Introduction

The illicit circulation of small arms and light weapons (SALW) destabilizes communities and impacts security and developments in various regions, as well as having considerable economic effects. The illicit trade in SALW involve all of its aspects, from the production, transit, and to the sale of the arms involved. Curbing trade in these aspects in what appears to be the hub of this activity, South and Southeast Asia, is crucial to both cutting off supply to regional countries, as well as the supply to international bodies through transit points in this region.

Factors such as civil, religious and guerilla wars, organized crime and the narcotics trade have led to a proliferation in the illegal weapons trade, along with other regional, geographical and domestic factors. The burgeoning of the illicit trade of SALW in South Asia arises from a host of domestic and internal factors which form three major issues of the trade of SALW in South Asia: as an arms supplier, a transit point, and a destination of arms use.

The illicit trade in SALW has heightened the violence potential of separatists, crime syndicates and other factions, who are now able to take advantage of tactical options that were previously available to only the state and its armed forces. This has given non state actors the ability to inflict considerably larger amounts of damage, such as what happened in Cambodia and Myanmar, where the government security forces found themselves facing weapons of equal power. In this manner, SALW have played a crucial role in compromising the reconstruction of societies such as Cambodia, hindered the development of viable peace agreements in places like Mindanao, and undermined central executive authority, as happened in Myanmar.

The uncontrolled proliferation of small arms and light weapons in Southeast Asia threatens the security of both people and states, retards development, and contributes to
increasing levels of violent crime. It has additionally caused the burgeoning of various destructive outcomes—deaths, internal strife, conflicts and partitions, corruptions and instability in countries. Thus, to tackle the question of curbing the illicit trade of small arms and light weapons in South Asia, the host of factors mentioned above must be addressed. Solutions must take into consideration the various specific regional factors contributing to the illicit trade, as well as remark upon the implications of the international community on the trade of SALW in South Asia.

**Definition of Key Terms**

**Small Arms**

Any man-portable lethal weapon designed for individual use that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive

**Light Weapons**

Any man-portable lethal weapon designed for use by two or three persons serving as a crew (although some may be carried and used by a single person) that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive

**Carry**

Bear a small arm, in ready-to-use condition, upon, about or in the proximity of one’s person

**Illicit manufacturing**

Manufacturing of small arms or light weapons, their parts, components or ammunition

a) from parts and components illicitly acquired or trafficked;

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1 All below definitions have been taken from the ISACS, [http://www.smallarmsstandards.org/isacs/0120-en.pdf](http://www.smallarmsstandards.org/isacs/0120-en.pdf)
b) without a licence granted by the designated licensing authority or other authorization of the State where the manufacture takes place, granted in accordance with domestic law; or

c) without marking the small arms or light weapons at the time of manufacture

**Illicit small arms and light weapons**

Small arms or light weapons that

a) contravene the laws of the State in whose jurisdiction they are located;

b) have been illicitly manufactured (see “illicit manufacturing”);

c) have been illicitly transferred (see “illicit transfer”); or

d) are unmarked, inadequately marked or have had marks removed, obliterated or falsified

**Illicit transfer**

The import, export, transit, transshipment or brokering of small arms or light weapons

a) with the intention to supply a State under a UN Security Council arms embargo;

b) where any one of the States involved does not authorize the transfer,

c) that have been illicitly manufactured;

d) that have been stolen or otherwise illicitly acquired; or

e) that are unmarked, inadequately marked or have had marks removed, obliterated or falsified

**Background Information**

**Factors affecting the illicit trade of SALW**

A host of countries in South Asia face internal strife and domestic conflicts between state authorities and resistance factions such as minorities and separatists. These confrontations invariably lead to a higher demand for weapons to assist in the resistance, and are more often than not illicitly obtained. Other countries that although may not be currently facing internal turmoil may be recovering from civil war. Involvement in this process may
result in the lack of an efficient legal framework and law enforcement as well as corruption within state bodies. These result in parties taking advantage of weak official frameworks to engage in the illicit trade of these weapons.

Along with these domestic factors, there are other problems that affect the trade of SALW. In this day and age, international criminal networks are burgeoning with the communications developments taking place. The spread and reach of these far reaching linkages result in conflict of interests between countries, legal issues, and pinpointing exact sources and other sites involved with trade of SALW. Secondly, the spread of these networks has also led to an increase in demand for SALW.

Above and over these is their geographical location, a factor that links all these states together. Most of these countries are crucial parts of international trade routes, which make transportation of SALW easier. Secondly, long borderlines complicate monitoring of the flow of SALW in countries that may have weak authorities, wherein enormous resources have to be deployed in patrol and monitoring of these borders. For example, Thailand shares land borders with four countries with a total of nearly 5,000 kilometers in length, as well as 3,200 coastline borders.

