone has the right to live in conditions of international peace and security and fully enjoy human rights”.⁵ The creation, reinforcement and perpetuation of peace was the supreme value underpinning the promulgation of the United Nations Declaration of Human Rights in 1948. In recent years, The Commonwealth itself has adopted the language of human rights, and has officially recognised that peace is the *sine qua non* of flourishing democracies and the realisation of human rights in general.

Chief Emeka Anyaoku, Commonwealth Secretary-General, has in this decade shepherded the Commonwealth through a series of threshold experiences, which have placed human rights firmly on the agenda. The Harare Declaration established common human rights principles in 1991, which were subsequently fleshed out in the Millbrook Plan of Action in 1995. It introduced for the first time the prospect that a Commonwealth member-state was responsible to the organisation for observing human rights standards, and that violators of these standards could be suspended. That same year, Nigeria was. This welcome transformation “marked a major transition from the former, rather easy-going, permissive, fudging Commonwealth towards a more rules- or norms-based Commonwealth.”⁶ The Commonwealth Secretariat itself promotes a triad of aspirations for the membership – development, democracy and human rights – and defines the Commonwealth perspective on human rights as “the right of all men and women to live in ways which sustain and nourish human dignity.”⁷

The abundance of rhetoric on human rights emanating from Commonwealth Heads of Government Meetings, from the publications of the Commonwealth Secretariat and from Commonwealth states themselves, often obscures the fact that many Commonwealth member governments are gross abusers of human rights. In 1993, in

its report to CHOGM, *Act Right Now*, the Commonwealth Human Rights Initiative stated that the gap between the rhetoric and the reality of the Harare Declaration on human rights standards was “embarrassing and alarming.” Six years later, the human rights situation remains dire in many parts of the Commonwealth. In particular, violence committed with light weapons is a painful fact of life for far too many Commonwealth peoples.

The Commonwealth can do more to build peace and ensure human security within its membership, and it would do well to use the crisis of light weapons proliferation as a point of departure. Thousands of innocent civilians brutally and permanently maimed by militants in Sierra Leone; armies of kidnapped children in private militias in northern Uganda; protracted civil war in Sri Lanka and India; chronic and preventable domestic gun violence in Canada; the failure of the weapons decommissioning process in Northern Ireland and an explosion of armed crime in the nascent zone of peace in Southern Africa – this is only a broad-brush description of the myriad human rights crises in the Commonwealth caused by the global proliferation of light weapons.

The organisation is struggling to redefine its mandate and transform itself “more prominently into an association of civil societies”⁸ in critical partnership with governments and multilateral organisations for the promotion and defence of democracy, sustainable development and social justice. If today the Commonwealth is striving to cast itself as a force for good, it is because it has a History. The Commonwealth at its inception in 1949 was, for all intents and purposes, an elaborate consequence of the violent and exploitative process of British colonialism and empire-building. The Commonwealth peoples – now numbering 1.8 billion – share a common experience, however bitter. From that chequered past has sprouted a collective determination to move on and build a common association of diverse cultures in which the weak, just like the strong, feel equally valued, protected and encouraged to contribute to common values. To the extent that poorly regulated arms transfers and illicit trafficking feed conflicts, sustain irresponsible governance and entrench underdevelopment, they undermine the attainment of the goals the Commonwealth has set itself.

The purpose of this report to the 1999 Commonwealth Heads of Government Meeting is to analyse the ways in which human rights, the quality of governance, and the crisis of large accumulations of light weapons in the Commonwealth are inextricably linked.

The Commonwealth Human Rights Initiative hopes to provide governments, organisations and individuals in the Commonwealth with an essential tool for forming intelligent and effective policy and developing strong local-level responses to the problem of small arms proliferation. CHRI recognises that the Commonwealth is foremost a dynamic association of peoples, and believes that the strength of civil society will be a driving force in this process. Although this report is “purpose-built” for a Commonwealth audience, just as conflicts and weapons spill over international borders, so too will the arguments and case studies in the text. In both South Asia and Sub-Saharan Africa, the Commonwealth zones are not uniformly contiguous. The huge accumulations of small arms in Afghanistan, for example, directly affect the law-and-order situation in Pakistan, India, and Sri Lanka. Zimbabwe, Namibia, and Uganda (all Commonwealth members) have been engaged in a proxy war in the Democratic Republic of Congo. The non-Commonwealth government of Liberia is accused of supporting the rebel army that has ravaged the population of Sierra Leone. The Commonwealth is not a geographic bloc – spread as it is over five continents – and for this reason the value of this report will be felt both within and without the territory of its member states.

The Commonwealth peoples – now numbering 1.8 billion – share a common experience, however bitter. From that chequered past has sprouted a collective determination to move on and build a common association of diverse cultures in which the weak, just like the strong, feel equally valued, protected and encouraged to contribute to common values – democracy, development and peace.

This introductory chapter will begin in **Part I** with the rationale for a small arms focus, and will continue in **Part II** to lay out the factors and realities which inform the crisis of arms proliferation. In **Part III**, the manner in which Commonwealth values – and human rights – are under strain in the context of societies armed to the teeth and at war, will be explored. In **Part IV**, the manner in which the Commonwealth has now fallen behind other major multilateral organisations in recognising the light weapons crisis will be addressed. This chapter concludes with comments on initiatives already underway, aimed at reducing the flow of arms and removing weapons from societies, to which the Commonwealth might add its support.

At the Commonwealth Heads of Government Meeting (CHOGM) in Harare in 1991, Member-States committed themselves to:⁹

- Promoting sound and sustainable development and the alleviation of poverty.
- Protecting and promoting the fundamental political values of the Commonwealth, viz, democracy and democratic processes and institutions which reflect [...] the rule of law and the independence of the judiciary, just and honest government; fundamental human rights.
- Action to combat drug trafficking and abuse.

In particular reference to arms transfers, the Harare Declaration recognised that the “build-up of conventional weapons must be curbed if [the] accumulation of arms exceeds the legitimate requirements of self-defence.” The Declaration further reaffirmed Commonwealth commitment to “support the UN and other international institutions in the search for peace, disarmament and effective arms control.”

In 1995 in Millbrook, New Zealand, CHOGM devised a three-point Plan of Action to realise the objectives of the Harare Communiqué, namely:¹⁰

- (1) Advancing Commonwealth fundamental political values;
- (2) Promoting sustainable development;
- (3) Facilitating consensus building.

Under rules adopted two years later at the 1997 Edinburgh summit, governments must conform to the Harare Principles before they can join the Commonwealth.

I. Light weapons in the Commonwealth: the primary tools of violence

Light weapons have become the instruments of a global humanitarian catastrophe. Prior to 1990 and the end of the Cold War, the concept of “global security” was closely linked to the threat posed by nuclear and major conventional weapons. Today, threat perceptions within the international community have become intrinsically associated with the uncontrolled flows and misuse of light weapons. Portable, easy to use, and widely available, this category of weapon is uniquely well suited to the wars of today,

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most of which are fought within states by security forces and any number of irregular insurgent militias. Characteristically, there is often little to differentiate low-intensity conflict from violent crime in areas of conflict – the armed perpetrators are the same and the victims are most often civilian.

