

**"Orphans" and Icons: Small Arms Control and Armed
Groups in Southeast Asia**

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This thesis is my own original work

.....

Stephanie L.K. Koorey

Dedication

To Holly, Edie and Caius whose childhoods were so dominated by this project.

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Abstract

Over the past decade, the international community has initiated programmes and policies to redress the worldwide availability and circulation of small arms and light weapons. These efforts are principally aimed at curbing the illicit transfer and retransfer of small arms and light weapons.

This study evaluates small arms control as it relates to non-state armed groups in Southeast Asia. It is guided by the research question “to what extent does the current small arms control architecture affect how armed groups in Southeast Asia obtain, retain and surrender their weapons?” The core findings of the study are that there are three defining features of the illicit small arms proliferation pattern in Southeast Asia, augmented by two enduring themes. Combined, these features and themes contribute to a more nuanced appreciation of the illicit small arms proliferation and control dynamic in the region.

The first feature is that the current illicit diffusion dynamic in Southeast Asia is that of a “mature” market, which has characteristics that the current control architecture does not address. This mature small arms market is distinguished by a tendency for armed groups to obtain weapons from sources that are mostly internal to the conflict zone. The second defining feature is that the disarmament of armed groups appears to have a number of intangible dimensions. Appreciating the importance of these intangible dimensions becomes particularly apparent when looking at the third feature of the small arms proliferation and control dynamic, which is the characteristics of demand for small arms by armed groups in Southeast Asia.

Running parallel to these three features are two sub-themes. The first is termed “sufficiency”. The numbers of groups, and more particularly of combatants and weapons in this region, do not appear to be particularly large. Given the duration of many conflicts in this region however, there is clearly a sufficiency of each. Sufficiency also underscores the credibility of a disarmament process. The second sub-theme is the creation and nurturing of paramilitaries and private armies, which may be growing.

These findings are reflective of, but not necessarily restricted to, the examples studied in this region. The study suggests that the current control measures do not fully capture the proliferation dynamic as it appears in Southeast Asia at the

present time. It argues that reconceptualising the current small arms proliferation and control paradigm may prove beneficial. In particular, an extended small arms control architecture may capture the spectrum of small arms proliferation that is particularly evident in Southeast Asia. This extended architecture involves a deeper and broader approach to the control of small arms and light weapons.

Acronyms and Abbreviations

ABSDF	All Burma Students Democratic Front
AFP	Armed Forces of the Philippines
AK/47	Eastern European or Chinese-origin automatic rifle (Automatica Kalashnikov)
ASEAN	Association of Southeast Asian Nations
ASEANAPOL	ASEAN Chiefs of National Police
APEC	Asia-Pacific Economic Co-operation forum
ASG	Abu Sayyaf Group
ATT	Arms Trade Treaty
BA	Burma Army
“Balik baril”	Bring A Rifle Improve Your Livelihood, weapons buy-back scheme (the Philippines)
BCP	Burma Communist Party
BMA	Bangsamoro Army
BIAF	Bangsamoro Islamic Armed Forces
CAFGUs	Civilian Armed Forces Geographical Units

CMI	Crisis Management Initiative
CNRT	National Council of Timorese Resistance (Concelho Nacional de Resistência Timorense)
CQ	Chinese M16
DDR	Disarmament, Demobilisation and Reintegration
DKBA	Democratic Karen Buddhist Army
ECOWAS	Economic Community of West African States
EU	European Union
Falintil	Forças Armadas De Libertação Nacionale de Timor Leste (Armed Forces for the National Liberation of East Timor)
Fretilin	Revolutionary Front for an Independent East Timor (Frente Revolucionária de Timor Leste Independente)
FN FAL	Belgian-origin automatic rifle (Fabrique Nationale de Herstal Fusil Automatique Leger)
GAM	Free Aceh Movement (Gerakan Aceh Merdeka)
GPMG	General Purpose Machine Gun
G3	German-origin Gewehr 3 automatic rifle

HN5	Chinese-origin Surface to Air Missiles
KKY	Burmese “defence” groups (Ka Kwe Ye)
HK	Heckler and Koch rifle, usually meaning a G3 or G33 or HK33
IANSA	International Action Network on Small Arms
ICBL	International Campaign to Ban Landmines
INTERFET	International Force East Timor
IRA	Irish Republican Army
KMT	Kuomintang (Chinese Nationalist Party)
KNLA	Karen National Liberation Army
KR	Khmer Rouge
LTTE	Liberation Tigers of Tamil Eelam
M1/M2	US-origin semi-automatic rifles
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
M16	US-origin automatic rifle
M249	US-origin Light Machine Gun, also known as a Minimi or a Squad Automatic Weapon.
M79	US-origin grenade launcher

MANPADS	Man Portable Air Defence System
MNLA	Mon National Liberation Army
MTA	Mong Tai Army
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
“Paltik”	Craft-produced weapon (Philippines)
PNP	Philippines National Police
PRC	People’s Republic of China
R2P	Responsibility to Protect
RPG	Rocket Propelled Grenade
RPG2	Soviet-origin Rocket Propelled Grenade (Ruchnoi Protivotankovii Granatomet2)
“Rakitan”	Craft-produced weapon (Indonesia)
SALW	Small Arms and Light Weapons
SAM	Surface to Air Missile
SAS	Small Arms Survey
SA7	Soviet-origin Surface to Air Missile (also known as a Grail or Strela 2)
SKS	Eastern European or Chinese-origin self-loading carbine rifle. (Samozaryadnyj Karabin Simonova)

SPDC	State Peace and Development Council, (the Burmese government.) Formerly known as SLORC, State Law and Order Restoration Council
SS1	Indonesian-origin automatic rifle (Senapan Serbu 1)
SSA-S	Shan State Army – South
SSN	South-South Network
SSR	Security Sector Reform
Steyr	Austrian-origin automatic rifle
“tatmadaw”	Burmese Armed Forces
TNA	National Army of Aceh (Tentara Nasional Aceh) formerly known as forces of the Free Aceh Movement, AGAM (Angkatan Gerakan Aceh Merdeka)
TNI	Indonesian Armed Forces (Tentara Nasional Indonesia)
Type 56	Chinese-origin AK47 (also known as an M22)
UDT	Timorese Democratic Union (União Democrática Timorese)
UN	United Nations
UN RoCA	United Nations Register of Conventional Arms

UN PoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
UNTAC	United Nations Transitional Authority in Cambodia
US or USA	United States of America
USSR	United Soviet Socialist Republic
UWSA	United Wa State Army
WA	Wassenaar Arrangement
WWII	World War Two

The Sword Hunt

Sovereign powers have long struggled with the paradoxes of small arms proliferation and the nuances of small arms control.

In 1588, Japanese Emperor Hideyoshi proclaimed that all “swords, bows, spears, muskets, or any other form of weapon” in the hands of farmers and peasants were to be turned over to local lords in order to be melted down and used in the creation of a statue of the Great Buddha.¹ⁱ Recognising the inherent difficulties in taking away people’s personal weapons, and enforce the disarmament of an undoubtedly unwilling population, (and in attempting to do so even add to their discontent), Hideyoshi’s subtle actions reveal a great deal about small arms control. While stating the purpose to be a higher ideal of ordinary people confirming the collective religious values of their community, the aim was in fact to “eliminate local caches of weapons, and to break the habit of armed response to disturbances.”²

This “sword hunt” appears to be a classic case of disarmament. However Hideyoshi’s actions are broader than disarmament alone; his intent was to remove the demand for weaponry. In creating a higher ideal, seen as a better communal use of the metal in the swords, he removed the desire of the population to retain its weapons. The result was disarmament; removing the weapons from those deemed unsuited to have them. His actions also reflect the intrinsic need of a sovereign power to monopolise armed force.

¹ Mary Elizabeth. Berry, *Hideyoshi*. Cambridge, Mass.: Harvard University Press, 1982, p. 102.

² Mary Elizabeth. Berry, *Hideyoshi*. Cambridge, Mass.: Harvard University Press, 1982, p. 104.

Chapter 1

Introduction: Understanding Small Arms Control and Non-state Armed Groups in Southeast Asia

An important aspect of the situation in...South East Asia, will be the need to keep internal security operations at a low level by denial of armaments to dissident elements.³

Introduction

This study is an investigation into the proliferation of small arms and light weapons to non-state armed groups in Southeast Asia, and an evaluation of efforts to mitigate this phenomenon. It is principally concerned with how such groups obtain, retain and surrender their weaponry. Across a now growing body of literature on small arms, there is little research that focuses purely on armed groups, and there is a discernible dearth of material on Southeast Asia. In identifying the sources of small arms used by armed groups in Southeast Asia, this study contributes new empirical data on arms procurement by armed groups, and evaluates the implications that this data has for small arms control. This study therefore seeks to make a contribution to the growing body of literature on small arms and light weapons and their control.

The backdrop to this study is the evolving conventional arms control architecture, including the emergence of “humanitarian arms control”, and the

³ “Strategic Basis of Australia’s Defence Policy.” Defence Committee, Australian government, 1 June 1973, paragraph 58, National Archives of Australia, NAA: A5931, CL 1030, 1973.

frictions this creates with the core tenets of statehood and sovereignty, including a monopoly over the use of armed force. The Charter of the United Nations enshrines the absolute right of states to arm in self-defence and most choose to do so. Conventional arms control usually addresses issues such as quantity and deployment; humanitarian issues such as morality, and questions over legality of transfers, rarely arise. Yet the almost coincidental flow of small arms to non-state entities that occurred as part of broader arms transfer practices over many decades, raises these new issues as well as serious questions over the legitimacy of the government of that state. Further, the inherently clandestine nature of small arms flows to non-state armed groups severely stretches both the purpose and capacity of the nascent small arms control architecture.

Early in the debate, it was noted how small arms had been “orphaned” by the broader arms control efforts.⁴ The title of this study reflects both the “orphaning” of small arms as a subject of arms control, and it locates this region and its armed groups as topics that have not been as extensively explored in the literature as those in other parts of the globe. At the same time, small arms are iconic weapons at most points of the compass; particularly the distinctive wooden butt and curved magazine of the Soviet-origin Kalashnikov automatic rifle; the AK47. They represent the overthrow of colonial oppression for some, yet are decried as the “tools of violence” for others. Nonetheless, the AK47 appears on the flag of both Mozambique and Hezbollah,⁵ and on the coat of

⁴ Michael Renner, "Arms Control Orphans." *Bulletin of the Atomic Scientists*, Vol. 55, No. 1 (1999): pp. 22-26.

⁵ Also noted by Maxim Pyadushkin et. al., *Beyond the Kalashnikov: Small Arms Production, Exports and Stockpiles in the Russian Federation*, Occasional Paper No. 10, Geneva: Small Arms Survey, 2003, p. 1.

arms of East Timor.⁶ Crossed M16 rifles appear on t-shirts produced as propaganda by the longest-standing ethnic army inside Burma,⁷ the Karen National Liberation Front.⁸

In Southeast Asia, many intra-state conflicts simmer on indecisively. A number of revolutions remain unfulfilled. There is also an entrenchment of state-sponsored armed groups - paramilitaries, private armies and militias – as well as other groups that are more typified by criminal activity. The existence of these armed non-state entities exposes the monopoly over the use of deadly force as often not being a monopoly at all. A number of states grapple with how best to deal with this unintentional loss, yet some states also retain the right to arm who they choose, which can be armed groups that they support.

As awareness of intra-state conflict has grown, other non-state entities have entered the debate in the form of non-governmental organisations (NGOS). Many of these organisations advocate peace, development and human rights, and therefore promote a humanitarian agenda to mitigate the worst excesses of small arms violence. This approach found resonance with the broader international community of states. Other NGOs, comprised of special-interest groups such as sporting shooters and arms industry representatives, caution against what they see as a move towards globalised gun control. The small arms control debate is therefore comprised of state and non-state entities, each

⁶ Often the country is referred to as Timor Leste, (also Timor L’este or Timor-Leste), however in keeping with the English language tradition of calling countries by their name as it translates in English, the name East Timor is used for this study. Also, as part of this study is historical, the province was called East Timor before it gained independence in 2002.

⁷ Burma is often also referred to as Myanmar, however Burma is the name more commonly used in Europe, the United States and Australia.

⁸ Garment in the possession of the author.

projecting and protecting their own interests. There is little interest in compromise. Reaching agreement on common positions and promulgating them through control mechanisms that rely on multilateral state-centric fora has unsurprisingly resulted in ructions, stalemate and now a path of least resistance that pursues the least controversial aspects of small arms control. Exploring and explaining this debate and assessing how it manifests as an arms control measure over armed groups is a driver of this study. This is particularly so as there is largely unexplored territory to chart to see how these emerging controls relate to Southeast Asia. In all, there is room for optimistic appraisals of some small arms control measures in the region, but also disturbing undercurrents that could undermine the sovereignty, peace and security of many countries of Southeast Asia.

The manner in which this study unfolds is explained in this background chapter. The following sections note the significance of the study, explain the methodology used, give the political backdrop to small arms control in Southeast Asia, and clarify how the structure of the study is arranged.

Significance and Key Findings of This Study

This study is the only work to look into the arms accumulation by, and disarmament of, armed groups in instances across Southeast Asia. Its purpose is to assess the efficacy of the dominant instruments and processes intended to diminish, or even eradicate, this phenomenon. In part, this study reflects a “call

for research”, in which scholars respond to the need for “research that is more replicable, cumulative and testable by peer review.”⁹

The guiding research question of this study asks “to what extent will the current small arms control architecture affect how armed groups in Southeast Asia obtain, retain and surrender their weapons?” The findings of this study make a modest contribution to a better understanding of how illicit small arms proliferate, and how they might best be controlled.

First, it finds that the established notions regarding sources of small arms for non-state armed groups do not quite capture the contemporary characteristics of small arms diffusion in the region. As such, these mechanisms, reflecting patterns of small arms diffusion in other parts of the globe, require modification, expansion and a re-evaluation of their goals.

Second, this study finds that disarmament and demand are comprised of both tangible and intangible components, and therefore require a more contextualised response. This response requires reconceptualising the disarmament of a non-state group as a process that not only has practical military and political dimensions, but one which must deal with important psychological considerations. This broader context of disarmament – the political, the practical and less tangibly, the psychological – are intertwined and mostly interdependent.

⁹ Edward J. Laurance, “Small Arms Research: Where We Are and Where We Need to Go.” in *Small Arms and Light Weapons: A Call for Research*. New York: The Harry Frank Guggenheim Foundation, 2005, p. 5.

Third, this study identifies two sub-themes, termed “sufficiency” and paramilitarisation. Sufficiency reflects the entrenched character of many of the groups and the relatively small numbers of combatants and weapons used to sustain them. In negotiation, parties have to convince each other that they have genuine intent. Surrendering a sufficient number of weapons, a number that is credible to both parties, underscores the political significance of disarmament. It is a significant theme because sufficiency is the heartbeat of the small arms diffusion dynamic in the region.

Paramilitarisation, the use of paramilitaries, militias or private armies is a trend that is noteworthy for at least two reasons. First, it is a core component of the region’s small arms diffusion dynamic. Further, it bucks the trend of small arms control and the state’s monopoly over the use of armed force, and therefore runs counter to the humanitarian intent and “sovereignty-enhancing” undertones that are central to small arms control.

The defining argument of this study is that the small arms control architecture does not adequately capture the dynamics in what can be called a “mature”, or self-sustaining, market. This study argues that the techniques for control may need revision for them to work as well as they can in Southeast Asia. It therefore makes an argument for extended small arms control. Extended small arms control requires both a broadening and a deepening¹⁰ of responses that tackle the illicit proliferation of small arms through supply reduction, demand

¹⁰ The author acknowledges the terms “broadening” and “deepening” are often used to describe the approach taken by critical security studies. Their meaning is not to be taken in the same context as critical security studies however, which is not helpful to this study. For an explanation of how these terms are used in critical security studies, which sees itself as dealing with “security, community and emancipation”, see Ken Booth (ed.), *Critical Security Studies and World Politics*. Boulder: Lynne Rienner, 2005, pp. 14-16.

reduction and weapons removal. Such a framework supports the humanitarian intent of existing small arms control. It also makes suggestions that states will find particularly confronting. This is not because they challenge the sovereign right of states to arm whomsoever they choose, but rather because they challenge the state’s right to absolute and exclusive authority within its own territory.

Methodology

The focus of much work on small arms proliferation and control has been of regions outside of Southeast Asia. Other regions that have generated the most interest are those that are considered to have more and larger armed groups, and possibly more illicit weapons, ultimately posing much more urgent and immediate challenges to peace, stability and security. This study synthesised this knowledge, a knowledge that is largely derived from studies of parts of Africa, the Balkans, former Soviet republics, Latin America, and Central and South Asia, with the information gathered on Southeast Asia. This synthesis critically assessed whether the findings from Southeast Asia are consistent with, or distinct from, that of other regions. The study also evaluated the implications of its findings for small arms control, particularly control measures that impact on non-state armed groups.

Much small arms control research, including this study, is profoundly constrained by the illicit nature of the phenomenon under scrutiny. It is particularly apparent in the study of illicit movements of arms to and from end users engaged in military operations against, or clandestinely at the behest of,

government forces. Exploring and understanding the phenomena of small arms proliferation to non-state armed groups, and assessing how this might be mitigated, therefore requires this synthesised approach. This synthesis involves evaluating the extant materials on small arms proliferation and control, and assessing the core expectations from that body of knowledge against the information gathered from the experiences in Southeast Asia. In doing so, it provides a means of assessing the explanatory power of the existing knowledge on small arms proliferation and control. This study is therefore essentially a “literature-assessing” dissertation, as it both “summarizes and evaluates existing theoretical and empirical literature on a subject” and in doing so evaluates the extent to which they are “persuasive and complete.”¹¹ It is also a “policy-evaluative” dissertation,¹² as so much of the literature informs small arms control policy. Ultimately however, this study can be seen as a case study, because it “investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident.”¹³ In this study, the phenomenon is small arms proliferation and control. The underexplored context is armed groups in Southeast Asia. In order to establish what these core expectations might be, a review of the literature on small arms proliferation and control was a vital first step.

The Literature Springboard

The literature was reviewed in order to have an expectation about how small arms proliferate to non-state armed groups, and how this might be mitigated.

¹¹ Steven Van Evera, *Guide to Methods for Students of Political Science*. Ithaca: Cornell University Press, 1997, p. 90.

¹² Steven Van Evera, *Guide to Methods for Students of Political Science*, p. 91.

¹³ Robert Yin, *Case Study Research: Design and Methods*. Vol. 5, Thousand Oaks: Sage, 2003, p. 13.

This required wide and critical reading of the extant literature, which includes scholarly, non-governmental and intergovernmental publications, as well as government pronouncements. While such materials clearly establish core trends and developments that influence small arms proliferation and their control, all that can be certain is that the phenomena under scrutiny in this study do not readily lend themselves to certainties. Reliable data on these topics does not exist, as explained further below. At best, incomplete data bolstered by observations of patterns and likelihoods create a sketchy outline about the groups, about how and where they obtain their weaponry, and emerging notions about how this is best dealt with through an arms control framework.

It is apparent that much of the preceding century’s arms control preoccupations, particularly following World War II, focussed on minimising the risk of a nuclear holocaust and on inhibiting the proliferation of nuclear, chemical and biological weapons. As one observer reflected, “the advent of The Bomb has simply upgraded our definition of what is small.”¹⁴ This pre-occupation with weapons of mass destruction allowed for stockpiles of conventional arms - small arms as well as major weapons systems – to accumulate gradually across the globe almost unnoticed. Half a century of arms supplies “gifted” by cold war belligerents for ideological reasons, transferred out of commercial motivation, and developed locally to undercut both, resulted in a world where government armed forces, their adjunct paramilitaries, revolutionary movements as well as criminal armies, had seemingly unfettered access to small arms and light weapons. The denouement of superpower rivalry revealed not only the need to reduce nuclear arsenals, but also raised questions on how to manage the wide-

¹⁴ George Thayer, *The War Business: The International Trade in Arms*. Bungay: Paladin, 1970, p. 19.

ranging, and world-wide abundance of conventional arms. As the 1990s progressed, conventional arms, particularly achieving transparency over their transfer and stockpiling, achieved political profile for the first time. This momentum eventually extended to smaller conventional arms, small arms and light weapons.

Observers of global events over the past 18 years eagerly awaited a “peace dividend” as the cold war structures and politics became archaic. Yet the result was that both new and aging, yet critically still functional, conventional small arms continued to proliferate. Arms production facilities looking at financial ruin sought out new customers rather than venture into producing new civilian products. In the background, both new and recycled small arms, fed what Kaldor describes as “new wars” – sub-state, criminalised, armed violence.¹⁵ Such conflicts are often seen as fuelled by weapons supplied by “Lords of War” characters.¹⁶

It is apparent that major 20th century events severely impacted on how small arms became so widely diffused. Trends such as decolonisation and the cold war, catalysed by later trends such as the end of the cold war and globalisation, each had a profound impact on the proliferation of small arms.¹⁷ These trends contributed to a complicated constellation of small arms transfer patterns,

¹⁵ Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*. Stanford: Stanford University Press, 1999.

¹⁶ “Lord of War” is a US-made movie allegedly based on the Russian international arms broker and trafficker, Victor Bout. After many years of infamy, Bout was arrested in Thailand in March 2008, and extradited to the USA to face criminal charges. His arrest was in connection to a brokering charge made by the USA that rested on Bout supplying weapons to a Colombian armed group.

¹⁷ These drivers, and others, behind small arms proliferation are explored at length in chapter two.

involving their distribution and redistribution, among various consumers. These same global trends also provided room for diplomatic debate over small arms and light weapons proliferation and control. A particular urgency was attached to these debates as small arms and light weapons came to be seen as the everyday weapons of worldwide intrastate conflict. This disquieting truth evolved into new issues of concern for sovereign states and humanitarian non-governmental organisations alike.¹⁸

In the literature and campaigning efforts, there is obvious and extensive cooperation between states, non- and inter-governmental organisations,¹⁹ and academe, creating what can be termed the small arms control community. Much to the angst of the humanitarian NGOs, sporting shooter associations and other interest groups are also considered non-governmental organisations, referred to in this study as special interest groups,²⁰ adding additional flavour to the small arms transfer and control debate.

The small arms control community argues that small arms as used in contemporary conflict are the key to explaining such conflict. Their approach finds that focussing on how weapons entered the conflict and who was using, or misusing them, provides some explanation as to how these conflicts occur and

¹⁸ Small arms control is explored at length in chapter four.

¹⁹ Burdening the terminology further, international non-governmental groups have recently been termed “Transnational Communitarian Enterprises” by Amitai Etzioni, as noted by Atwood. See David Atwood, “NGOs and Multilateral Disarmament Diplomacy: Limits and Possibilities.” in John Borrie and Vanessa Martin Randin (eds.), *Thinking Outside the Box in Multilateral Disarmament and Arms Control Negotiations*, United Nations Institute for Disarmament Research, 2006, p. 35.

²⁰ Frequently referred to elsewhere as “the gun lobby” or “pro-arms lobby.” See for example, Graduate Institute of International Studies, *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press, 2002, p. 205.

are sustained. This focus on the weapons as opposed to broader political issues, sought to find some explanation for these conflicts, much in the way the preceding “new wars” theory and the “greed” and “grievance” debates²¹ sought to understand if, how and why contemporary conflicts were quantifiably different to previous wars. Although no-one in this control community suggests that weapons create armed conflict, there is little dispute that they facilitate the outbreak, duration and intensity of conflict.²² How weapons entered conflicted regions, where they came from, and which weapons were being used to prosecute these seemingly intractable conflicts became pressing questions for academe, humanitarian agencies and policymakers alike. The means of stopping these endemic conflicts through small arms control, culminating in the disarmament of the combatants, rose to prominence. This is the case even when the quantities involved seem small, almost insignificant. The United Nations Panel of Experts Report from 1997 notes how even “a small number of weapons can be destabilizing.”²³ The Small Arms Survey concurs: “Measured by their results, even small rebel arsenals are of disproportionate importance.”²⁴ Further, “a relatively small quantity of light weapons can cause large-scale destruction and suffering when used to undermine a fragile state or to terrorize a defenceless population.”²⁵ The smaller numbers of armed groups, combatants and even weapons that seem to typify the situations in Southeast Asia still

²¹ See chapter two for a brief discussion of this.

²² A useful discussion of this is in Mike Bourne, “The Proliferation of Small Arms and Light Weapons.” in Elke Krahmman (ed.), *New Threats and New Actors in International Security*, New York: Palgrave Macmillan, 2005, p. 157.

²³ United Nations, “General and Complete Disarmament: Small Arms; Report of the Panel of Governmental Experts on Small Arms.” UN Document A/52/298, 1997.

²⁴ Graduate Institute of International Studies, *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press, 2002, p. 83.

²⁵ Jeffrey Boutwell et. al., “Introduction.” in Jeffrey Boutwell et. al (eds.), *Lethal Commerce: The Global Trade in Small Arms and Light Weapons*. Cambridge, Mass.: American Academy of Arts and Sciences, 1995, p. 9.

betray a considerable destructive capability; the militias in East Timor in 1999 being a case in point.

The materials on small arms can be seen to span a spectrum. At one end, there is the availability of the weapons; at the other end, there is control over the weapons. In between, there is most concern with the types and numbers of weapons to be controlled, the range of end users of these weapons, the misuse to which they can be put, the damage they can cause, and attempts to clarify what is meant by illicit small arms. This study extracts one of the central yet perplexing phenomena behind small arms proliferation and control; non-state armed groups. Further, it looks to a backdrop that has not been greatly explored in the literature; the region of Southeast Asia. Therefore this study seeks to understand the common themes, observations and judgements about small arms that explain how and where armed groups obtain such weapons from, why they retain them, and how and why they might surrender them.

The emphasis in the policy debates, and in resultant practice, is on urging restraint in the supply of what are considered “illicit” small arms. This has in turn meant a focus on the immediate supplier of these weapons, the original sources of the weapons, and how they get to unintended users through suppliers or points of diversion. There are two common themes in respect of the sources of illicit small arms. The first is that almost all illicit small arms were originally legal factory-produced weapons which have become feral weapons – loose and beyond state control. In the second, the transnational element of small arms proliferation is emphasised, in that cross-border sources and supply routes of small arms is a recurrent theme. These sources are either external to the conflict, whereupon the weapons have to be transferred across borders or

can be weapons which slip into the illicit or black market largely inadvertently, particularly through poor management of government-owned stocks.

A key objective of the literature review therefore was to establish an understanding of what prior research in the field suggested the small arms diffusion dynamic in Southeast Asia could be expected to look like, and what control efforts had been initiated to minimise or prevent armed groups from obtaining such weaponry. Two key predictions, or expectations, were thus distilled from the literature. These predictions direct both the structure and the content of this study.

The first prediction is that the supply of arms to non-state armed groups mostly comes from external sources, or inadvertently from internal sources.²⁶ The second prediction is that the control mechanisms that seek to prevent the supply of arms to non-state armed groups are based on this proliferation paradigm.

Method and Sources

To address these expectations, information about small arms diffusion to and from armed groups in Southeast Asia was gathered. The manner in which Capie addressed the issue in the first major work on small arms in Southeast Asia²⁷ is considered the most feasible in terms of data gathering and analysis of this topic. In this work, Capie collated materials from a range of open sources

²⁶ See the sub-section ‘Proliferation, Diffusion and Transfer’, below, for an explanation of what is meant by external and internal.

²⁷ David Capie, *Small Arms Production and Transfers in Southeast Asia*, Canberra Papers on Strategy and Defence No. 146, Canberra: Strategic and Defence Studies Centre, Australian National University, 2002.

and personal communications into an evaluation of small arms availability. Capie’s study concludes with recommendations on small arms control. This method is an appropriate means by which to interpret the phenomenon of small arms proliferation and control involving armed groups, and informs the approach taken by this study.

This general approach was refined slightly, through the application of two keystone typologies. The first typology categorises armed groups as being revolutionary, paramilitary or criminal. It is admittedly inexact in many instances, yet still a useful starting point, as explained in the section on Non-state Armed Groups in Definitions, below. The second typology sees the small arms control architecture as comprised of three pillars; supply reduction, demand reduction and weapons removal. The core findings of this study emerged from applying these analytical tools to the distinctive small arms proliferation and control dynamic in Southeast Asia.

To understand this distinctive proliferation dynamic, and a correspondingly distinctive small arms control challenge in Southeast Asia, both secondary and primary sources were utilised extensively. Books, articles and papers from small arms scholars, non- and inter- governmental organisations, and individuals, provided the bedrock of empirical materials for this study. Prime source material from interviews with a range of relevant participants was gathered in Australia and through field research. These included interviews with former and serving members of the Australian Defence Force, serving and former members of the Australian Federal Police, arms brokers and dealers, non-governmental organisation and academic specialists on particular regions or conflicts, and former combatants, refugees and migrants from the conflict

regions of Southeast Asia. Documents containing sensitive information were also made available to the author including by a number of these interviewees, which helped to confirm or deny trends and observations. It was apparent that information coming from participants in wars has propaganda value, and had to be evaluated carefully. There has also been keen consideration over the appropriate use of confidential materials and in gaining and keeping the trust of those who provided it. Details of these can not be made public for fear of compromising the source.

The passionate “professional adventurer” magazines such as *Combat and Survival* and *Soldier of Fortune* provided a wealth of information. This is because the articles and photographs are written and taken by professional mercenaries, whose knowledge of weaponry is both first hand and well-informed. Until the US-led wars in Afghanistan and Iraq, and the rise in private military and security companies in recent years, a number of mercenaries volunteered with armed groups for varying periods of time. The Karen National Liberation Army in Burma was a particular favourite of many.

Specialist periodicals were also consulted regularly, particularly the indispensable *Jane’s* publications and online databases. Unfortunately the latter was only made available to the author for one year of this study.²⁸ A number of organisations also have freely available online materials on armed groups, such as *The Federation of American Scientists* and *Global Security*. Security analyses of the conflicts also come through sources such as the *RAND* corporation.

²⁸ This database was accessible to the author only during 2007 when she was a member of staff at the University of New South Wales at the Australian Defence Force Academy.

Conference papers by both governments and individuals set benchmarks and broke new ground that assisted in understanding different positions on small arms control. Email news listings, such as the comprehensive *Gun Policy News*, and media put out by armed groups or their political wings, were subscribed to or visited regularly in order to obtain specialised and filtered news material. The wider regional and international public broadcast and electronic media were also a daily source of factual and analytical material on the conflicts. All news items cited in this study are online versions unless indicated otherwise. Visual media has the advantage of revealing a great wealth of information about armed groups’ weaponry. Photographs of Falintil in East Timor,²⁹ and Cowell’s panoramic view of the Mong Tai Army weapons handover,³⁰ can divulge a great deal of information. Such information can reveal the weapons’ age and likely pedigree, how many weapons each combatant carried or has access to, as well as the condition of the weapons. This information gives an indication of a group’s size and capability, and its ability to obtain fresh supplies of weapons. Often, however, even visual media cannot show enough close detail of the weapons to allow for certain verification of their origin.

Background materials on particular conflicts and regions often inadvertently betrayed details of weapons movements. An uncanny number of authors have traversed Burma’s conflict zones, albeit not for the purposes set in this study.

²⁹ Armed Forces for the National Liberation of East Timor. The acronym comes from the Portuguese name Forças Armadas De Libertação Nacional de Timor Leste. Such photographs can be seen in Frank Fraser, “East Timor: From Voting to Violence.” *Soldier of Fortune*, January 2000, pp. 44-47, for example.

³⁰ The Mong Tai Army was one of the largest drug armies in Burma until its partial capitulation in 1996. Adrian Cowell, “The Heroin Wars.” *The Cutting Edge*, SBS Television, Australia, 4 November 1997.

PhD theses, some turned into books, also contain particular detail on the armed groups, the conflicts, and occasionally, the weapons used.

The limitations of this method in this field however are only too clear. Accumulating snippets of information from a wide variety of sources can at best only hint at the true dimensions of small arms diffusion to armed groups. Nonetheless, given the constraints inherent in the subject matter, described below, there is no other means of proceeding. Even when such information might be thought to be more available, such as when weapons are surrendered, or incorporated into state stocks, details are not usually forthcoming.³¹ Therefore the sort of detail on inventories and sources of arms for non-state armed groups that would allow for comprehensive cataloguing and critique almost certainly does not exist.

The sensitive nature of the subject matter is clearly a complicating factor. To revolutionary groups engaged in military campaigns for self-preservation or independence, any detailed revelations regarding their arms supplies could result in an immediate clamp down on those supply routes by their adversary (or its allies), and provide the latter with vital intelligence which could be used against the group, thus impacting directly on their military capability and the conduct of the conflict. Further, as this study alleges that leakage from government stocks is a strong feature of the region’s arms diffusion, this is undoubtedly an embarrassment for the governments and armed forces involved.