**Major Countries and Organizations Involved**

**Cambodia**

A lack of internal governance, the state’s strategic geographical location in the middle of mainland Southeast Asia, and the failure of UN (United Nations) disarmament programs that were implemented after the Third Indo China War in 1991 have led to a booming business in the illicit trade of SALW (small arms and light weapons) in Cambodia. The Paris Peace Agreements that ended the Third Indo China War gave the UNTAC (United Nations Transitional Authority in Cambodia) power to curb arms trade. However, endeavours in this direction were virtually disbanded after it became clear that post-conflict elections could be held without disarmament. The weapons stock pile left behind has resulted in a large illicit trade in the state.

**Thailand**

Thailand is one of the main transit areas for light weapons due to the existence of a relatively advanced communication and transportation infrastructure as well as porous land borders. Additionally, Thailand places a high importance on monetary values, due to which
Traffickers and those involved in the illicit trade can buy co-operation and silence from various high placed entities. Thailand has various dealers in areas such as Bangkok, Phuket and Chiang Mai, who channel the weapons through the state. For example, as many as 80% of illicit trade consignments from Cambodia pass through Thailand, overland via the Chantaburi province in the East, or by water from Kampong Saom in the South. Most of the weapons are passed on to narco-insurgents in Myanmar, who either use them for their own use, or resell them to groups with operations in India and Sri Lanka, including the LTTE (Liberation Tigers of Tamil Eelam).

**Pakistan**

To ensure that the mujahideen rebels had sufficient firepower to resist the Soviet army in Afghanistan, the United States of America put in place a major arms pipeline through Pakistan, which was used extensively throughout the 1980s. However, under the Pakistan’s ISI (Inter Services Intelligence) control, there was a lot of leakage out of the pipeline which has created Pakistan’s source of SALW, proliferating after the withdrawal of Soviet forces from Afghanistan. Estimates suggest that up to 70% of weapons going through the country never made it to their intended destination points, forming the source of SALWs along with replicas of the original weapons being produced in factories by small scale manufacturers. Major sources include the Northwest Frontier region around Peshawar, Darra Adam Khel and Sahakot Malakand. Pakistan’s geographic location and the number of insurgent and rebel factions have led to consignments being shipped to Southeast Asia to Thailand through Myanmar.

**China**

Estimates suggest that China has atleast 15 factories that are involved in the manufacture of small arms. The illicit trade of SALW in China has proliferated because of various reasons that include non profitability resulting from a weak legal demand for small arms, corruption, weak controls on excess weapons stocks and large economic inequity in wealth distribution caused by high economic growth. Areas engaging in the illicit weapons trade include the town of Baigou, where SALW are available for purchasing. The main recipients of these arms include MILF and ASG factions in Mindanao, and drug and crime syndicates situated throughout India and China.

**North Korea**

Although there is sparse and unreliable information about the specifics of the illicit trade in SALW in this region, there is some evidence that points towards sourcing of
weapons from North Korea to Southeast Asia. Recipients include Islamic groupings in the southern Philippines and the LTTE in Sri Lanka.

**United Nations Coordinating Action on Small Arms**

The CASA mechanism aims to ensure that the United Nations offers support and advice to member states about SALW and curbing their illicit trade by referring to the International Small Arms Control Standards (ISACS). ISACS provides comprehensive and practical guidance to policymakers on all elementary components of the SALW trade.

**The United Nations Institute for Disarmament Research**

The UNIDIR is a framework within the United Nations for generating ideas and plans of action on disarmament and society, assisting states in the finding and implementation of solutions for security challenges. It is primarily a research and educational body that promotes arms control and disarmament by forming a bridge between UN organizations and the international community to alleviate security concerns at all levels.

**Small Arms Survey**

An independent research project that provides public resources regarding information on all aspects of SALW for the use of governments, policy makers and others as well as conducting research projects. It is also involved in monitoring initiatives involved in SALW and assists in creation of practice measures and initiatives that deal with the issues in SALW trade.

**Timeline of Events**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of event</th>
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<tr>
<td>9-20 July 2001</td>
<td>United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects</td>
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<tr>
<td>7-11 July 2003</td>
<td>First Biennial Meeting of States on the Implementation of the UN Programme of Action on Small Arms and Light Weapons</td>
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<tr>
<td>11-15 July 2005</td>
<td>Second Biennial Meeting of States to Consider the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in All Its Aspects</td>
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<td>July 3 2005</td>
<td>First binding international legal instrument on small arms, the UN</td>
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Firearms Protocol comes into effect
17-19 May 2006 Regional Workshop on SALW for South and Southeast Asian States
26 June- 7 July 2006 The 2006 Review Conference: The United Nations conference to review progress made in the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
21 Jun 2012 New Geneva Process to promote implementation of the Programme of Action: 25th meeting
7 August- 7 September 2012 The Review Conference of the UN Programme of Action
2 April 2013 Arms Trade Treaty adopted by the General Assembly

Relevant UN Treaties and Events

- Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, July 2001 (UN Document A/CONF.192/15)

- The illicit trade in small arms and light weapons in all its aspects, 12 January 2012 (A/RES/66/47)

- Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them, 12 January 2012 (A/RES/66/34)

- Report of the Secretary-General, Progress made on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 10 years following its adoption, 25 June 2012 (A/67/113)

- Addressing the negative humanitarian and development impact of the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation, 6 January 2006 (A/RES/60/68)

Previous Attempts to solve the Issue
The largest and widest effort to tackle the illicit trade of small arms was undertaken by the UN in its Program of Action. It provides a comprehensive framework that involves activities to curb the illicit trade of SALW. Adopted by member states in 2001, the UN aims to provide support to governments for the implementation of the PoA at all levels. One of the outcomes of implementing the PoA is the International Tracing Instrument.