A decade ago, the bipolar rivalry of the Cold War projected itself onto the micro-strategic realities of the developing world. Regimes, whether democratically legitimate or not, were often buttressed by the overriding imperatives of the superpowers, which in effect empowered state security forces and constrained the flow of weapons beyond “state actors”. The decline of this bipolar paradigm left the superpowers’ proxy regimes vulnerable to internal conflict, while decades of weapons accumulation meant that the tools of war existed in abundance. For example, there are an estimated 7 million small arms in Afghanistan, the majority of them Soviet and Chinese made automatic rifles. In Mozambique, another far-flung theatre of US-Soviet rivalry in the late Cold War period, there are an estimated 1.5 million automatic rifles among a population of 16 million, after the conclusion of a two-year UN disarmament campaign. There exists an economic logic to the flow of these “recycled” weapons, as areas of the greatest human insecurity – war zones, crime centres, or a combination of both – also become the centres of greatest demand for light weapons. Consequently, in Karachi, a city so riven by violent crime and communal violence that large swathes of territory are “no-go zones” for the state security forces, there are in excess of 100,000 automatic rifles in private hands. *

*In lay terms, light weapons are military-style conventional arms that can be carried by an individual or a light vehicle. The United Nations categorises light weapons as: heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft/tank guns, recoilless rifles, portable anti-aircraft missile system launchers and mortars of calibres less than 100mm. Small arms constitute a sub-category of light weapons and include revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns, anti-tank and anti-personnel hand grenades, landmines and explosives. ¹¹

In the South Asian region, home to 80% of the Commonwealth population, the residual effects of the long civil war in Afghanistan and the pivotal role of Pakistan has created a booming small arms and narcotics market. This has added fuel to wars in India (Kashmir and Assam) and Sri Lanka. Throughout Africa, in Commonwealth states and elsewhere, protracted conflict has had a devastating human impact. The intractable war in the Congo Basin has drawn Uganda, Zimbabwe, South Africa, Mozambique and Rwanda into a violent cycle of death, crime and social dislocation. In the same way, the civil wars in the Mano River region of

As the nature of modern warfare has changed, there has been a long-term decline in military discipline and professionalism in battle. During the First World War, 10% of casualties were civilian. Today, 90% of the casualties in deadly conflicts are civilians. Equally dramatic has been the decline of interstate wars and the sharp rise of mass violence within countries. In 1995, there were 58 armed conflicts under way around the world, according to a University of Maryland study. Twenty had recorded deaths in excess of 1,000 during the preceding twelve months. Forty-nine were being fought over ethno-political issues: wars of secession or regional autonomy, conflicts among ethnic rivals for control of the state, communal or clan warfare. Only one was an interstate conflict, a border dispute between Ecuador and Peru.

John Stremlau & Greg Mills, *The Privatisation of Security in Africa*,
South Africa Institute of International Affairs (1999).

West Africa* and the small arms diffusion this has engendered, have led to virtual state collapse and great human suffering in Sierra Leone. Other Commonwealth states in the region – Nigeria, Ghana and the Gambia – have suffered the impact of these wars by way of costly interventions, and an influx of refugees and arms. In the Caribbean, the interplay between the drugs trade and small arms proliferation has exacerbated gun-related crime and violence in Jamaica and neighbouring islands.

The nature of many ongoing conflicts, almost all in the developing world, helps to explain the central importance for the Commonwealth of initiatives to tackle **light weapons**. Most of the case studies in this report examine conflicts in which terrorism or guerilla tactics are a primary feature, or in which arms are circulated via clandestine, criminal networks. Light weapons are uniquely well suited to these types of conflict. In the absence of strong and effective state control, light weapons very quickly diffuse throughout regions of tension and reach a broad spectrum of non-state actors. Indeed, while this category is designed for use by state armed forces, its military-grade lethality suits it to irregular militant and criminal activity. Light weapons are portable, easily carried by infantry, pack animals or light vehicles, enabling their use in terrain where heavier, more complex weaponry cannot operate. Irregular militias rely heavily on light mortars and

* The Mano River Region refers to the territory encompassing Guinea-Conakry, Liberia and Sierra Leone.

anti-aircraft guns, both of which are portable, as their primary defence against mechanised forces and aircraft. Both portable anti-aircraft weapons (such as the shoulder-fired Stinger surface-to-air missiles supplied to the Afghan militias by the US in the 1980s) and high-powered explosives, have tremendous destructive potential. The record of IRA bombings in the UK and the ongoing bombing campaign of the Tamil Tigers in southern Sri Lanka demonstrate the ease with which explosives may be turned against civilian populations. Light weapons are ideal for covert transfers, as they can easily be concealed and smuggled. Finally, the ease of use and relatively low cost make this category of weapon the most practical option for actors other than the State.

Light weapons are the instruments of war in conflicts that are particularly “rights abuse intensive”. The analyst Tara Kartha argues that, “As ethnic and religious minorities fight each other and government forces alike, no longer is it possible to differentiate between the fighters, the civilians and the state forces, causing even the basic norms of the Geneva Conventions to be ignored. International humanitarian law can scarcely operate when no one can differentiate between the soldier and a civilian.”¹² The proliferation of sub-state forces tends to be a result of grievances of the indigenous population, from which the sources and agents of militancy are drawn. Consequently, the State’s response to armed insurgency will often target both civilians and militants indiscriminately. In the Kashmir Valley, civilians have often been on the receiving end of the efforts of Indian security forces to combat the separatist militancy in the region. On the other hand, militants often target innocent civilians as part of a strategy to disrupt law and order, and thus destabilise the State. For example, the authority of the Pakistani State in Sind Province has been eroded through acts of terrorism, targeting schools, development projects and government officials. In Sierra Leone, rebel soldiers hacked the limbs from civilians to prevent them from participating in state elections.

The role of light weapons in the downward spiral of human security and conflict in many countries is not merely incidental – arms are a catalyst for violence. They can transform fragile democracies containing ethnic and communal antagonisms into hollow and administratively ineffective states wracked by violence and civil war. The abundance of weapons often leads to levels of violence beyond the capacity of the State to control. The resulting insecurity of the population spurs a “private initiative” arms race, as citizens arm themselves to guarantee their own security. Once belligerent forces in a divided polity are armed, the avenue of violent insurgency is open to them.

For example, when the Marxist JVP Party launched a violent insurrection in Sri Lanka in 1971, the absence of weapons in the party's hands resulted in fewer than 500 casualties. In contrast, the JVP's 1987-89 campaign, backed by a large stock of arms and explosives, led to the death of thousands of Sinhalese.¹³

To focus only on conflict between insurgents and state security forces is to miss the larger picture in the Commonwealth, however. Human security, by any measure, has not greatly improved over the past decade, even in those regions now officially at peace. One explanation lies in the growing numbers of available weapons in "peaceful societies," which, from the perspective of the autopsy table, are the tools of violence. Since 1984, there has been a 25% increase in known production of light weapons, involving over 300 companies in 50 countries.¹⁴ By 1994, the trade in this category of weapon already comprised one quarter of the total value of world arms sales, amounting to US\$6 billion.¹⁵ With the volume of production and trade rising, large amounts of light weapons are simply augmenting an already large global stock. For example, there are thought to be between 50 and 70 million Kalashnikovs (a durable Soviet-designed automatic rifle) in existence.¹⁶ The widespread proliferation and availability of light weapons are manifest in falling prices for arms in many countries where they have become more widely available than the daily necessities of survival. In newly democratised Namibia, for example, automatic rifles are plentiful as a consequence of the long war of liberation from South Africa and the existence of a flourishing light weapons market in the southern cone of Africa. Here, light weapons are bartered for cooking oil and corn meal. Namibia's Commonwealth neighbor Mozambique, currently the world's poorest state, has an estimated 10 million small arms dispersed among a population of only 15 million; automatic weapons are commonly traded for a sack of rice, if they are not used to obtain the same by force.¹⁷ The dropping price of military weapons in the Horn of Africa has allowed the nomadic herders of Kenya's Rift Valley to take up automatic rifles against their historic tribal enemies.¹⁸ In Pakistan's Northwest Frontier Province, indigenously manufactured AK-47s with foreign parts can be obtained for as little as US\$153.¹⁹