³¹ For example, the author made numerous requests to the Aceh Monitoring Mission in 2006 requesting details of the weapons surrendered, but did not receive any replies.

Travel for this study included participation in two United Nations small arms control meetings, one in Nadi, Fiji, and one in New York, in the United States. It also involved a visit to the Australian Army firearms museum in Singleton, New South Wales, and a two week research trip along the Thai-Burma and Thai-Laos borders. Travel advisories from the Australian government regarding the security situations in Aceh, Burma, East Timor, southern Thailand and the southern Philippines rendered further in-country research inappropriate.³² In addition, conducting intrusive and sensitive further field-work in-country under the provision of the Human Ethics protocol allocated to this study was largely unfeasible.³³ As a result, in-country research was not undertaken, and this study instead focussed on finding and assessing secondary materials.

There is also a clear need to ground this study with clearly articulated definitions of the topics under scrutiny, and to elaborate on the problems with data. They are each introduced and discussed at this point.

Measuring the Phenomena: Data Limitations

In making sense of the means by which small arms are obtained, retained and surrendered by armed groups, it is important to bear in mind that these groups

³² For much of this study, the Australian Government travel warnings for the regions covered in this dissertation were “Do Not Travel” for the Thai-Burma border area on the Burma side of the border, and also for Aceh, the southern Philippines and southern Thailand, and “Reconsider Your Need For Travel” for East Timor. See the Department of Foreign Affairs Travel Advice website, Australian government, available at:

<http://www.smartraveller.gov.au/>. Accessed 14 December 2006.

³³ The Australian National University’s Human Ethics Committee granted this research permission to proceed under Protocol Number 2005/169. Provisions included proof of appropriate Research Visas for in-country research.

do not readily disclose their sources of weapons. This knowledge must be deducted from both open and confidential sources. Thus, what is known about small arms and armed groups often starts from when they are seen in use, or discarded, not from their point of production, issue or transfer.

This is complicated by the fact that authoritative data on stocks and flows of even legal small arms is essentially non-existent. Essentially, this means that educated guesses rather than any formal statistical methods must be the starting point for discussions of both small arms and armed groups phenomena.³⁴ Many works seek to convey the scale of the phenomenon inferentially, notably by citing numbers of casualties caused by small arms. The Small Arms Survey of 2001 cited a figure of 300,000 small arms related conflict deaths per annum.³⁵ The 2005 Small Arms Survey estimated 80,000-108,000 such deaths.³⁶ Despite exhaustive attempts to quantify deaths in conflict attributable to small arms, the later publication concluded that while “It is...not possible to generate an annual global total for conflict deaths” small arms are nonetheless “directly responsible for 60-90% of direct conflict deaths”.³⁷ Even so, the figure looks unconvincingly small; HIV/AIDS kills almost three million people every year.³⁸ In comparison to deaths from diseases like HIV/AIDS and cancer, and even traffic accident

³⁴ An excellent evaluation of the problems with data supply is in Pieter D. Wezeman, "Conflicts and Transfers of Small Arms." Stockholm: Stockholm International Peace Research Institute, 2003, pp. 13-19.

³⁵ Graduate Institute of International Studies, *Small Arms Survey 2001: Profiling the Problem*. Oxford: Oxford University Press, 2001, p. 208. The Small Arms Survey also notes here the number of non-conflict related small arms deaths is 200,000, resulting in the figure that is still often referred to; 500,000 deaths each year.

³⁶ Graduate Institute of International Studies, *Small Arms Survey 2005: Weapons at War*. Oxford: Oxford University Press, 2005, p. 230.

³⁷ Graduate Institute of International Studies, *Small Arms Survey 2005*, pp. 256-257.

³⁸ World Health Organization, “Leading Causes of Death, Both Sexes, 2000.” in *Injury: A Leading Cause of the Global Burden of Disease*, 2000, Geneva: World Health Organization, 2002, Table 1, p. 8.

injuries, “war injuries” do not feature in the final tally of the 15 leading causes of mortality worldwide undertaken by the World Health Organisation.³⁹ Yet there is no human misery or desperation dataset, which might capture life in a protracted warzone more accurately. What seems clear is that this topic cannot be justified in terms of data and numbers alone, much of which is inconclusive. Therefore this study is impelled less by large numbers of weapons, casualties and armed groups, and more by a curiosity over a phenomena which is not necessarily statistically significant. Further, as indicated earlier, it is more appropriate to see the small arms and armed group phenomenon in terms of proportionality, intent and use, what this study sees as “sufficiency”, as explained further below.

Nonetheless, statistics tend to set parameters for understanding many phenomena, and small arms proliferation and control are no different. By the opening years of the 21st century it was estimated that there were over 639 million small arms in circulation worldwide.⁴⁰ In 1999, approximately one million of the 639 million small arms circulating were thought to be in the hands of armed groups.⁴¹ The figure of approximately one million is arrived at by a formula of 1.25 weapons per combatant, estimated at 910,000 worldwide, plus 10% to account for stockpiles.⁴² More recently, in quantifying weapons numbers in Cambodia, the Small Arms Survey used a formula of 2.0 arms per combatant

³⁹ World Health Organization, “Leading Causes of Death, Both Sexes,” Table 1, p. 8.

⁴⁰ United Nations, “Report of the Secretary-General to the Security Council on Small Arms.” UN Document S/2002/1053, 20 September 2002.

⁴¹ Graduate Institute of International Studies, *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press, 2002, p. 103.

⁴² The modelling used to arrive at this figure is explained in Graduate Institute of International Studies, *Small Arms Survey 2001*, pp. 79–81.

for most groups and 2.5 for groups thought to be well-armed.⁴³ If this revised formula were applied globally, the total figure for the number of small arms held by armed groups would be closer to double the 1999 figure of one million small arms held by armed groups to one and a half to almost two million (1.46 million, or 1.83 million).⁴⁴

Even so, this figure for combatants in armed groups still seems inconsistent with popular perceptions of war and insurgency. However, yet again the numbers alone do not reflect the use of the weapons, or the intent behind, armed groups. When armed groups have military capacity, they use it to challenge the state or the nature of the government, take over territories, resources and economies, or take over tasks that should be undertaken by state security personnel. As noted earlier, the numbers of weapons involved need not be particularly high.

Even so, in this area of enquiry, obtaining definitive figures that create baselines of certainty will remain an impossible task, complicated by a continuing high rate of small arms production since World War II.⁴⁵ Admittedly, this is not so much a problem in itself, if it is solely for replenishing and refreshing stocks held by state security forces. However the abject laxity of control measures over transfers, holdings and losses in much of the globe over many decades, and only latterly attempts at redressing this, confound data gathering. Verifiable data remains elusive even when much-publicised disarmament or weapons buy-back

⁴³ See Christina Wille, *How Many Weapons Are There in Cambodia?* Working Paper No. 4. Geneva: Small Arms Survey, 2006, Table 1, p. 17.

⁴⁴ These figures are arrived at using the Small Arms Survey modelling and figures for armed group numbers, and the 2006 multipliers.

⁴⁵ Up to eight million military and commercial small arms are said to be manufactured each year, with military calibre ammunition up to 14 billion units per year. See Graduate Institute of International Studies, *Small Arms Survey 2003: Development Denied, Small Arms Survey*. Oxford: Oxford University Press, 2003, p. 13.

figures are touted. Counting numbers of demobilising combatants or weapons handed in is also an inexact exercise, and often not helpful in determining true numbers of combatants or weaponry. For example, proving that someone was a combatant can be contentious as it is often unverifiable,⁴⁶ and the definition of “weapon” is largely at the discretion of those in charge of a disarmament process.

The unreliability of the data on small arms and light weapons is reflected in the wildly variant figures in the literature and other materials sourced. For example, chapter five of this study cites a figure of thousands, possibly millions of illicit small arms in the Philippines alone. This does not tally with the global figure of arms in the hands of armed groups being one to two million in total, given above. The term “illicit weapons” therefore needs some qualifying.⁴⁷ Not all weapons beyond government control need to be in the hands of major armed groups or even criminal organisations. Many likely holders of illicit small arms are civilians who have failed to register their weapons, or who have failed to obtain or renew their firearms licence, or who secretly keep weapons for personal protection. Lack of accurate data is compounded by often poor official recordkeeping.

⁴⁶ Admittedly the International Committee of the Red Cross does define combatant (“Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Articles 43.1, 43.2” International Committee of the Red Cross and Red Crescent Societies) however this definition is not necessarily in keeping with the actualities of contemporary conflict, in which non-state armed groups recruit not only core combatants but also have adjunct units, occasional combatants under arms, and even widespread civilian support bases.

⁴⁷ The problems over a common understanding of this term are discussed further in chapter four.

This study has chosen to focus on a broad selection of armed groups for which at least some data and information is available. Groups were essentially selected for inclusion in the study based on two criteria. The first was the consistency and quality of the data available about that group. The second was to include groups that were among the largest or best known in the region. Once a number of groups were assessed, the typology of revolutionary, paramilitary or criminal, emerged as a means of understanding how they acquired, retained and surrendered their arms. There are other armed groups in the region which fit the typology used by this study, but not all of these groups are included by name. The reason for this is threefold. First, plausible data is not always available; second, where plausible information is available, it does not buck the trends identified in the bulk of the study; third, for manageability the number of groups observed had to be limited. Even so, assessing numbers of armed groups is also an admittedly indeterminate process, due to both tactical secrecy and the rapid changeability of intra-state conflicts. For example in the mid-2000s, there were a number of breakaway armed groups of varying sizes in Mon state, southeast Burma alone.⁴⁸ Groups also often exaggerate the numbers of their combatants to intimidate other groups or government forces, and such movements often have an inherent fluidity in their membership. Village militias, irregular combatants and community supporters,⁴⁹ further undermine accuracy. Even so, information, if not verifiable data, is available which gives an indication of the size of a selection of significant groups in the

⁴⁸ The two larger groups, with combatants in the dozens to 100s are the Hongsowatoi Restoration Council and the Monland Restoration Party, as well as other smaller groups that frequently emerge, factionalise and regroup.

⁴⁹ In William Nessen’s film of the Acehese independence movement, “The Black Road” this is clearly demonstrated by an elderly farmer removing a handgun from under his mattress, proclaiming he too is part of the separatist movement. William Nessen, “The Black Road: On the Frontline of Aceh’s War.” SBS Television, Australia, 22 August 2006.

region that are active or that have been recently demobilised. Unless otherwise indicated, all of the following figures and data come from *Jane's World Insurgency and Terrorism* using data that was current as at mid-2007.⁵⁰ The groups are considered in turn in the typology of this study; revolutionary, criminal and paramilitary.

Inside Burma, the main revolutionary groups considered in this study are in the east and the northeast of the country.⁵¹ These are the Karen National Liberation Army (KNLA), estimated to have a combat strength of 2,500 combatants (plus village defence combatants), the Shan State Army-South (SSA-S) with 5,000 combatants, and the Karenni Army (KA) and Mon National Liberation Army (MNLA) at around 1,000 combatants each.⁵² The northernmost Kachin Independence Army (KIA) has approximately 4,000 combatants. The All Burma Students Democratic Front (ABSDF) has largely become an exiled political grouping, although original members have also assimilated into a number of the ethnic armies on the Thai-Burma border.

At the time of its cantonment by the UN intervention force towards the end of 1999, the Armed Forces for an Independent East Timor (Falintil), had approximately 1,300-1,500 combatants.⁵³ This final number of Falintil was up

⁵⁰ Individual armed group entries in *Jane's Terrorism and Insurgency Centre*, Jane's online, Academy Library (UNSW @ ADFA), Canberra, Australia, 2007. Available at: <<http://jtic.janes.com/IDIC/ITIC/home.do>>. Accessed 2007 (see footnote 28 above).

⁵¹ This study is only concerned with armed groups along Burma's northeast and eastern borders, including northern Kachin state. In some ways this arbitrarily cuts the country in two, but this focus is essentially one of pragmatism and manageability.

⁵² The 1,000 figure for the MNLA comes from the International Institute for Strategic Studies, "Part II. Non-State Armed Groups." *The Military Balance 2005-2006*. London: Institute for Strategic Studies/Routledge, 2005, Table 4.1, p. 431.

⁵³ Department of Foreign Affairs and Trade, *East Timor in Transition 1998-2000: An Australian Policy Challenge*. Canberra: Department of Foreign Affairs and Trade, 2001, p. 55.

from about 800 in the late 1980s, yet a fraction of the original 20,000 revolutionaries from 1975.⁵⁴

The Aceh State Military, or TNA,⁵⁵ the armed wing of the Free Aceh Movement (Gerakan Aceh Merdeka; GAM) admitted to a combat strength of 3,000 at the time of the 2005 Free Aceh Movement – Government of Indonesia peace negotiations.⁵⁶ Jakarta’s ongoing dispute over West Papua is not included in this study as the Free Papua Movement is not thought to be armed with factory-produced or replica firearms to any significant degree.⁵⁷

In southern Thailand, no single group has emerged or claimed responsibility for the renewed armed violence there since January 2004. Estimates of numbers of those involved range from the tens to the low thousands, to a support base that could be as high as 30,000.⁵⁸ The number of active insurgents is estimated to be around 5,000.⁵⁹

⁵⁴ See Don Greenlees and Robert Garran, *Deliverance: The Inside Story of East Timor’s Fight for Freedom*. Crows Nest: Allen & Unwin, 2002, pp. 14, 21. Developments in East Timor since its independence further illustrate the points made by this study.

⁵⁵ This was its name from 2002. It was originally the Angkatan Gerakan Aceh Merdeka, or AGAM, Forces of the Free Aceh Movement. TNA is an acronym from the Indonesian name Tentara Negara Aceh, the Aceh State Military.

⁵⁶ Article 4.2, "Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement." Helsinki, 15 August 2005.

⁵⁷ The name for the Free Papua Movement in Indonesian is Organisasi Papua Merdeka, known by its acronym the OPM. The group mostly utilises bladed weapons, with only a very small number of firearms.

⁵⁸ Peter Chalk, "The Malay Muslim Insurgency in Southern Thailand: Understanding the Conflict’s Evolving Dynamic." Santa Monica: The RAND Corporation, 2008, p. 10. "Selected Non-state Groups and Affiliates." in *The Military Balance 2008*, London: Institute for Strategic Studies/Routledge, 2008, Table 47, p. 482.

⁵⁹ *The Military Balance 2008*, p. 365.

In the Philippines, the Communist Party of the Philippines’ sword arm, the New People’s Army (CPP-NPA) has up to 8,000 combatants. In the southern islands, the armed wing of the Moro Islamic Liberation Front (MILF) is the Bangsamoro Islamic Armed Forces (BIAF), thought to have gone up to 15,000 combatants, and the Bangsamoro Army (BMA) of the Moro National Liberation Front (MNLF) around 2,500.

In terms of criminal (some would argue terrorist) armies, the Abu Sayyaf Group in the southern Philippines had a core of up to 350 combatants. Two of the largest armed groups inside Burma are criminal-paramilitary hybrids, the Democratic Karen Buddhist Army (DKBA) with 2,000–3,000 combatants, and the United Wa State Army (UWSA) with around 20,000 combatants. The UWSA is one of the largest armed groups in Southeast Asia at present.⁶⁰

There are also a number of paramilitary groups in Southeast Asia. In the Philippines some of these are known as the Civilian Armed Forces Geographical Units (CAFGUs). Little is known of these groups which are a curious hybrid of pro-government militia and private armies.⁶¹ They are no doubt overshadowed by the wider conflict and dramatic activities of the other armed groups. The

⁶⁰ One of the largest criminal armies in Burma, the Mong Tai Army (MTA), led by the “opium king” Khun Sa, had standing forces in the region of 15,000 before capitulating to the Burmese government in 1996. See for example Kyaw Zwa Moe, “King of the Highlands.” *The Irrawaddy*, 29 June 2007. Some of the MTA split off to join or create other Shan armies in northeastern Burma.

⁶¹ Kit Collier, “The Armed Forces and Internal Security in Asia: Preventing the Abuse of Power.” *East-West Centre Occasional Papers, Politics and Security Series 2*, Honolulu: East-West Centre, 1999, p. 13.

CAFGUs are not to be underestimated, with a staggering membership of 52,000.⁶²

Paramilitaries in Indonesia are often referred to as militias. Their numbers in East Timor were said to be up to 11,950 at their height in August 1999.⁶³ There is less publicly-available information regarding militias operating in Aceh. One source cites over 20 such groups in 2004 and, where numbers are given, membership ranging from less than 20 to around 300.⁶⁴ Taking an average number of combatants to be 145, and multiplying this by 20 groups,⁶⁵ an average figure for Acehese militias is approximately 2,900.

Paramilitary numbers in southern Thailand are large, with paramilitarism in the country as a whole said to be growing.⁶⁶ In southern Thailand, an estimated 9,000 paramilitary rangers, 2,200 village defence units, a 2,840 teacher-protection battalion plus 67,400 village defence volunteers, are said to be put in place by 2009.⁶⁷

⁶² Malcolm Cook and Kit Collier, *Mindanao: A Gamble Worth Taking*. Lowy Institute Paper No. 17, Double Bay: NSW: Lowy Institute, 2006, p. 40.

⁶³ Don Greenlees and Robert Garran, *Deliverance*, endnote 11, p. 355.

⁶⁴ “Fear in the Shadows: Militia in Aceh.” Aceh-Eye, online resource. Available at: <http://www.aceh-eye.org/data_files/english_format/ngo/ngo_eoa/ngo_eoa_2004_07_00.html>. Accessed 29 June 2007.

⁶⁵ The average number of combatants between 10 and 300, is 145, multiplied by 20, being a conservative number of groups, adds up to 2,900.

⁶⁶ Desmond Ball and David Scott Mathieson, *Militia Redux: Or Sor and the Revival of Paramilitarism in Thailand*. Studies in Contemporary Thailand No. 17, Erik Cohen (series editor), Bangkok: White Lotus, 2007, p. 305.

⁶⁷ Peter Chalk, “The Malay Muslim Insurgency in Southern Thailand: Understanding the Conflict’s Evolving Dynamic.” Santa Monica: The RAND Corporation, 2008, p. 17. For the purposes of this study, only the paramilitary rangers and village defence units are considered armed groups, as opposed to groupings of armed civilians.

For those who study armed groups and weapons numbers in other regions of the globe, only the figures for paramilitaries in Southeast Asia equate with numbers from elsewhere. For example non-state combatants demobilising in Liberia numbered 100,000 and 85,000 in Burundi.⁶⁸ This can be compared to 3,000 TNA and 1,500 Falintil. Even one of the largest and best organised armed groups in Southeast Asia, the UWSA, is still at least one fifth of the number of the demobilising combatants in Liberia. What appears to be significant is that revolutionary armed groups' combatant numbers in Southeast Asia have been in decline over a number of years, in both absolute and relative terms. However, the criminal army-paramilitary hybrids and other paramilitaries appear to be at least constant, even growing in several instances in the region. Interestingly, the Small Arms Survey in 1999 estimated approximately 97,800 non-state armed group combatants in Southeast Asia in 1999; 40,000 more than Latin America which had 56,500 and outnumbered only by the Middle East,⁶⁹ Europe and Sub-Saharan Africa with estimated numbers at 120,750, 129,505 and 209,350 respectively.⁷⁰ Adding up the combatant numbers using the figures given above, which includes the main revolutionary, criminal and paramilitary groups, results in figure closer to 149,300 combatants in Southeast Asia,⁷¹ which is almost a third as many again from the Small Arms Survey figure of 97,800 from 1999. Any certainty however is complicated by lack of reliable information about the armed groups.

⁶⁸ "When War Ends; Transforming Africa's Fighters into Builders." *Africa Renewal*, United Nations Department of Public Information, 2005, pp. 16, 18.

⁶⁹ This data pre-dates the wars in Afghanistan and Iraq, where numbers of armed groups appear to have grown.

⁷⁰ Graduate Institute of International Studies, "Insurgent and Other Non-state Combatants and Militia in 1999." *Small Arms Survey 2001*, Table 2.8, p. 79.

⁷¹ The total figure for the groups cited above is 149,300, taking averages where figures are in a range. The figures for Falintil and the East Timorese militias has been kept for comparative purposes, despite these being from 1999.

In reaching understanding of the number of weapons held by armed groups in the region, the Small Arms Survey formula of either 1.25, 2.0 or 2.5 arms per combatant, is used. Using the SAS figures of 97,800 active and potential members of armed groups in Southeast Asia,⁷² and the formula of 1.25, 2.0 or 2.5 arms per combatant, plus 10 percent for stockpiles, the number of small arms held by armed groups in Southeast Asia would be 134,475, 215,160 or 268,950 respectively. If the number of combatants is closer to 149,300 the number of weapons held by major armed groups across Southeast Asia would be closer to 205,287, 328,460 or 410,575 respectively. Even so, such figures will only ever be best estimates.

With such nebulous strictures, drawing a conclusive judgement about the size and shape of the arms holdings of Southeast Asia’s armed groups remains elusive. However two conclusions can be made with some conviction. First, the largest groups are not revolutionary armies but paramilitaries, including criminal-paramilitary hybrids, which can include armed civilian units and private armies. Second, the number of weapons may be greater than previously assumed because of this paramilitarisation. These trends run counter to the presumptions that Southeast Asia’s non-state armed groups are neither large nor significant.

⁷² It remains unknown exactly how the Small Arms Survey arrived at this figure, as it cites news, reference materials and expert advice as its sources. Graduate Institute of International Studies, *Small Arms Survey 2001*, p. 79. Email requests from the author to the Graduate Institute have not been replied to.

Clarifications and Definitions

This section explains how this study sets the parameters that are the dual focus of this study; non-state armed groups and small arms and light weapons. It justifies the typology of revolutionary, criminal and paramilitary groups, and clarifies what is meant by the term small arms and light weapons. This section also clarifies the thematic terms used throughout, such as proliferation, control and disarmament and explains why this study introduces a three part typology of control.

Non-state Armed Groups

The definition of armed groups used in this study is that proposed by Pablo Policzer. “Non-state armed groups” he asserts, “are challengers to the state’s monopoly of legitimate coercive force.”⁷³ This definition accommodates groups which control territory, populations and resources either in spite of, or in agreement with, the central government. It therefore covers anti-government revolutionary groups and criminal armies, as well as those operating at the behest of, or having working relationships with, the government or security forces; referred to in this study as paramilitaries.⁷⁴ The private army-

⁷³ Pablo Policzer, "Neither Terrorists nor Freedom Fighters." Paper presented at the International Studies Association, Honolulu, Hawaii, 3-5 March 2005, p. 8, available at: <www.armedgroups.org/images/stories/pdfs/policzer_neither-terrorists_nor_freedom_fighters.pdf>. Accessed 6 November 2005. The Small Arms Survey also used this definition, see Graduate Institute of International Studies, *Small Arms Survey 2006: Unfinished Business*, Oxford: Oxford University Press, 2006, p. 248.

⁷⁴ The International Crisis Group explains why the term paramilitary is preferable to the term militia, concluding that common usage identifies paramilitaries as being organised entities that take on the appearance of an armed group, while militias are more civilian, localised and ad-hoc in nature. See International Crisis Group, “Southern Thailand: The Problem with Paramilitaries.” Asia Report No. 140, Jakarta/Brussels, 23 October 2007, footnote 2, p. 1.

paramilitary hybrids in the Philippines, the CAFGUs, also fit into this typology as paramilitaries.

Although admittedly inexact, regarding groups as revolutionary, criminal or paramilitary, aids in understanding both their sources of small arms and the complexities involved in their disarmament. Further, the distinction between criminal armies, paramilitary groups and revolutionary groups, each of which could also be more commonly perceived or labelled as terrorists is not always clear. However this study regards a group as revolutionary, criminal or paramilitary by identifying the predominant activity that group appears to be engaged in at the time of writing, or the predominant activity it was engaged in at the time it ceased its activity as an armed group. In addition, this study acknowledges that the groups referred to in the singular may be highly decentralised, with particular battalions being better or worse armed than others, or even better or worse placed for obtaining or surrendering weapons. Groups are nonetheless referred to in the singular. Further, many armed groups in this study have discernible political and military wings. Many armed groups are part of a broader structure that often replicates state structures of government.⁷⁵ Where it is possible to discern the activity of the military wing alone, the armed wing of that group is used, such as in the disarmament of the TNA (not GAM) in Aceh. In weapons transfers however, and in many of the materials sourced, the political or even financial wing of the group may be

⁷⁵ See for example the organizational structure diagrams of PULO (Patani United Liberation Organisation) and the BNPP (Barisan Nasional Pembebasan Patani) and MNLF and MILF in Wan Kadir Che Man, *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand*. Oxford: Oxford University Press, 1990, Appendices 4 and 6, pp. 209-212, 192-196, respectively.

involved or cited, whereupon this study replicates the name given in the original source.

This study does not include groups commonly referred to as “terrorist”; the regionally-based Jemaah Islamiyah for example. This is for three reasons. Initially, it is unhelpful to label groups as being terrorist because terrorism is a tactic, one which can be used by any group or individual. Some of the groups in this study have used terrorist tactics, others have not. Further, labelling groups as being “terrorist” or not can be a political tactic by a government to discredit a group. Ultimately however, the mostly extremist Islamist groups in this region are not considered in this study because these groups primarily use terrorist tactics, which do not usually employ small arms of the type described below. By definition and in practice, such groups use tactics that employ improvised explosive devices and large bombs. In addition, the transfer of arms to those groups listed as terrorist organisations is already prohibited,⁷⁶ and part of the debate in this study is the disagreement at global level over the supply of conventional small arms to armed groups.

Neither does this study consider private military and security companies to be armed groups in the manner of those discussed herein. These corporate mercenary bodies, such as those currently employed by the United States in operational and support capacities in Iraq, do not fit the typology of armed groups that this study uses. However, note is made of individual mercenaries where they are involved in, or provide information about, armed groups’ weaponry.

⁷⁶ Robbie Sabel, “Weapons to Non-state Armed Groups – Back to Westphalia?” *Disarmament Forum*, United Nations Institute for Disarmament Research, Vol. 1, (2008): p. 12.

Small Arms and Light Weapons

While there is no singular accepted definition of small arms and light weapons (often referred to by other authors as SALW), the UN Panel of Experts 1997 classification is the one most widely accepted.⁷⁷ Noting that the term could include any handheld item used as a weapon, the panel clarified that “small arms and light weapons” be those “manufactured to military specifications for use as lethal instruments of war.”⁷⁸ In subsequent years, the reference to “military specifications” has been downplayed as being unhelpful – notably in that most civilian firearms originated from military designs, but also in that manufacturers can easily amend a firearm’s specification to evade it being classified as a military weapon, thereby evading control.

The panel identified “small arms” as those which are for personal use and “light weapons” being slightly larger “for use by several persons serving as a crew.”⁷⁹ Noting that the UN’s Register of Conventional Arms had already classified large conventional weapons systems into seven categories, and taking into account

⁷⁷ Rogers disputes that this is the case, but hallmark works, such as the Small Arms Survey yearbooks benchmark this definition. It is true that regional and specialist control mechanisms take a broader or narrower approach to defining small arms, the Nadi Framework for example includes fishing equipment which has also been used in crime in the Pacific. Nonetheless the Survey’s work has strong international normative value, and redefining the topic at hand has little utility for the purposes of this study. See Damien Rogers, “Subaltern Killers: The International Community and the Challenge of Controlling Small Arms and Light Weapons.” Unpublished PhD thesis. Australian National University, 2007, pp. 41-42. See the Small Arms Survey’s consistent use of the UN definition in for example the 2001 and 2006 yearbooks; Graduate Institute of International Studies, “*Small Arms Survey 2001*,” p. 8; Graduate Institute of International Studies, *Small Arms Survey 2006*, p. 9.

⁷⁸ United Nations, “Report of the Panel of Government Experts.” UN Document A/52/298, 1997, p. 11.

⁷⁹ “Report of the Panel of Government Experts,” p. 11.

that the calibre size in larger weapons is likely to be commensurate with their purpose and design, the definition of small arms and light weapons further clarifies that the calibre size is to be less than 100 mm. The 1997 definition also includes ammunition. Therefore the emerging default definition is that small arms and light weapons and their ammunition are manufactured items intended for use by members of the security sector, although it can include those used for hunting, recreation or self defence. In conflict situations the generic small arm is the high-velocity automatic or semi-automatic assault rifle; the AK47, M16, FN FAL, and G3 weapons types, and their replicas. Small arms and light weapons also include light and heavy machine guns, grenade launchers, rocket propelled grenades, hand grenades, mortars and handguns. It can also include older rifles, of pre- or World War II era, or hunting-style rifles as well as police sidearms.

For this study it is also necessary to clarify the problems associated with generic terms for weapons. In this study, generic terms such as AK and M16, have often been employed as this is the term used in the source of the material.⁸⁰ As verification of the weapon is unable to be made, generic references are repeated or where deemed appropriate, educated guesses have been made to strive towards a better understanding. Generic terms also obscure the sources of such weapons. By all accounts, Soviet-origin, Chinese-origin versions of original Soviet arms, and US-origin small arms continue to feature in the Southeast Asian small arms black market. A potentially significant number of the alleged Soviet weapons may however be manufactured in China. For example, China has manufactured its own AK47 since 1956, known as the Type 56 or M22, and

⁸⁰ This is particularly evident in chapter two.

“gifted” many of these over many decades to states and non-state groups alike. As these weapons are often only identifiable by a close examination of manufacturer’s barrel markings, or particular specific features,⁸¹ it is quite possible many references in reports of weaponry as the “AK” (for an automatic AK-style rifle) or “SA” (for a surface to air missile), both terms which imply Soviet origin, may in fact refer to weapons which herald from China.⁸² While US-remaindered weapons from Vietnam are still in circulation and used by armed groups, Chinese, Taiwanese and Singaporean versions of the M16 for example are often only identifiable from barrel markings or by a firearms expert. Taiwan and Singapore both have a small arms industry that dates back to at least the 1970s, China’s to the 1950s.

An M16 (either a carbine version or standard length M16A1) has also been produced without licence in China, known as a “CQ”. These firearms may well be circulating as generic M16s, implying their original source was the United States or a licensee. The M16A1 unlicensed copy is said to have been produced as an export-only product, which seems likely as it is not in the inventory of the People’s Liberation Army, and it has supposedly “found some buyers in Asia”.⁸³ While it is most likely that these buyers are states, with no further details forthcoming speculation remains that some end users could be better-resourced non-state groups.

⁸¹ The Chinese AK has a folding under-barrel bayonet, which the Soviet-origin weapon does not have. Chinese script indicating the factory of origin, the year of manufacture and serial number should also be visible on the receiver of the weapon, although one would have to know where to look, what to look for, and be able to get close enough to read and decipher it.

⁸² An additional complication arises from two Chinese rifles designated “Type 56”, a semi-automatic rifle and the semi- and fully-automatic AK.

⁸³ “Modern Firearms and Ammunition.” website available at: <http://world.guns.ru/assault/as79e-htm>. Accessed 19 December 2007.

Proliferation, Diffusion and Transfer

The terms “proliferation”,⁸⁴ “diffusion”⁸⁵ and “transfer” of weapons are used throughout this study. The generic term “transfer” is the most accurate term to describe the multiple means by which small arms movements take place, which include sales, gifts, brokerage, thefts and battle-captures. The term “diffusion” however was popularised in an early work on small arms and light weapons by Michael Klare and David Andersen. It became popular as it emphasises the range of users and actors that are involved in small arms dissemination. In this regard, it more accurately connotes the complexities of the small arms pattern than the term proliferation which is a more familiar term associated with nuclear weapons. This is especially so as nuclear proliferation is associated with the technology to develop nuclear weapons, not the proliferation of completed nuclear arms, which is illegal. In contrast, the life-cycle of any given small arm could be from its legal manufacture, to its use by a member of a state security force, to gun smuggler, to an armed group, resold to criminal operators or captured by another armed group or even recaptured by another state’s forces. Although Klare and Andersen were discussing diffusion in terms of how small arms move throughout society in Latin American countries, the expression is more widely applicable. The adventurous travel diary of a small arm across users, countries and markets is a hallmark of small arms circulation and

⁸⁴ These terms were reintroduced to the literature in 2007 by Mike Bourne. See Mike Bourne, *Arming Conflict: The Proliferation of Small Arms*. Basingstoke, Hampshire: Palgrave Macmillan, 2007. Bourne introduces the term “spread” of small arms, however this term adds little to a nomenclature which is already adequate.

⁸⁵ Michael Klare and David Andersen, *A Scourge of Guns: The Diffusion of Small Arms and Light Weapons in Latin America*: Federation of American Scientists, 1996, .pp. 3-4. The term also appears in Singh (see Jasjit Singh (ed.), *Light Weapons and International Security*. Delhi: Indian Pugwash Society and the British American Security Information Council, 1995, p. 4), in 1995, yet Klare’s work in general is more frequently cited.

recirculation.⁸⁶ For a number of years, the term “diffusion” was used in preference to that of “proliferation”. Even so, for readability, and its association with arms control, the term proliferation is used alongside these other terms throughout this study.