This aims to deal with issues related to the marking, record keeping and tracing of small arms. By commencing measures to tackle the illegal trade of SALW, the International Tracing Instrument ensures international cooperation in affairs dealing with accountability of small arms trade. The instrument works towards identifying and tracing illicit SALW, and promoting international assistance in marking and tracing of SALW through bilateral, regional and international agreements.

The United Nations Firearms Protocol (Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the UN Convention Against Transnational Organized Crime) is the only global legally binding document addressing small arms. It provides a legal framework to inhibit the illicit manufacturing and sale of firearms including control measures dealing with various aspects of the illicit trade.

One of the major problems with curbing the illicit trade in small arms is the coordination of affairs. A majority of illicit trading occurs in more than an individual nation, and coordinating information, knowledge and activities between nations with accountability and transparency is often a roadblock. Coordinating Action in Small Arms (CASA) is a coordination mechanism within the UN dealing with affairs related to small arms by using the expertise of member states. CASA undertakes various collaborative initiatives that use knowledge of developments, crimes, acts of terror and human rights, including fact-finding missions, workshops and technical assistance for member states, and capacity building projects.

Another attempt at enhancing international cooperation and transparency is the United Nations Register of Conventional Arms, which is a global UN instrument of reporting transfers of all conventional arms, including SALW. It has resulted in enhancing peace and security by alleviating the problem of excessive accumulation of SALW, as well as furthering mutual confidence between states by establishing transparency.

The most recent of these efforts was the recently signed Arms Treaty adopted by the General Assembly this year. The Arms Treaty is a multilateral agreement that regulates the trade of conventional weapons, which include small arms and light weapons. At the same
time, the United Nations Office for Disarmament Affairs said that the treaty would not interfere with a States’ regulations standards in place or export regulations. However, various countries have opposed the Arms Treaty on grounds of it impeaching and threatening a states’ national sovereignty, and have expressed concerns of it undercutting national constitutional frameworks and individual right laws.

A map that demonstrates the current voting record on the Arms Treaty

In addition to the above international efforts undertaken by the UN, various nongovernmental organizations have also worked towards improving security and in the direction of curbing the illicit trade in small arms and light weapons. These include entities and bodies such as the IANSA (International Action Network on Small Arms) and the Control Arms Campaign. Additionally, states have undertaken regional and national efforts to control the illicit trading of SALW such as ASEAN (Organization for Security and Cooperation in Europe) and the League of Arab States.

Possible Solutions

Curbing South Asia’s illicit trade in small arms and light weapons has to address the fact that there are already vast numbers of weapons in circulation, but that SALW are also
easily concealable and able to evade traditional detection mechanisms, such as satellite surveillance. Solutions must be feasible and take into account South Asia’s unique geographical and political positions.

Although the International Tracing Instrument is in place, there still exist various units in which this is not followed. Promoting supplier traceability and accountability by having mandatory tagging of weapons and ammunition in all regions of South Asia would have the outcome of allowing transfer of weapons to be followed more easily and in an accountable fashion. In addition to this, by strengthening regional customs, law enforcement and intelligence structures, and increasing cooperation between states through agreements, the transfer of weapons can be tracked in a much more sophisticated and holistic manner.

Similarly to the UN Register of Conventional Arms, creation of a database or a specific South Asian small arms register that includes information about SALW dealings in the region promotes traceability and hinders illicit movements of arms. Along with this, initiating moves to develop a version of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials specific for South Asia’s illicit trade of SALW.

Along with these agreements and multinational formations, assistance must be given to those countries with internal conflicts, or those recently torn apart by civil war at a regional level, if required. This assistance would be in matters such as framing and codifying of legal frameworks related to trade of SALW and establishment of monitoring bodies dealing with trade in SALW. Along with this, promoting regulation of monitoring bodies, custom controls and border controls in South Asian countries can assist in tightening the command on trade of SALW. Additionally, emphasizing accountability and transparency within state organs to minimize corruption and the possibility of insider trading within bodies can assist in preventing illicit traders to gain support from other groups.

Apart from these general solutions, delegates are encouraged to consider solutions at a specific national level for certain countries that face a higher risk of illicit trading in SALW, or require greater assistance in curbing this trade.

**Bibliography**


Appendix I: Useful Links


• About the Program of Action: http://www.poa-iss.org/poa/poa.aspx

• International Action Network on Small Arms: http://www.iansa.org/