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A Commonwealth of Conscience? Light Weapons Violence and Human Rights

The proliferation of light weapons in so many parts of the Commonwealth is directly linked to an escalating public health crisis of violent crime. In the “gun cultures” of the United States and South Africa, in which gun ownership rates are very high, comprehensive public health data supports the thesis that access to weapons itself leads to higher injury and death rates. In the US, “a gun in the home is 43 times more likely to kill you or someone you know than to kill in self-defence.”²⁰ There are as many guns in the United States as people, and with a population of 264 million, domestic production and imports are adding 6 million more guns to the total every year. In a year, fewer people die of gun-inflicted injuries in all of Western Europe, where gun control legislation is strict, than die in an average week in the US.²¹

Violent crime is also associated with the scourge of light weapons. South Africa, for example, is experiencing a severe crisis of law and order. The Economist recently wrote that “crime has grown so bad that motorists have started to buy in-car flame-throwers to incinerate hijackers”.²² A report commissioned by *Gun Free South Africa* states, “Guns have saturated South Africa to such an extent that its citizens are no longer shocked by their proliferation, and associated gun violence leading to 30 deaths a day.”²³ Of the myriad challenges to democracy in the new South Africa, most citizens perceive violent crime to be the greatest – a poll found that while only 18% of citizens thought unemployment to be a major problem, 46% thought so of violent crime.²⁴ There is a close parallel between the rising level of small arms proliferation in South Africa and the increase in violence over the last decade – between 1988 and 1993, the incidence of armed robbery increased by 109%.

At the heart of the arms proliferation crisis is a paradox of the post-Cold War era: disarmament has led to rearmament. The dissolution of huge standing armies in the developed North has triggered a massive shift of military equipment to the developing South. The withdrawal of superpower hegemony in the poorer regions of the world combined with declining levels of wealth in many parts of Africa and South Asia has spawned new conflicts. Huge stocks of weapons, many of them of the durable light-weapon category, have been abandoned in the world’s most volatile regions. In the past decade, the increasing availability of these weapons has transformed ethnic tensions into political violence and raised the levels of violence associated with crime.

II. Foundations of conflict and weapons proliferation in the Commonwealth

The chapters in this report explore a range of issues – from conflict in South Asia to violent crime in Southern Africa to the dynamics of modern weapons trading – which combine to paint a picture of lingering human insecurity. Human rights are upheld by institutions and norms existing within accountable systems of governance, yet in too many parts of the Commonwealth, effective governance of any quality remains merely an aspiration. Sophisticated light weapons are increasingly diffused throughout Commonwealth societies, and the resulting violence is, for most states, impossible to control. In part, this is a result of global processes of geopolitical realignment, cultural shifts, and commercial pressures, each of which places the poorer members of the Commonwealth at a distinct disadvantage.

Shifts in the arms trade and military spending

The reduction of extremely high military spending in the aftermath of the Cold War has only applied to a portion of the world. Although the wealthier Commonwealth countries and states in the Southern African region have enjoyed a “peace dividend,” the global trade in weapons has, in fact, grown since the mid-1980s.

In the developing world, the winding down of the Cold War exerted an instant, if ephemeral, impact. The dumping of heavy weapons by the great powers onto their client regimes ended and many durable inter-state wars ceased as a consequence. Shorn of the protection of their erstwhile patrons and under severe domestic and international pressures, scores of developing nations engaged in the process of formal democratisation, raising the hopes for drastic cuts in defence expenditure and the redirection of resources into development and social services. In the UK, Canada, Australia and other Commonwealth states in the Americas and Africa, there has been a general tendency towards cuts in military expenditure and the downsizing of armies. In 1997, the UK spent US\$35.7 billion (2.8% of GDP) on defence as compared to US\$45.4 billion (5.2% of GDP) in 1985, while the numbers in the armed forces dropped from some 327,000 to 214,000 over the same period²⁵. In Africa, Mozambique’s current military strength of 6,000 is a fifth of the 30,000 envisaged by the 1992 peace accord. Zimbabwe and South Africa in the southern cone of Africa, and Ghana and Nigeria in West Africa, have undergone similar demilitarisation. Defence cuts in Commonwealth Guyana have been even more drastic: its armed forces have dropped from 6,600 in 1985 to just 1,600 in 1997, while defence expenditure has dropped from 6.8% of GDP in 1985 to 1% in 1997.²⁶

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South Asia, where over 80% of the population of the Commonwealth is located, presents a glaring exception to this trend. India, Pakistan and Sri Lanka have shown a clear upward trend in military expenditure this decade. This is a region of chronic instability, with durable low-intensity conflicts in all three states. Moreover, the tension between two Commonwealth members, Pakistan and India, both of which have tested nuclear weapons since the Edinburgh CHOGM, is considered potentially a trigger of a catastrophic international conflict.²⁷ The costs of this “cold conflict” represent a massive abuse of social and economic rights in South Asia. Pakistan and India, the two most populous states of the Commonwealth, are among the world’s poorest, with GNP per capita of US\$480 and US\$430 respectively.²⁸ Yet together, these two countries account for nearly a fifth of global arms imports by value.²⁹ 30% of the Indian population lives below the poverty line and India occupies 134th place on the UN Human Development Index.³⁰ In Pakistan, which spends US\$2.40 on defence for every dollar spent on education, only 40% of children – mostly boys – receive primary education. Two out of three adults are illiterate, life expectancy is 58 years for men, and the availability of hospital beds is among the lowest in the world.³¹

By the middle of the 1990s, the worldwide downward trend in conventional arms sales appeared to be reversing. This occurred in response to several factors, among which were:

- The proliferation of regional powers with aspirations to fill the power vacuum created by the exit of the super powers.
- The increased internal challenges within weak states and the consequent escalation of conflicts within states and regions of conflict.
- The growing privatisation of the arms trade, resulting in the loosening of state control over the manufacture and transfers of arms, particularly in eastern and central Europe.