Further, this study uses the terms “external” and “internal” as a means by which to identify sources of arms. External sources of arms are those external to the conflict zone or country where the armed group is active. Internal sources of arms are those which come from within the country of the groups’ operation, even within the conflict zone.

Control or Disarmament?

The arms control measures associated with both conventional and unconventional weapons can be seen to have both a control component, and a disarmament component. Control prevents further proliferation; disarmament removes or reduces extant weapons stocks. Small arms control is also comprised of both control and disarmament. This study considers small arms control to be enacted through what it terms supply reduction, and disarmament to be enacted through what it terms weapons removal. Supply reduction and weapons removal are two of the three core pillars of the small arms control architecture.

⁸⁶ For example, Soviet-origin weapons captured from adversaries in Israel’s war in Lebanon in 1982 ended up being supplied to the US-supported Contra’s in Nicaragua later that decade. See Michael T. Klare, “The Subterranean Arms Trade: Black-Market Sales, Covert Operations and Ethnic Warfare.” in Andrew J. Pierre (ed.), *Cascade of Arms: Managing Conventional Weapons Proliferation*, Washington D.C.: Brookings Institute Press, 1997, p. 52.

A third pillar of this architecture is demand reduction, which has elements of both control and disarmament. It is particularly useful to see demand as a separate component of the control and disarmament architecture even though it is a particularly difficult concept to work into a control framework.⁸⁷ These three pillars of supply reduction, demand reduction and weapons removal are seen by this study as being the core components of the small arms control and disarmament architecture. Further, the three-part typology of armed groups as revolutionary, criminal or paramilitary, helps to understand how small arms control and disarmament can best be applied, and is especially helpful in understanding the importance of a separate demand pillar.

As set out in chapter four, small arms control is particularly focussed on supply-reduction, which itself is promulgated through international agreements and legal instruments. However it is particularly difficult to put into action. Less controversial is the disarmament of non-state combatants (introduced in chapter four and discussed at length in chapter five), usually as a component of a ceasefire arrangement. In essence, both control and disarmament require policy and practice. Policy is developed and promulgated at governmental and intergovernmental level. Practice turns the preferred policy into action and influences the policy development. Actions include better stockpile management, for example, or improved disarmament processes.

Ultimately, supply-reduction through control only ever addresses one aspect of the arms proliferation dynamic. Equally importantly, disarmament without removing demand is only ever going to be a partial solution. This is why all

⁸⁷ This is mostly because it risks justifying arms procurement by non-state armed groups.

three pillars must be given equal consideration for those developing the policies and practices of small arms control and disarmament.

Southeast Asia

Admittedly, it could be argued that the term Southeast Asia is inherently colonial, in being only “south” and “east” of the imperial European powers. It is a term that has nonetheless passed into common use to describe the geographic region that incorporates the ASEAN⁸⁸ member states of Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand and Vietnam. This study sees East Timor as being part of Southeast Asia. This study therefore uses the term “Southeast Asia” in this common meaning.

While this study takes examples from different countries in the region which are, or were, host to armed groups, there is a discernable emphasis on groups in Burma. This is because Burma has been host to the most armed groups in the region, and over the longest time frame.

The Political Backdrop to Small Arms Control

This chapter has explained the purpose, approach and parameters of this study. It is also necessary to situate it in the broader political landscape of small arms proliferation and intra-state conflict, and to explain the humanitarianism that has become such a strong driver of conventional arms control.

⁸⁸ Association of South East Asian Nations.

In the immediate aftermath of the first post-cold war military crisis, the 1990-1991 Gulf War, the creation of the United Nations Register of Conventional Arms (UN RoCA) revealed a global community suddenly both willing and able to initiate conventional arms control measures.⁸⁹ Initially, it had a clear focus only on large weapons systems and platforms.⁹⁰ By the middle of that decade, global concern had moved to smaller conventional weapons, antipersonnel landmines initially, but a growing interest in the proliferation and control over small arms.

Parallels can be drawn with a related small arms disarmament issue, the middle-power states and civil society movement which culminated in the International Campaign to Ban Landmines (ICBL) and its outcome, the Ottawa Treaty that bans anti-personnel landmines. Out of this disarmament campaign emerged what Thakur and Maley see as “humanitarian arms control”.⁹¹ This is arms control for what can be seen as human security, rather than national

⁸⁹ Admittedly, the UN Register is a transparency mechanism, not a control or disarmament device, that seeks limitations on weapons or users, however it is a move towards the improved management of international arms transfers.

⁹⁰ The League of Nations had made previous attempts at confidence-building through transparency measures, however it was not until the creation of the UN RoCA that the international community undertook reporting on conventional arms holdings and transfers in any substantive manner. For more information on the UN RoCA see its website at : <<http://disarmament.un.org/cab/register.html>>. Accessed 17 October 2006.

⁹¹ Ramesh Thakur and William Maley, "The Ottawa Convention on Landmines: A Landmark Humanitarian Treaty in Arms Control." *Global Governance*, Vol. 5, No. 3 (1999): pp. 273-302.

security.⁹² This humanitarian disarmament campaign has a deeply powerful resonance with the small arms control community.⁹³

As superpower confrontation abated, a greater focus on intrastate conflict sparked debate over whether it was increasing, or just coming under greater scrutiny. Either way, the prevalence of intra-state conflict, by definition involving one or more non-state groups, is noted as a driving feature of the small arms market.⁹⁴ This is especially so as much contemporary conflict is between states and non-state armed groups,⁹⁵ or between armed groups within states. As noted earlier, these wars are often seen as being little more than armed criminalised violence.

When evidence appears that armed groups have externally-produced weapons the assumption is that these have been supplied to the group directly by illicit dealers or brokers, or have been lost or stolen from states that procured the arms

⁹² Human security reframes security as that which protects vulnerable groups within a society, making people the referent object of security, not the state. The landmine campaign catapulted the concept of human security into the scholarly and policy debates over disarmament, state responsibility and the rights of civilians affected by conflict.

⁹³ Interestingly, over the time of writing this study, a new civil society disarmament campaign emerged with a remit to ban cluster bombs, which it achieved. See the Cluster Munitions Coalition website available at: < <http://www.stopclustermunitions.org/>>. Accessed 4 August 2008.

⁹⁴ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 1; Michael T. Klare, “The Subterranean Arms Trade: Black-Market Sales, Covert Operations and Ethnic Warfare,” p. 46.

⁹⁵ See Lotta Harbom and Peter Wallensteen, “Armed Conflict and its International Dimensions, 1946-2004.” *Journal of Peace Research*, Vol. 42, No. 5 (2005): pp. 623-635. Out of 57 major active conflicts from 1990-2004, 53 were considered intra-state. See Lotta Harbom and Peter Wallensteen, “Patterns of Major Armed Conflicts, 1990-2004.” in Stockholm International Peace Research Institute. *SIPRI Yearbook 2005: Armaments, Disarmament and International Security*. Oxford: Oxford University Press, 2005, p. 121. The method used for this data is that one party to the conflict must be the state, and that there are over 1,000 battle-related deaths in a calendar year. This is explained in “Definitions, Sources and Methods for the Conflict Data” in Stockholm International Peace Research Institute, *SIPRI Yearbook 2005*, p. 134.

legally. This results in what can be termed a “juvenile” illicit small arms market, often servicing equivalently juvenile combatants, a market fed by influxes of new weapons and ammunition, and recalibrated by the weapons’ longevity. This has created perceptions of widespread small arms availability, framed as problematic, and therefore requiring greater control. Such problems include debates over the meaning of security, over issues of political legitimacy and sovereignty, as well as how to tackle the humanitarian dilemmas of armed intrastate violence and human rights violations – each of these in turn frequently associated with non-state armed groups. These issues began to gain traction as small arms issues. In tandem with the global community’s efforts over how to get the nuclear genie back into the bottle, questions also arose over how to get high-velocity and highly accurate firearms and other small arms back under state control.

Small Arms and Armed Groups in Southeast Asia

With this in mind, small arms control in Southeast Asia should also be viewed in terms of the broader politics and historical arms supply patterns to armed groups in the region. Major wars in Vietnam and Cambodia, a civil war in Burma and simmering insurgencies in Indonesia, Malaysia and the Philippines, and Indochina, were certainly fed by ideologically-inspired arms transfers to both state and non-state entities. However this proliferation pattern has not been a significant feature of the region since the 1980s.⁹⁶ The United States removed itself from Vietnam in 1973, and China’s revolutionary zeal slowly metamorphosed into pragmatic economic reform and engagement with the

⁹⁶ See chapter three for an appreciation of small arms diffusion in Southeast Asia since World War II.

world community. With the exception of Afghanistan, the superpowers shifted their interests away from insurgency and back to nuclear strategy over the 1980s, and became refocussed on Europe; culminating in the Intermediate-range Nuclear Forces Treaty in 1987 and the Conventional Forces in Europe Treaty in 1990. By this time, most wars of liberation across the globe were over and many armed groups had transformed into political parties or national forces.

In this respect, Southeast Asia is little different to other regions of the developing world, having been a colonial, and then superpower, battleground. A defining feature of the region however is the economic development of a number of “tiger economies” which was quite unparalleled, and no doubt contributed to Southeast Asia’s image as a stable and conflict-free region.

If looked at in terms of small arms proliferation, the cold war’s ending would leave both a legacy of weapons and a vacuum of suppliers, often filled by what are invariably termed “nefarious” arms brokers and dealers.⁹⁷ At first glance, this could be true. This region has a diverse range of political systems and an equivalent range of economic and social development, a tradition of trading, fishing and general people movement that confounds modern border controls. It is host to a number of in-conflict and post-conflict states as well as criminal networks⁹⁸ and terrorist cells. Its terrestrial and maritime geography of inhospitable tropical and temperate mountain ranges and archipelagic states appears almost defiant to comprehensive central government control of territory including border controls. It therefore also looks likely to be a region in which

⁹⁷ The vectors of global small arms proliferation are explained in chapter two.

⁹⁸ See for example Glenn E. Curtis et. al., “Transnational Activities of Chinese Crime Organizations.” Washington: Federal Research Division, Library of Congress, April 2003.

small arms smuggling and the accumulation of small arms by armed groups would flourish, especially as these groups provide a strong demand factor. This would seem to be a region where armed groups could be easily, even “heavily” armed.⁹⁹

Yet Southeast Asia’s fever-pitch of conflict involving armed groups is, for the time being at least, in decline and was already on the wane before the end of the cold war.¹⁰⁰ Illicit, or covert, shipments from states are no longer seen as politically expedient, and the demand for weapons by diminishing remainder groups appears sated by existing regional or in-country sources of supply. In the two decades since the end of superpower duopoly, the contemporary illicit small arms market in Southeast Asia has seemingly shrunk in terms of both the quantity of weapons and the number of revolutionary armed groups. Weapons are still in circulation, yet while demand in some pockets remains strong, the capability of many groups to match this with supply, and the cost and risk associated with accessing weapons from external sources, point to a dampening down of both conflict and armed group activity in most instances. Against this general trend is an enduring presence of paramilitaries, some morphed with private or criminal armies.

These observations sketch out how this study fits into the broader political and historical machinations over arms control and small arms supplies to armed

⁹⁹ Terms such as “heavily” armed appear in publications and media reports, often also in comparison to its sister term “lightly” armed. In reality, these terms are meaningless – they have no commonly agreed meaning and they are frequently relative to each other or to an adversary, and as the case with so much to do with small arms, unquantifiable. The author considers these terms to mean being armed to a greater, or inversely lesser, degree, than might be expected.

¹⁰⁰ Southeast Asia’s contemporary small arms diffusion dynamic is explored in chapter three.

groups in Southeast Asia. Before proceeding however, it is useful to consider what may play out in Southeast Asia if arms supplies to armed groups are not tackled in any meaningful way.

Small Arms and Armed Groups in Southeast Asia: A Forecast

As at the end of 2008 in Southeast Asia there is a discernible spiralling down of illicit small arms diffusion from earlier decades. What is also apparent however is that there has been a distinct tendency towards protracted conflict, towards curious interpretations of disarmament, and towards paramilitarisation. Many of the remaining revolutionary groups in Southeast Asia have been fighting for many decades. In Burma, numerous groups remain armed despite numerous ceasefires since 1989. The Karen are 60 years into their revolution as at 2008, the longest intra-state conflict in the region. In southern Thailand, the severe crackdown against known armed groups, appears to have spawned a new group; the Runda Kumpulan Kecil (RKK) in 2005.¹⁰¹ The large numbers of paramilitaries in southern Thailand is not necessarily an isolated phenomenon. A number of states arm paramilitaries in response to these intransigent conflicts. Indonesia’s response to secessionists in East Timor and Aceh was to arm local paramilitary groups. Such groups gained particular infamy in East Timor in 1999. A particularly worrying trend is occurring in Burma, where there are two large paramilitary-criminal hybrid armies, and a number of smaller paramilitaries. In the Philippines, revolutions, private armies and criminal

¹⁰¹ “Selected Non-state Groups and Affiliates.” in *The Military Balance 2008*, London: Institute for Strategic Studies/Routledge, 2008, Table 47, p. 482. The RKK, which stands for Patani State Restoration Unit, is not an entirely new group, but a regroup of militants. See Zachary Abuza, “A Breakdown of Southern Thailand’s Insurgent Groups.” *Jamestown Global Terrorism Analysis*, available at: <<http://www.jamestown.org/terrorism/news/article.php?articleid=2370121>>. Accessed 11 August 2008.

armies keep the illicit small arms dynamic vibrant. Disarmament has been undertaken in Aceh, Burma, Cambodia, East Timor and the Philippines, but disarmament in these cases is not purely about weapons removal. The crux of the issue is often that the demand for weaponry has not been removed.

In such circumstances, revolutionary armed groups in Southeast Asia face three options. The first is to accept military defeat or negotiated surrender. The second is to leave festering disputes simmer on with a bare minimum of resources, a mere sufficiency, of weapons and fighters. This option is already being taken, given the duration and tenacity of a number of these conflicts. Third, groups can reorganize, rearm and reinvigorate activity, but this would involve creating alliances with other groups or in finding benefactors or sources of funding. Disaffected groups in Burma at least may yet find means of rearming if they can raise the funds or friends. Three likely tactics would be for them to ally with other groups or malcontent paramilitaries, to commence large-scale raids on military arsenals, or to access an adjacent illicit arms market.

Paramilitary groups also face several options. The first is to remain in the status quo, whereby at least a living can be made and weapons can be retained. This keeps conflicts simmering and fails to solve the underlying tensions created by the state sponsoring such armed groups. The second option would be to engage militarily with government forces or other groups to expand or consolidate territory and interests. A third scenario could see small and large paramilitaries linking with the revolutionary or criminal groups. Projecting a likely scenario within a five to ten year timeframe, rearmed revolutionary groups, plus conglomerate or increasingly independent paramilitaries and private armies could significantly alter the largely internal, and currently moderate, small arms

diffusion dynamic. Regrouping armies, allied with or arming against paramilitaries are the groups most likely to create both increased demand for, and increase the supply of, illicit weapons in the region. The revolutionary groups are only likely to be successful if able to access an external benefactor, an arms black market, and the means to pay for weaponry. Allying with a disaffected paramilitary may be a safer tactic. If however these paramilitaries remain loyal to their host state, they, along with the civilian defence groups and private armies are protected against the vagaries of external arms supply routes. They nonetheless undermine the state’s monopoly on the use of armed force, weakening rather than bolstering state sovereignty in the region.

Such a disturbing potential scenario suggests that this study may be timely in offering these issues the urgent attention they deserve. It is made all the more compelling by inherent driving frictions between the focus areas of this study; frictions between states, non-state conflict actors, non-governmental organisations, and the moral imperatives of small arms control.

Structure of the Study

In addressing these issues in small arms control, this study is structured along the following lines. This opening chapter has clarified the topics under consideration and explains how and why they are being raised and evaluated. It situates the contribution that this study will make to the general knowledge of small arms control relating to armed groups, and it provides particular insight into why Southeast Asia makes a valuable study.

Understanding how small arms proliferate to armed groups is central to understanding how these arms can be controlled. By identifying key trends, as well as vectors and enablers of proliferation, it is possible to establish what might be expected about where armed groups obtain their weapons from. Therefore chapter two reviews the extant materials on illicit small arms proliferation. These come from the scholarly community as well as non-governmental organisations and intergovernmental organisations.

Chapter three tests this expectation against a detailed examination of sources of small arms for armed groups in Southeast Asia. This chapter assesses both continuity and change in the manner of small arms proliferation since World War II to the present day. Generational conflicts and a marked endurance of armed groups are evident, core components of the “mature” illicit small arms market. In exploring trends in the sources of arms for armed groups over such a long period, it becomes apparent that there are unexpected characteristics in the procurement patterns of arms for armed groups in Southeast Asia.

While this may be the case, control and disarmament measures have evolved out of experiences elsewhere. Chapter four assesses these small arms control measures. They include the policies that have come from both global level, and control frameworks from other regions and they include the practice of disarmament of former combatants. The intent of these control and disarmament measures is assessed through invoking this study’s typology of supply reduction, demand reduction and weapons removal.

Chapter five goes on to analyse the small arms control activities undertaken in Southeast Asia. It does this through assessing small arms control through the

typology of supply reduction, demand reduction and weapons removal. It evaluates the support given to the global and regional processes by Southeast Asian states, looks into what appears to generate demand by armed groups in Southeast Asia, and examines the particular instances of disarmament of armed groups in four countries.

Evaluating the implications of these four central chapters is the purpose of chapter six. In this chapter, the expectations that set the groundwork for this study in chapters two and four, are contrasted against the information and analysis that emerge from chapters three and five. In this final analysis, the case is made that small arms control requires a broadening and a deepening if it is to capture the spectrum of small arms diffusion and disarmament in Southeast Asia. This chapter makes a number of suggestions how this might be undertaken.

Chapter seven reflects upon the observations and suggestions made in the study. Its purpose is not to be a definitive final word on this topic; rather it should be used as a platform from which future endeavours into small arms control can begin.

Chapter 2

Weapons of Mass Possession?¹⁰² The Proliferation of Illicit Small Arms

*One of the major problems connected with such weapons is their easy and widespread availability in many parts of the world. They are cheap, lethal, portable, concealable, long lasting...Armed gangs, criminals, mercenaries and terrorist groups illegally traffic and use these weapons...Small arms fuel conflicts and pose serious danger to innocent civilians, as well as to humanitarian workers and peacekeepers. Concerted action to end this scourge is more important than ever.*¹⁰³

Findings, Purpose and Structure of the Chapter

The purpose of this chapter is to identify how small arms have proliferated to non-state armed groups. In the scholarly and policy works there is an abundance of data and analysis on sources of weapons for armed groups, the ways and means of their proliferation, and well-rounded support for more

¹⁰² "Weapons of Mass Possession" is taken from a newspaper headline regarding the growing number of female firearm owners in the United States. See Lorna Collier, "Weapons of Mass Possession." *Chicago Tribune*, 5 May 2004. The term seems appropriate for this chapter as it neatly captures the nature of small arms dissemination in that many owners and users of small arms are not necessarily states or government representatives. Posed as a question, it queries the dominant thinking on how weapons proliferate, to whom, and how they should be controlled most effectively. Such a title is of course also a pun on the phrase "Weapons of Mass Destruction", and as such it also reminds the reader of the continuing shadow that the term "WMD" casts over many considerations of arms control.

¹⁰³ United Nations, "A Call Against Arms: The Small Arms Conference." *United Nations Chronicle*, 2001, available at: <<http://www.un.org/Pubs/chronicle/2001/issue4/0104p34.html>>. Accessed 16 February 2006.

stringent control measures. While lack of exact figures and data continues to hamper studies in this field, there are nonetheless discernable patterns as to how these weapons proliferate. For the purposes of this study, there is enough information available regarding where and how armed groups obtain their weapons, and there are equivalent patterns of response in how the international community of states and non-governmental organisations have sought to redress this situation. This is important in establishing existing knowledge and expectations, as identified in chapter one.

The structure of this chapter is as follows. A general introduction to small arms as a topic for consideration in its own right, is given at this point. This introduction provides the bedrock for the discussions and evaluations which follow. Following this brief section, the bulk of the chapter is dedicated to understanding illicit small arms proliferation. The proliferation of small arms, in particular understanding how armed groups are seen to obtain such weapons is of central importance to this enquiry.

Introduction to Small Arms Proliferation

It is commonly accepted that small arms have become widely proliferated, through “illicit” channels and to “illicit” end users. Even so, they proliferate through a limited number of means. Despite the befuddlement at intergovernmental level as to when both small arms and armed groups are illicit (as discussed in chapter four), there is nonetheless considerable agreement over how non-state entities obtain weapons and that such a practice should be

curtailed. This is by no means the sole focus of scholarly enquiry however, and approaches to small arms issues are quite diverse. The literature comes from strategic studies (arms control and disarmament),¹⁰⁴ gun control,¹⁰⁵ law enforcement,¹⁰⁶ security studies,¹⁰⁷ development studies,¹⁰⁸ gender studies,¹⁰⁹ human rights and international humanitarian law,¹¹⁰ as well as public health,¹¹¹

¹⁰⁴ See for example Michael T. Klare, "Stemming the Lethal Trade in Small Arms and Light Weapons." *Issues in Science and Technology*, Vol. 12, No. 1 (1995): p.52; Neil Cooper, "What's the Point of Arms Transfer Controls?" *Contemporary Security Policy*, Vol. 27, No. 1 (2006): pp. 118-137; Aaron Karp, "Negotiating for Small Arms Restraint: The Boldest Frontier for Disarmament?" *Disarmament Forum*, No. 2 (2000): pp. 5-12; Michael Renner, "Arms Control Orphans." *Bulletin of the Atomic Scientists*, Vol. 55, No. 1 (1999), pp. 22-26.

¹⁰⁵ See for example Wendy Cukier, "The Feasibility of Increased Restrictions on the Civilian Possession of Military Assault Weapons at the Global Level." Project Ploughshares, 2005; Tom Diaz, *Making A Killing: The Business of Guns in America*. New York: The New Press, 1999.

¹⁰⁶ See for example Ted Leggett, "Law Enforcement and International Gun Trafficking." in Lora Lumpe (ed.), *Running Guns: the Global Black Market in Small Arms*. London: Zed, 2000, pp. 207-224.

¹⁰⁷ This theme is implicit in many works, but stated in for example, Jasjit Singh (ed.), *Light Weapons and International Security*. New Delhi: Indian Pugwash Society and British American Security Information Council, 1995; Ajay Darshan Behera, "Light Weapons Diffusion and Security: Towards a Conceptual Understanding." *Strategic Analysis: A Monthly Journal of the IDSA*, Vol. 25, No. 4 (2001); Nicolas Florquin and Eric G. Berman (eds.), *Armed and Aimless: Armed Groups, Guns and Human Security in the ECOWAS Region*. Geneva: Small Arms Survey, 2005, pp. 385-386; Mike Bourne, "The Proliferation of Small Arms and Light Weapons." in *New Threats and New Actors in International Security*, Elke Krahmman (ed.), New York: Palgrave Macmillan, 2005, pp. 155-176.

¹⁰⁸ See for example Peter Batchelor and Robert Muggah, *Development Held Hostage: Assessing the Effects of Small Arms on Human Development*: United Nations Development Programme, 2002; the United Nations Development Programme. "Chapter 5. Violent Conflict: Bringing the Real Threat into Focus." in *Human Development Report 2005: International Cooperation at the Crossroads; Aid, Trade and Security in an Unequal World*, 2005. Also an entire edition of the Graduate Institute of International Studies, *Small Arms Survey 2003: Development Denied*. Oxford: Oxford University Press, 2003.

¹⁰⁹ See for example Vanessa Farr, "Scared Half to Death: The Gendered Impacts of Proliferating Small Arms." *Contemporary Security Policy*, Vol. 27, No. 1 (2006): pp. 45-59.

¹¹⁰ See for example Jeffrey Boutwell and Michael T. Klare, "Small Arms and Light Weapons: Controlling the Real Instruments of War." *Arms Control Today* (1998), available online at: <<http://www.armscontrol.org>>. Accessed 17 August 2008; Abdel Fatau-Musah and Niobe Thompson (eds.), *Over A Barrel :Light Weapons and Human Rights in the Commonwealth*. New Delhi: Commonwealth Human Rights Initiative, 1999.

¹¹¹ See for example Wendy Cukier, "Small Arms and Light Weapons: A Public Health Approach." *Brown Journal of World Affairs*, Vol. 9. No.1 (2002): pp.261-280; also Wendy Cukier

and recently defence economics.¹¹² Even so, among such diversity, commonalities can be identified. These are the central contention that many millions of small arms are currently and potentially proliferated beyond state accountability or control, that they are a source of a great many ills, and because of this, these problems must be urgently redressed. Paralleling the success of the civil society-led campaign to ban antipersonnel landmines, small arms control too has become a campaign, involving a community of states, scholars and non-governmental organisations.

Scholarly work on small arms and light weapons goes back to the mid-1990s, when a sub-terrain of work from a small hub of scholars was beginning to emerge. Complemented at the policy level by statements on “micro-disarmament” from the then United Nations Secretary-General Boutros Boutros-Ghali,¹¹³ and the first of two UN Panels of Experts findings and recommendations in 1997,¹¹⁴ the emerging literature had a dual focus. The first was in raising the visibility of small arms as a proliferation concern. The second was in how to redress the problems raised by this proliferation through arms control and disarmament mechanisms. Nonetheless, as reflected upon at the

and Victor W. Sidel, *The Global Gun Epidemic: From Saturday Night Specials to AK 47s*. Westport: Praeger Security International, 2006.

¹¹² See Philip Killicoat, "Weaponomics: The Economics of Small Arms." Centre for the Study of African Economics, Centre for the Study of African Economics WPS/2006-13, Oxford: Oxford University, September 2006; Jurgen Brauer and Robert Muggah, "Completing the Circle: Building a Theory of Small Arms Demand." *Contemporary Security Policy*, Vol. 27, No. 1 (2006): pp.138-154; Stefan Markowski et. al., "Channels of Small Arms Proliferation: Policy Implications for Asia-Pacific." *The Economics of Peace and Security* Vol. 3, No. 8 (2008): pp.79-85.

¹¹³ Boutros Boutros-Ghali, "Supplement to an Agenda for Peace." UN Document A/50/60-S/1995/1, 1995.

¹¹⁴ United Nations, "Report of the Panel of Governmental Experts on Small Arms." UN Document A/52/298, 1997.

start of chapter one, by the late 1990s small arms were still referred to as the “orphans” of arms control.¹¹⁵

The role of small arms in contemporary conflict is often discussed in the context of three core themes. These are first, the role these weapons play in increasing the lethality and duration of intra-state conflicts across the globe, by definition involving one or more non-state armed group. The second theme is that of the supply routes and weapons availability to these conflict actors. The third is the urgent need for small arms control to mitigate these intra-state conflicts because small arms are so often misused, resulting in such conflicts often being portrayed as “criminalised violence”. Part of the broader debate is over whether modern armed conflicts are more vicious, more protracted, less political, and more likely to break out, than ever before. These recurring concerns in the small arms literature – globalisation, greed, opportunism and de-politicised violence – have their roots in two controversial theories. These theories are Kaldor’s “new wars” theory and Collier, Hoeffler and Sambanis’s work on the economics of conflict, which has resulted in what are called the “greed, grievance and opportunity debates”.¹¹⁶ These works are recognized in much of the small arms literature.¹¹⁷ These highly controversial theses sought to find new ways of explaining intra-state conflict, and they generated much debate and

¹¹⁵ Michael Renner, "Arms Control Orphans."

¹¹⁶ See Kaldor’s seminal work: Mary Kaldor, *“New and Old Wars: Organized Violence in a Global Era.”* Stanford: Stanford University Press, 1999; Paul Collier and Anke Hoeffler, "Greed and Grievance in Civil War." Washington DC: World Bank, 21 October 2001; and Paul Collier and Nicholas Sambanis (eds.), *Understanding Civil War: Vol. 2 Evidence and Analysis; Europe, Central Asia, and Other Regions*, Washington: The World Bank, 2005.

¹¹⁷ See for example Graduate Institute of International Studies, “Humanitarian Impacts.” in *Small Arms Survey 2002: Counting the Human Cost.* Oxford: Oxford University Press, 2002, particularly pp. 173–175; also Nicholas Marsh, “Conflict Specific Capital: The Role of Weapons Acquisition in Civil War.” Unpublished paper, 2006, pp. 13-14, 35.

considerable criticism. The ideas and content, but not the controversy and debate over their arguments, is reflected in the small arms literature.¹¹⁸

Discussions of, and variations within, the topics of globalisation and opportunistic violence, can be found in the significant small arms publications over the past 12 years.¹¹⁹ They also abound in special editions of relevant journals.¹²⁰ Many works particularly address the means of controlling small arms.¹²¹

¹¹⁸ Even attempts to prove the “greed” and “opportunity” theory fell well short when applied to Aceh. See Michael Ross, “Resources and Rebellion in Aceh, Indonesia.” in Paul Collier and Nicholas Sambanis (eds.), *Understanding Civil War: Vol. 2, Evidence and Analysis; Europe, Central Asia, and Other Regions*, Paul Collier and Nicholas Sambanis (eds.), Washington: The World Bank, 2005, pp. 35-58. For a counter argument to the New Wars thesis, see for example, Edward Newman, “The ‘New Wars’ Debate: A Historical Perspective is Needed.” *Security Dialogue*, Vol. 35, No. 2 (2004): pp. 173–189.

¹¹⁹ See Jeffrey Boutwell et. al. (eds.), *Lethal Commerce: The Global Trade in Small Arms and Light Weapons*: American Academy of Arms and Sciences, 1995; Jayantha Dhanapala et. al. (eds.), *Small Arms Control: Old Weapons New Issues*. Aldershot: Ashgate [for United Nations Institute for Disarmament Research], 1999; Lora Lumpe(ed.), “*Running Guns: the Global Black Market in Small Arms*.” London: Zed, 2000.

¹²⁰ “Small Arms, Big Problem.” *Bulletin of the Atomic Scientists*, Vol. 55, No.1 (1999), pp. 18-69, and “At Gunpoint: The Small Arms and Light Weapons Trade.” *Brown Journal of World Affairs*, Vol. 9, No. 1 (2002); pp. 159- 310 are special sections which focus on small arms, and in which these key themes continued to surface. Other special editions in later journals took these themes as a given.

¹²¹ In addition to those noted above, in 2002 both the *SAIS Review* and *Brown Journal of World Affairs* published a number of articles reviewing the UN Small Arms Conference, which ostensibly discuss the UN Programme of Action as a control mechanism. Other special editions in later journals delve deeper into topics such as the best means of control, including the role of non-government agencies, and post-conflict issues; “UN Small Arms Process.” *SAIS Review*, Vol. 22, No.1 (2002); *Contemporary Security Policy*, Vol.27, No.1 (2006). At the outset, the *Small Arms Survey* stated that its research focuses on the presumptions that: small arms control mechanisms are needed to address the ubiquity of weaponry, that a driving force to control these weapons was their misuse; and that control must take account the diverse means of small arms diffusion. Graduate Institute of International Studies, *Small Arms Survey 2001: Profiling the Problem*. Oxford: Oxford University Press, 2001, p. 2.

There is however a geographic predisposition away from Southeast Asia. A sample of three significant small arms publications over the past 12 years confirms this trend. The focus of these works is most often Africa, Latin America, and Europe.¹²² These works and others give only occasional reference to South or Central Asia and the Middle East.¹²³ Even if the UN’s principle concern at this point was with regions where peacekeeping operations were deployed, such missions were on the ground in the Middle East at the time of the UN small arms report’s writing in 1997 (Lebanon and the Golan Heights) and UN troops had left Cambodia only two years before.¹²⁴ It is curious that the

¹²² Identification of these regions as being particularly important is made for example in the scene-setting chapter by Michael T. Klare, “The Global Trade in Light Weapons and the International System in the Post-Cold War Era.” in Jeffrey Boutwell et.al. (eds.), *Lethal Commerce*, pp. 35-39. Later chapters include Lucy Mathiak, “Light Weapons and Internal Conflict in Angola.” Daniel Garcia-Pena Jaramillo, “Light Weapons and Internal Conflict in Colombia.” and Ksenia Gonchar and Peter Lock, “Small Arms and Light Weapons: Russia and the Former Soviet Union.” all in Jeffrey Boutwell et.al. (eds.), *Lethal Commerce*: pp. 81-126. Also, in Jayantha Dhanapala et. al. (eds.), *Small Arms Control*, there are there are nine chapters on African countries and eight chapters on Latin American (including Caribbean) countries, pp. 127-166, 167-228. In *Running Guns* the non-thematic chapters have geographic foci on parts of Europe and Africa, South-Central Asia, and northern Iraq; Lora Lumpe (ed.), *Running Guns*, pp. 13-26, 55-104. In this work, there are passing references to Cambodia and Thailand, although disappointingly nothing of substance, see Lucy Mathiak and Lora Lumpe, “Government Gun-Running to Guerrillas.” in Lora Lumpe (ed.), *Running Guns*, pp. 60, 61.