As a result, the international arms trade grew by 8% in 1996 in real terms from US\$36.9 billion to US\$39.9 billion, with the top three suppliers – the US, Great Britain and France – recording large increases in defence exports.³² In 1995, conventional arms deliveries to the developing world totaled over US\$21 billion.³³ Below is a table of comparative expenditures by select Commonwealth states on defence, education and health. It should be noted that even though there has been a trend towards lower defence expenditures in the past fifteen years, the fall has not been matched by any significant increase in expenditure on health and education. In many instances, particularly in the

Comparative Expenditures on Defence, Education and Health*

Country	Armed Forces (000)		Defence Expenditure				US\$ per capita				Defence Expenditure as % of GDP				Public Expenditure as % of GDP					
	US\$bn		US\$bn				US\$bn				US\$bn				US\$bn					
	1997	1998	1996	1997	1998	1996	1997	1998	1996	1997	1998	1996	1997	1998	1996	1997	1998	1996	1997	1998
UK	327.1	213.8	48,408	35,226	35,736	803	604	611	52	3.0	2.8	6.6	6.7	6.9						
South Pacific & S.E. Asia	70.4	57.4	7,755	8,755	8,501	492	474	456	3.4	2.3	2.2	5.6	5.6	5.8						
Australia	12.4	9.6	920	1,022	901	283	287	251	2.9	1.8	1.6	4.7	7.3	5.7						
New Zealand	3.2	4.3	51	80	63	15	18	14	1.5	1.5	1.2	2.8	2.8							
PN Guinea	350	70.0	1,072	4,129	4,122	661	1,382	1,360	6.7	4.6	4.3	4.4	3.0	1.0	1.5					
Singapore	91.3	121.0	356	554	593	4	4	5	1.4	1.7	1.9	1.9	2.9	1.2						
South Asia	1,200.0	1,146.0	8,921	12,079	12,805	12	13	13	3.0	3.3	3.3	3.4	3.4	0.5	0.7					
Bangladesh	482.8	587.0	2,937	3,652	3,503	31	27	26	6.9	5.9	5.8	2.5	3.0	0.3	0.8					
India	21.6	117.0	325	887	898	21	49	49	3.8	6.3	6.1	2.6	3.4	2.0	1.4					
Pakistan	15.1	7.0	90	123	134	7	7	7	1.0	1.4	1.5	2.6	2.6	1.1	1.6					
Sri Lanka	13.7	24.2	365	216	235	18	8	8	3.1	2.2	2.4	6.4	6.6	1.5						
Africa	15.8	6.1	340	64	72	25	4	5	8.5	3.7	3.9	4.2	4.2	0.9	0.3	0.3				
Ghana	94.0	77.0	1,069	1,913	1,965	11	18	18	3.4	4.1	4.0	6.0	7.9	0.5	0.8					
Kenya	106.4	79.4	4,091	2,804	2,326	122	74	60	2.7	2.2	1.8	6.0	7.9	0.5	0.8					
Nigeria	48.4	34.6	199	114	123	9	4	4	4.4	3.3	3.4	4.4	4.4	0.5	0.5					
Senegal	16.2	21.6	57	60	59	8	6	6	1.1	1.8	1.7	4.7	2.2	1.0	2.9					
Tanzania	41.0	39.0	242	242	304	29	21	26	3.1	3.9	4.7	9.1	9.1	1.2	1.7					
Zambia																				
Zimbabwe																				
The Americas & Caribbean	83.0	61.6	11,147	8,624	7,757	439	304	270	2.2	1.4	1.3	4.9	5.4	5.9						
Canada	22.2	24.5	73	116	120	11	15	15	1.1	1.2	1.2	5.9	3.9	3.9						
Decentral R	6.6	1.6	45	7	7	57	9	9	6.8	1.0	1.0	9.8	4.9	4.3						
Guyana	2.1	3.3	28	28	29	13	11	11	0.9	0.5	0.6	5.7	7.5	2.0						
Jamaica	2.1	2.1	104	67	83	88	51	63	1.4	1.2	1.4	6.1	3.7	1.7	2.1					
Trinidad & Tobago																				

* Sources:

Defence Expenditure: *The Military Balance 1998/99*, The International Institute for Strategic Studies, Oxford University Press, 1999.

Education and Health: *Human Development Report 1999*, United Nations Development Programme, Oxford University Press, 1999.

poorer states, governments have spent as much on defence as on health, education and other social services combined.

The anticipated benefits of the decline in the trade in heavy weapons have been progressively eroded by the boom in light weapons transfers. These transfers are carried out by unscrupulous dealers and brokers, either due to the weakness of central authority (as in Eastern Europe) or loopholes in lax export controls (as in many Commonwealth producer states). “Rogue” states and those with regional hegemonic pretensions have supplied light weapons to non-state groups in conflicts around the world in a bid to either destabilise their neighbours or gain strategic advantages in sub-regions. Thus, from sales of US\$2-3 billion per annum during the Cold War, global private arms sales were estimated to have exceeded \$25 billion in 1996³⁴ In the particular case of light weapons, it is not so much the transfer of new weapons that dictates supply trends. The recycling of the over 500 million light weapons already in the system has implications for the choice of policies and structures designed to stem the flow of light weapons.

Commercialisation of the arms trade

The increasing encroachment of private actors on the security sector has undermined governmental export controls and introduced multiple players into the weapons supply and demand chain. This problem has become especially acute in Eastern Europe and the former Soviet Union, where, under the impact of privatisation, non-state actors are wresting control of weapons production and transfers from the State.³⁵ Commonwealth members, including producer states such as the UK, Canada, South

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Africa, India and Pakistan, face many similar regulatory challenges. In response, non-governmental organisations are pressuring their governments to adopt tough ethical standards to guide the arms trade, which encompass exporters, brokers and private military companies.

In the developing world, the “commercialisation of security” and the emergence of arms companies led by security entrepreneurs have become a feature of weak states. Here, not only is

the acquisition of weapons, especially light weapons, left in the hands of private brokers, but in countries like Sierra Leone and Papua New Guinea, national security has at times been relinquished to private military companies. In Sierra Leone, the scramble for resources and power in the context of a political vacuum has led to the creation of an intricate network of mining companies, arms brokers, mercenaries, warlords and governments, which ensures a steady flow of small arms into West Africa.³⁶ These weapons have facilitated the illegitimate appropriation of mineral and forest resources, and have inflicted heavy casualties among the vulnerable members of society. The UK, determined to see the democratically elected government of Sierra Leone restored, tacitly endorsed the use of private military forces in 1997-98.* However, Britain's laissez-faire attitude toward private military companies based on her territory, which participated in illegal arms transfers and the escalation of violence in Sierra Leone,³⁷ contrasts sharply with the attitudes of New Zealand and Australia, faced with mercenary activity in their neighbor state Papua New Guinea.†

Structural Adjustment Programmes and the demands of multilateral organisations

Our aim is to achieve the freest possible flow of international trade on terms fair and equitable to all, taking into account the special requirements of the developing countries, and to encourage the flow of adequate resources, including governmental and private resources, to the developing countries.

Excerpt from "The Declaration of Commonwealth Principles," 1971.

The only 'structural adjustment' should be in the World Bank's relations with the people it affects. Living standards have fallen so far that the people in the village are asking: "When will all this democracy be over?"

Leader of a non-governmental organisation, Senegal

The end of the Cold War has also seen a dramatic rise in the influence of multilateral financial institutions in developmental processes, especially in the Third World. By demanding fiscal discipline as a precondition for bailing out ailing economies, institutions such as the World Bank, the International

* The UK government has since the signing of a Peace Accord in 1999 concentrated its efforts on building the capacity of State security forces, as opposed to endorsing the use of private security firms in resolving conflict.

† In March 1997, the government of Papua New Guinea hired the UK-based private military company, Sandline International, to import Russian light weapons and four helicopter gunships, deploy mercenaries to defeat the rebel *Bougainville Resistance Army*, and recapture the Panguna copper mine. Payments for the mercenaries and weapons was *diverted* from an Australian government aid package for development earlier extended to Papua New Guinea. When the PNG army exposed the private contract arrangements, they were immediately suspended. Following the fiasco, New Zealand stepped in as a mediator in the civil war. Peace efforts led to the establishment of a permanent cease-fire in April 1998, with the stationing of an international monitoring group from Australia, New Zealand, Fiji and Vanuatu on the island.

There is one danger that stalks Africa and certain parts of the world as never before. It is warlordism. It feeds on failed statehood. It is a rapacious protection racket, run in the interest of a few. Ordinary people are the victims and dysfunctional governments are incapable of doing anything about it. The scourge must be combated, otherwise the very fabric of society will be destroyed. And the best way to combat it is to forge the widest of coalitions, spanning world bodies, national governments, aid organisations, other NGOs and the private sector, to be resolute in dealing with it. The capacity of the state to defend itself and to protect its citizens is the essence of an ethical and moral order.³⁸

Kader Asmal, South African Minister of Water Affairs and
Chair of the Parliamentary National Conventional Arms Control Committee (NCACC)

Monetary Fund and multilateral organisations including the Commonwealth have sought to assist these countries to increase their capacity to generate revenue to meet external and internal obligations.

Under Structural Adjustment Programmes, state-controlled enterprises have been privatised and subsidies withdrawn from the social sector – schools, hospitals and utilities. This has led to higher unemployment, illiteracy and mortality rates. The emphasis of these structural adjustments on increased raw material production and cuts in social expenditure contain in-built flaws. Not only do prices of commodities fluctuate wildly on the world market, but aggressive drilling, mining and logging bring in their wake untold environmental degradation and food security crises. Lacking basic infrastructure, a local entrepreneurial basis and an efficient bureaucracy, poor countries are not even in a position to reap the apparent advantages of such programmes.

While multilateral organisations are keen to push for electoral pluralism in poor countries, they are less eager to encourage a process of democratic discussion on the nature and effects of market-based economic reforms. The result has been widening social inequality and heightened tensions in many developing states. A particularly sensitive issue with regard to the stability of the State is the treatment of security forces under Structural Adjustment Programmes. Until recently, the security sector was exempt from social cuts and remained for decades the beneficiary of generous state funding. It

is only in the last few years that the defence sector has come under increasing scrutiny. The emerging donor agenda now often includes security sector reform as part of structural adjustment. These reforms entail downsizing, professionalism, transparency and accountability in the organisation and operations of security forces.³⁹ For instance, the IMF has decreed that defence expenditures in excess of 4.5% of the national budget are economically untenable.⁴⁰ Indeed, an IMF study has concluded that:

Although the military has been protected [from structural adjustment] in the past, the sector now tends to be hit harder than others in the fiscal adjustment process, the emerging pattern [being that] countries are relying to a much greater extent than before on cuts to the military to pay for fiscal adjustment.⁴¹

Despite the good intentions behind these measures, if they are not accompanied by mitigating initiatives, such as effective reintegration and compensation for security forces, they can exacerbate the security environment in donor-dependent states. Underpaid, poorly trained and under-resourced, security forces have a tendency toward corruption and human rights abuses. Not only are they inadequately trained to use force only as a last resort and only to uphold the law, their operational focus is also progressively shifting from the duty to maintain law and order to the need for survival – usually through extortion. Former combatants, for lack of alternative expertise or opportunities, continue to use their weapons as primary sources of support.

The media and the culture of violence

In a popular sense, the concept of globalisation is directly tied to the explosion of information technology. The linking of the remotest parts of the global community through international media and telecommunications networks has revolutionised and added urgency to international responses to gross human rights abuses around the world. The shocking images of the Rwandan genocide in 1994 and the massacre of school children in Dunblane in 1996 were instantly brought to public attention via TV screens, thus provoking revulsion and a groundswell of popular opinion calling for action. Often, however, the images and messages carried by media have reinforced the values of individuality and macho violence, while portraying women as sex objects and deriding the cultures and values of minority groups. The automatic rifle is a potent symbol of this “modernity”.

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The rifle, spear, machete, and bow have for centuries served many societies as legitimate instruments to secure a livelihood while occasionally providing self-defence. Moreover, for some societies, in West Africa for example, these weapons symbolise protective masculinity. However, in the modern context, the combination of political violence and the effect of media-generated aspirations are transforming weapons from political symbols into tools of indiscriminate violence. Thus, child soldiers in Sierra Leone have murdered their parents, raped defenceless women and pillaged villages soon after initiation rites involving AK-47 assault rifles, Rambo-type video-tapes and amphetamines.⁴²

On the other hand, resentment against the “imposed culture” of the industrialised West (and in particular that of the United States) is not balanced with self-criticism in the developing world about the role of local media. Between the mid-1970s and the mid-1980s, the Commonwealth, alongside the Non-Aligned Movement, fought unsuccessfully for a New International Economic Order.⁴³ Side by side with the campaign for an NIEO was the struggle for a New International Information Order, founded on a fear of “cultural imperialism”. These campaigns failed, partly because of the uncritical attitude to repressive economic and media practices in many of the countries that championed the causes.

The media in many developing Commonwealth countries are often controlled by the State. This is particularly so with regard to broadcast media in societies where the radio remains the main source of information for much of the population. Instead of using the media to empower civil society and inform citizens through balanced debate and information, governments have often employed radio, television and newspapers as tools for propaganda, inciting ethnic and religious animosities and suppressing dissent. Attempts by legal opposition forces and civil society to set up alternative newspapers have been thwarted by governments through the discriminatory supply of newsprint and the harassment of journalists, as was often the case in Nigeria under military rule and was recently seen in Zimbabwe. As a consequence, journalism has become one of the most hazardous professions in many developing Commonwealth states. More ominously, in South Asia, Africa and the Caribbean, millions have turned their backs on national radio and rely on foreign stations such as the *BBC* and *Voice of America*, because of a lack of balance and perspective in national broadcasts.

III. Light weapons: A challenge to Commonwealth values

Peace

We pledge the Commonwealth to work with renewed vigour...in the world's search for peace, disarmament, and effective arms control.

Harare Declaration, Harare 1991

Where war has broken out, the diffusion of small arms takes on a life of its own, creating multiple centres of power and complicating the negotiation process. Armed and empowered, protagonists demonstrate a higher level of intransigence and an aversion to compromise. Where groups join the war for reasons other than purely political motives – to secure resources or settle petty differences, for example – purely political arrangements alone among the main parties in conflict are often insufficient to end the violence. This was demonstrated in Sierra Leone, where kidnapping and other acts of banditry persisted in spite of a peace deal between the government and the main rebel group, the RUF, in June 1999.