¹²³ See for example Chris Smith, “Light Weapons and Ethnic Conflict in South Asia.” in Jeffrey Boutwell et.al. (eds.), *Lethal Commerce*, 61-80; Pyotr G. Litavrin, “Sources of Small Arms and Light Weapons Procurement in Southwest Asia.”, Niaz A. Naik, “Light Weapons Flows to and from Afghanistan.” Muhammad Shahedul Anam Khan, “Linkages Between Arms Trafficking and the Drug Trade in South Asia.” Rohan Gunaratne, “Illicit Transfer of Conventional Weapons: The Role of State and Non-state Actors in South Asia.” Jasjit Singh, “National, Regional and Global Measures for Controlling Light Weapons.” all in Jayantha Dhanapala et. al. (eds.), *Small Arms Control*, pp. 229-286; Jeffrey Boutwell, “The Wild West Bank.” *Bulletin of the Atomic Scientists*, Vol. 55, No. 1 (1999): pp. 41-44 and Jeffrey Boutwell, “Weaponization of the Palestinian-Israeli Peace Process.” *Brown Journal of World Affairs*, Vol. 9, No. 1 (2002): pp. 293-304.

¹²⁴ United Nations, “Report of the Panel of Governmental Experts on Small Arms.” UN Document A/52/298, 1997; United Nations Department of Peacekeeping Operations, “Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment: Principles and Guidelines.” 2000, p. 1, available at:

small arms issues in these regions were not considered as acute as those named in the UN report.

This predilection may reflect, or indeed have even directed, the small arms literature’s geographic foci on these regions. For example, the seminal 1997 UN Panel of Experts report identifies Africa, Central America, South Asia and Europe as the regions of the world where small arms problems were considered acute.¹²⁵ Further, a glance at the publication lists by two leading small arms research non-governmental organisations (NGOs), International Alert and the Small Arms Survey, also reveals the broader literature’s predisposition towards these dramatic, overtly conflict-ridden regions.¹²⁶

These early works provide the foundation studies of small arms proliferation and control. Their role was rightly in awareness-raising, in problem-identification and subsequent distillation of small arms as a legitimate topic of enquiry in its own right. These works also understandably focus on regions of the world in which intra-state conflicts, and the perceived availability of small arms to non-state entities, are particularly obvious and acute.

< <http://www.un.org/Depts/dpko/lessons/DD&R.pdf>>. Accessed 19 October 2008. Neither Southeast Asia nor the Middle East are discussed as regions where small arms are prevalent, nor even needed to be controlled.

¹²⁵ United Nations, "Report of the Panel of Governmental Experts on Small Arms." UN Document A/52/298 1997, pp. 18-20.

¹²⁶ Without quantifying each reference to each region in every publication, most of the non-thematic publications from these two organizations focus on small arms availability, misuse and/or control in Europe, Latin America, Africa, and to some extent Central Asia. These lists can be found on the websites of both organizations in the publications sections. See the Small Arms Survey available at: <<http://www.smallarmssurvey.org/>>; and International Alert available at: <<http://www.international-alert.org/>>. Both accessed 3 August 2006.

Very few scholarly works have engaged deeply with Southeast Asia. Those that do can be counted on one hand. Capie’s detailed 2002 work *Small Arms Production and Transfers in Southeast Asia*,¹²⁷ built on Bedeski et. al.’s earlier study,¹²⁸ and was complemented in 2005 by a welcome paper from Southeast Asian scholars themselves.¹²⁹ A contribution to small arms demand in Southeast Asia was generated in 2002.¹³⁰

It is possible to identify occasional references to Cambodia or passing comments about the Southeast Asian small arms black market in the broader literature.¹³¹ The Small Arms Survey’s website compilation of publications on the region reveal that there are only three linked works devoted to Southeast Asia as a region, but 15 on Cambodia, and over half of these are on that country’s disarmament.¹³² Fleeting references can also be found to the armed groups

¹²⁷ David Capie, *Small Arms Production and Transfers in Southeast Asia*, Canberra Papers on Strategy and Defence No. 146. Canberra: Strategic and Defence Studies Centre, Australian National University, 2002.

¹²⁸ Robert E. Bedeski et. al., "Small Arms Trade and Proliferation in East Asia: Southeast Asia and the Russian Far East." Institute of International Relations, University of British Columbia, 1998.

¹²⁹ Philips Jusario Vermonte (ed.), *Small Is (Not) Beautiful: The Problem of Small Arms in Southeast Asia*. Jakarta: Centre for Strategic and International Studies, 2004.

¹³⁰ Cate Buchanan and David Atwood. *Curbing the Demand for Small Arms: Focus on Southeast Asia*. Geneva: Centre for Humanitarian Dialogue and the Quaker United Nations Office, 2002.

¹³¹ A useful but brief summary of external arms supplies to Cambodia is in Prashant Dikshit, "Internal Conflict and the Role of Light Weapons." in *Light Weapons and International Security*, Jasjit Singh (ed.), pp. 45–46. For brief references to both Cambodia and the Southeast Asian black market see Michael T. Klare, "The Global Trade in Light Weapons and the International System in the Post-Cold War Era." in Jeffrey Boutwell et.al. (eds.), *Lethal Commerce*, pp. 32, 35; also R.T. Naylor, "The Structure and Operation of the Modern Small Arms Black Market." in Jeffrey Boutwell, et. al. (eds.), *Lethal Commerce*, p. 48. Mathiak and Lumpe also makes a couple of passing references to Cambodia and Thailand, with no further elaboration; see Lucy Mathiak and Lora Lumpe, "Government Gun-Running to Guerrillas." in Lora Lumpe (ed.), *Running Guns*, pp. 57, 60, 61.

¹³² Small Arms Survey Asia Pacific publications list available at: <http://www.smallarmssurvey.org/files/portal/spotlight/country/asia.html>>. Accessed 4 July 2007.

inside Burma.¹³³ A keen eye can detect an ephemeral comment on East Timor.¹³⁴ Recent publications however continue to reflect this partiality towards countries other than those in Southeast Asia.¹³⁵

Understanding the proliferation of small arms however has been an abiding passion for many. As Bourne says, “The emphasis on acquisition is pervasive throughout the SALW literature”.¹³⁶ Ultimately, there is concurrence that most illicit small arms were produced legally, and at some point, became illicit weapons. The original sources of most of the globe’s apparent overabundance of illicit small arms are government-owned companies or stockpiles, or private arms manufacturers. Marsh surmises it well describing it as “two sides of the same coin”.¹³⁷ It is these legally-produced arms that become illicit only after a particular point of accidental loss or deliberate diversion, or in the case of the Balkans and Solomon Islands, when state controls disintegrate. The key characteristics of small arms – being cheap, small, light, easy to use and transfer, and with a lifespan which often outlives their user – have facilitated their

¹³³ See Michael T. Klare, "The Subterranean Arms Trade: Black-Market Sales, Covert Operations and Ethnic Warfare." in *Cascade of Arms: Managing Conventional Weapons Proliferation*, Andrew J. Pierre (ed.), Washington D.C.: Brookings Institute Press, 1997, pp. 46, 57; Edward Mogire, *A Preliminary Exploration of the Linkages between Refugees and Small Arms*, Bonn International Centre for Conversion, 2004, pp. 54-55.

¹³⁴ Kathi Austin, "Illicit Arms Brokers: Aiding and Abetting Atrocities." *Brown Journal of World Affairs*, Vol. 9. No. 1 (2002): p. 204.

¹³⁵ See also Mike Bourne, "The Proliferation of Small Arms and Light Weapons," p. 169. The pages around these very brief references (pp. 164 - 171) go into greater detail regarding small arms problems predominantly in Africa, but also make brief reference to Afghanistan, the former Yugoslavia and Sri Lanka, and to their support from external sources. Bourne’s subsequent and major publication, (Mike Bourne, *Arming Conflict: The Proliferation of Small Arms*. Basingstoke, Hampshire: Palgrave Macmillan, 2007) also retains this focus on Africa and Europe.

¹³⁶ Mike Bourne, "The Proliferation of Small Arms and Light Weapons," p. 157.

¹³⁷ Nicholas Marsh, "Two Sides of the Same Coin? The Legal and Illegal Trade in Small Arms." *The Brown Journal of World Affairs* Vol. 9, No. 1 (2002): pp. 217-228.

ubiquity and diffusion, including being seen as readily availability to non-state armed groups. Tactically, they are also the most efficient tools for the job .

The proliferation and need for control over small arms is impelled by the many negative impacts that uncontrolled small arms proliferation are seen to have on people and societies across the globe. From domestic violence to protracted intra-state conflict, small arms are identified as playing a role in a great many social ills, principally through their multiple means of misuse.¹³⁸ For manageability, this study has extracted both armed groups and Southeast Asia as critical components in the small arms control debate that have not been as subject to the same scrutinies as other topics and regions. In particular, it is interesting to discern that armed groups as illicit end users of small arms is not always clearly articulated.

Armed groups are certainly mentioned in the foreword in the 1997 "Report of the Panel of Governmental Experts on Small Arms". In this report the former Secretary-General of the United Nations identifies the proliferation of small arms, including to non-state armed groups, termed here as "irregular troops" and asks that the report provides "practical measures" to "rid the world of the scourge of war and the burden of armaments".¹³⁹ In one of the earlier works on

¹³⁸ For a recent summation of small arms misuse and resultant impacts, see William Godnick et. al, "Effects of Small Arms Misuse." in *Small Arms and Light Weapons: A Call for Research*. New York: The Harry Frank Guggenheim Foundation, 2005, pp. 10-20. An excellent slimline summary is also in Mike Bourne, "The Proliferation of Small Arms and Light Weapons," pp. 156-157.

¹³⁹ United Nations, "Report of the Panel of Governmental Experts on Small Arms." UN Document A/52/298 1997, p. 2. Tellingly, this key document also identifies four main regions of the world where the small arms phenomena is considered acute: Africa, Central America, South Asia and Europe, pp. 18-20; United Nations, "Report of the Panel of Governmental Experts on Small Arms" UN Document A/52/298 1997, p. 9.

small arms, Karp, in no uncertain terms, states “No longer is the greatest challenge of arms trade policy the riddle of how to control the trade in major weapons between governments; rather it is the problem of addressing the flow of small and light arms to substate groups.”¹⁴⁰ Interestingly, more recent works avoid being so specific.

There is much greater agreement over, and indeed emphasis placed, on small arms control. This involves curbing the means of supply, on the importance of understanding demand in order to stop it, and explorations of small arms disarmament. These control and disarmament efforts have in common the aim of returning small arms to state, or in some cases, international control.

In particular, small arms control is emerging as a classic instance of what Thakur and Maley see as “humanitarian arms control”.¹⁴¹ In a paper reflecting on the civil-society led campaign to ban anti-personnel landmines, Thakur and Maley discuss whether this is an evolution of international humanitarian law, or of arms control. The paper concludes that the Ottawa Treaty, which bans anti-personnel landmines, is usefully seen as having elements of both. The phrase also encapsulates the imperative behind the small arms control campaign. This is particularly so as the small arms control campaign is also comprised of both non-governmental and intergovernmental organisations, which, like the academic literature, employ terms that reflect a humanitarian imperative married to an arms control approach. Of particular relevance here is that this type of arms control has a principally humanitarian agenda, promulgated

¹⁴⁰ Aaron Karp, “The Arms Trade Revolution: The Major Impact of Small Arms.” *The Washington Quarterly*, Vol. 17, No. 4 (1994): p. 65.

¹⁴¹ Ramesh Thakur and William Maley, “The Ottawa Convention on Landmines: A Landmark Humanitarian Treaty in Arms Control.” *Global Governance* Vol. 5, No. 3 (1999): pp. 273-302.

through NGO-state alliances to bring about a change in attitude towards the production, stockpiling, transfer and use of particular weapons.

Many NGO publications provide a major contribution to the overall debate in terms of data and issues of concern, and frequently serve to generate or reinforce general perceptions and central arguments. The following quote from an NGO publication for example clearly demonstrates this. “The availability [proliferation] of small arms and light weapons in war-torn countries poses a grave danger to civilian populations...Broken bodies, shattered minds and divided communities are the result of a disregard for the most basic human rights and humanitarian principles [humanitarian concerns]...It will take considerable resources, political will and action by all parties to stem this human security crisis [control].¹⁴²

While many works make reference to the sources of small arms to or for non-state armed groups, very few focus on them, although this is beginning to be redressed. The accumulation of arms by armed groups, and their occasional disarmament, while alluded to throughout many works, has only recently become a specific focus, but again with a bias towards groups in Africa.¹⁴³ There

¹⁴² Jan Egeland, United Nations Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, “Foreword.” in Cate Buchanan and Mireille Widmer, *Putting Guns in Their Place: A Resource Pack for Two Years of Action by Humanitarian Agencies*, Geneva: Centre for Humanitarian Dialogue, 2004. p. 9. A similar summation is in Jim Coe and Henry Smith, *Action Against Small Arms: A Resource and Training Handbook: International Alert*, Oxfam GB, Saferworld, 2003, pp. vii-viii.

¹⁴³ See Nicolas Florquin and Eric G. Berman (eds.), *Armed and Aimless*, 2005; “A Constant Threat: Armed Groups in West Africa.” in Graduate Institute of International Studies, *Small Arms Survey 2006: Unfinished Business*. Oxford: Oxford University Press, 2006, pp. 247-271.

are several papers which discuss the armed groups in South Asia, most paying particular attention to the Liberation Tigers of Tamil Eelam.¹⁴⁴

In terms of a geographical focus on Southeast Asia’s armed groups, there is little on offer. Encouragingly, the Small Arms Survey is working on a publication on the arms accumulation by, and disarmament of, the armed groups in Southeast Asia.¹⁴⁵ Until the Small Arms Survey work is made public, this dissertation is the only work to look into the arms accumulation by, and disarmament of, armed groups in instances across Southeast Asia. As introduced above, in only a few cases has there been a focus on small arms issues in Southeast Asia. Where they have, the observations and analyses support the general observations of proliferation and control, adding to the general consensus that in many ways Southeast Asia is not too different to other parts of the world. The work of Bedeski et. al.,¹⁴⁶ Capie,¹⁴⁷ and Vermonte¹⁴⁸, and supplemented by a brief piece by Chalk¹⁴⁹ provide the best data and analysis of small arms proliferation and control of Southeast Asia as a region. These main works on

¹⁴⁴ Rohan Gunaratne “Illicit Transfer of Conventional Weapons: The Role of State and Non-State Actors in South Asia.” in Jayantha Dhanapala et. al. (eds.), *Small Arms Control*, pp. 251-278; Chris Smith, *In the Shadow of a Cease-fire: The Impacts of Small Arms Availability and Misuse in Sri Lanka*, Occasional Paper No. 11. Geneva: Small Arms Survey, 2003; Tara Kartha, “Controlling the Black and Gray Markets in Small Arms in Southeast Asia.” in *Light Weapons and Civil Conflict: Controlling the Tools of Violence*, Jeffrey Boutwell and Michael T. Klare (eds.), New York: Carnegie Commission on Preventing Deadly Conflict, 1999, pp. 49-61.

¹⁴⁵ This paper is based on this author’s background papers for the Small Arms Survey. See Stephanie Koorey, “Primed and Purposeful: Armed Groups in South-East Asia.” Unpublished background paper, Graduate Institute of International Studies, 2005, and “Contribution to the Small Arms Survey 2008.” unpublished background paper, Graduate Institute of International Studies, 2008. The first paper may just focus on the Philippines however.

¹⁴⁶ Robert E., Bedeski et. al., “Small Arms Trade and Proliferation in East Asia: Southeast Asia and the Russian Far East,” 1998.

¹⁴⁷ David Capie, *Small Arms Production and Transfers in Southeast Asia*, 2002.

¹⁴⁸ Philip J. Vermonte (ed.), *Small Is (Not) Beautiful*, 2004.

¹⁴⁹ Peter Chalk, “Light Arms Trading in SE Asia.” *Jane’s Intelligence Review*, March 2001, pp. 42-45.

Southeast Asia are in accord over their assessments of the small arms issues in this region. They look into the nature of small arms proliferation, and find similarities in the prevalence and damage caused by illicit small arms, and here too, each author calls for enhanced control.¹⁵⁰ They identify the predominance of legally produced weapons becoming illicit. These are procured by armed groups, smuggled or leaked from state stockpiles, often from sources external to the current conflict zone, significantly they are mostly recycled arms - the legacy of previous transfers – and available for purchase in the region’s black markets.¹⁵¹ Hence these authors also confirm there are particular trends in both small arms proliferation and control, and that these patterns appear to be replicated in Southeast Asia.

There is therefore not a great deal of material that focuses directly on armed groups in Southeast Asia. The material which does exist is seen as confirming the trends and themes that have been identified in other regions. With this in mind, the following section evaluates what is known about where armed groups’ source weapons from. This section utilises the broader scholarly literature, which identifies key observations of the global phenomena, as well as the materials on Southeast Asia. The purpose this more detailed section serves

¹⁵⁰ Endorsement of the themes of proliferation and control can be found in David Capie, "Missing the Target? The Human Cost of Small Arms Proliferation and Misuse in Southeast Asia." in Annelies Heijmans et.al. (eds.), *Searching for Peace in Asia Pacific: An Overview of Conflict Prevention and Peacebuilding Activities*, Boulder: Lynne Rienner, 2004, pp. 294-312; *Small Arms Production and Transfers in Southeast Asia*, pp. 2, 103; Peter Chalk, "Light Arms Trading in SE Asia," p. 42 ; Katherine Kramer, *Legal Controls on Small Arms and Light Weapons in Southeast Asia*, Occasional Paper No. 3. Geneva: Small Arms Survey and Nonviolence International, 2001. p.1; Rizal Sukma, "The Problem of Small Arms in Southeast Asia: An Overview." in Philips Jusario Vermonte (ed.), *Small Is (Not) Beautiful*, pp. 3-5.

¹⁵¹ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 16; Kathi Austin, "Illicit Arms Brokers: Aiding and Abetting Atrocities," p. 204.

is to clearly identify expectations regarding how armed groups obtain their arms.

The Proliferation of Illicit Small Arms

This section is particularly concerned with how non-state armed groups obtain their weapons. Understanding how the small arms control community perceives small arms proliferation informs how it promotes and formulates small arms control.

Illicit small arms can be seen as emanating from a distinct number of sources. The convergence of several late twentieth century trends resulted in a number of developments revealing core sources and particular points of diversion from the legal realm to the illicit. Complications emerge when trying to pinpoint a point of diversion from this legal market to a black market, especially as so many weapons are recycled through such markets, often more than one time. Even so, several readily identifiable phenomenon provide a starting point for identifying the sources of many illicit small arms.

First, external injections of arms from benefactor to recipient, and second, weapons lost or sold from state stockpiles, are afforded the greatest attention as these sources appear to be where most of the illicit weapons come from. Third, recycled weapons also feature highly as a matter of concern. Recycled arms can come several main sources; from previous transfers, and from leaked stocks both internal and external to the conflict zone. These main sources of illicit small arms - external transfers, leakage, and recycled weapons - are the basis of

the small arms black market. Two additional curio sources are also noted; craft production and, very rarely, an acknowledgement of battle-captures. This hierarchical typology is supported by the works on Southeast Asia. These illicit small arms can be sourced to identifiable, if not exact, vectors. An overall snapshot of the situation is provided by Lumpe et. al.: “Hardly any criminals, paramilitaries or insurgents...produce their own weaponry...Most rely on the illegal- or black- market for guns, grenades, mortars and other weapons...Happily for them...the underground market in arms is booming.”¹⁵²

The Cold War, its Legacies, and Globalisation

Perhaps unsurprisingly, the arms transfers dispersed to allies during the cold war, and that war’s abrupt end, are rightly seen as singularly instrumental sources of small arms.¹⁵³ The end of the cold war¹⁵⁴ was pivotal in creating not only a different type of small arms market, but ironically also in allowing for new de-politicised opportunities to access this market. This latter point is discussed at greater length in the following chapter.

The End of the Cold War

Several years into the 1990s, it had become apparent that there was an enduring and unintended legacy of previous small arms transfers. This legacy was that previously transferred weapons were still in use, but not always still in the

¹⁵² Lora Lumpe et al., “Introduction to Gun-Running.” in Lora Lumpe (ed.), *Running Guns*, p. 1.

¹⁵³ Berdal provides a succinct summary regarding the impact of the cold war, and its ending, on small arms proliferation. See Mats R. Berdal, *Disarmament and Demobilisation after Civil Wars*, Adelphi Paper 303. Oxford: Oxford University Press, 1996, pp. 18-20.

¹⁵⁴ The end of the cold war is generally accepted as consisting of the collapse of the Berlin Wall in 1989, the re-unification of Germany in 1990, and the dissolution of the Soviet Union and its security structure the Warsaw Treaty Organisation in 1991.

hands of their original or desired recipient. The legacy of previous small arms transfers is often considered in the context of how weaponry which had been transferred during the cold war to allies or clients, has easily seeped away from the original end-users and onto the black market, across borders and into both new, and old, conflicts.¹⁵⁵ Larger weapons systems, being more difficult to use, maintain, move and hide, do not have this tendency to move beyond the original recipient. The geo-strategic rationale that accompanied ideologically motivated small arms transfers produced perhaps short-term benefits for the benefactors, however the longer term implications of these transfers is far more wide-ranging, geographically and politically.

The end of the cold war also resulted in an actual increase in small arms exports, a “cascading”¹⁵⁶ of superpower bloc small arms arsenals to states and non-state entities. This was contrary to what had been expected. As part of an anticipated “peace dividend” brought by the end of the cold war, the conversion of Soviet and NATO military production facilities to civilian ones to reduce military arsenals and stockpiles was a short-lived policy and academic interest,¹⁵⁷ but it transpired that many arms manufacturers in these countries actually increased their arms transfers over this time. This is said to be particularly so of arms manufacturers from the former eastern bloc – which are regarded as having

¹⁵⁵ Edward J. Laurance, *Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action*. New York: Carnegie Commission on Preventing Deadly Conflict, 1998, p. 24; Swadesh Rana, "Small Arms and Intra-State Conflicts." New York: United Nations Institute for Disarmament Research, 1995, p. 6.

¹⁵⁶ This term is borrowed from an earlier arms transfer trend. In the mid-1990s the “cascade programme” was whereby North Atlantic Treaty Organisation (NATO) countries transferred excess and obsolete weaponry outside of the Conventional Forces in Europe treaty area to NATO members in the Mediterranean region.

¹⁵⁷ See for example Michael Brzoska, "Military Conversion: The Balance Sheet." *Journal of Peace Research*, Vol. 36, No. 2 (1999): pp.131-140. Also, the Bonn International Centre for Conversion was established in 1994, reflecting at least European interest in the concept.

sought out new customers rather than try to break into both a capitalist and unfamiliar civilian market. Thus, the continued production and transfer of excess weapons in what were cold war arsenals has in fact further facilitated small arms availability and transfers well into the 2000s.¹⁵⁸ Bourne notes former Soviet weapons and ammunition are “commonly seen as a major source” for the illicit arms market, especially for “rebel groups and embargoed governments.”¹⁵⁹

There is no evidence of former Soviet or European arms being diverted to armed groups in Southeast Asia after the cold war ended. Unlike transfers to other regions, there was no equivalent surge of supply to Southeast Asia at the cold war’s end. Illicit demand by armed groups in Southeast Asia was seemingly already met by the existing regional supply, which was mostly a supply of remnants of previous cold war patronage. These weapons are strongly in evidence across the Southeast Asian region’s black markets and its intra-state conflicts. These remnant stocks are often alluded to, particularly the tonnes of weapons left behind in Indochina by the United States (USA) in 1975.¹⁶⁰ This is not so surprising given the region’s previous major conflicts such as over Cambodia and Vietnam, and their superpower patrons. The Cambodian (then Kampuchean) factions during the country’s civil war for example, were amply

¹⁵⁸ Jeffrey Boutwell and Michael T. Klare, "Small Arms and Light Weapons," online; Jayantha Dhanapala, "Multilateral Cooperation on Small Arms and Light Weapons: From Crisis to Collective Response." *Brown Journal of World Affairs*, Vol. 9, No. 1 (2002): p. 166.

¹⁵⁹ Mike Bourne, "The Proliferation of Small Arms and Light Weapons," p. 163.

¹⁶⁰ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 17, 22; Rizal Sukma, "The Problem of Small Arms in Southeast Asia," p. 2. For a detailed, although necessarily incomplete, inventory of US supplies to Indochina from 1950-1975, see Edward C. Ezell, *Small Arms Today*. 2nd edition. Harrisburg PA: Stackpole, 1988, pp. 440-444.

supplied by China, the USA and Soviet Union (USSR), with transfers often facilitated by Thailand.¹⁶¹

There are allegations that weapons transferred by the USSR, USA and China (among others) to factions during the Soviet occupation of Afghanistan have been retransferred to Southeast Asia.¹⁶² This is difficult to verify. However the externally sourced weapons used by armed groups in Southeast Asia at the end of the cold war appear to be mostly re-transfers from previous gifts or sales to governments or earlier armed groups in Southeast Asia. Capie identifies a number of sources of weapons that non-state armed groups in Southeast Asia utilise to obtain their arms. These are the pivotal role of weapons emanating from Cambodia, the significance of weapons lost from state stocks, and the range of actors involved in the proliferation of small arms in the region.¹⁶³ As he does not cite any new direct transfers to armed groups in Southeast Asia, he is acknowledging that that much of the weapons in illicit circulation are miscellany from previous conflicts.¹⁶⁴ The larger machinations of the superpower-fed arms market of the late 1980s and early 1990s elsewhere did not have immediate repercussions in Southeast Asia.

In Southeast Asia, the role of China as the region’s third major player in the cold war and especially as a small arms supplier is much greater than that of the USSR, and its role as arms supplier is probably quite pivotal. Unfortunately little is known or written about Chinese small arms transfers. In the 1980s

¹⁶¹ Peter Chalk, "Light Arms Trading in SE Asia," p. 43; David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 22.

¹⁶² Peter Chalk, "Light Arms Trading in SE Asia," p. 44.

¹⁶³ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 25-26.

¹⁶⁴ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 26.

pieces began to be put together to get a picture of China as a source of illicit small arms. Around this time China began privatising its arms industries, resulting in an imperative for profit, ultimately achieved through exports. Although not strictly in reference to small arms, Klare suggests that China is highly significant for two reasons. The first is that China was impelled to export for profit due to the privatisation of its production facilities, and the second reason was the downsizing of its armed forces which shrunk domestic demand, resulting in “many questionable sales”.¹⁶⁵ China is listed as being one of the three largest small arms producers in the world, alongside the USA and Russia.¹⁶⁶ This is widely seen as being guilty by association, as producers are widely seen as being proliferators, either deliberately or through laxity. As Bourne audaciously claims “almost any state can be a source of arms for illicit transfers.”¹⁶⁷

The earliest work on small arms in Southeast Asia, from 1998, places a greater emphasis on China as an active arms supplier to the region than other works do.¹⁶⁸ Increased interdictions in or from China by Chinese officials over recent years, have recovered astounding numbers of illicit small arms,¹⁶⁹ although the overall success or failures of these efforts have not been assessed. A recent NGO publication notes the global extent of Chinese conventional arms transfers,

¹⁶⁵ Michael T. Klare, "The Subterranean Arms Trade," p. 59.

¹⁶⁶ Graduate Institute of International Studies, Table 1.3 “Ranking of the World’s Small Arms Producers.” *Small Arms Survey 2001: Profiling the Problem*. Oxford: Oxford University Press, 2001, p. 16.

¹⁶⁷ Mike Bourne, "The Proliferation of Small Arms and Light Weapons," p. 163

¹⁶⁸ Robert E. Bedeski, et. al., "Small Arms Trade and Proliferation in East Asia," p. 6.

¹⁶⁹ Wendy Cukier and Victor W. Sidel, *The Global Gun Epidemic*, pp. 106-107.

including small arms, yet the report is mostly concerned with state to state transfers.¹⁷⁰

In the broader context of China’s arms transfer activities, state support for armed groups most likely receded from about the late 1970s, as China became much more interested in economic development and working with other states in the international system. This includes official state to state arms trading. It does not necessarily follow however that arms transfers to armed groups from China stopped altogether. On the contrary, as noted above, Chinese transfers appear to have remained significant through the 1980s and into the 1990s.

This is certainly Chalk’s argument, which in turn supports Klare. Chalk asserts that new arms produced in China, “facilitated by corrupt officials, the absence of strong controls over surplus weapons stocks and massive...disparities in wealth” means that small arms are transferred illicitly to armed groups in Southeast Asia, principally for financial gain.¹⁷¹ This further supports the argument that, freed of ideological motives by the cold war’s end, transfers for financial gain became a stronger motive for small arms suppliers. These include transfers that divert small arms from licit stocks to black markets. The end of the cold war brought a broader sense that politically-motivated arms transfers from a patron state to assist, or prevent, an independence movement were no longer a major phenomena. The arms market therefore ceased to be a tool of global ideological warfare. Profit, not ideology, is currently accepted as being a

¹⁷⁰ Amnesty International, "People’s Republic of China: Sustaining Conflict and Human Rights Abuses." AI Index: ASA 17/030/2006, 2006.

¹⁷¹ Peter Chalk, "Light Arms Trading in SE Asia," p. 44.

stronger motivator for most small arms suppliers.¹⁷² This, it is argued, has created a “depoliticised” arms market.¹⁷³ Profit also motivates others in the supply chain – brokers and gun-runners, even financial institutions.¹⁷⁴ Russia’s armed forces, being caught in a spiralling, criminalised, capitalist economy have been particularly singled out as perpetrators of illicit arms sales “For self-preservation...or unmitigated greed”.¹⁷⁵

Private arms brokers and dealers are often demonised for their role as key actors in assisting in this depoliticised diffusion of small arms, playing a somewhat different role than during the cold war.¹⁷⁶ Referred to by Bourne as “nefarious”, “shadowy” and “unscrupulous”¹⁷⁷, entrepreneurial arms dealers are seen as significant and unwelcome peddlers of small arms, stoking or sparking armed conflict and humanitarian disasters. In a rare reference to Southeast Asia by the mainstream scholars, Austin asserts that “globe-trotting arms traffickers”

¹⁷² See for example Mark Phythian, “The Illicit Arms Trade: Cold War and Post-Cold War.” in Mark Phythian (ed.), *Under the Counter and over the Border: Aspects of the Contemporary Trade in Illicit Arms*. Dordrecht: Kluwer, 2000, pp. 43-44; Mike Bourne, “The Proliferation of Small Arms and Light Weapons,” p. 163 (note however that here Bourne is citing David Mussington).

¹⁷³ Jeffrey Boutwell and Michael T. Klare, “Small Arms and Light Weapons,” online; also Mark Phythian, “The Illicit Arms Trade: Cold War and Post-Cold War,” p. 43. Some might argue that arms sales are inherently political in any circumstance.

¹⁷⁴ See for example, Brian Wood and Johan Peleman, “Making the Deal and Moving the Goods – the Role of Brokers and Shippers” in Lora Lumpe (ed.), *Running Guns*, pp. 129-154; R.T. Naylor, “Gunsmoke and Mirrors: Financing the Illegal Trade.” in Lora Lumpe (ed.), *Running Guns*, particularly pp. 162-167.

¹⁷⁵ Phil Williams, “Drugs and Guns.” *Bulletin of the Atomic Scientists* Vol. 55, No. 1 (1999), p. 46. See also Jeffrey Boutwell and Michael T. Klare, “Small Arms and Light Weapons,” online. A more recent study of Russian exports only focused on legal transfers, see Maxim Pyadushkin et. al., *Beyond the Kalashnikov: Small Arms Production, Exports and Stockpiles in the Russian Federation*, Occasional Paper No. 10: Small Arms Survey, 2003.

¹⁷⁶ For an exposé of the role of private brokers and dealers in the cold war, notably Samuel Cummings and his company “Interarms”, see George Thayer, “Part Two: Free Enterprise Armed.” in *The War Business: The International Trade in Arms*. Bungay: Paladin, 1970, pp. 39-148.

¹⁷⁷ Mike Bourne, “The Proliferation of Small Arms and Light Weapons,” pp. 162, 163.

contributed to the conflict in East Timor in the 1990s.¹⁷⁸ This is a passing comment and clearly made to bolster the argument for greater awareness and control over the means of small arms proliferation. In the light of the violence in East Timor in 1999, the example used by Austin understandably appears to support her wider argument. However, this general reference to “East Timor” leaves the reader unsure as to which party she is referring; the Indonesian military, the Indonesian-backed militias, or the military wing of the independence movement, Falintil. More directly, the Small Arms Survey lists Southeast Asia as “one of the regions where the illicit small arms trade is most active, sustaining insurgent arsenals in their battles with governments and each other.”¹⁷⁹ Comments such as these underscore the supposition that externally-supplied weapons feed into intra-state conflicts. This adds credence to the dominant belief that armed groups in all regions obtain weapons from outside of the conflict zone, assisted by brokers or traffickers with ready access to a small arms black market.

The growing emphasis on depoliticised small arms transfers as a further component of the themes is noted in the materials on Southeast Asia. Chalk’s comment on China’s motivation is noted above, however North Korea is also considered to be a source of illicit small arms in Southeast Asia. The pariah regime’s desperate need for hard currency is considered a major motivator for such transfers, however authors acknowledge that proof of these transfers is hard to come by.¹⁸⁰

¹⁷⁸ Kathi Austin, “Illicit Arms Brokers: Aiding and Abetting Atrocities,” p. 204.

¹⁷⁹ Graduate Institute of International Studies, “*Small Arms Survey 2002*,” p. 81.

¹⁸⁰ Robert E. Bedeski, et. al., “Small Arms Trade and Proliferation in East Asia,” pp. 6-7, Peter Chalk, “Light Arms Trading in SE Asia,” pp. 44-45.

Often in the context of geo-strategic posturing, and particularly rampant during the cold war, “grey” transfers involve a state agency in one country transferring arms covertly to a non-state entity in another.¹⁸¹ While acknowledging that grey market transfers do occur on the cusp of the region,¹⁸² and that such transfers are unquestionably politically-motivated, there is little evidence of current or ongoing grey market transfers between governments and armed groups within Southeast Asia. Such grey transfers were used by Thailand to groups in Burma for a number of years, but are probably no longer occurring.¹⁸³

A further feature of the Southeast Asian small arms market is the legacy of small arms transfers and military assistance in Southeast Asia from Islamist networks, both within and beyond the immediate region.¹⁸⁴ These are ideologically-motivated transfers outside of the cold war framework, and are unlikely to be motivated by financial interests. Evidence to date does not indicate a region-wide singular armed movement of Islamic extremism. The groups currently operating clearly have a capacity for using a range of weapons technologies, yet their tactics usually involve explosive devices not firearms, and their involvement in the small arms market appears to be minimal. The exceptions are the extremist Islamist groups operating in the Philippines, including those with links to groups in Indonesia.

¹⁸¹ US and other states’ transfers to the Afghan mujahedeen after the Soviet invasion in 1979, and US arms to União Nacional para Independência Total Angola (UNITA), and Soviet arms to the Movimento Popular de Libertação de Angola (MPLA), for example.

¹⁸² David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 23-24. Capie’s example is of the Indian government supplying armed groups in Burma.

¹⁸³ This is discussed in chapter three.

¹⁸⁴ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 22-23.

Around the time superpower confrontation abated, a greater focus on intrastate conflict sparked debate over whether this type of conflict was increasing, or just coming under greater scrutiny. Either way, the prevalence of intra-state conflict, by definition involving one or more non-state groups, is noted as a driving feature of the small arms market.¹⁸⁵ This is especially so as much contemporary conflict is between states and non-state armed groups,¹⁸⁶ or between armed groups within states. In much of the works on small arms, and even in the conflict-database materials, Southeast Asia’s very low-intensity conflicts while protracted and debilitating, do not produce the casualty figures that give them prominence in studies which are calibrated by deaths in combat.¹⁸⁷ They are often simply overlooked.

Globalisation

An additional feature of small arms proliferation is the globalised economy, which is said to have made it easier to ship small arms around the globe

¹⁸⁵ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 1; Michael T. Klare, “The Subterranean Arms Trade,” p. 46.

¹⁸⁶ See Lotta Harbom and Peter Wallensteen, “Armed Conflict and its International Dimensions, 1946-2004.” *Journal of Peace Research*, Vol. 42, No. 5 (2005): pp. 623-635. Out of 57 major active conflicts from 1990-2004, 53 were considered intra-state. See Lotta Harbom and Peter Wallensteen, “Patterns of Major Armed Conflicts, 1990-2004.” in Stockholm International Peace Research Institute. *SIPRI Yearbook 2005: Armaments, Disarmament and International Security*. Oxford: Oxford University Press, 2005, p. 121. The method used for gathering this data is that one party to the conflict must be the state, and that there are over 1,000 battle-related deaths in a calendar year. “Definitions, Sources and Methods for the conflict Data.” in Stockholm International Peace Research Institute, *SIPRI Yearbook 2005: Armaments, Disarmament and International Security*. Oxford: Oxford University Press, 2005, p. 134.

¹⁸⁷ See for example Lotta Harbom and Peter Wallensteen, “Patterns of Major Armed Conflicts, 1990-2004,” p. 121. It is welcome to see scholars beginning to grapple with the issue of indirect combat-related casualties, which might expand understanding of small arms use in conflict. See for example Robert Muggah, “No Magic Bullet: A Critical Perspective on Disarmament, Demobilization and Reintegration (DDR) and Weapons Reduction in Post-conflict Contexts.” *The Round Table*, Vol. 94, No. 379 (2005), p. 240.

undetected.¹⁸⁸ Indeed, globalisation and small arms transfers now have chapters of books devoted to them.¹⁸⁹ This globalisation component underlies the supposed ubiquity of small and light weapons in that they are easily obtained, transferred and used, both legally and illegally.¹⁹⁰ As Bourne states, “In combination with the globalization of all forms of trade and the ever increasing volume of goods flowing around the world, this creates an environment of impunity for those engaged in arms trafficking that places greater strain on customs services.”¹⁹¹

Sustained by increasing intra-state conflict, a burgeoning supply created by the end of the cold war, and now further assisted by globalisation, small arms transfers are also said to have increased during the 1990s, whereas transfers of larger conventional weapons systems decreased.¹⁹² This too reflects the perceptions of the prevalence of intra-state conflict and the fact that armed groups can neither afford nor effectively operate major weapon systems. With increased demand and ample supply, the global small arms market became

¹⁸⁸ Rachel Stohl, "Fighting the Illicit Trafficking of Small Arms." *SAIS Review*, Vol. 25, No. 1 (2005): pp. 64-65.; Phil Williams, "Drugs and Guns," p. 48; Jayantha Dhanapala, "Multilateral Cooperation on Small Arms and Light Weapons," p. 163.

¹⁸⁹ See "Globalization and Gun Running." in *The Global Gun Epidemic*, Wendy Cukier and Victor W. Sidel, pp. 88-108.

¹⁹⁰ Michael T. Klare "An Overview of the Global Trade in Small Arms and Light Weapons." in *Small Arms Control*, Jayantha Dhanapala et al. (eds.), pp. 3-10; Jeffrey Boutwell and Michael T. Klare (eds.), *Light Weapons and Civil Conflict*; Rachel Stohl. "Fighting the Illicit Trafficking of Small Arms," pp. 59-68; Joel Wallman, "Weapons of Mass Destruction." in *Small Arms and Light Weapons: A Call for Research*. New York: The Harry Frank Guggenheim Foundation, 2005, pp. 1-2; Edward J. Laurance, *Light Weapons and Intrastate Conflict*, p. 5.

¹⁹¹ Mike Bourne, "The Proliferation of Small Arms and Light Weapons," p. 161.

¹⁹² Jeffrey Boutwell and Michael T. Klare, "Small Arms and Light Weapons," online.

more energetic than that for major conventional weapons, even in the absence of the ideological imperatives of the cold war.¹⁹³

While each of the enablers of proliferation as described above have also fostered a legal small arms transfer market, the black market in small arms is said to be growing,¹⁹⁴ with illicit weapons seen by many as being “readily available”.¹⁹⁵ Armed groups in particular are seen as fuelling this small arms black market.¹⁹⁶ Non-state armed groups in Southeast Asia in the recent past are seen as relying on the black market.¹⁹⁷ This global small arms black market began growing in the 1980s, partly due to increased US arms transfers to non-state groups in major wars in Afghanistan, Angola, Cambodia and Nicaragua.¹⁹⁸ It continued to grow into the mid to late 1990s, buoyed by major intrastate conflicts in the Balkans, crises across Africa, and independence-seeking former Soviet regions.¹⁹⁹

The small arms black market in Southeast Asia is considered to be similar to those operating in or near other conflict zones.²⁰⁰ Additionally, a black market nexus is seen to have developed between drug, natural resources and arms smuggling across many areas of the globe.²⁰¹ The expanding black market in all

¹⁹³ Lora Lumpe et. al., “Introduction to Gun-Running.” in Lora Lumpe (ed.), *Running Guns*, p. 2. Note however that the Liberation Tigers of Tamil Eelam is a marked exception to this general rule, with its own army, navy and airforce.

¹⁹⁴ Edward J. Laurance, *Light Weapons and Intrastate Conflict*, p. 24.

¹⁹⁵ See for example Jeffrey Boutwell and Michael T. Klare, “Small Arms and Light Weapons,” online.

¹⁹⁶ Jeffrey Boutwell and Michael T. Klare, “Small Arms and Light Weapons,” online.

¹⁹⁷ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 16.

¹⁹⁸ Covert US transfers at this time included to Iran, as a barter for US hostages held by pro-Iranian armed groups in Lebanon. Michael T. Klare, “The Subterranean Arms Trade,” pp. 44-45.

¹⁹⁹ Michael T. Klare, “The Subterranean Arms Trade,” pp. 44-45.

²⁰⁰ Michael T. Klare, “The Subterranean Arms Trade,” p. 46.

²⁰¹ Jayantha Dhanapala, “Multilateral Cooperation on Small Arms and Light Weapons,” pp. 165-166; Phil Williams, “Drugs and Guns,” pp. 46-48; Rachel Stohl, “Fighting the Illicit Trafficking of

smuggled goods which accompanied globalisation, is seen as having created transnational criminal organisations which “have become adept at moving contraband” including “narcotics...rare animals or guns...making full use of cellular telephones, facsimile machines and off-shore banking systems.”²⁰² Klare states a “very similar pattern of linkages between drug smuggling, arms trafficking and international criminal activity is evident in South and Southeast Asia”.²⁰³

This theme resounds in many works on Burma.²⁰⁴ Conflict commodities from inside Burma, particularly illegal drugs said to be produced and trafficked by the armed groups are often claimed to be exchanged for weaponry.²⁰⁵ The reach of the groups inside Burma may well extend far beyond the border with Thailand. According to Kan, an armed group was preparing to barter heroin for small arms with North Korea in 1998.²⁰⁶ Illegal logging and gemstone trafficking is also identified as facilitating the operations of the Khmer Rouge, keeping the group armed and nominally independent from government control, into the 1990s.²⁰⁷

Small Arms," pp. 59-68. Particularly also the “conflict diamonds” literature, see for example, Abdel-Fatau Musah, "Privatization of Security, Arms Proliferation and State Collapse in Africa." *Development and Change*, Vol. 33, No. 5 (2002): pp. 911-933.

²⁰² Phil Williams in Michael T. Klare, "The Subterranean Arms Trade," p. 60.

²⁰³ Michael T. Klare, "The Subterranean Arms Trade," p. 60.

²⁰⁴ See for example Tara Kartha, “Southern Asia: The Narcotics and Weapons Linkage.” in Jasjit Singh (ed.), *Light Weapons and International Security*, particularly pp. 63-66; and Tara Kartha, "Narcotics and Weapons: The Case of Myanmar." *Strategic Analysis: A Monthly Journal of the IDSA*, Vol.19, No. 3 (1996): pp. 393-411.

²⁰⁵ Peter Chalk, "Light Arms Trading in SE Asia," p. 44; David Capie, "Missing the Target?" p. 303.

²⁰⁶ Paul R. Kan, “Webs of Smoke: Drugs and Small Wars.” *Small Wars and Insurgencies*, Vol. 17, No. 2 (2006): p. 154.

²⁰⁷ David Capie, “Missing the Target?” p. 303.

Passing references in other works often assert a drugs-and-guns nexus regarding groups inside Burma.²⁰⁸ Referring to Afghanistan and Burma, a UN Report states:

Harmonisation of state-to-state relations is hindered by the activities of non-state actors operating at times in collusion with organized crime networks...Money raised by the sale of drugs is used to buy weapons to feed insurgencies, fight armed conflicts and commit banditry. The borderlines between political and criminal violence become blurred...²⁰⁹

Beyond references to the groups in Burma, most of which are presumed to be involved in transnational crime, there are few direct references to globalisation assisting arms movements to armed groups in Southeast Asia. This is probably because the hey-day for Burma’s armed groups in terms of trafficking opium and other conflict commodities preceded modern globalisation by decades. The end of Burma’s civil war and ensuing “ceasefire” arrangements with many groups since 1989 runs counter to many arguments which see an intensification in globalisation, intra-state conflict, gunrunning and conflict commodities over more recent years.

Part of this could be attributed to the supply of illicit small arms from or through Thailand. As a black market in arms and other contraband items, Thailand is still considered a lynchpin, meeting local individual or criminal demand with small arms sourced in Cambodia and shipped overland or by sea

²⁰⁸ Wendy Cukier and Victor W. Sidel, *The Global Gun Epidemic*, pp. 106-107.

²⁰⁹ United Nations, “Report of the Panel of Governmental Experts on Small Arms.” UN Document A/52/298, 1997, pp. 31-32.

to “markets” (presumably armed groups) in Burma, Indonesia and Sri Lanka.²¹⁰ The Philippines is also named as a significant source of illicit small arms, and noted for craft-produced firearms made for local and East Asian criminal networks.²¹¹ The range of actors involved is also a hallmark of small arms proliferation; small-time “ant-traders”, more business-like dealers and brokers, corrupt officials, street and organised crime, and a variety of armed groups.²¹²

Referring to the Liberation Tigers of Tamil Eelam, Gunaratne summarises the general perception of armed groups’ weapons procurement methods well. “Post-modern transnational actors” he declares “raise funds in one theatre, procure weapons in another and fight in a third.”²¹³

The role of diaspora populations – composed of migrants and refugees – is seen as an element of the globalised economy which further facilitates small arms transfers, and the financing of intra-state conflicts. As migrant and refugee communities resettled in countries adjacent to or far from the conflict, diaspora support networks emerged, aiding and financing “their” side.²¹⁴ The conflict between the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka has provided the most graphic illustrations of this phenomenon, with at least two works revealing the extraordinary extent of Tamil diaspora funding

²¹⁰ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 20-21. Chalk agrees on the significance of Cambodia and Thailand as source and transit states. Peter Chalk, “Light Arms Trading in SE Asia,” pp. 43-44.

²¹¹ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 21-22.

²¹² David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 26.

²¹³ Rohan Gunaratne, “Illicit Transfer of Conventional Weapons: South Asia,” p. 260.

²¹⁴ Jeffrey Boutwell and Michael T. Klare, “Small Arms and Light Weapons,” online.

for the arms procurement networks of the LTTE.²¹⁵ Kaldor also considers the role of the diaspora to be quite significant in nurturing and abetting intra-state conflict.²¹⁶ The extent to which this includes actual weapons transfers is often unknown, however the implication is that these diaspora groups mostly provide funds and political support. While diasporas are also created by migrants and refugees from Southeast Asian conflicts, little is written about their assistance to any armed struggle they might be supporting. Mogire investigates the role of displaced populations taking refuge in Thailand as suppliers or conduits for small arms to armed groups in Burma and Cambodia, but as part of a larger argument with examples also from other regions.²¹⁷ Capie also deduces that the fluidity of refugee movements across the Thai-Burma and the Lao-Thai borders facilitates illicit small arms trafficking.²¹⁸ These routes are not a phenomenon associated with transnational globalisation, for as Capie notes, the cross-country arms supply routes to Burmese armed groups appear to have changed little since the 1980s,²¹⁹ if not earlier. However he gives no indication as to the amounts of weapons being transferred. Some say the volume of weapons transiting Thailand has declined substantially.²²⁰

²¹⁵ Rohan Gunaratne, “Illicit Transfer of Conventional Weapons,” pp.263-264; Chris Smith, *In the Shadow of a Cease-fire*, pp. 7-8.

²¹⁶ Mary Kaldor, *New and Old Wars*, p. 85.

²¹⁷ Mogire’s focus on the “refugee warrior” syndrome provides an interesting study of this phenomenon. Edward Mogire, *A Preliminary Exploration of the Linkages between Refugees and Small Arms*.

²¹⁸ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 25.

²¹⁹ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 33.

²²⁰ Pasuk Phongpaichit et al., *Guns, Girls, Gambling, Ganja: Thailand’s Illegal Economy and Public Policy*. Chiang Mai: Silkworm Books, 1998, p. 153.

New Buyers and Sellers

A further phenomenon in this globalised, vibrant small arms proliferation dynamic is the emergence of more and more new countries. The end of colonisation created new states, and these new states become both new buyers, and new producers, of small arms.²²¹ The emergent arms manufacturers in the developing world contribute to both global stockpiles and to global transfers.²²² This globalised arms production exacerbates the lack of control through expanding an already unregulated market.²²³

This market is further expanded by the transfer of production technology between states, creating a world populated by indigenous arms producers. However the Southeast Asian region does not appear to have an over-abundance of arms producers. The region’s small arms producers are dealt with most comprehensively in Capie. Six of the ten Association of South East Asian Nations (ASEAN) member states were producing their own small arms in 2001,²²⁴ with all of them said to aspire to reducing their dependence on external arms suppliers.²²⁵ Burma, Indonesia, Malaysia, the Philippines, Singapore and Thailand are small arms and/or ammunition producers; Brunei, Cambodia, and Laos are considered to be non-producers; Vietnam has the capacity to produce small arms, but was not believed to be doing so in 2001.²²⁶ Bangkok, Singapore

²²¹ Jeffrey Boutwell and Michael T. Klare, "Small Arms and Light Weapons," online.

²²² Jeffrey Boutwell and Michael T. Klare, "Small Arms and Light Weapons," online; Michael T. Klare, "An Overview of the Global Trade in Small Arms and Light Weapons," p. 6.

²²³ Mark Pythian, "The Illicit Arms Trade: Cold War and Post-Cold War," pp. 43-44.

²²⁴ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 6. East Timor is a net importer of small arms. It does not have a small arms production capacity, nor does it transfer weaponry. It is unlikely that East Timor would develop either in the near future.

²²⁵ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 8.

²²⁶ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 6-7.

and Phnom Penh have been identified as brokering centres, where weapons deals are arranged, but the arms do not necessarily have to pass through their territory.²²⁷

There is therefore a general picture of a de-regulated and disaggregated market for small arms, resulting in the “ubiquity” that so many authors reaffirm. Illicit supply and demand are both strong, transport cheap, the weapons concealable, and distant sources accessed. Whether this externally-fed dynamic is universally the case, thereby also being reflective of the Southeast Asian illicit arms market, is discussed further in chapter three of this dissertation.

“Leakage”

A further recurrent theme in small arms proliferation is the loss or theft of small arms from state stocks referred to as “leakage”. This also a major source of weapons for armed groups. While leakage can occur in one country, the weapons leaked can either be transferred directly to an end-user elsewhere or become part of a broader black market. A comprehensive typology identifying modes of leakage comes from Stohl.²²⁸ These modes include deliberate raids on government stockpiles, and losses due to poor management of stockpiles. This typology also notes that underpaid or sympathetic members of the security sector sell their weapons for personal profit, or to give support for a popular or beleaguered rebellion. Theft from private owners is listed as a further case of

²²⁷ Anthony Davis, "Thailand Cracks Down on Illicit Arms Trade." *Jane's Intelligence Review*, December 2003, p. 35.

²²⁸ Rachel Stohl, "Fighting the Illicit Trafficking of Small Arms," pp. 62-63.

leakage. Leakage can include even the most expensive and sophisticated small arms, Man Portable Air Defence Systems, (MANPADS).²²⁹

The importance of leakage as a significant internal source of arms for armed groups is underscored by a study conducted in 2005. “Through corruption, theft, free distribution, and sales, government stockpiles constitute an important source of small arms in virtually all conflict zones. In some conflicts, they are the dominant source for all combatants.”²³⁰

Leakage can become a self-perpetuating phenomena. Chalk sees the leakage and illicit transfers of small arms as undermining the legitimacy of Southeast Asia’s fledgling democracies as such practices further encourage dishonesty within the security sector, allowing for corruption and bribery to become deeply entrenched.²³¹ Capie also makes numerous references to leakage in Southeast Asia,²³² and states that both legally owned and stored weapons are kept in “insecure and poorly managed facilities, making theft, loss and consequently smuggling, possible.”²³³ Capie also notes a particular prevalence of security sector personnel selling arms, and ammunition, to armed groups.²³⁴

²²⁹ Matt Schroeder, Appendix 14A, “Global Efforts to Control MANPADS.” in *Stockholm International Peace Research Institute Yearbook 2007: Armaments, Disarmament and International Security*, Oxford: Oxford University Press, 2007, p. 626.

²³⁰ Graduate Institute of International Studies, *Small Arms Survey 2005: Weapons at War*. Oxford: Oxford University Press, 2005, p. 159.

²³¹ Peter Chalk, “Light Arms Trading in SE Asia,” pp. 42, 45.

²³² David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 15, 18-19, 34, 40, 64, 76-77, 92-94, 95-96, 104-107.

²³³ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 15.

²³⁴ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 19, 34, 40, 64, 76, 92-94, 95-96; Rizal Sukma, “The Problem of Small Arms in Southeast Asia,” p. 3.

Supporting this strong case for leakage in the region, Kramer states that, in Southeast Asia “the vast majority of illicit small arms originate from legal holdings.”²³⁵ Official stockpiles and possibly also personal weapons are therefore depleted through corruption, theft, lack of professionalism or inadequate systems, further facilitated by poor pay and conditions for security personnel.²³⁶ Capie also lists examples of thefts from stockpiles and purchases from security personnel to generate a strong case for leakage close to the lines of Stohl’s typology.²³⁷ Importantly, Capie also mentions battle-captures which he identifies as a form of leakage,²³⁸ which many other works overlook altogether. Marsh looks to materials on guerrilla warfare, which provides richer pickings on battle-captures as a significant source for armed groups. Marsh cites Che Guevara’s comment on battle-captured weapons, the revolutionary referring to them as “extremely precious elements of the fight.”²³⁹

Most references to small arms leakage however are in relation to large amounts that seep out from state stocks or from post-conflict zones. In Southeast Asia, there are numerous references to weapons transferred to factions inside Cambodia from external sources during the 1970s, and which, in turn, become leaked to groups further afield.²⁴⁰ This source is a combination of both leakage and a recycling of previous transfers. It is unofficial and there is no political goal sought to be achieved by such transfers. Although new transfers to the

²³⁵ Katherine Kramer, *Legal Controls on Small Arms and Light Weapons in Southeast Asia*, p. 24.

²³⁶ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 25.

²³⁷ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 18-19.

²³⁸ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 18.

²³⁹ Nicholas Marsh, "Conflict Specific Capital: The Role of Weapons Acquisition in Civil War." unpublished paper, 2006, p. 12.

²⁴⁰ Anthony Davis, "Thailand Cracks Down on Illicit Arms Trade." *Jane's Intelligence Review*, December 2003, pp. 31, 32; Peter Chalk, "Light Arms Trading in SE Asia," p. 43, David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 20.

factions ceased as the Cambodian conflict ended in the early 1990s, the recirculation and re-transfer beyond Cambodia of small arms originally transferred for both ideological and geopolitical reasons, is seen as the more enduring feature of the Southeast Asian small arms black market. Cambodia is even referred to as the region’s “weapons supermarket”, with arms from there reaching armed groups including the Liberation Tigers of Tamil Eelam (LTTE), groups inside Burma, India, Indonesia and Laos, and criminal organisations in Taiwan and Hong Kong.²⁴¹

Leakage is therefore seen as another core source of arms for the illicit market. In Southeast Asia, by accident or design, weapons leaving official stockpiles on a regular basis is clear. Capie is unequivocal: “The most important single source within states is leakage: from individual soldiers, state arsenals and military holdings. The scale of leakage differs around the region, but it still occurs in some form in almost every ASEAN state.”²⁴² With the broad market trends of cold war legacies, new transfers for financial gain, a strong demand from non-state armed groups, and a vibrant global black market, leakage allows generalisations to be made about where illicit small arms markets get their weapons from. What is less clear is how many weapons, and which are leaked directly, or are recycled. Essentially, all that observers can be certain of is that these markets contain a combination of new and old weapons, from in-country sources as well as those external to it. What also appears certain is that by the very characteristics of design, illicit small arms will be often be recycled through this black market repeatedly.

²⁴¹ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 20, 21.

²⁴² David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 26.

Proliferation by Design

The proliferation of small arms as described above is largely possible due to their inherent characteristics. Each of the preceding arguments are underscored by the fact that small arms and light weapons are a compact and simple technology. Scholars remind their readers that the defining characteristics of these weapons are that “They are cheap, widely available, lethal, simple to use, durable, portable, concealable” and “reusable”.²⁴³ The light weight of a modern military-type rifle²⁴⁴ – as well as its ease in use and maintenance²⁴⁵ - is a key facilitating factor in making them covertly obtainable by non-state groups, aiding and stimulating demand and supply from both. These characteristics of small arms, particularly firearms, are central to their appeal and ultimate ubiquity, particularly to non-state actors: “Insurgent forces, irregular troops, criminal gangs and terrorist groups are using all types of small arms and light weapons.”²⁴⁶ Terms such as “ready availability”²⁴⁷ and “weapons of choice”

²⁴³ Rachel Stohl, "Fighting the Illicit Trafficking of Small Arms," pp. 60-61. This observation echoes across the literature.

²⁴⁴ Weights range from just under or just over 3kg for an unloaded M16 (depending on the model), just under 4kg for an unloaded Chinese AK, the Type 56 or M22, to an unloaded European AK47 or HK G3 weighing about 4.3 and 4.5 kg respectively, and 30 rounds of ammunition weigh approximately 700g for each magazine. See specifications of the firearms in Ian Hogg, *Jane's Gun Recognition Guide*. Glasgow: Harper Collins, 2002, pp. 295, 323, 345 (although the weight of the M16 here is incorrect); also the Modern Firearms and Ammunition assault rifle home page at: <<http://world.guns.ru/assault/as00-e.htm>>. Accessed 28 December 2005.

²⁴⁵ It has been stated it takes 30 minutes for a ten year old child to learn how to use an AK-type assault rifle, Peter W. Singer, "Western Militaries Confront Child Soldiers Threat." *Jane's Intelligence Review*, January, 2005, p. 9. It is generally accepted that automatic rifles, AK types in particular, are easy to maintain, breaking into only a few parts for cleaning, and are reliable even under harsh physical conditions.

²⁴⁶ United Nations, "Report of the Panel of Governmental Experts on Small Arms" UN Document A/52/298. 1997, p. 9.

²⁴⁷ Jeffrey Boutwell and Michael T. Klare, "Small Arms and Light Weapons," online.

pepper the literature.²⁴⁸ And these characteristics are central to their appeal for non-state groups: “While small arms and light weapons are designed for use by armed forces, they have unique characteristics that are also of particular advantage for irregular warfare or terrorist and criminal action.”²⁴⁹ The characteristics of small arms make them as amenable to illicit transfer in Southeast Asia as other regions.²⁵⁰ This is compounded by the porosity of many international borders which is often cited as a means of further facilitating illegal small arms movements.²⁵¹

These characteristics also make small arms relatively simple to manufacture. To make a rudimentary firearm, a gunsmith requires only basic materials and metalworking tools, although considerable skill is involved in rifling the barrel to ensure the weapon fires the projectile accurately. Greene’s early typology identified the significance of craft-produced weaponry,²⁵² although allusions to it as a source of weaponry for armed groups are rare. Where consideration of craft-production is given, it is portrayed as a “low-scale, low-profile, informal,

²⁴⁸ See for example Rachel Stohl, “Relevant Now More Than Ever.” *SAIS Review*, Vol. 22, No. 1 (2002): p. 219; Jayantha Dhanapala, “Multilateral Cooperation on Small Arms and Light Weapons,” p. 163. Wezeman is a sole querying voice in this, suggesting small arms are less weapons of “choice” and more weapons of “opportunity”. Pieter D. Wezeman, “Conflicts and Transfers of Small Arms.” Stockholm: Stockholm International Peace Research Institute, 2003, p. 5.

²⁴⁹ United Nations, “Report of the Group of Government Experts on Small Arms.” UN Document A/54/254, 1999.

²⁵⁰ Peter Chalk, “Light Arms Trading in SE Asia,” p. 42, Rizal Sukma, “The Problem of Small Arms in Southeast Asia,” p. 3.

²⁵¹ See for example Pyotr G. Litavrin, “Sources of Small Arms and Light Weapons Procurement in Southwest Asia,” pp. 230, 231. This is also noted in Denise Garcia, *Analysing the Issue of Curbing the Unrestricted Availability and Proliferation of Small Arms and Light Weapons: Some Implications for the Study of International Relations and for Education in Defense and Security*, BCSIA Paper 2003-12, Kennedy School of Government, Harvard University, 2004, p. 3.

²⁵² Owen Greene, “Availability and Flow of Small Arms and Light Weapons: Typology and Mechanisms.” Paper presented at the SSRC Workshop on ‘International Law and Small Arms Proliferation’, Washington DC 2002.

and illegal activity, carried out in small private workshops, garages, huts, or backyards”.²⁵³ Alpers cautions against exaggerating the utility of craft-produced weapons, pointing out that in Papua New Guinea “a length of untempered water pipe firing mismatched ammunition can be as dangerous to the user as it is to the target, and craft production is seen as a last resort.”²⁵⁴ In a more exhaustive study, Sislin and Pearson concur in that the effort and skills required to make adequate numbers of quality weapons would make craft-production an unfeasible option for many armed groups.²⁵⁵ Singh even goes so far as to argue that grouping craft-produced arms with factory-made weapons is counterproductive to control efforts. He says it “is misleading in trying to assess the problem of spread [sic] of small arms and light weapons” because they are “essentially a transnational problem”.²⁵⁶

Even so, high quality craft-production is seen as being a significant source in certain localised situations.²⁵⁷ This is especially so in regions which have a history of gunsmithing, and is accordingly being given increased recognition as a source of small arms for armed groups.²⁵⁸ Even if not significant in terms of quantity or quality, craft-produced weapons may require only a minimum of both to be effective. Even so, in the case of Ghana, with a reputation as a home

²⁵³ Graduate Institute of International Studies, *Small Arms Survey 2003*, p. 26.

²⁵⁴ Philip Alpers, *Gun-Running in Papua New Guinea: From Arrows to Assault Weapons in the Southern Highlands*. Geneva: Small Arms Survey, 2005, p. 45.

²⁵⁵ John Sislin and Frederic S. Pearson, *Arms and Ethnic Conflict*. Lanham: Rowman and Littlefield, 2001, p. 47. This argument is supported by Nicholas Marsh, “Conflict Specific Capital: The Role of Weapons Acquisition in Civil War.” Unpublished paper, 2006, p. 18.

²⁵⁶ Jasjit Singh, “Light Weapons and Conflict in Southern Asia.” and “Controlling the Spread.” both in *Light Weapons and International Security*, pp. 53, 158. A similar sentiment is expressed by Edward J. Laurance, *Light Weapons and Intrastate Conflict*, p. 12.

²⁵⁷ Rachel Stohl, “Fighting the Illicit Trafficking of Small Arms,” p. 63.

²⁵⁸ Graduate Institute of International Studies, “A Constant Threat: Armed Groups in West Africa.” in *Small Arms Survey 2006: Unfinished Business*. Oxford: Oxford University Press, 2006, p. 255.

to quality craft weapons production, it remains unclear what a craft produced weapons’ effectiveness might be. It is possible that their “accessibility” and “competitive price” might well be more influential in their being an attractive alternative to a factory-produced weapon, and therefore effective enough as an alternative.²⁵⁹

The Small Arms Survey (SAS) gives a brief mention of craft production in Southeast Asia in its 2001 yearbook.²⁶⁰ Production by armed groups in Burma is limited to brief acknowledgment that the Karen National Liberation Army and Karenni Army produce landmines and mortars, and that the Mong Tai Army had an arms production capacity.²⁶¹ In its 2003 yearbook the SAS notes in greater detail craft production in the Philippines, although, reflecting how little is published on this, many references are back to Capie.²⁶² Capie notes that over 3,000 Filipino “backyard” craft producers manufacture both poor quality (and therefore also of dubious safety and utility) weapons and more sophisticated firearms; and that at least one armed group had the capacity to manufacture a range of small arms and to convert semi-automatic rifles into automatics.²⁶³ The Philippines is the only country in Southeast Asia where craft production is seen as a significant means by which non-state entities obtain weaponry.²⁶⁴ The

²⁵⁹ Nicolas Florquin and Eric G. Berman (eds.), *Armed and Aimless*, p. 79.

²⁶⁰ Graduate Institute of International Studies, *Small Arms Survey 2001: Profiling the Problem*. Oxford: Oxford University Press, 2001, p. 46.