At the 1995 Millbrook CHOGM, the Commonwealth adopted a three-point Plan of Action, which mandated the Commonwealth to aid in the resolution and prevention of conflict by “facilitating consensus building”.⁴⁴ Applied to member-states in situations of high tension, consensus building presupposes measures aimed at lowering temperatures and preventing the outbreak of violence. In his supplement to “An Agenda for Peace,” the former UN Secretary General Boutros Boutros-Ghali argued that, “It is evidently better to prevent conflicts through early warning and quiet diplomacy...than to undertake major politico-military efforts to resolve them after they have broken out.”⁴⁵ Where hostilities have already broken out, as is the case in some Commonwealth countries, a first priority is to de-escalate and resolve conflicts by mediation, while simultaneously adopting reinforcing measures aimed at preventing a relapse into violence after cease-fires. These are essential features of the peace-building process. A key measure in this regard is the control and removal of

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weapons. Indeed, the UN Panel of Governmental Experts on Small Arms identifies the excessive and destabilising accumulation and transfer of small arms as “not only fuelling conflicts but also exacerbating violence and criminality.”⁴⁶

The spate of armed robbery and criminal violence in southern Africa, despite the end of Apartheid in South Africa and the signing of peace accords in Mozambique, speaks to the futility of peace accords not founded on sound weapons collection and control initiatives. Without an effective package to collect and destroy weapons in the aftermath of wars, thus eliminating them from society, hostilities will continue by other means. In addition to criminality and banditry in post-conflict societies, weapons from a wound-down conflict are easily recycled into neighbouring states, starting new wars and adding venom to on-going conflicts. Many of the small arms wreaking havoc in the Democratic Republic of Congo originated in southern African states, just as weapons from Liberia have fuelled the war in Sierra Leone.

Good governance

Transparency and accountability are natural pillars of democratic governance, whereas government involvement in arms transfers is often one of the most opaque areas of state activity. Indeed, in many Commonwealth states, both in the developed and developing worlds, the lack of transparency in arms transfers has contributed to a more general erosion of the norm of transparent governance and access to information. This issue has been a recurring controversy in the world's second largest arms exporter – the UK – for decades. In many Commonwealth states, the expenditure of public funds on arms, and the export or re-export of arms, are cloaked in a veil of secrecy, which can be used as often to conceal corruption, fraud and irresponsible trade as to protect state secrets.

In most of the arms exporting Commonwealth countries, an arms transfer may be carried out only after a licence has received government approval. In the UK, the Government must often take a number of factors into consideration. It must satisfy itself that the end user does not violate human rights, will not re-export the arms to a third party, and that the transfer will not undermine development or destabilise the region.⁴⁷ However, because of loopholes in the existing regulations, they have not prevented the transfer of weapons, particularly light weapons, to high-risk countries and regions. For example, there is poor regulation governing the brokering of arms transfers from one foreign country to another, when the arms do not touch UK soil. Because of lax third-country brokering laws, a British-based security firm, Sandline International,

arranged the transfer of 35 tons of small arms from Bulgaria to Sierra Leone at a time of all-out civil war and widespread human rights violations.⁴⁸ Furthermore, the “ethical” dimension of British arms export policy continues to be under scrutiny. The UK transferred light weapons to 27 African states in 1998*. Many of the recipients, like Kenya and Sierra Leone, were embroiled either in political turmoil or active conflict.

In the weaker states of the Commonwealth, the accumulation of small arms and their diffusion into society are both causal and symptomatic of the erosion of governance. The purchase of weapons is often carried out at the expense of the provision of basic needs and foundations for sustainable development and security. The denial of basic needs can provoke violent reactions from civil society, which in turn are met with brutality from the security forces. A vicious circle of violence and the collapse of effective administration ensues, culminating in institutionalised violence, gross human rights abuse and the fracturing of the State into uncoordinated bureaucratic fiefdoms. Not only is the productive capacity of a population maimed by landmines and light weapons greatly diminished, but violence also discourages investment and tourism, the major source of foreign exchange for most of the smaller states and islands within the Commonwealth. In Sierra Leone,⁴⁹ where small arms have transformed tensions into civil war, factions have illegally appropriated and bartered scarce mineral and forest resources for small arms, thereby deepening state poverty and raising the level of violence. A particularly disturbing consequence of the battle for natural resources has been the devastation of Sierra Leone’s environment.**

The discrepancy between defence budgets and social expenditure in many Commonwealth states (see Table) is an indictment of the unwillingness of the international community to reign in the arms trade. It is estimated that 1.3 billion people survive on less than the equivalent of US\$1 a day. Almost a billion people are illiterate, and while well over a billion lack access to safe drinking water, some 840 million go hungry or face food insecurity.⁵⁰ Meanwhile, half the world’s governments spend more on defence than on health care.⁵¹

Freedom from fear

The most direct manner in which the proliferation of light weapons is affecting citizens of the Commonwealth is in the bullet wounds, the mutilated limbs, and the burnt-out homes

* See Niobe Thompson’s submission in this volume for a more complete discussion of UK Government policy and arms exports. (Ed.)

** In Angola and Sierra Leone, the rebel factions – UNITA and RUF – have funded their war efforts by trading in diamonds.

of civilians caught in conflict. In Sierra Leone, the war between government forces and the RUF has brought farming and other activities to a halt throughout the country. In the course of the war, houses have been looted and set ablaze, often with their wounded occupants inside. Rebel forces belonging to the RUF, as well as the erstwhile army, have targeted rural dwellers, amputating or mutilating arms, legs and hands.⁵² This is ostensibly intended to prevent victims from either harvesting their crops or casting votes in elections. In counter-offensive operations, the pro-government Kamajor militia and ECOMOG forces have subjected suspected rebels and their sympathisers, including wounded suspects dragged from hospital beds, to summary execution.⁵³

These atrocities are committed directly with, or under the cover of, light weapons freely circulating in the conflict. Indirect responsibility for such atrocities is also borne by states, including the UK, that continue to send defence assistance into a society that has decayed politically and is on the brink of collapse.* Donors such as the UK must implement programmes in collapsed countries like Sierra Leone which give equal weight to rebuilding the state's capacity to educate and care for its population, as well as its capacity to protect citizens from violence and invasion.

The issue of gun-related human rights violations is not limited to societies at war. The right to life is often violated in peaceful industrialised countries, whose liberal firearms laws have enabled the diffusion of guns into society. In Canada, for example, roughly 1,300 people are killed each year with firearms, compared to 3,200 in automobile accidents. Furthermore, analyses of gun-related casualty figures in Australia, Canada, Great Britain and New Zealand show that the higher the percentage of firearms in a household, the greater is the likelihood of gun-related deaths.⁵⁴

Women's and Children's Rights

Irrespective of the societies in which they live, the vulnerable in society – women, children, the elderly and disabled – are the principal victims of small arms-facilitated human rights abuses. Children in particular, defenceless, living in unstable and impoverished environments and prone to manipulation by parties in conflict, have become primary victims of wars and violence in conflict zones around the world. Women, who rarely use weapons but who constitute the backbone of traditional family structures, suffer the greatest traumas associated

* In 1999 alone, Britain has granted nearly US\$20 million to equip ECOMOG and train a new Sierra Leonean army (in the midst of civil war) with the help of seven military advisors. Human Rights Watch, "Getting away with murder, mutilation and rape: New testimony from Sierra Leone," Vol. 11, No. 3 (A), June 1999.

with the breakup of the family and the loss of husbands and children in war situations. They also frequently suffer humiliating physical and mental abuse associated with violence and forced migration. The codification of children's and women's rights in United Nations declarations is in part a recognition of these groups' special vulnerability.