²⁶¹ Graduate Institute of International Studies, *Small Arms Survey 2001*, p. 46.

²⁶² Graduate Institute of International Studies, *Small Arms Survey 2003*, pp. 33-35. Sislin and Pearson list the Philippines as having craft production capacity, but no further details are given, nor mention of other groups so doing in Southeast Asia. John Sislin and Frederic S. Pearson, *Arms and Ethnic Conflict*, p. 48.

²⁶³ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 21-22, 72-73, 74.

²⁶⁴ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p.103.

Philippines is also named as a significant source of illicit small arms, and noted for craft firearms made for East Asian criminal networks.²⁶⁵

Craft-production it seems, is rarely addressed as a phenomena relating to small arms proliferation because where it is alluded to, it is often seen as being of low quality, or of being quite insignificant compared to the bigger black market in factory-produced small arms.

In all, many works echo the sentiment of Sislin and Pearson, who, identify that a combination of both external and internal supplies are what most armed groups will seek, particularly in the post cold war era. Nonetheless, Sislin and Pearson confirm the dominant thinking that external sources are the preferred and most usual mode of arms acquisition.²⁶⁶ Further, in placing this argument in the context of protracted conflict, they argue “Domestic acquisition is likely to affect certain states of warfare, but arms importation seems necessary for sustained struggle.”²⁶⁷ This is backed by the 2005 study noted earlier which concludes that the evidence arising from the conflicts in their study – in Africa, the Americas and Europe - suggests that as conflicts become more entrenched, armed groups diversify their sources of small arms as a “war economy” develops, usually derived from further illicit activities by the group or diaspora, which provides funds for weapons purchases.²⁶⁸ This would seem to confirm the earlier arguments not only about the role of globalisation and diaspora funding, but

²⁶⁵ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 21-22.

²⁶⁶ John Sislin and Frederic S. Pearson, *Arms and Ethnic Conflict*, p. 47. Outside of the small arms literature, the notion of benefactor’s support for armed struggles being vital to a successful outcome for armed groups, is underlined in, for example, Jeffrey Record, "External Assistance: Enabler of Insurgent Success." *Parameters* (US Army War College Quarterly) (2006): pp. 36-49.

²⁶⁷ John Sislin and Frederic S. Pearson, *Arms and Ethnic Conflict*, p. 48.

²⁶⁸ Graduate Institute of International Studies, *Small Arms Survey 2005*, p. 173.

more so that armed groups can develop to a point at which they diversify into other black market commodities as a means to purchase more weapons. Such a market of illicit arms can be both internal and external to the conflict. Taking these remarks into account, this would seem to suggest that armed groups in Southeast Asia, many of them active for decades, would have to have not only links to black markets and established sources of small arms, but that most of their sources of arms would be external to the conflict.

In comparison, the importance of internal sources of arms has been emphasised unexpectedly in the field of defence economics. The *Economics of Peace and Security Journal* published an article in 2008 which this author co-authored. This paper applied probability theory to small arms supply routes to armed groups in the Asia-Pacific.²⁶⁹ The paper acknowledges that the “multi-channels” of small arms supply include internal sources, meaning craft-produced or battle-captured weapons, as well as recycled and leaked weapons. Utilising quantitative techniques to assess the probabilities of governments being able to cut arms supplies to armed groups, the paper also reveals the complexities involved in small arms control. This is because the channels of supply are first, multiple, second, include internal sources, and third, are largely independent of each other. In being independent of each other, the implication is that in comparison to the findings of Sislin and Pearson and the Small Arms Survey, there may be a case to argue that internal sources – leaked, recycled weapons, battle-captures and craft-production – can sustain an armed struggle even when the “external enablers” are turned off.

²⁶⁹ Stefan Markowski et. al., "Channels of Small Arms Proliferation: Policy Implications for Asia-Pacific." *The Economics of Peace and Security Journal*, Vol. 3, No. 1 (2008): pp. 79–85.

Conclusion

The overwhelming sense of illicit small arms proliferation is that it is a transnational black market phenomenon fed by “an environment where customers for illicit arms are plentiful, and supplies are in abundance”.²⁷⁰

Reflecting upon this perception of illicit small arms proliferation, the Small Arms Survey made an additional observation. “Much of the writing concentrates on large international transfers to conflict regions – such as those involving many hundreds of weapons or millions of rounds of ammunition” it stated, adding that “the focus on large international deals needs to be put into perspective.”²⁷¹

This chapter concurs with these observations. In particular, this chapter suggests that internal sources are not sufficiently considered a major or significant source of arms, and especially that indigenous production and battle-captures remain under-explored as sources of arms for armed groups. For example, even though the 2005 Small Arms Survey yearbook cites several cases where internal sources are significant, these are all variations of relatively large-scale government leakage.²⁷² The importance of internal sources of weapons for armed groups as raised in this chapter – in particular ongoing leakage and battle-captures - is only just beginning to be acknowledged.²⁷³

²⁷⁰ Tamara Makarenko, “Tracing the Dynamics of the Illicit Arms Trade.” *Jane’s Intelligence Review*, September 2003, p. 8.

²⁷¹ Graduate Institute of International Studies, *Small Arms Survey 2005*, pp. 159, 172.

²⁷² Graduate Institute of International Studies, *Small Arms Survey 2005*, pp. 169–172.

²⁷³ Nicholas Florquin and Elisabeth Decrey Warner, “Engaging Non-state Armed Groups or Listing Terrorists? Implications for the Arms Control Community.” *Disarmament Forum*, United Nations Institute for Disarmament Research, Vol. 1 (2008); p. 21; Chris Smith, “Weapons

In all, the overall impression of illicit small arms proliferation is a picture of a healthy black market in arms. Such a market is fed by new external injections of weapons, by leaked weapons from internal and external sources, and with a particular fluidity and robustness due to the recyclable nature of the product. There is therefore a discernible body of opinion that provides a significant swathe of material from which to develop a model of small arms proliferation relating to non-state armed groups.

This model of proliferation informs how armed groups obtain and retain their weaponry. As a starting point, there are several core arguments about how small arms are proliferated. First, there is agreement that there is a large and uncontrolled black market in small arms fed by the legacy of the cold war, nurtured by the various components of globalisation and aided by inadequate control over government stocks. Second, it is apparent that small arms in particular are weapons easily transferred and recycled within and beyond conflict zones. This has created a perception that non-state armed groups are commonly and easily able to source weapons from within this poorly controlled market.

Third, internal sources of weapons – leakage mostly – are presumed to be inadvertent. States will not readily reveal their role in arming groups, but raids and losses that can be attributed to their lack of capacity to counter this, is an uncontentious point of agreement for all concerned.

Transfers to Non-state Armed Groups.” *Disarmament Forum*, United Nations Institute for Disarmament Research, Vol. 1 (2008); pp. 47-48.

The transnational component of small arms diffusion not only gives small arms control traction, it has been verified by the data that comes from the conflicts – externally-produced weapons are undoubtedly used by non-state armed groups. In some cases they are supplied directly to the group by brokers or dealers or external government agencies, in other cases, groups shanghai materiel originally transferred to the government it is fighting against. Even so, an additional and significant source of weapons is that of inadvertent leakage from in-country official stocks. All of these sources can feed into a black market of recycled weapons.

The prevalence of intrastate conflict and therefore a continuing demand for illicit weapons generated by non-state armed groups, and the fact that small arms are the ideal weapon to transfer and use, would indicate that Southeast Asia, like the rest of the world, does indeed face a “gun epidemic”.²⁷⁴ Seeing the proliferation of small arms as an epidemic is compounded by the concern that contemporary intra-state conflicts take such a huge toll on human life, and that they are unacceptably grisly and violent. It is therefore understandable that so many scholars are impelled to remedy such an epidemic through advocating small arms control.

The materials on illicit small arms proliferation can now be seen as having served a stage-setting purpose, allowing at this point an opportunity for further enquiry. In particular, the trends identified in this chapter can be built upon, especially through a deeper analysis of the sources of small arms for armed groups. If additional or significant sources are mostly internal, such as craft

²⁷⁴ Wendy Cukier and Victor W. Sidel, *The Global Gun Epidemic*.

production, battle captures, and deliberate leakage, which are not seen as significant sources of arms for armed groups, then such sources also do not offer any discernible means of control by external mechanisms. Further, not all non-state armed groups need a black market to obtain arms. Paramilitary groups would surely be expected to be deliberately armed by the host state.

The controls that are advocated will only be effective should the main sources of illicit small arms be mostly from external sources, and if the internal sources are inadvertent, which arguably may not always be the case. With these observations in mind, this study asks whether the established means of proliferation are as true of Southeast Asia as they are of other regions. This is a vital question to address, because all resultant attempts at control rest on presumptions regarding supply.

With these thoughts in mind, this study moves on to offers observations on small arms proliferation relating to armed groups in Southeast Asia. The following chapter seeks to understand the sources of small arms for armed groups by comparing historical sources with contemporary ones, and looking at the relative importance of external sources as compared to internal sources. As will be suggested, the sources of small arms for Southeast Asia’s armed groups demonstrate a somewhat different proliferation dynamic to that which might be inferred from experiences elsewhere.

Chapter 3

The Proliferation of Small Arms to Non-state Armed Groups in Southeast Asia

*Illicit trafficking in small arms and light weapons (SALW), particularly to non-state actors has profound security, socio-economic and humanitarian dimensions. It can also exacerbate conflicts, undermine rule of law and create a culture of violence. ASEAN shares the view that excessive accumulation, uncontrolled spread and misuse of small arms and light weapons have the potential to destabilise [sic] national, regional and global security.*²⁷⁵

Findings, Purpose and Structure of the Chapter

The purpose of this chapter is to identify the main sources of small arms for armed groups in Southeast Asia. The preceding chapter showed that there are well-established paths for the illicit proliferation of small arms. These can be generalised as direct transfers, recycled and leaked weapons. Transfers are usually externally-sourced weapons in that they are external to the conflict zone or to the armed group. Recycled and leaked weapons can come from external sources, but also internal ones. Sources such as battle-captures and armed groups' own production of arms and ammunition are acknowledged as sources, but are not seen as particularly significant. In identifying the sources of small arms used by armed groups in Southeast Asia, this chapter contributes new empirical data, and enables an evaluation of the implications this data has for small arms control, which is undertaken in later chapters. While this is also of

²⁷⁵ "Statement." Association of Southeast Asian Nations, delivered by Myanmar, Biennial Meeting of States to Consider 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, New York, 12 July 2005, p. 1.

interest to the scholarly community, it has further utility for humanitarian agencies, policymakers and governments in the region and beyond it, essentially those identified earlier as the small arms control community.

In the early 21st century, the region’s illicit small arms diffusion reveals little in the way of new injections of small arms from external sources for armed groups. The exception is in the case of the wealthier groups which can afford to purchase arms, although they too obtain weapons from an internal market. This in turn has created a small arms diffusion dynamic which is decidedly more “mature” than other regions. This maturity is reflective of the region’s protracted conflicts, the determined longevity of many revolutionary armed groups, and entrenched political practices which foster the creation of paramilitary groups. This dynamic also seems to favour arms procurement by criminal armies.

The following two sections explain and evaluate the characteristics of small arms proliferation to armed groups in Southeast Asia. These sections evaluate the extent of both external and internal sources of small arms for armed groups in the region. The historical appraisal of sources creates a backdrop against which the contemporary sources of small arms can be understood. As will be revealed, in the past, small arms transfers from external sources were hugely significant. However, weapons from in-country sources appear to be both significant for all groups and a more durable characteristic of contemporary small arms diffusion in the conflicts in the region. This has important ramifications for effective small arms control, for state sovereignty, and for security and regional stability, which are discussed in subsequent chapters.

The Historical Context: World War II to 1989

The period from the end of World War II to the end of the cold war is a defining period for a study of conflict and small arms transfers in Southeast Asia for three main reasons. First, this time period provides a particular ideological backdrop for understanding conventional arms transfers as a general phenomena. Second, the technology of small arms and light weapons essentially reached a plateau early in this time period. Third, many states in Southeast Asia were host to armed groups across this time frame.

This section does not propose to be a definitive exposé of Southeast Asia’s history of small arms transfers; the data is too patchy to allow for such a claim. The examples provided herein are instead indicative of volumes, suppliers and sources, and broad themes in transfer patterns from the legacy of World War II (WWII) to the end of the cold war. The small arms transfer history confirms expectations that external suppliers were heavily involved in supplying arms to respective allies in the major armed conflicts of the region’s wartime and post-WWII period. Yet this has changed in recent years.

One means of understanding this change is to identify sources as external and internal. While this is not a simple task, as so many weapons that began as external may be recycled time and time again through an internal market, this simple typology reveals that markets not only change over time, but can change in a manner which is not anticipated.

External Sources of Small Arms and their Recycling

The great powers, and their arms pipelines were certainly active in the region’s “hot” wars and cold war alliances, and their weapons’ legacies remain. One of the many souvenirs of Southeast Asia’s conflicts is the continuing circulation of many tons of remnant weapons. Burma was in a state of civil war against communist and ethnic armies for over 40 years. Communist movements in Indochina were militarily supported by China and the Soviet Union (USSR), countered in part by the United States (USA) running a “secret” paramilitary operation in Laos for over a decade, and fighting a losing battle in Vietnam for almost 20 years. The USA’s rapid departure from Vietnam in 1975 alone resulted in literally millions of weapons and huge amounts of ammunition left behind.

Few countries in the region are unaffected by the legacy of small arms transfers and inadequate state controls over official stockpiles. Burma, Cambodia, Laos and Vietnam in particular provide illustrative examples of how small arms from external sources create black markets of recycled weapons. The case of Burma reveals this has contributed to a strong market for small arms recycled inside the country, whereas by comparison, many weapons remaindered in Cambodia, Laos and Vietnam have been recycled to join a significant black market outside of the country they were initially shipped into.

Burma

During World War II, British and Japanese forces supported their respective allies in Burma. Little is recorded of Japanese weapons, but occasional mentions are made of the British; the United Kingdom dropped 3,000 arms to the Anti

Fascist Alliance, and 12,000 to the Karen.²⁷⁶ Much of this total weapons legacy was cached throughout the country; an estimated 30,000 to 50,000 weapons by the war’s end.²⁷⁷ These WWII-era weapons continue to appear in reports of armed groups over many decades. Demonstrably, even hill-tribe people are sighted with “old 303s, as well as Colt 45s tucked into their belts”.²⁷⁸ The .303 is most likely a British Army remnant; the revolver from later United States’ transfers to Indochina. Autarky, large internal and external black markets, civil and ethnic armed resistance, and the rise of the drug-armies, all fuelled Burma’s internal mosaic of state-wide armed conflict from the end of the war until 1989.

The US and China played the strongest roles as external arms suppliers to non-state armed groups in Burma. The US supplied arms somewhat sporadically, and less directly than might be presumed. Perhaps equally surprisingly, the USSR does not appear to have been directly involved in supplying arms to groups in Burma, possibly the result of an informal understanding to leave this arena to China.

The US’ direct role was in supplying nationalist Chinese forces in northern Burma in the 1950s. The Kuomintang (KMT), having lost China to Mao’s Red Army in 1948, retreated to northeastern Burma and northwestern Thailand as well as Taiwan (then Formosa). With initial covert support, facilitated by the

²⁷⁶ Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*. London: Zed Books, 1999, pp. 61, 63. Apart from later Thai covert support for the Karen and other ethnic groups while it suited Thai foreign policy interests, this 60-year-old airdrop of weapons was possibly the last direct supply of arms to one of Burma’s ethnic groups from an external benefactor until Chinese-origin arms were transferred to the United Wa State Army in the 1990s. See the following section.

²⁷⁷ Mary P. Callahan, *Making Enemies: War and State Building in Burma*. Singapore: Singapore University Press, 2004, p. 107.

²⁷⁸ Andre and Louis Boucaud, *Burma’s Golden Triangle: On the Trail of the Opium Warlords*. Bangkok: Asia Books, 1992, p. 33.

USA’s Central Intelligence Agency and the USA’s regional allies Thailand and Formosa, the KMT was helped to rearm, retrain and regroup in the expectation of eventually retaking China. By 1951 12,000 KMT in Shan State were receiving weapons air-freighted from their compatriots in Formosa, in exchange for opium.²⁷⁹ Ten years later, an assault by Burmese army and Chinese communist troops against the KMT headquarters revealed a large quantity of US-made arms and ammunition;²⁸⁰ one source states there was five tons of ammunition alone.²⁸¹ The weapons that had been supplied over the previous decade included “brand new American M-1s, .50 calibre machine guns, bazookas, mortars, and anti-aircraft artillery.”²⁸²

In cold war tandem, the Burma Communist Party (BCP) was created in 1949, becoming one of the region’s most significant communist insurgencies throughout the cold war period. Weapons from revolutionary China initially transferred to the BCP were in abundance from the late 1960s to the late 1970s, with the BCP being second only to the Khmer Rouge in terms of weapons and other equipment gifted by the PRC.²⁸³

Chinese official support for the BCP, and concomitant arms, was at a peak from 1968 to the late 1970s. Kartha surmises it well: “Chinese trained cadres”

²⁷⁹ Martin Smith, *Burma*, p. 153.

²⁸⁰ Bertil Lintner, *Burma in Revolt: Opium and Insurgency since 1948*. Bangkok: White Lotus, 1994, p. 165.

²⁸¹ Alfred W. McCoy et. al., *The Politics of Heroin in Southeast Asia*. New York: Harper & Row, 1972, p. 135.

²⁸² Alfred W. McCoy et. al., *The Politics of Heroin in Southeast Asia*, p. 130.

²⁸³ Martin Smith, *Burma*, pp. 228–229, 248. Admittedly some of these arms were also to be re-transferred from the BCP to the armed wings of the Communist Parties of Malaya and Thailand, however the weapons still entered Burma, and it is not clear how many actually reached the Malay and Thai communists from the BCP.

returned to Burma “armed to the teeth and with a full fledged logistics supply line back to China.”²⁸⁴ Such support continued into the late 1970s, but by 1978 Beijing had resumed relations with the Burmese government and was scaling down its support for the BCP. Even so, Chinese arms continued to get to the Burma Communist Party into the mid-1980s.²⁸⁵ The scale of support was substantial; tens of thousands of small arms including rifles, light and heavy machine guns, also mortars, artillery, and anti-aircraft weapons, as well as millions of rounds of ammunition, landmines, grenades and explosives.²⁸⁶ The Chinese also built a weapons factory in territory controlled by the BCP in northern Burma in 1977.²⁸⁷

Over a decade after this support had ended however, the BCP was still seemingly overstocked with weapons, with allegations that their warehouses along the Yunnan border were “filled to the rafters with Chinese arms and ammunition...in fact these stockpiles were so great, that the CPB [BCP] itself became a major arms broker to the other ethnic insurgent forces in north-east Burma well into the 1980s.”²⁸⁸

The externally-sourced weapons for the BCP therefore became important for a number of the other armed groups inside Burma, with many of the other groups either falling out over, or becoming allied with, the Burma Communist Party at

²⁸⁴ Tara Kartha, “Narcotics and Weapons: The Case of Myanmar.” *Strategic Analysis: A Monthly Journal of the IDSA* 19, No. 3 (1996): p. 399.

²⁸⁵ Maung Aung Myoe, “The Counterinsurgency in Burma: The Government’s Response to the Burma Communist Party.” Unpublished PhD Thesis, Australian National University, 1999, p. 206.

²⁸⁶ Maung Aung Myoe, “The Counterinsurgency in Burma,” pp. 227-228.

²⁸⁷ Maung Aung Myoe, “The Counterinsurgency in Burma,” p. 226.

²⁸⁸ Martin Smith, *Burma*, p. 302.

some point. The collapse of the BCP in 1989, and the arms supply that had benefited it and others, left more than one group running low on arms and ammunition, especially the latter.²⁸⁹

The internal diffusion of externally-supplied small arms also occurred with the covert US supplies to the KMT. The Karen National Liberation Army (KNLA) is said to have obtained some of the weapons that the CIA had originally sent to the Kuomintang. Arms and ammunition were offered to the KNLA directly from the KMT in exchange for KNLA support in opening a route to the sea at Moulmein, although few of the promised weapons were transferred.²⁹⁰ Less directly, another reference is to “Taiwanese” M16s, but as Taiwan did not produce its own M16 until the 1970s, a more likely explanation is that these were “Taiwanese-supplied” weapons delivered to the KMT, which the KNLA obtained from Kuomintang defectors.²⁹¹ Equally inadvertently, the KMT was also a subsequent source of weapons for the Kachin Independence Army.²⁹²

Burma therefore provides a particularly useful example of how weapons that had been supplied to particular end users found their way to other users, yet stayed within the same country. Externally-supplied arms found their way into an internal market which remained so strong that these weapons mostly stayed within the country. In contrast, externally-supplied weapons to Vietnam, Laos

²⁸⁹ Edith Mirante, *Down the Rat Hole: Adventures Underground on Burma's Frontiers*. Bangkok: Orchid Press, 2005, p. 49.

²⁹⁰ Martin Smith, *Burma*, pp. 153-154.

²⁹¹ Edith Mirante, *Burmese Looking Glass: A Human Rights Adventure and a Jungle Revolution*. New York: Grove, 1993, p. 82. The M16 made in Taiwan is the Type 65. According to Hogg, these were manufactured in Taiwan since 1976. Ian Hogg, *Jane's Gun Recognition Guide*, Glasgow: Harper Collins, 2002, p. 339.

²⁹² Bertil Lintner, *Burma in Revolt: Opium and Insurgency since 1948*. Bangkok: White Lotus, 1994, p. 190.

and Cambodia have seeped out over many decades. Geographically, these countries envelop Thailand on three sides leading Thailand to be a hub in the region’s illicit small arms market utilised in particular by groups in Burma, as well as to groups in the Philippines and Indonesia. Nonetheless, it is important to see the significance of Burma’s armed groups as the largest end-users of the region’s small arms over time, with the country in a state of civil war for much of the post WWII period to 1989.

Vietnam

The role of Vietnam as a catalyst for the region’s illicit small arms market can hardly be underestimated. Historically, China was a major military supplier to Vietnam, and arms supplies continued until the 1970s.²⁹³ The USA and USSR transferred weaponry in support of respective allies too, confirming that the Vietnam War attracted and amassed arms supplied as part of cold war strategies.

Many of these weapons resurfaced onto a post-war arms market. These made their way to armed groups across the region and beyond. Many groups in Burma are said to have relied heavily on Indochinese weapons, often via the Thai black market.²⁹⁴ Vietnam War era weapons from Vietnam have been retransferred to Cuba, Latin America, included in drug shipments to Hong Kong, gone to the New People’s Army in the Philippines (the armed wing of the

²⁹³ Stockholm International Peace Research Institute, *The Arms Trade with the Third World*. Harmondsworth: Penguin, 1975, pp. 160–165.

²⁹⁴ Pasuk Phongpaichit et. al., *Guns, Girls, Gambling, Ganja: Thailand’s Illegal Economy and Public Policy*. Chiang Mai: Silkworm Books, 1998, pp. 127–128.

Communist Party of the Philippines), possibly another armed group and local officials in the Philippines, and even back to collectors and dealers in the USA.²⁹⁵

Estimates of the number of weapons left behind in Vietnam after its long war with the US are given in Ezell and Capie. Two million Soviet arms and over 270 million rounds of ammunition were supplied between 1964 and 1971 to North Vietnam.²⁹⁶ Chinese-supplied weapons to South Vietnam included rocket launchers, mortars, recoilless rifles, carbines and pistols.²⁹⁷ The US' departure left over 150,000 tons of ammunition to the North Vietnamese and over two and a quarter million small arms including handguns, assorted rifles including M16A1s, M1s and M2s (which total almost two million on their own), M60 General Purpose Machine Guns and M79 grenade launchers.²⁹⁸ Ezell and Capie indicate that many of the weapons were indeed re-transferred.

Laos

Less well documented is how weapons also reached armed groups particularly in Burma directly from Laos in the 1960s. The USA operated a “secret war” in Laos, covertly arming the right wing faction there, in preference to sending in yet more combat troops as it was doing in Vietnam. Arms and ammunition, as well as US “advisors” were despatched from 1960.²⁹⁹ They were later disguised as “aid” after the USA and USSR both agreed to stop their operations in the

²⁹⁵ David Capie, *Small Arms Production and Transfers in Southeast Asia*, Canberra Papers on Strategy and Defence No. 146. Canberra: Strategic and Defence Studies Centre, Australian National University, 2002, pp. 100–101.

²⁹⁶ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 97–98.

²⁹⁷ Tara Kartha, "Narcotics and Weapons," p. 398.

²⁹⁸ Edward C. Ezell, *Small Arms Today*. 2nd edition. Harrisburg PA: Stackpole, 1988, p. 444. For a detailed breakdown of US small arms supplies to Indochina from 1950-1975, see the Tables on pp. 440-443.

²⁹⁹ Alfred W. McCoy et. al., *The Politics of Heroin in Southeast Asia*, p. 269.

country in 1962.³⁰⁰ US’ allies in Laos, who were in receipt of “large shipments of modern arms from the CIA”, were further buoyed by exaggerating the numbers of troops that the faction claimed to have in order to increase the already bountiful US supplies.³⁰¹ These arms from Laos made it particularly to the Shan ethnic armies which emerged in northeastern Burma in the 1960s. There were two obvious means by which the weapons were obtained. First, and most significantly, Burmese opium was bartered for these weapons. The weapons-for-opium deals with Laos created and inflated the narcotics-financed Shan National Army to the point where by 1965 it had approximately 5,000 troops, had driven the Burma Army out, and controlled most of an area of 12,000 square miles.³⁰²

The second means is more convoluted. The USA used Shan National Army deserters as mercenaries in the “secret war” across the border in Laos. Yet they deserted again, returning to Burma newly equipped with arms and ammunition. The quantities obtained through this second channel would have been much smaller, but still enough for one individual to have “carved out an independent fief...trading in opium and fighting only to defend his autonomy.”³⁰³

Over 270,000 small arms, including 200,000 M1s, M2s and M16A1s, over 3,000 machine guns and 2,700 M79 grenade launchers were supplied to Laos from the USA over 1950–1975.³⁰⁴ Weapons from Laos, while considerable as an

³⁰⁰ Alfred W. McCoy, et.al., *The Politics of Heroin in Southeast Asia*, p. 275.

³⁰¹ Alfred W. McCoy et. al., *The Politics of Heroin in Southeast Asia*, p. 310.

³⁰² Alfred W. McCoy et. al., *The Politics of Heroin in Southeast Asia*, p. 311.

³⁰³ Alfred W. McCoy et. al., *The Politics of Heroin in Southeast Asia*, p. 337.

³⁰⁴ Edward C. Ezell, *Small Arms Today*, pp. 440-441.

additional external source for the groups particularly in northeastern Burma, are paralleled by the remaindered weapons from Cambodia which seeped out in very large numbers over several decades, greatly facilitated by Thailand.

Cambodia

US' small arms transfers alone to sympathetic groups in Cambodia over the period 1950-1975, totalled over 300,000 items.³⁰⁵ These included over 180,000 M16A1s, over 150,000 M1s and M2s, as well as over 5,000 AK47s.³⁰⁶ According to Capie, weapons were transferred to the factions in the Cambodian conflict from China, Cuba, the former Czechoslovakia, France, Singapore, Thailand, the former USSR, the USA and Vietnam.³⁰⁷ Chinese supplies to the Khmer Rouge included 4,000 tons of small arms and ammunition.³⁰⁸

Many of these weapons – the M1s, M2s, M16s, M79s, and AKs from this vintage - frequently appear in the hands of armed groups across Southeast Asia. However whether they were originally transferred to a government or to an armed group is often unclear. Larger weapons systems have also reappeared. Cambodia was a known source of Surface to Air missiles, most likely originally from Soviet or Chinese transfers – for the extra-regional Liberation Tigers of Tamil Eelam and Burma's Mong Tai Army (MTA) at least.³⁰⁹ In other words, these top-end sophisticated weapons were also on the market for those with

³⁰⁵ Edward C. Ezell, *Small Arms Today*, pp. 440-441.

³⁰⁶ Edward C. Ezell, *Small Arms Today*, pp. 440-441.

³⁰⁷ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 28.

³⁰⁸ Tara Kartha, "Narcotics and Weapons," p. 399.

³⁰⁹ Christina Wille, "How Many Weapons Are There in Cambodia?" Working Paper No. 4. Geneva: Small Arms Survey, 2006, p. 27; Pasuk Phongpaichit et. al., *Guns, Girls, Gambling, Ganja*, p. 152; Rohan Gunaratne, "Illicit Transfer of Conventional Weapons: The Role of State and Non-State Actors in South Asia." in Jayantha Dhanapala et. al. (eds.), *Small Arms Control: Old Weapons New Issues*. Aldershot: Ashgate [for United Nations Institute for Disarmament Research], 1999, pp. 264-265.

enough money to pay for them. The price was said to be \$1 million for a “set” for the LTTE,³¹⁰ or three bartered for narcotics in a deal with the MTA worth \$120,000.³¹¹ The MTA purchased more than these three from Cambodia, for at least ten can be seen in the film footage of one of the Mong Tai Army’s partial weapon’s handovers.³¹²

After contributing arms and inspiration to Vietnam, including after its invasion of Kampuchea in 1978, the USSR appears to have left the scene.³¹³ The role of the Soviet Union in direct weapons supplies to armed groups in Southeast Asia after this time is largely undocumented. The USSR appears to have retired from supplying arms to groups in the region. This is no doubt contrary to expectation, yet there may be some explanation. Smith suggests that the Soviets considered Burma to be evolving into “a model Third World country, non-aligned, socialist and developing at its own speed”³¹⁴ meaning there was no need to foster anti-government revolutions there.

Thailand

Thailand has also been both a source and a transit point for many of the small arms transferred to Vietnam, Laos and Cambodia. Thailand’s infamous black economy has been buoyed by considerable amounts of arms smuggling. Thailand achieved some notoriety in the 1970s, 1980s and into the 1990s, for the

³¹⁰ Rohan Gunaratne, “Illicit Transfer of Conventional Weapons,” p. 265. There is no indication of how many missiles are in this “set”.

³¹¹ Anthony Davis, “Southeast Asia Fears New Terrorist Attacks.” *Jane’s Intelligence Review*, November 2003, p. 17.

³¹² Adrian Cowell, “The Heroin Wars.” *The Cutting Edge*, SBS Television, Australia, 4 November 1997. There were several handovers at different Mong Tai Army camps.

³¹³ Prashant Dikshit, “Internal Conflict and the Role of Light Weapons.” in Jasjit Singh (ed.), *Light Weapons and International Security*, Delhi: Indian Pugwash Society and the British American Security Information Council, 1995, p. 45.

³¹⁴ Martin Smith, *Burma*, p. 158.

scale of its illicit arms market. Common comments are that that: “Munitions have always been on open sale in Thailand, even up to the present day [1987], and almost anything can be bought, barring bombers and tanks”³¹⁵ and there are numerous references to armed groups dipping into its black market in weapons.³¹⁶ According to Capie, the Thai arms black market dates back to the Vietnam War era,³¹⁷ and Smith states that Bangkok was “the capital of the region’s burgeoning black market arms trade” in the early 1970s.³¹⁸ This illicit arms market is state-wide however; cities closer to the Burmese border were doing a brisk trade in weapons from the early 1960s if not earlier. McCoy notes weapons sales to Shan insurgents from Burma trading opium near Mae Sai a “Golden Triangle” border town in the mid-1960s; and M16s purchased by Shan in Chiang Mai, the largest town in the north of Thailand, in 1971.³¹⁹ Mirante also cites the northwestern border town of Mae Sot as another point of black market arms, as well as Chiang Mai.³²⁰ Some groups travelled illegally to Bangkok to “discreetly buy arms, ammunition”,³²¹ yet while discretion at the time of purchase is understandable, public sources on Burma’s armed groups’ purchases from Thailand are more direct. One source states unequivocally that the Karen National Liberation Army arms are mostly from Thailand, both remnants from points on the Cambodian border and leaked from military

³¹⁵ Bo Yang, *Golden Triangle: Frontier and Wilderness* (translation by Clive Gulliver). Hong Kong: Joint Publishing, 1987, p. 128.

³¹⁶ See for example Pasuk Phongpaichit et. al., “Contraband Arms.” in *Guns, Girls, Gambling, Ganja*, pp. 127-154.

³¹⁷ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 91.

³¹⁸ Martin Smith, *Burma*, p. 277.

³¹⁹ Alfred W. McCoy et. al., *The Politics of Heroin in Southeast Asia*, pp. 312, 321.

³²⁰ Edith Mirante, *Burmese Looking Glass*, pp. 21, 46.

³²¹ Andre and Louis Boucaud, *Burma’s Golden Triangle*, p. 57.

sources.³²² Mirante also observed that Shan United Revolutionary Army³²³ combatants “had the same kind of weapons as the Thais, M16 assault rifles, provided to Thailand by the U.S. and skimmed off for black market sales by the Thai army and police officers.”³²⁴ The Thai arms market was appealing to groups from even further north inside Burma; the Kachin from the country’s far north also traded jade and opium for arms and ammunition on the Thai side of the border.³²⁵

According to a former worker for the drug-financed Mong Tai Army, many truckloads of weapons could be brought across Thailand provided the right officials were paid off. This environment was so permissive, suppliers and recipients could resort to shipping large amounts in convoy rather than numerous small shipments.³²⁶

A number of the eventual drug lords, like Khun Sa of the Mong Tai Army, had grown out of Burmese “home guard” units in the 1960s known as the KKY.³²⁷ As part of the Burmese military government’s counter-insurgency strategy in the country’s remote northeastern areas in the 1960s, the government bartered the right of local warlords “mostly non-political brigands and private army

³²² “Karen National Liberation Army.” Jane’s Terrorism and Insurgency Centre, Jane’s online. Academy Library (University of New South Wales at the Australian Defence Force Academy), Canberra, Australia: 2007. <<http://jtic.janes.com/IDIC/ITIC/home.do>>. Accessed 2007.

³²³ At least part of this group evolved into the Mong Tai Army.

³²⁴ Edith Mirante, *Burmese Looking Glass*, p. 17. The allegations of Thai military and police complicity are confirmed in Pasuk Phongpaichit et. al., “Contraband Arms.” in *Guns, Girls, Gambling, Ganja*, pp. 127-154. The Thai arms market was appealing to groups from even further north inside Burma; the Kachin from the country’s far north also traded jade and opium for arms and ammunition on the Thai side of the border. Bertil Lintner, *Burma in Revolt*, p. 190.

³²⁵ Bertil Lintner, *Burma in Revolt*, p. 190.

³²⁶ Interview, anonymity requested, Mae Hong Son, Thailand, 16 December 2005.

³²⁷ In Burmese, Ka Kwe Ye means “defence”. Bertil Lintner, *Burma in Revolt*, p. 187.

commanders”³²⁸ to trade in opium provided they rallied behind the Burma Army to stifle ethnic and communist insurgents when requested. In so doing, it was thought they would also be financially self-sufficient through opium trading, thereby providing backup forces for the *tatmadaw*³²⁹ at little cost to the central government. While these KKY units received no pay, they did receive “a minimum of weaponry”³³⁰ although once they became larger and wealthier, they procured more, perhaps most of their weapons, from the Thai black market. KKY commanders went on to expand their private armies under the guise of being government paramilitaries “and purchased with opium money all the military equipment available in Thailand and Laos, including M-16 and Browning automatic rifles, M-70 grenade launchers and .57 mm recoilless rifles.”³³¹ After international criticism of the KKY’s involvement in narcotics production and trafficking, these groups went underground, some resurfacing as major criminal armies such as the Mong Tai Army and the Kokang Chinese drug syndicate led by Lo Hsing Han.³³² Lo Hsing Han alone was said to be spending one quarter of his growing profits purchasing arms and ammunition from Thailand.³³³

A long history of smuggling across this geographically favourable porous land border with Burma facilitated these surreptitious weapons transfers. But beyond the purely financial gain to be had from arms smuggling, it would

³²⁸ Bertil Lintner, *Burma in Revolt*, p. 187.

³²⁹ Burmese Armed Forces.

³³⁰ Andre and Louis Boucaud, *Burma’s Golden Triangle*, p. 28.

³³¹ Bertil Lintner, *Burma in Revolt*, p. 188.

³³² The clear delineation of revolutionary army, criminal army and militia is unclear here too, as Lintner notes the alliances between Lo Hsing Han, former Communist Party commanders “who became government militia commanders.” Bertil Lintner, *Burma in Revolt*, p. 401.

³³³ Bertil Lintner, *Burma in Revolt*, p. 215.

appear that weapons supplied to groups inside Burma from Thailand were discretely condoned as part of the latter’s “buffer” strategy to keep communists, drug-traffickers and the tatmadaw at arms length.³³⁴ In the early decades of the cold war, both Thailand and its powerful ally the USA, held a desire for a bulwark comprised of armed groups between Thailand and Burma. This involved some complicity with the drug armies, such as the Mong Tai Army, as noted above, yet Thailand as a source of military small arms for other armed groups is consistently documented. Kartha even quips that the Thai illicit arms market is “jargon for the pipeline sustained by the military”.³³⁵

As the USA was already heavily preoccupied with two major hot wars in Asia over this early period of the cold war - Korea and Vietnam – and the secret war in Laos, its interests in curtailing communism in Burma never materialised into significant covert arms supplies to Burma’s ethnic armed groups, only to the Kuomintang. Thai fears of an enveloping communist presence, and Thailand’s odd alliance with even the drug armies was explained by the Chief Counsel of the US Select Committee on Narcotics Abuse and Control:

The affinity between the opium warlords and the Thai government has been explained in terms of the over-powering corruption in the Thai military and civilian society...[But] when one considers that Thailand is completely surrounded by radical left-wing military dictatorships and has a major insurgent problem of its own, it does not take long to conclude that if I were responsible for Thai security, I

³³⁴ A brief description of this “buffer” policy is in Pasuk Phongpaichit et. al., *Guns, Girls, Gambling, Ganja*, p. 129.

³³⁵ Tara Kartha, "Narcotics and Weapons," p. 403.

would be very happy to have well-trained armed men at my northwest borders who act as a buffer between me and those who seek to subvert my country.³³⁶

Thai support extended to helping some groups to “procure munitions in Thailand” and to providing Thai “special agents” who were attached to Karen and Mon armed units “as observers and advisors.”³³⁷ On at least one occasion, Mon and Karen armed group representatives were allowed across Thailand for the purpose of purchasing weapons from the Cambodian border area. The Karen being better-resourced, took “large trucks”, the Mon “two or three” utility-type trucks.³³⁸ It is also said that Thai soldiers sold weapons to one armed group following intelligence intercepts that an altercation was imminent between the group, which was beneficial to Thailand, and its adversary, which was inimical to Thai interests.³³⁹ More broadly, Smith too notes “a general Thai, if not governmental, sympathy for the struggle of their Shan ethnic cousins (and to a lesser extent of the Karen and Mon...) has without doubt greatly aided the different insurgent movements along the border.”³⁴⁰

The external market that went through, and came from, Thailand, fed by weapons from previous conflicts, was still a magnet for even newer armed groups in Burma. Following the Burmese government’s violent clampdown on pro-democracy protests in 1988, many protestors fled to the border areas controlled by the ethnic armed groups. The protestors had been largely unarmed, but after their arrival in the eastern border areas they became an

³³⁶ Joseph Nellis, quoted in Bertil Lintner, *Burma in Revolt*, p. 254.

³³⁷ Bertil Lintner, *Burma in Revolt*, p. 241.

³³⁸ Interview, anonymity requested, Canberra, Australia, 29 June 2006.

³³⁹ Document in the possession of the author.

³⁴⁰ Martin Smith, *Burma*, p. 38.

armed movement, initially being armed and trained by, and some being absorbed into, the ethnic groups.³⁴¹ The emergent All Burma Student Democratic Front however developed its own procurement networks, including accessing the adjacent Thai black market.³⁴² Their weapons were said to be WWII and Vietnam War vintage, having come from Cambodia via China, to the Thai black market.³⁴³

East Timor

Even outside of mainland Southeast Asia, weapons that appear to be external, found their way into the hands of the independence-seeking armed group in East Timor. Falintil, the liberation army of East Timor was armed with Portuguese G3s, WWII-era bolt-action Mausers,³⁴⁴ Japanese WWII arms, M1 Garands,³⁴⁵ and at least one US-manufactured WWII-era M3 sub-machine “grease” gun.³⁴⁶ With regard to the Mausers, Hogg asserts that as approximately 11.5 million of them were manufactured, albeit over 50 years ago, they will be “around for a long time yet”³⁴⁷ and Mausers were cited in Falintil hands in the late 1990s.³⁴⁸ A French-made submachine gun, the MAT49, used by the colonial French in their mainland Southeast Asian military campaigns, also

³⁴¹ Not that the mostly ethnic Burman students were universally welcomed by the ethnic minority armies, there remaining a great deal of suspicion towards them and lack over agreement over how useful they might be, and there was also a great deal of suspicion of “spies” among members of the ABSDF itself.

³⁴² Document in the possession of the author.

³⁴³ James Mawdsley, *The Heart Must Break: The Struggle for Democracy in Burma*. London: Century, 2001, p. 47.

³⁴⁴ Ernest Chamberlain, (Brigadier ret'd.), East Timor historian, email received, 27 March 2006. The German origin Mauser Karabiner 98 k was manufactured from 1935–1945. See Ian Hogg, *Jane's Gun Recognition Guide*, p. 255.

³⁴⁵ Email received, anonymity requested, 25 March 2006.

³⁴⁶ Frank Fraser, "East Timor: From Voting to Violence." *Soldier of Fortune*, January 2000, pp. 46–47.

³⁴⁷ Ian Hogg, *Jane's Gun Recognition Guide*, p. 255.

³⁴⁸ John Martinkus, *A Dirty Little War*. Sydney: Random House, 2001, p. 17.

turned up in East Timor.³⁴⁹ Falintil also had M16s,³⁵⁰ and a Chinese M16 known as the CQ,³⁵¹ and Soviet SKS rifles.³⁵² On the face of it, this would imply externally-supplied arms were shipped to Falintil, fanning the flames of conflict, as chapter two suggested would be the case, and as would seem to be the case in mainland Southeast Asia.

The Philippines

According to Che Man, both external supplies and “grey” transfers made it to the Moro groups in the southern Philippines in the early to mid 1970s. Externally supplied weapons from Libya to the Islamic groups in the Philippines followed the declaration of martial law in the Philippines in 1972, until 1975. Libya is said to have provided weapons and military supplies “worth millions of dollars” to the Moro Islamic Liberation Front.³⁵³ This was said to be facilitated by Malaysia, which initially supported the Islamist separatists, in a bid to make the Philippine government revoke its territorial claim to the Malaysian state of Sabah.³⁵⁴ ““Malaysian sources”” are said to have supplied ““at least 200,000 rounds of ammunition and 5,407 weapons ranging from hand grenades to machine-guns, anti-aircraft guns and a 52-inch tube-like device firing ammunition 30 inches long””(presumably a mortar).³⁵⁵

³⁴⁹ Ernest Chamberlain, email received 27 March 2006.

³⁵⁰ John Martinkus, *A Dirty Little War*, pp. 16-17; Ernest Chamberlain, email received, 27 March 2006.

³⁵¹ Interview, anonymity requested, Sydney, Australia, 12 March 2006.

³⁵² Ernest Chamberlain, email received 27 March 2006.

³⁵³ Wan Kadir Che Man, *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand*. Oxford: Oxford University Press, 1990, p. 140.

³⁵⁴ Wan Kadir Che Man, *Muslim Separatism*, p. 139.

³⁵⁵ Wan Kadir Che Man, *Muslim Separatism*, p. 139.

In regions experiencing activity by non-state armed groups, it appears that externally supplied weapons were in abundance. This historical period therefore reveals an illicit small arms black market where, external transfers resulted in literally millions of small arms coming into the region destined for particular non-state armed groups. What also transpires is that in mainland Southeast Asia at least, many of these weapons have seeped out beyond their original desired end users, both within country boundaries, and beyond these boundaries. This is so right up to the 1990s.

European, US, Soviet and Chinese-supplied arms for warring factions in Vietnam, as to Cambodia and to some extent Laos, have re-emerged in the conflicts across Southeast Asia – even as isolated as East Timor. Eastern bloc weapons have also been sighted in Burma, Indonesia and the Philippines; however this appears to be through retransfers, leakages and losses, rather than direct transfers to armed groups. While the numbers of weapons remaindered, lost, stolen and recycled from the region’s previous hot wars appear to be the most obvious sources of illicit arms, this backdrop may in fact be more of a smokescreen. Weapons of the same type, and the same vintage, could also be leaked or used in “grey” transfers, looking as if they have come from the black market.

For example, the route most of Falintil’s weapons took to get to Falintil, as will be shown in the following section, is not the result of any large scale reliable external supplier. Some of the “external” weaponry truly seem to be “one-offs”. A more straightforward explanation might be that in the case of the Mausers, as is certainly the case of the G3s, they were external weapons but taken from in-

country colonial army stocks. The extent to which these seemingly external arms are in fact internally sourced, and the extent to which internal sources are significant historically, are therefore worthy of greater attention at this point.

Internal Sources

It seems reasonable to suggest that weapons originally supplied to government troops find their way to armed groups on a somewhat regular basis, yet due to the fractured nature of internal conflict and fluidity of small arms movements it is difficult to make definitive claims. For example, even though the Lee Enfield noted earlier may have been dropped to allied forces in the Burmese ethnic armies in WWII, it could also have come from British transfers to the Burma Army itself, as could US-origin weapons such as M16A1s, M1s and M2s and other small arms subsequently used by armed groups there.³⁵⁶ In addition, although Indonesia’s current arms inventory is dominated by indigenously-produced and NATO weaponry,³⁵⁷ the USSR and other Eastern bloc countries supplied arms to Indonesia from 1958–1970.³⁵⁸ The Indonesian military was equipped with Soviet, US and European small arms, including the Garand, SKS, and M16,³⁵⁹ weapons which were also held by Falintil.

³⁵⁶ British, Indian, Israeli, German, US and Yugoslav small arms had all been transferred to the Burmese government. Andrew Selth, *Burma’s Armed Forces: Power without Glory*. Norwalk CT: EastBridge, 2002, pp. 159-160.

³⁵⁷ Richard D. Jones and Charles Q. Cutshaw (eds.), “National Inventories.” *Jane’s Infantry Weapons, 2004-2005*, 30th edition, Coulsdon: Jane’s Information Group, 2005, p. 881. Out of all Southeast Asian countries, only Cambodia and Laos have AK47s listed in their current inventories, pp. 877, 882.

³⁵⁸ Stockholm International Peace Research Institute, *The Arms Trade with the Third World*, pp. 176–178.

³⁵⁹ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 34-35.

Large-scale leakage is a particular feature catalysing the beginnings of a number of the region’s armed insurrections. The emergence of organised and determined politically-motivated revolutionary groups also led to a predisposition in several countries of governments creating paramilitary forces as an additional tactic to end the protracted conflicts. These forces are almost certainly armed by the state, albeit indirectly to ensure plausible deniability should the paramilitaries’ actions cause embarrassment. Other internal sources include battle-captures and craft-production, alluded to only rarely in the materials sourced.

Leakage

The complex political turmoil inside Burma both during World War II and in its immediate shadow resulted in innumerable small arms being taken from government stocks by communist party members and emerging ethnic armies. Defecting battalions from the Burma Army in 1949, took their weaponry with them, and along with raids on military armouries, began the communist and ethnic armed revolutions. By the late 1940s and at the start of the numerous ethnic, ideological and opportunistic conflicts that were to wrack Burma for decades to come, it was estimated the army had “lost” 45% of its equipment.³⁶⁰ Raids were undertaken on military stocks, even on military airfields, aided by mutineering military and police, and some dug up WWII hidden caches.³⁶¹ Essentially “Vast stockpiles of arms and ammunition had been built up during the Second World War and many weapons were hidden.”³⁶² It is perhaps from

³⁶⁰ Bertil Lintner, *Burma in Revolt*, p. 79.

³⁶¹ Martin Smith, *Burma*, pp. 27, 87, 93, 98, 138.

³⁶² Martin Smith, *Burma*, p. 97.

these caches that weapons could also be bought – a Karen raid on a treasury office distributed the money to local units to purchase arms.³⁶³ The weapons used to start the Mon revolution in 1947 were from even more marginal sources, taken from local villagers, and stolen from police.³⁶⁴

Large-scale leakage directly from state stocks appears to be a feature that catalysed East Timor’s revolution too. Falintil was the armed wing of the liberation movement, initially the leftist Fretilin, latterly the umbrella liberation movement, known as the CNRT.³⁶⁵ Most of Falintil’s initial support came directly from mutinous Timorese serving in the Portuguese colonial armed forces, said to have had strong predisposed links towards Fretilin. It is perhaps not surprising therefore to discover that Falintil’s initial arms source was the Portuguese Army stockpiles. The Portuguese stocks were raided in 1975 by Fretilin supporters arming against its adversary the UDT.³⁶⁶ The UDT was understood to be planning a coup; Fretilin had the intention of staging a counter-coup. UDT supporters, unsurprisingly, took to finding sources of arms from among its own supporters, which was another internal source of arms - the police. The UDT were said have arrested, and threatened to kill, the Chief of Police in exchange for the weapons in the police armoury, whereupon “the police handed over all their guns and...10% come [sic] to join our cause.”³⁶⁷

³⁶³ Martin Smith, *Burma*, p. 111.

³⁶⁴ “IMNA interviews A Mon Veteran...” *Independent Mon News Agency*, 14 August 2006.

³⁶⁵ Fretilin is the Revolutionary Front for an Independent East Timor and the CNRT is the National Council of Timorese Resistance.

³⁶⁶ Timorese Democratic Union.

³⁶⁷ Xanana Gusmão, *To Resist Is to Win!* Richmond, Vic.: Aurora with David Lovell, 2000, note 36, p. 23. This footnote questions the “arrest” of the Police Commander as he is said to have been pro-UDP.

Detailing the Fretilin leakage, Ball and McDonald state:

Fretilin members occupied the military training centre in mountain town of Aileu on 18 August. The Timorese soldiers there and in nearby Maubisse declared themselves for Fretilin, as did most of the local troops in Dili at the urging of the most senior Timorese in the army, Lieutenant Rogerio Lobato, whose brother Nicolau was a senior Fretilin leader. This gave Fretilin the immediate, overwhelming advantage of a ready-trained army of over 3000 soldiers, equipped with NATO-pattern semi-automatic rifles, mortars, bazookas and four-wheel-drive-vehicles.³⁶⁸

Several days later according to Ball and McDonald claim “Fretilin walked into the Portuguese arsenal, which contained some 15 000 semi-automatic rifles, and pushed UDT out of Dili within four days.”³⁶⁹ Another source claims over 37,000 weapons were taken – including artillery.³⁷⁰

Diminishing numbers of Falintil combatants over the duration of East Timor’s 24 year armed struggle,³⁷¹ remained armed with weapons from the original raid - Portuguese colonial-era G3s and Mausers.³⁷² In addition to the weapons noted

³⁶⁸ Desmond Ball and Hamish McDonald, *Death in Balibo, Lies in Canberra*. St Leonards, NSW: Allen & Unwin, 2000, pp. 25-26.

³⁶⁹ Desmond Ball and Hamish McDonald, *Death in Balibo*, p. 26.

³⁷⁰ Ernest Chamberlain, email received, 27 March 2006. Much of this original weaponry was either left behind as Falintil was driven out of Dili into the mountains, was lost in major offensives, or surrendered in major capitulations over the 1970s to the early 1980s.

³⁷¹ Falintil numbers decreased markedly due to defections, military defeats and large scale starvation in East Timor over this time. At its nadir in the late 1980s to early 1990s, Falintil was of minimal size, said to have only 150 combatants and 60 weapons by 1992. See Ed Rees, “Under Pressure Falintil – Forças de Defesa de Timor Leste: Three Decades of Defence Force Development in Timor Leste.” Working Paper No. 139, Geneva: Geneva Centre for the Democratic Control of the Armed Forces, April 2004, p. 44.

³⁷² Ernest Chamberlain, email received, 27 March 2006.

above in the previous section, Japanese WWII weapons were also still used by Falintil until its cantonment in 1999, said to be dug up from caches.³⁷³

In spite of these externally-manufactured weapons, it is important to stress that the liberation struggle in East Timor never appeared to receive direct external arms to assist its military campaign. In 1975 the Indonesians had imposed a naval blockade of East Timor, precisely to “deter or prevent any determined supplier from sending military supplies to East Timor.”³⁷⁴ The blockade persisted possibly throughout the duration of the conflict, further preventing any arms getting through to Falintil.³⁷⁵ Indonesia’s maritime boundary encircled the territory, making this possible. The blockade was also aided by the lack of suitable places to land weapons supplies - the eastern half of the island of Timor is said to offer little in the way of hospitable ports that were outside of Indonesian control or surveillance.³⁷⁶

Internal sources were important in the Philippines too. In 1970, a former graduate of the Philippine Military Academy, Victor Corpus, defected to the Communist Party of the Philippines’ New People’s Army. He appears to have used his knowledge of the academy to launch a raid on its armoury at the end of that year, capturing “rifles, machine guns, a bazooka and thousands of rounds of ammunition.”³⁷⁷

³⁷³ Interview, anonymity requested, Canberra, Australia, 3 March 2006.

³⁷⁴ James Dunn, *Timor: A People Betrayed*. Sydney: ABC Books, 1996, p. 195.

³⁷⁵ Interview, anonymity requested, Canberra, Australia, 3 March 2006.

³⁷⁶ Ernest Chamberlain, email received, 28 March 2006.

³⁷⁷ “Southeast Asia, Victor Corpus and Jose Almonte: The Righteous Spies.” *Asia Times Online*, 31 August 2001. Corpus surrendered six years later, and after a prison term, became the head of Military Intelligence.

Thus internal sources can be inadvertent, whether small or very large-scale leakage. Smaller amounts remain a tempting and direct source of arms over the duration of conflicts too. In East Timor, leaked ammunition in particular was noted as being “not plenty, but enough to resist”.³⁷⁸

Craft-production

Home-made or craft-produced weapons are not a new feature of the regions’ conflicts. Both long and short barrel replica firearms were used in the Malay communist insurgency,³⁷⁹ and Graham Greene’s character Tom Fowler in his novel of the French colonial war in Vietnam noted “I believe Buiks [exhaust pipes] make the best mortars.”³⁸⁰ Craft-produced gunpowder and modified firearms were noted as being apparent across tribal Burma as early as 1907,³⁸¹ and Filipino craft production is said to date back many decades.³⁸² Armed groups in Burma and the Philippines at least appear to have an ancestry of craft-production of weapons, making it less surprising to find that McCoy et. al. make reference to a “homemade bazooka” in the arsenal of one Shan National Army commander in the mid-1960s.³⁸³

Most however, is written about the Karen. Prior to major Burma Army offensives against the Karen in 1992 and 1995, the Karen Defence Ministry is

³⁷⁸ Interview, anonymity requested, Canberra, Australia, 2 August 2006.

³⁷⁹ Photograph in the possession of the author. Photograph supplied by Captain John Land, Singleton Army Museum, Singleton Army Base, Singleton, NSW, Australia, email received 16 March 2006.

³⁸⁰ Graham Greene, *The Quiet American*, New York: Penguin, 2002, p. 87.

³⁸¹ Tara Kartha, "Narcotics and Weapons: The Case of Myanmar," p. 394.

³⁸² Fred Lubang, Nonviolence International, Southeast Asia, email received, 2 September 2008.

³⁸³ Alfred W. McCoy et. al., *The Politics of Heroin in Southeast Asia*, p. 312.

said to have produced “light weaponry, grenades and rockets”.³⁸⁴ These must have had at least minimal military capability, as they were also sold on to a Karenni Armed group.³⁸⁵ Falla describes a Karen “armoury” equipped with lathes and gun parts,³⁸⁶ and Mirante also makes reference to a “Karen ordnance expert” working with the Shan State Army in a temporary loan of expertise, and a “Karen-manufactured mortar” being used by the Shan State Army-South.³⁸⁷ Falla also notes perhaps an earlier, less accurate version of a Karen-manufactured mortar.³⁸⁸ Further he cites an example of ammunition being made out of melted metal from broken boat propellers poured into moulds from lightbulb stubs.³⁸⁹ The KNLA were also said to have re-bored old Lee Enfield .303 rifles to take 7.62mm ammunition.³⁹⁰ Falla remarks on the Karen’s strong historical association with weaponry, claiming both considerable and widespread skill utilising both forest and metal products, including coconut fibre, railway piping common steel tubing, and, extraordinarily, able to make gunpowder through a bizarre processing of bat guano.³⁹¹ While admitting it was ultimately easier to buy gunpowder, Karen gun-smithing skills were said to date back at least to 1881.³⁹²

³⁸⁴ Andre and Louis Boucaud, *Burma’s Golden Triangle*, p. 76.

³⁸⁵ Andre and Louis Boucaud, *Burma’s Golden Triangle*, p. 76.

³⁸⁶ Jonathan Falla, *True Love and Bartholomew: Rebels on the Burmese Border*. Cambridge: Cambridge University Press, 1991, p. 111.

³⁸⁷ Edith Mirante, *Down the Rat Hole*, p. 161.

³⁸⁸ Jonathan Falla, *True Love and Bartholomew*, p. 112.

³⁸⁹ Jonathan Falla, *True Love and Bartholomew*, p.114.

³⁹⁰ Andre and Louis Boucaud, *Burma’s Golden Triangle*, p. 63.

³⁹¹ Jonathan Falla, *True Love and Bartholomew*, pp. 112, 113. Here Falla also claims the Karen added “Perry Davis’ Pain Killer” to the gunpowder, an archaic 19th century alchemy of opiates and ethyl alcohol. For details of the product see for example: <http://opioids.com/painkiller.html>. Accessed 1 January 2008.

³⁹² Johnathan Falla, *True Love and Bartholomew*, p. 113.

More recently, and gaining great notoriety for their excesses in East Timor, especially at the time of the 1999 referendum, the Indonesian-backed anti-independence paramilitaries were operational from at least 1983.³⁹³ These paramilitaries were originally self-armed with rudimentary homemade firearms “a carved wooden butt strapped to a metal pipe.”³⁹⁴

Battle-captures

The materials consulted for this study also only occasionally note the importance of battle-capture. In Smith, the Kachin Independence Organisation “welcomed Tatmadaw attacks” one commander explained, “If they came up in strength, we would simply retreat and try to draw them into the mountains. Then we would slip round the back to ambush their supply lines. At one time it was our best way of getting new weapons.”³⁹⁵ In passing, the Boucaud brothers note a Karen battle-capture of a Swedish-made Karl Gustav rocket from the Burma Army in 1984.³⁹⁶ More routinely perhaps, the Karen also captured arms from raids on army outposts.³⁹⁷ In Thailand, one of the reasons attributed to the military having an animosity towards the paramilitaries was that by being armed, they were seen as a likely source of weapons for the insurgents they were meant to be fighting against.³⁹⁸

³⁹³ Don Greenlees and Robert Garran, *Deliverance: The Inside Story of East Timor’s Fight for Freedom*. Crows Nest: Allen & Unwin, 2002, p. 124.

³⁹⁴ Don Greenlees and Robert Garran, p. 124.

³⁹⁵ Martin Smith, *Burma*, p. 307.

³⁹⁶ Andre and Louis Boucaud, *Burma’s Golden Triangle*, p. 83.

³⁹⁷ Martin Smith, *Burma*, p. 145.

³⁹⁸ International Crisis Group, “Southern Thailand: The Problem with Paramilitaries.” Asia Report No. 140, Jakarta/Brussels, 23 October 2007, p. 2.

Captured weapons were also a source for Falintil in East Timor. According to former leader of the Clandestine Front, Constâncio Pinto; "Most of the weapons that the guerrillas obtained were weapons they captured from the Indonesian army during operations..."³⁹⁹ Falintil is certainly said to have sported Indonesian SS1s as well as the M16s.⁴⁰⁰ Such operations included ambushes on Indonesian combat engineers in 1983, 1986 and 1998 reaping Falintil about 100 weapons in total.⁴⁰¹ In addition, almost 4,000 Indonesian forces were killed in action in East Timor. It seems plausible that where possible, their weapons and ammunition would have been recovered by Falintil.⁴⁰² In the December 1975 Indonesian invasion, even civilians were said to have pulled weapons from dead Indonesian soldiers – termed acts of “random resistance”.⁴⁰³

Ambushes are also noted as being preferable to raids on bases. One witness claims 100 weapons were captured in an entrapment of Indonesian soldiers in East Timor in the late 1970s.⁴⁰⁴ Not that such tactics are simple or easy – this raid took a week of encirclement, ending in the killing and surrender of Indonesian soldiers.⁴⁰⁵

As chapter one indicated, a further complication is that the often generic references to weapons fail to reveal their point of origin. For example, weapons used by separatists in southern Thailand in the 1980s were said to be “M1

³⁹⁹ Constâncio Pinto and Matthew Jardine, *East Timor's Unfinished Struggle: Inside the Timorese Resistance*. Boston: South End Press, 1997, p. 102.

⁴⁰⁰ Ernest Chamberlain, email received, 27 March 2006. The SS1 is the Indonesian version of the FN FNC.

⁴⁰¹ Ernest Chamberlain, email received, 29 March 2006.

⁴⁰² Ernest Chamberlain, email received, 29 March 2006.

⁴⁰³ Interview, anonymity requested, Canberra, Australia, 2 August 2006.

⁴⁰⁴ Interview, anonymity requested, Canberra, Australia, 2 August 2006.

⁴⁰⁵ Interview, anonymity requested, Canberra, Australia, 2 August 2006.

carbines, M14, M16 and AK 47 rifles, M1919 machine guns, M79 grenade-launchers, shot-guns, pistols and home-made bombs.”⁴⁰⁶ While these seem likely to have come from the Thai black market, which was fed by both new and old weapons from neighbouring countries, they could also be weapons leaked directly from Thai or other government stocks.⁴⁰⁷

In all, over this historical period, weapons transferred during WWII, as part of cold war machinations, for financial interests and geopolitical ones, or leaked – sometimes in huge numbers - from government or colonial arsenals, have been recycled numerous times within and across the conflict zones of Southeast Asia. These originally externally-supplied arms, recycled within and beyond countries of the region, are the major historical source for armed groups in Southeast Asia. Therefore weapons sourced from external sources, or inadvertently lost by governments, and both becoming part of the illicit arms market, are one type of small arms market dynamic. Until the recent past, this market and its weapons appeared to be in abundance for armed groups in Southeast Asia. Yet during this time other sources of arms were also utilised by armed groups – capturing and crafting weapons – but to a small degree reflecting both the wider availability of small arms in this period as well as the tactics used by the armed groups. From around 1990 however, this appears to have changed.

⁴⁰⁶ Wan Kadir Che Man, *Muslim Separatism*, p. 107.

⁴⁰⁷ The M16 rifles and M79 grenade launchers are commonly in state inventories across the region as well as being ubiquitous on the black markets. For state inventories, see Richard D. Jones and Charles Q. Cutshaw (eds.), “National Inventories.” *Jane’s Infantry Weapons*, pp. 876, 877, 881, 883, 885, 886, 887.

The Contemporary Situation: 1990 to 2008

The period from 1990 to 2007 is important for armed groups in Southeast Asia for several reasons. First, more coincidental than instrumental, was the end of the cold war and the end of any likely ideological support from external benefactors for the armed groups. Second, the end of major interstate and intrastate conflicts, negotiated political arrangements as well as major government military offensives, occurred in this time frame. Third, a number of armed groups were entering the second or more decade of their armed struggle, which suggests that unless they established new reliable sources of arms, their aging supplies were running out. Fourth, the change in a number of governments' practices began to curtail the number of weapons considered illicit in circulation, including those getting to armed groups.

In 1989 the Burma Communist Party imploded, more due to internal divisions than the global discrediting of communism. In Burma this led to two subsequent major developments with implications for small arms control and disarmament. These were first the initiation of a number of “ceasefires” inside Burma between the government⁴⁰⁸ and the armed groups. The second major development was the phoenix-like emergence of the United Wa State Army from the ashes of the Burma Communist Party, developing over time into the largest non-state criminal-paramilitary hybrid army in the region.

⁴⁰⁸ Since 1997 the State Peace and Development Council (SPDC), has been the official English name for the military government. It was previously known as the State Law and Order Restoration Council (SLORC), which itself was created in 1988 when the armed forces seized power in the wake of civil protests. Burma has however been ostensibly under military rule since 1962.

Throughout the 1990s and into the mid-2000s, two major armed groups in both Indonesia and the Philippines ended or suspended their revolutions, providing opportunities for insight into their sources of arms. At the same time, a number of groups had been fighting for decades – Falintil in East Timor and the Bangsamoro Islamic Armed Forces, the armed wing of the Moro National Liberation Front in the Philippines for 24 years, and the Tentara Nasional Aceh (TNA),⁴⁰⁹ the armed wing of the Free Aceh Movement, for over 20 years. Several groups are still fighting original struggles or created factions from the capitulating groups. The Karen National Liberation Army in its sixth decade of struggle in 2008 and the Moro Islamic Liberation Front continues the revolution begun by the Moro National Liberation Front in 1972. These ongoing struggles indicate groups must be getting weapons from somewhere. In southern Thailand, a renewed insurgency from 2004 on home soil may have forced the Thai government to reassess its previous practice of arming non-state groups, on top of its initiation of “constructive engagement” with the government of Burma. In Cambodia, serious efforts were put in place to eradicate the “weapons supermarket” image, discussed in the next chapter.