According to Olara Otunnu, Special Representative of the UN Secretary-General for Children and Armed Conflict, over the last ten years two million children around the world have been killed in wars, while one million have been orphaned, six million seriously injured and over ten million have experienced grave psychological trauma. There are 300,000 children currently serving as soldiers in over thirty trouble spots around the world, including Afghanistan, Angola, Liberia, Sierra Leone and Sudan.⁵⁵

To instil the killer instinct in children and train them to use automatic weapons before unleashing them on a population takes time and resources. As a result, many have ended up as loot carriers, sentinels and sex toys. Girl abductees recently freed from the hands of rebels in Sierra Leone have told harrowing stories of their ordeals. According to Christiana Thorpe of the Forum for African Women Educationists (FAWE),

Girls were retained as 'wives' and trained to fight using guns, knives, machetes and clubs... These female rebels have become so brutalised they even rape young men... Their babies are drugged to sleep while they go on their daily business to kill, maim, loot and burn houses with impunity.⁵⁶

In societies nominally at peace or in post-conflict societies such as Mozambique and South Africa, women and children, who are most likely to be found at home at night, bear the brunt of armed break-ins and robbery. Nor are women and children spared the consequences of easy access to firearms in affluent societies. In Australia, nearly 35% of gun homicides occur within intimate relationships such as marriage, and women are most often the victims; meanwhile, firearm injuries are the third most frequent cause of death among 14 – 25 year-olds in Canada, with New Zealand not far behind.⁵⁷

IV. A mandate for the Commonwealth

As late as 1991, when the proliferation of internal conflicts and the upsurge in crime had already highlighted the light weapons crisis, the Harare Communiqué made no mention of light weapons proliferation as a particular threat to Commonwealth values.⁵⁸ In contrast, individual member-states, such as Canada and South Africa, have been playing

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a pioneering role within other multilateral organisations in pushing the light weapons and landmines issues up the agenda of the international security discourse.

Following a year-long campaign of sustained pressure by the International Campaign to Ban Landmines (ICBL), an umbrella coalition of non-governmental organisations, eminent personalities and sympathetic states, the international momentum became irresistible. In December 1997, after diplomatic conferences in Vienna, Brussels and Oslo, the Ottawa Treaty, *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Landmines and on their Destruction*, was signed by 122 states in Ottawa, Canada.⁵⁹ Canada played a pivotal role in securing the treaty, providing diplomatic weight and resources, demonstrating the potential influence a medium power can exert on events of historical significance.⁶⁰

After the Ottawa Treaty, Canada, Belgium and Norway have led efforts to make light weapons proliferation the next focus of international attention. Many states remained reticent. Though not as clear-cut an issue as that of banning landmines, the light weapons issue rapidly climbed the international agenda and has now attracted enormous attention. The reasons for this are obvious. As graphically demonstrated in this report, the problems associated with light weapons proliferation represent a moral affront to the international community and demand urgent action.

The international response to the devastating effects of light weapons accumulation reflects an appreciation of the complexity of the issue and the impracticability of applying broad-brush solutions.* Since 1995,⁶¹ the United Nations has set the agenda and led from the front in multilateral efforts, designing frameworks to restrict legal arms

* See the submission by Geraldine O'Callaghan and Kate Joseph in the report for a detailed discussion of international responses to the crisis of light weapons proliferation.

† The Organisation of American States, the European Union, The Organisation for Security and Cooperation in Europe, G-8 (France, Germany, UK, Italy, Russia, Japan, Canada and United States), Economic Community of West African States, South African Development Community.

transfers and block illegal weapons pipelines. At a special meeting of the Security Council in September 1999, UN Secretary-General Kofi Annan stated that, "no single tool of conflict is so widespread, so easily available and so difficult to restrict, as small arms."⁶² He warned Security Council members that restricting the flow of these weapons would be a key challenge in preventing conflict in the next century. Individual states, regional blocs and multilateral institutions have taken a cue, pushing initiatives and undertaking practical measures relevant to their mandates and regions of focus.

Among multilateral institutions that have developed policy

The International Action Network on Small Arms (IANSA)

Non-governmental organisations, by virtue of their close proximity to conflict situations and ordinary people, are well positioned to identify the key threats to human development and security. Crisis relief, development, and human rights organisations confront the human costs of conflicts daily. Diverse as their preoccupations and mandates may be, NGOs around the world have come to identify the excessive accumulation of light weapons and small arms as a common denominator cutting across their various concerns. Light weapons are proven to seriously undermine governance, state cohesion, human development and human security. As a consequence, a formidable gathering of NGOs has in recent years turned the light weapons problem into a major issue of advocacy, propelling it onto the stage of international diplomacy.

In 1999, a formal global NGO coalition, the International Action Network on Small Arms (IANSA), has emerged, demanding a reappraisal of the supply and demand chain of light weapons proliferation. Among other concrete proposals, IANSA is urging the international community to apply greater restrictions to light weapons transfers by:

- increasing transparency and accountability of the legal arms trade;
- linking arms transfers to human rights and development;
- tightening international regulations to control illicit transfers;
- addressing the root causes of violent conflicts and weapons acquisition; and
- eliminating excess weapons from society, preferably through destruction.

frameworks and/or practical measures on aspects of the light weapons problem are the OAS, the EU, the OSCE, the G-8, ECOWAS and SADC.† Individual countries, including Canada, South Africa and the United Kingdom, have played key roles in pushing various light weapons control initiatives within their regions and multilateral fora. Furthermore, the World Bank⁶³ and the Organisation for Economic Cooperation and Development (OECD)⁶⁴ are investigating ways to incorporate technical and financial assistance for light weapons control programmes into their organisational mandates. The Commonwealth is now conspicuous as one of the very few multilateral institutions that have not accorded centrality to the problem of light weapons proliferation.

Inspiration for the Commonwealth

- *The EU Code of Conduct on Arms Transfers*

The European Union adopted the EU Code of Conduct on Arms Transfers in June 1998 after persistent lobbying by NGOs, politicians and citizens' groups across Europe for government restraint in sanctioning arms transfers. The EU Code, which was drafted by the UK and adopted under its EU presidency, was groundbreaking. It became the first agreement restraining conventional arms transfers among supplier states. The document binds EU member-states to apply eight common criteria to all weapons-export transactions. Of relevance to the Commonwealth are the criteria that forbid arms sales where there is a clear risk that the arms will be used in human rights abuses, might be diverted or re-exported, might exacerbate regional tensions or have a negative impact on the importing state's human and economic resources.

- *The International Code of Conduct on Arms Transfers*

The proposal of an internationally-binding convention on arms transfers, building on the strengths of the EU Code, was introduced by a group of Nobel Peace Prize Laureates, led by Dr. Oscar Arias, the former president of Costa Rica. The International Code of Conduct on Arms Transfers is still in draft form, but it promises big improvements over the EU Code, particularly with regard to human rights criteria. Four articles of the proposed Code are dedicated specifically to the promotion and defence of human rights. Articles I and II require states wishing to import arms to comply with **international human rights standards** and **international humanitarian law**. Furthermore, the Nobel Laureates' Code proposes the **respect for democratic rights** and the **promotion of human development** as preconditions for arms supply.

- *The West African Moratorium*

If the EU and International Codes are a supplier response to the indiscriminate transfers of light weapons, the West African Moratorium is the first multilateral restraint measure undertaken by recipient states. The three-year Moratorium on the Importation, Exportation and Manufacture of Light Weapons was adopted by the 15 member states of the ECOWAS in Abuja, Nigeria, in October 1998.⁶⁵ They agreed to a regional freeze on the import and trans-shipment of light weapons.⁶⁶ In addition to the self-imposed ban on weapons imports, ECOWAS states, with the assistance of the UN and donor agencies, embarked on security sector reform measures and the collection and destruction of weapons. The Moratorium has already secured the support of major producers through the Wassenaar Arrangement,⁶⁷ but will require real political will and significant external funding to work.

Curbing illicit weapons trafficking

Light weapons flow within illicit markets, which sub-state groups use to replenish their stocks. As well, the illicit trade in light weapons is closely linked to trans-national criminal networks, as the case of the parallel movement of drugs and guns in South Asia demonstrates. These concerns have triggered a flurry of activity at the international level, aimed at blocking international illicit weapons pipelines. However, there is an urgent need to redefine and clarify the understanding of “illegal” and “crime” within arms transfer legislation, with priority given to upholding human rights. Both states and non-state actors should be judged by and held to the same human rights standards.

- ***The UN and light weapons***

The United Nations has been at the centre of several initiatives aimed at restraining exporter states, discouraging excess or unnecessary imports by consumer states, eliminating weapons from post-conflict societies, and tackling the causes of conflict in societies at war. The Panel of Governmental Experts on Small Arms (established in 1995) presented a major report in 1997 and carried out consultations with various actors on practical measures to realise its recommendations in 1998-99. Furthermore, deliberations on the Firearms Protocol aimed at curbing illegal trafficking through the control of brokers and the effective use of INTERPOL are on-going at the level of ECOSOC.

The UN has often been criticised for the uncoordinated activities of its various agencies in the field of arms control. To address these concerns, it has created the UN Coordinating Action on Small Arms (CASA) in 1998. This body is tasked with harmonising the efforts of such agencies as the UNDP, Department of Peacekeeping Operations (DPKO), UNCHR and UNICEF.⁶⁸

- ***The OAS Convention***

In November 1997, the Organisation of American States adopted the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.⁶⁹ The Convention is a legally binding instrument with elaborate provisions for cross-border co-operation among customs and police for tracing and tracking firearms. Since its inception, the OAS Convention has inspired and provided models for similar efforts within other such multilateral institutions.

Conclusion: Towards a Commonwealth Consensus on Light Weapons

This report describes how – under the guise of “legal” and “legitimate” light weapons trading – states have often transferred the tools of repression to many regimes accused of serious human rights violations. Even where weapons have not fallen directly into the hands of repressive governments, they have nevertheless found their way into conflicts and unstable environments. Illegally trafficked light weapons have fuelled internal and trans-national crime and terrorist insurgencies. Even diffused into nominally peaceful societies, these weapons have increased fatalities and casualties.

This report also offers hope, describing how local, national, regional and international actors are confronting the light weapons issue with courage and determination. Civil society, working in conjunction with governments at all levels, is a driving force in this process, proving the durability of the Ottawa Process as a precedent for coordinated action. These international efforts deserve praise. More importantly, they require **pro-active support**. The Commonwealth, concerned as it is about the promotion and defence of human rights, democracy, development and peace, must add its voice to the international chorus now waging the war for responsibility and restraint in the arms trade and working to demilitarise societies brimming with light weapons.

In urging the Commonwealth to adopt a strong position on light weapons proliferation, the Commonwealth Human Rights Initiative acknowledges the strengths and weaknesses of the organisation. CHRI is not recommending that the Commonwealth itself adopt a concrete control regime on light weapons transfers, a role it is not technically, financially or structurally equipped to perform. However, the Commonwealth can make its position on light weapons proliferation clear by supporting existing initiatives, while declaring a consensus on the issue. CHRI believes that the Commonwealth has a moral responsibility and possesses the capacity to contribute to curbing weapons flows and eliminating the causes of demand, by adopting policies and measures within a peace-building paradigm. Such a paradigm would perceive light weapons control as “part of the process of contributing to good governance and building the infrastructure to promote participatory governance and transparency.”⁷⁰ The Commonwealth has a moral responsibility to make its impact felt within the larger community of nations. Moreover, the Commonwealth is able to do this – it has a suitable **mandate**, an appropriate **composition** and a long-standing concern for **human rights and development**.

1. **The Commonwealth Mandate:** The Commonwealth's cardinal principles include the promotion and defence of democracy, human rights, development and democracy. The adoption of a **Consensus on Light Weapons** will be a major test of the consensus-building capacity of the organisation, just as it will act as a spur to the attainment of Commonwealth fundamental principles.
2. **The Commonwealth Composition:** The Commonwealth membership spans all the continents of the world, encompassing diverse experiences and cultures. Most significantly, the membership straddles the entire producer-consumer chain of the arms trade. It boasts some of the major and medium producer states of arms, arms transit states and several countries that buy and/or re-circulate arms. Some of the more prominent member-states are major proponents of small arms control regimes outside the Commonwealth. At the same time, some of the most conflict-prone and weapons-saturated countries in the world are within the Commonwealth.
3. **Role in Development:** Through its technical cooperation programmes, the Commonwealth has encouraged capacity-building and human development in many of the poorer member countries. It has also enhanced democratisation efforts through training and election monitoring. This experience offers hope for a comprehensive framework to tackle both development and disarmament. By broadening the base of existing programmes to incorporate such measures as security sector reform and micro-disarmament, the Commonwealth will be tackling the causes of conflict without unrealistically stretching its resources.

CHRI is therefore proposing a three-pronged action programme based on a **Commonwealth Consensus on Light Weapons** to: **regulate legal transfers, control illicit flows and create conditions for cultures of peace** to flourish.⁷¹

At the heart of the arms proliferation crisis is a paradox of the post-Cold War era: disarmament has led to rearmament. The dissolution of huge standing armies in the developed North has triggered a massive shift of military equipment to the developing South.

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⁵⁸ These statistics and many others that demonstrate the links between pervasive gun possession and violence in wealthy societies are contained in W. Cukier & T. Sarkar, *ibid.*

⁵⁹ The Harare Communiqué.

⁶⁰ See <http://www.wicbl.org> for details.

⁶¹ Although major powers – the US, Russia and China – refused to sign the treaty, the UN Secretary-General, Kofi Annan, hailed it as 'a landmark step in the history of disarmament'.

⁶² With UN General Assembly Resolution 50/70 B of 12 December 1995, the UN Secretary-General set up a Panel of Governmental Experts to produce a report on Small Arms and Light Weapons. This initiated UN activity on the issue.

⁶³ "UN targets small arms," BBC World Online, 25 September 1999.

⁶⁴ Since November 1997, the World Bank's Post Conflict Unit assisted in de-mining, and in demobilisation and reintegration programmes. In March 1999, they also held an expert meeting on security and development, which investigated ways of supporting programmes aimed at controlling small arms.

⁶⁵ In May 1997, the OECD Development Assistance Committee (DAC) Task Force adopted new guidelines on "peace conflict and development" to promote best practice amongst donors in providing support in regions of conflict. In 1998-99 DAC embarked on further work to develop understanding on how to implement these guidelines to promote effective assistance to regions emerging from conflict where there are urgent problems associated with small arms and light weapons proliferation.

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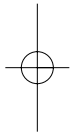
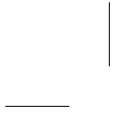
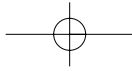
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Tamil Tigress (LTTE) — Sri Lanka — Photo: Martin Adler (Panos)