Overall in this time frame conflicts abated. Yet while some groups became smaller and poorer, others became larger and wealthier. Less decisively, weapons sources once abundant, might be seen to be drying up. Even so, some armed groups stubbornly soldier on, and some have morphed into paramilitary or criminal armies, or a sinister combination of the two. Paramilitaries have been nurtured in more than one country as an additional tactic to win the seemingly endless wars of attrition in this region. It is this conflict pattern,

⁴⁰⁹ Initially known as the Angkatan Gerakan Aceh Merdeka, or AGAM, Forces of the Free Aceh Movement.

reflective of the exhausting time-frame of the conflicts, as well as government responses and the groups’ behaviours, that has subsequently determined how these groups obtain arms in the more recent time period which frames this section.

As suggested by both Sislin and Pearson and the Small Arms Survey in the previous chapter, over an extended period successful armed groups are thought to expand their sources of, and their means of paying for, arms. This also implies groups keep or create an external dimension to their arms pipelines. The examples which follow show this to be correct, but only up to a point. The protracted nature of the conflicts in this region, and the government’s responses, reveal that there is an additional dimension to this model.

This additional dimension is that internal sources of weapons play a significant role in arming non-state armed groups, particularly in this region where the conflicts and groups are so long-standing. These internal sources are through battle-captures, craft-production and internal leakage. Although leakage is heartily acknowledged as a source of arms for armed groups, its political dimension, when it is both deliberate and internal, has not been analysed quite so enthusiastically. This section suggests that internal sources of small arms, including deliberate leakage, may be underestimated as a significant source of arms for non-state armed groups. While internal sources are acknowledged as being significant in a number of works, Marsh takes this further and admits to the arming of paramilitaries as being potentially problematic yet only is as much

as these arms could be leaked to revolutionary or criminal groups.⁴¹⁰ This study considers the arming of paramilitaries to be a particularly serious matter.

External Sources

Where there is conflict, or the presence of armed groups, it is assumed that politically or ideologically-motivated benefactors, or financially-motivated arms traffickers and arms brokers are involved in meeting what must be a strong demand for weapons from armed groups. This assumption - that factory produced small arms are brokered and shipped in large numbers and beyond accountability to fuel the flames of war across the globe - is a common perception of small arms proliferation as chapter two showed. However the existence of an armed conflict does not necessarily correlate to an external supply of weapons, as this section will show. Most markedly this is true of East Timor, where both the revolutionary group and the paramilitary militias were supplied from within the conflict zone. For weapons supplied to the militias from the Indonesian security forces, this is not unexpected. However, there is no evidence that weapons ever reached Falintil directly from a source external to the conflict zone. Categorically, Smith and Dee state "Falintil was never able to establish an external pipeline for the provision of armaments".⁴¹¹

⁴¹⁰ Nicholas Marsh, "Conflict Specific Capital: The Role of Weapons Acquisition in Civil War." *International Studies Perspectives*, Vol. 8 (2007): p. 68.

⁴¹¹ Michael G. Smith with Maureen Dee, *Peacekeeping in East Timor: the Path to Independence*, International Peace Academy Occasional Paper Series. Boulder: Lynne Rienner, 2003, p. 50. Despite popular advocacy campaigns in Australia and Europe, no arms made it to Timor from these groups. Unsuccessful efforts were made to do so, at least in 1976. See David Scott's personal recollections in David Scott, *Last Fight Out of Dili; Memoirs of an Accidental Activist in the Triumph of East Timor*. North Melbourne; Vic.: Pluto, 2005, pp. 237-241.

This is not to say that external sources of small arms have not been a source of weapons over recent decades – this would be misleading. At least until the 2004 Southeast Asian tsunami, the best-organised small arms smuggling business to and from Southeast Asia was operated by Sri Lanka’s Liberation Tigers of Tamil Eelam (LTTE). The LTTE appears to have been quite adept at exploiting the close and abundant Southeast Asian arms market. The LTTE ran extensive enterprises including their own companies, had diaspora financial support of a phenomenal \$1 million a month,⁴¹² and probably operated the most sophisticated small arms procurement network of any armed group in the Asian region, if not beyond. No Southeast Asian group appears to be as well financed or possessed of such sophisticated, if not wily, global business acumen.

Even so, the figures for arms flows across borders in Southeast Asia still appear phenomenal. For example, the value of illicit arms transfers from Cambodia, across Thailand to groups in Burma in 1992 alone has been estimated as being between \$400 million – 2 billion.⁴¹³ If the average price of a weapon is taken as \$250.00,⁴¹⁴ this equates to approximately 1.5 million small arms getting to armed groups in Burma in one single year.

⁴¹² This figure comes from Chris Smith, *In the Shadow of a Cease-fire: The Impacts of Small Arms Availability and Misuse in Sri Lanka*, Occasional Paper No. 11. Geneva: Small Arms Survey, 2003, p. 8. Four years later, in May 2007, two men were arrested in Australia accused of supporting and transferring funds to the LTTE between 2002 and 2007, with the Sri Lankan government implying such funds were still being used to purchase weapons. “Sri Lankan Minister Tips More Australian Arrests.” *The Sydney Morning Herald*, 2 May 2002; “Two Accused of Helping Tamil Tigers.” *The Sydney Morning Herald*, 2 May 2002. The former article however also gives the figure of US\$10-\$30 million as the monthly diaspora contribution to the LTTE, which appears to be an exaggeration.

⁴¹³ Anthony Davis, “Thailand Cracks Down on Illicit Arms Trade.” *Jane’s Intelligence Review*, December 2003, p. 32. These figures are converted by Davis from Thai baht figures given in Pasuk Phongpaichit et. al., *Guns, Girls, Gambling, Ganja*, p. 152.

⁴¹⁴ This is a rounded average figure in which the average price for an assault rifle in Thailand is given as \$285.00 in 2003, and \$250.00 average for small arms (rifles and M79s) in the 1960s.

This figure appears extraordinary. Its inference, that many small arms are transferred to armed groups, is however not upheld by the evidence inside Burma, where a great many groups are under-resourced in small arms.⁴¹⁵ It is also difficult to reconcile with the global estimates of illicit small arms, noted in chapter one. It also seems quite likely that weapons were not distributed evenly among groups inside Burma, and that the better-resourced groups (like the Mong Tai Army) could afford higher prices, more weapons in general as well as more expensive weapons like the MANPADS, than smaller or less-wealthy groups. Even so, it still appears high – the KNLA at its zenith in the late 1980s was said to have funds of \$7 million a year, to be spent on medicines and uniforms, not just arms.⁴¹⁶ As such, the figure may well only apply to certain groups rather than being a broad indication of sources and amounts per se.

Cambodia

By 1996, it was alleged that a third of mainland Southeast Asia’s small arms black market came from Cambodia, a further third consisted of new weapons from China via Laos, and a final third leakages from the Royal Thai Army.⁴¹⁷ The supplies from China may have abated since that time, as the Chinese government has undertaken to crackdown on illicit arms producers and

Document in the possession of the author, price conversion conducted on 16 January 2006; Alfred W. McCoy et. al., *The Politics of Heroin in Southeast Asia*, p. 340. For the sake of simplicity, an average price is calculated as being \$250.00 per weapon.

⁴¹⁵ This might seem contrary to expectation, particularly given the picture painted by the previous section, but this certainly seems to be the case judging from the references used later in this section.

⁴¹⁶ Phil Thornton, *Restless Souls: Rebels, Refugees, Medics and Misfits on the Thai-Burma Border*. Bangkok: Asia Books, 2006, p. 34.

⁴¹⁷ Mageswary Ramakrishnan, "Guns and Money." *TIME Asia*, 11 February 2002.

suppliers. Even so, it still identifies an external dimension to Southeast Asia’s small arms dynamic in this time frame.

In terms of external support for armed groups, Chinese and Thai support for the Khmer Rouge continued into the mid to late 1990s. The Chinese are said to have had three routes; by sea to southern Cambodia, by land via Laos and when considered necessary by air.⁴¹⁸ During the conflict in Cambodia (then Kampuchea) Thailand had a special unit devoted to transferring US and other allies weapons to the opposition factions - Special Operations Division 315. One shipment of weapons in 1993 consisted of five tons of weaponry (assumed to be small arms although there is no detail of the weapons) and there is reference to 12 warehouses on the Thai-Cambodian border estimated to contain 1,500 tons of military equipment.⁴¹⁹ These arms were intended for factions in Cambodia, however many clearly never made it to their proposed recipient, and were instead redistributed to groups in Burma and possibly elsewhere. With the continued involvement of Thai police and military, these were supplied across the country mostly to groups in Burma, but also to the Free Aceh Movement, secessionist groups in northeastern India and the LTTE in Sri Lanka.⁴²⁰ This phenomenon was confirmed by an official in the Thai National Security Council who commented in 1998 that: “All the armed forces of these minority groups rely on the weapons purchased from the Thailand market.”⁴²¹ There are also allegations of black market arms going from southern Thailand through eastern

⁴¹⁸ Pasuk Phongpaichit et. al., *Guns, Girls , Gambling, Ganja*, p. 133.

⁴¹⁹ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 92.

⁴²⁰ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 88; Pasuk Phongpaichit et. al., *Guns, Girls , Gambling, Ganja*, pp. 137–138; Anthony Davis, "Thailand Cracks Down on Illicit Arms Trade," pp. 30–35.

⁴²¹ Pasuk Phongpaichit et. al., *Guns, Girls, Gambling, Ganja*, p. 132.

Malaysia to the southern Philippines⁴²² which the Malay government has denied.⁴²³

The Khmer Rouge arms going into Thailand in the late 1990s were mostly bartered for gem and timber logging concessions.⁴²⁴ Former and serving Khmer Rouge and Cambodian government soldiers, Thai and Cambodian brokers and agents of armed groups were also involved in weapons smuggling across the Thai-Cambodia border.⁴²⁵

According to a 1998 study by the Cambodian-based Working Group on Weapons Reduction, various AK rifle types were available in that country at that time for \$5 - \$50, M16s for \$18-\$100 and pistols started at \$120.⁴²⁶ These prices confirm allegations of a glut of small arms in the country that depressed unit prices. Similar weapons on the Thai black market are sold for \$200 - \$300,⁴²⁷ indicating a stronger demand there. The Working Group maintained that an illegal arms market remains situated in Tek Thla market in Phnom Penh.⁴²⁸ Conversely a European Union-funded project claims success in reducing the number of weapons in circulation in the country – with its in-country representative stating there was no longer any organised large-scale arms

⁴²² David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 74.

⁴²³ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 55.

⁴²⁴ Pasuk Phongpaichit et. al., *Guns, Girls, Gambling, Ganja*, pp. 145–148.

⁴²⁵ Pasuk Phongpaichit et. al., *Guns, Girls, Gambling, Ganja*, pp. 137, 138, 148; David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 93.

⁴²⁶ See the Working Group for Weapons Reduction website available at :

<<http://www.wgwr.org/salw.htm>>. Accessed 24 March 2006. An email from the author to the Working Group requesting more recent figures has not been responded to.

⁴²⁷ Documents in possession of the author.

⁴²⁸ Working Group for Weapons Reduction website available at :

<<http://www.wgwr.org/salw.htm>>. Accessed 24 March 2006.

smuggling emanating from Cambodia.⁴²⁹ The length of time weapons sourced back to the Cambodian wars are stored or used outside the country is unknown. As recently as the early to mid-2000s, however, small arms emerging in Aceh were alleged to have been sourced from Cambodia.⁴³⁰

While TNA shipped-in Cambodian-origin small arms supplies from Thailand, it also possibly obtained them from Malaysia.⁴³¹ Further, TNA was often accused of obtaining weapons from external supporters, including the Acehnese diaspora and other armed groups.⁴³²

Weapons from Cambodia also get to armed groups outside of Southeast Asia, notably northeastern India and Bangladesh, via sea or across Burma.⁴³³ *Jane's* asserts that sea routes for arms from Cambodia increased in the 1990s to being the means by which 80% of illicit small arms left the country at the end of the decade.⁴³⁴ Unfortunately this information gives no indication of the size of the

⁴²⁹ “Cambodia Passes Gun Control Law.” 26 April 2006, available at: <<http://tvnz.co.nz>>. Accessed 1 May 2005.

⁴³⁰ Anthony Davis, “Police Interdict Arms Traffic to Aceh.” *Jane's Intelligence Review*, April 2004, pp. 5-6; Matthew N. Davies, *Indonesia's War over Aceh: Last Stand on Mecca's Porch*. London: Routledge, 2006, p. 35. “Thai Police Seize Arms Cache Destined for Indonesia's Rebels.” *Agence France-Presse*, 15 July 2002 and “Cambodia Says Gun-traffickers to Indonesia will be Heavily Punished.” *Agence France-Presse*, 16 June 2003.

⁴³¹ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 40–41.

⁴³² See for example, David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 21, 41; “Thailand to Help Indonesia Stem Weapons Smuggling to Aceh.” *Xinhua*, 8 April 2003; “Thai PM Admits Weapons Smuggled to Aceh.” *Xinhua*, 18 February 2004. Schulze cites Indonesian intelligence sources as being suspicious of the Patani United Liberation Organization in Southern Thailand facilitating the weapons transfer. See Kirsten E. Schulze, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization.” Washington: East-West Center, 2004, p. 33.

⁴³³ These can be bartered, sometimes for narcotics-production equipment and a figure for one shipment in 2000 was said to be worth \$80,000. David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 66.

⁴³⁴ Anthony Davis, “Thailand Cracks Down on Illicit Arms Trade,” p. 34.

shipments, which may have decreased; rather it indicates Thailand’s reduced utility for small arms trafficking. With the collapse of the Burma Communist Party and the general discrediting of leftist revolutions by the 1990s, Thailand’s pre-eminent security concern of keeping the communists out abated. Even so, in 1995, the Burmese government forces, about to launch an operation against the Mong Tai Army, and clearly aware of Thai sympathy, if not complicity, for groups along the border, requested the Thai military to prevent “arms and other logistics” getting to the MTA as it began a military attack against the group.⁴³⁵

Thailand

Border skirmishes, including attacks on refugee camps on Thai territory, either with the Burma Army or Burma’s armed groups continued into the 2000s,⁴³⁶ but did not challenge the general rapprochement between Thailand and Burma. This engagement with the Burmese regime by the Thai government put at risk not only armed groups’ arms supply routes and sources, but also caches hidden on Thai soil. In a report from 1997, a major Karen National Liberation Army (KNLA) arms cache was located on Thai territory near the Burma border which included “87 rocket launchers, 11 recoilless rifles, nine machine guns and over 1200 other rifles.”⁴³⁷ Indicating the start of a possible change of priorities, or a case of failing to pay the right “price”, the Thai officer involved said the operation, was to “prevent the KNU from regrouping on Thai soil and using it as a springboard to wage guerrilla warfare against Burma.”⁴³⁸ This is clearly a reversal of practice, if not policy, by the Thais. By the 2000s, a new Thai

⁴³⁵ "Burmese Army 'To Move Against Drug Warlord Khun Sa.'" *Bangkok Post*, 4 March 1995.

⁴³⁶ A Royal Thai Army helicopter was shot at in error by a Burma Army soldier in early 2006, the soldier claiming he thought it was a helicopter from the Shan State Army - South.

⁴³⁷ "KNU Arms Found." *The Irrawaddy*, 1 May, 1997. The KNU is the Karen National Union, the political umbrella of the Karen National Liberation Army.

⁴³⁸ "KNU Arms Found." *The Irrawaddy*, 1 May, 1997.

government that favoured “constructive engagement”, and with strong business interests of its own, paved the way towards activities that were officially interested in dealing directly with the Burmese government, coinciding with Burma’s new interest in engaging with other ASEAN states.⁴³⁹

Allegations of support for the armed groups still continued to be made by the SPDC against the Thais. In 2000 the Bangkok Post reported that it was an “open secret” that the Thai arms black market on the border implicitly involved security personnel.⁴⁴⁰ In 2002 the Burmese government even made accusations that weapons and ammunition from the annual US-Thai military exercises known as “Cobra Gold” had been retransferred to the KNLA.⁴⁴¹

In an interview with *The Washington Post* in early 2006, Karen National Union representative, Colonel Ner Dah Mya, confirmed that Thailand was still a source of arms. According to the report, the Colonel is quoted as saying: “The Thais are very flexible these days. They have always been friendly to us and they know the Burmese are not trustworthy”.⁴⁴² Exactly which Thais the Colonel was referring to is unclear. He could have meant either direct purchases from the Thai black market or links to the Thai military or government, or it could be a case of the KNLA over-emphasising Thai support for propaganda purposes.

⁴³⁹ Burma became a member of the Association of Southeast Asian Nations in 1997.

⁴⁴⁰ Nusara Thaitawat and Anucha Charornpo, “Ethnic Rebels Launch Arms Spree.” *Bangkok Post*, 1 July 2000.

⁴⁴¹ “FM Invited to Burma in Bid to Defuse Tension.” *The Nation* (Bangkok), 1 August 2002.

⁴⁴² Denis D. Gray, “Rebels: End to Myanmar Insurgency Unlikely.” *The Washington Post*, 31 January 2006.

Either way, groups in Burma in the 1990s and into the 2000s were known to still purchase arms from the Thai black market.⁴⁴³ By the early 2000s, leftist and rightist ideologies had all but disappeared as a driving force behind arms transfers, and any further political motivations had given way to pragmatic inter-state relations rather than the fostering of “buffer zones” or encouraging revolutions. There is continuing reference to Thai black market arms, however reports into the mid-2000s are that the quantities are very modest. Journalist Phil Thornton for example recounts witnessing a tiny transfer involving four AK47s, another undisclosed rifle, two rifle scopes, ammunition and ten hand grenades for the KNLA.⁴⁴⁴ And accessories appear to have been supplied to at least the Karen by French mercenaries. For example “sniper scopes” from sporting goods or specialty outlets in Paris and Bangkok were reportedly retrofitted to the KNLA’s existing weapons by the mercenaries at Karen army camps.⁴⁴⁵ Such a trickle runs contrary to the arms bazaar impression of earlier decades.

The KNLA was severely depleted following a schism in 1994 and subsequent major Burma Army offensives. Its sources of revenue – tin, teak, taxes – have all been lost from the mid 1990s. Its lack of purchasing power is reflected in its weapons’ inventory – recycled, hybridised and remaindered old arms, a serious lack of ammunition and small donations from supporters, noted above. The breakaway group, the Democratic Karen Buddhist Army paramilitary group however was granted territory as part of its deal with the SPDC, and currently

⁴⁴³ Martin West, "Karen Ambush." *Combat and Survival*, January 2000, p. 40.

⁴⁴⁴ Phil Thornton, *Restless Souls*, p. 28.

⁴⁴⁵ Robert Krott, "Sniping Against SLORC." *Combat and Survival*, July 1998, pp. 44-49; Serge Loubert, "Soldiering in Karen Country." *Combat and Survival*, April 1994, pp. 28-30.

raises revenue from teak logging, narcotics dealing and gambling,⁴⁴⁶ and is in control of territory along the Thai-Burma border. As such it is both well placed and well-financed enough to purchase arms from the Thai black market. It is even said the DKBA is both better armed, and better dressed, than its patron, the Burma Army.⁴⁴⁷ An apparently brand new M249 Light Machine Gun was sighted in a camp of the DKBA in 2005, with the observation it probably came from the Thai black market if not directly from the Royal Thai Army.⁴⁴⁸ This would seem to indicate an ongoing vibrant arms black market, continuing to feed the groups inside Burma, but only to those which can afford it.

The ongoing intra-state conflict in Burma is indeed the primary feature of the arms demand there. Many see the “ceasefire” arrangements with over 17 armed groups as indicating an end to the country’s civil war, with groups like the DKBA presenting themselves as peaceable and cooperative. However a closer examination reveals that these alleged ceasefires have merely altered the small arms dynamic there, not eradicated it. There is little doubt that since the Thai “buffer” policy has been replaced with a practice of business-oriented engagement,⁴⁴⁹ financial gain is the principal motivator of all those engaged in the arms-supply chain. Contemporary arms smugglers were said to have

⁴⁴⁶ Global Witness, "A Conflict of Interest: The Uncertain Future of Burma's Forests." 2003, p. 72; Pierre-Arnaud Chouvy, "Drugs and War Destabilise Thai-Myanmar Border Region." *Janes' Intelligence Review*, April 2002, p. 32; "World Cup Gambling Enthusiasts Undaunted by Threats of Arrest." *Kaowao News*, 3 July 2006.

⁴⁴⁷ Interview, anonymity requested, Canberra, Australia, 29 June 2006.

⁴⁴⁸ Interview, anonymity requested, Mae Sot, Thailand, 19 December 2006. The M249 is in the Thai inventory. See Richard D Jones and Charles Q. Cutshaw (eds.), "National Inventories," p. 887.

⁴⁴⁹ For a brief analysis of how this was working out for Thailand, see Aung Saw and Moe Gyo, "The New Face of the KNU." *The Irrawaddy*, February 2000 [no date given]. Admittedly, there has been a military coup in Thailand, a military caretaker government, and a new government only in office since January 2008, therefore it might be said that Thailand’s future foreign policy with the SPDC and the remaining armed groups remains speculative.

“laundered themselves through the election process” in Thailand’s transition to democracy, allowing the trafficking to continue.⁴⁵⁰ Without knowing black market purchase prices, it remains impossible to speculate on the profits to be made, although it can be assumed they outweigh the risk involved. Selling prices in western Thailand in 2003 were averaging just over \$200 for a used automatic rifle and ammunition could be bought for around 25c per cartridge.⁴⁵¹

China

Into the 1990s and 2000s, it appears that the sole source of externally-sourced small arms directly shipped to armed groups in Southeast Asia is China. These transfers are not likely to be directed or sanctioned by Beijing. While transfers to the armed groups near China’s border with Burma appear verifiable, Chalk’s assertion that Chinese arms also reach groups in the Philippines⁴⁵² seems less likely. Unless these weapons were the CQ rifles (the Chinese M16) which would be more compatible with the mostly US style arms and particularly ammunition used by groups in the Philippines, it is unlikely the groups could obtain enough weapons and ammunition to make the risk and cost worthwhile. His speculation that Chinese-origin arms are transferred to groups in southern Thailand and Aceh may appear more plausible.⁴⁵³ Equally likely however is the possibility that these are older Chinese-origin weapons, from much earlier

⁴⁵⁰ Mageswary Ramakrishnan, "Guns and Money."

⁴⁵¹ Price conversion conducted by the author, using the internet currency conversion site XE.com, available at: <<http://www.xe.com>>. Accessed 31 December 2007. Sources are documents in the possession of the author.

⁴⁵² Peter Chalk, "Light Arms Trading in Southeast Asia." *Jane's Intelligence Review*, March 2001, p. 44.

⁴⁵³ Peter Chalk, "Light Arms Trading in Southeast Asia," p. 44.

transfers to either armed groups or state forces. Again, generic references to weapons’ seized is often of little help.⁴⁵⁴

Weapons were shipped out from China’s southern ports to Cox’s Bazaar in Bangladesh via Hong Kong and Singapore in 2002,⁴⁵⁵ with implications there is official or semi-official complicity in this trade. Davis sees a strong commercial imperative for the People’s Liberation Army (PLA) in the 1990s,⁴⁵⁶ and there are allegations in 2006 that PLA soldiers and Chinese police were continuing to sell illicit firearms.⁴⁵⁷ However government crackdowns in recent years have clearly been aimed at curtailing illicit small arms production and transfers.⁴⁵⁸ Further, Byman and Cliff make a crucial observation, albeit in the context of larger weapons systems, that “The argument that China has no control over its arms industries is...undermined by the observation that Chinese arms have not been sold to potential military adversaries, such as Vietnam, India, or Taiwan.”⁴⁵⁹ By extension, this could include small arms, whereupon it could be argued that Chinese illicit small arms transfers are either deliberate, or are mostly a supply and demand dynamic between crime organisations, not to armed groups.

The strongest case for Chinese small arms transfers to a non-state group appears limited to arms being transferred into northeastern Burma to the paramilitary

⁴⁵⁴ “Report on 16 GAM Members Killed, 14 Firearms Seized, Other Incidents.” *NISAT database*, 15 July 2004.

⁴⁵⁵ Suthep Chaivivan, “Gun Running: Transit to Terror.” *Bangkok Post*, 14 July 2002.

⁴⁵⁶ Anthony Davis, “Thailand Cracks Down on Illicit Arms Trade,” p. 35.

⁴⁵⁷ “China Busts Over 100 Underground Gun Factories in Campaign.” *Agence France-Press*, 12 September 2006.

⁴⁵⁸ “Underground Weaponry-Making Suspects Convicted.” *Xinhua*, 20 July 2005; “Chinese Police Seize Thousands of Guns.” *The Washington Post*, 1 August 2006; “China Busts Over 100 Underground Gun Factories in Campaign.” *Agence France-Press*, 12 September 2006.

⁴⁵⁹ Daniel Byman and Roger Cliff, *China’s Arms Sales: Motives and Implications*. Santa Monica: Project Air Force and the RAND Corporation, 1999, p. 32.

group the United Wa State Army (UWSA), via the border that the group controls with Yunnan province.⁴⁶⁰ One explanation for this is that there is some degree of support from China. Where official knowledge or support ends however is not clear. One source implies it is advantageous for the Chinese government to arm the UWSA. This source says China is covertly arming the UWSA essentially to get roads and other facilities built inside Burma as part of the former’s strategic gambit to get transport routes into the country.⁴⁶¹

Yet a relationship with members of the armed forces or other officials in regional China would be a less-risky tactic for both the UWSA and the Chinese government, especially as Beijing is so overtly anti-drug. Since its “ceasefire” agreement with the Burmese government, the UWSA’s modern relationship with regional China, not Beijing, certainly appears to be business-oriented. This reportedly includes arms smuggling, with allegations often noting the role of the UWSA in covert transfers of Chinese weapons intercepted as far away as Burma’s border with India.⁴⁶² The end user for these weapons is thought to be armed groups inside India or Nepal.

According to another source, rather than hand in their weapons as part of a People’s Liberation Army restructure, soldiers and former PLA soldiers in Yunnan, could not resist selling arms given the high demand for them in

⁴⁶⁰ "Burma's Wa Run Guns." *Far Eastern Economic Review*, 10 August 2000. p. 10; David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 65; Anthony Davis, "The Wa Challenge Regional Stability in Southeast Asia." *Jane's Intelligence Review*, January 2003, pp. 9–10.

⁴⁶¹ Uli Schmetzer, "Thais, Myanmar Feud over Region Used by Traffickers." *Chicago Tribune*, 19 May 2001.

⁴⁶² See for example, "Nepal's Maoists Look for Guns." *Far Eastern Economic Review*, 13 December 2001, p. 8; "Burma's Wa Run Guns." *Far Eastern Economic Review*, 10 August, 2000, p. 10.

adjacent Burma.⁴⁶³ The UWSA is even said to have Chinese-origin surface to air missiles, although whether the UWSA purchased these directly from China, or elsewhere, is unclear.⁴⁶⁴

Further, in January 2007, five trucks with a consignment of mortars, heavy machine guns and anti-aircraft weapons were said to be unloaded at the UWSA’s central arsenal, with the same article noting the continuing presence of PLA military advisors in UWSA-controlled territory, where in the past they are said to have trained UWSA troops in the use of the HN5 surface to air missiles.⁴⁶⁵

External Brokers and Suppliers

It might be thought that one final source of external support might come through externally-based arms brokers. Within the region, Singapore has a reputation for illicit arms brokering, although this activity is unlikely to be sanctioned by the government there. By virtue of its strong economy, financial services, strategic location and extensive port facilities, Singapore seems like an attractive option for groups seeking financial or brokerage services. For example, the Cambodian-sourced weaponry was said to be smuggled into Aceh from Southern Thailand, with suspected diaspora support in Malaysia, and allegedly financed through Singapore.⁴⁶⁶ Allegations against Singapore as a

⁴⁶³ Michael Black, “Myanmar: From Drugs to Guns.” *Asia Times Online*, 19 January 2007.

⁴⁶⁴ Anthony Davis, “Drugs and War Destablise Thai-Myanmar Border Region.” *Jane’s Intelligence Review*, April (2002): p. 35. The missile, the HN5, is also produced by North Korea and Pakistan, yet also said to be available from the black market in Cambodia, each country with a reputation for black market weaponry. See Graduate Institute of International Studies, *Small Arms Survey 2004: Rights at Risk*. Oxford: Oxford University Press, 2004, “Table 3.2 MANPADS Producers and Basic Specifications.” pp. 82, 89.

⁴⁶⁵ Michael Black, “Myanmar: From Drugs to Guns.” *Asia Times Online*, 19 January 2007.

⁴⁶⁶ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 21, 41.

finance and arms brokering centre appear elsewhere,⁴⁶⁷ with occasional reference also to brokers based in Hong Kong and Malaysia.⁴⁶⁸ However the point remains that very poor groups cannot probably not afford to use brokers. As Pasuk et. al. observe, some of the Burmese armed groups had their own “agents” on the Thai-Cambodian border who arrange arms sales directly with the Khmer Rouge.⁴⁶⁹

Further, in the contemporary security environment, current concerns revolve around the involvement of extra-regional Islamic governments supporting Southeast Asian Islamist armed groups.⁴⁷⁰ At the time of writing however, any external Islamic state’s involvement is also quite dated in terms of materiel. Their principal involvement had been in sending weapons and funds to the Islamic groups in the Southern Philippines and in training a number of GAM combatants who later became leaders and trainers themselves.⁴⁷¹ Libya trained several hundred GAM combatants in the late 1980s, and this is well documented.⁴⁷² Unlike its support for groups in the Philippines, there is no evidence that Libya’s support for Acehese independence ever included the provision of arms. Davis notes how a Libyan-facilitated Kalashnikov transfer involving Pakistan and the MI- or MN-LF was close to useless in the Philippines

⁴⁶⁷ Anthony Davis, "Thailand Cracks Down on Illicit Arms Trade." *Jane's Intelligence Review*, December 2003, pp. 34–35; Rohan Gunaratne, "Illicit Transfer of Conventional Weapons," p 262.

⁴⁶⁸ See for example, Rohan Gunaratne, "Illicit Transfer of Conventional Weapons," p 262.

⁴⁶⁹ Pasuk Phongpaichit et. al., *Guns, Girls, Gambling, Ganja*, p. 149.

⁴⁷⁰ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 22, 23, 40.

⁴⁷¹ Details of these links can be found in International Crisis Group. "Southern Philippines Backgrounder: Terrorism and the Peace Process." Asia Report No. 80, Singapore/Brussels, 13 July 2004.

⁴⁷² For example, Capie gives a figure of 500-750, David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 40. Ross claims up to 2,000 went to Libya, with between 150–800 returning to Aceh in 1989. Michael Ross, "Resources and Rebellion in Aceh, Indonesia." in , Paul Collier et. al. (eds.), *Understanding Civil War: Vol. 2, Evidence and Analysis; Europe, Central Asia, and Other Regions*, Washington: The World Bank, 2005, p. 43.

anyway as both groups use US – NATO standard – ammunition, which is a smaller calibre size.⁴⁷³

As at 2008, this “capacity-building” of Islamic groups, including training in a range of weapons, and the adoption of extremist ideology has already occurred, and the political challenge in dealing with these intangible threats are the target of the greatest effort by many states at the current time. What may be important to recognise however is that the existence of armed Islamic extremism in the region is not without its own natural limitations. The re-ignition of the Islamic insurgency in southern Thailand in 2004 was widely feared to become an internationalised jihad, yet this has not occurred. Similarly, while there seems to be some cross-fertilisation between the MILF and Indonesian groups, the extent to which this involves weaponry transfers (as opposed to training) does not appear to be large.⁴⁷⁴

External Sources in Decline?

The changing tactics of the groups in the region, coupled with the likely decline of external sources of arms for most armed groups suggests that external sources of arms is in decline. In contrast to the UWSA and DKBA, a number of revolutionary groups’ arsenals do not reveal evidence of new weaponry. The weapons in use do not reflect their being well-financed, or that they are on the receiving end of a reliable benefactor. Indeed, a detailed listing of KNLA arms from 1998, are said to “tell the history of this part of South East Asia.”⁴⁷⁵ The

⁴⁷³ Anthony Davis, "The Philippines' Arms Bazaar." *Jane's Intelligence Review*, August 2003, p. 33.

⁴⁷⁴ Anthony Davis, "The Philippines' Arms Bazaar," p. 36; Document in the possession of the author. It is claimed that an Indonesian combatant was sent to Mindanao to obtain weapons, although no evidence that they returned with him. Sidney Jones, "The Changing Face of Terrorism in Southeast Asia." *The Asian Wall Street Journal*, 8 June 2005.

⁴⁷⁵ Robert Krott, "Sniping Against SLORC." *Combat and Survival*, July 1998, p. 47.

listing reveals the weapons used by the KNLA in the late 1990s were old Chinese Type 56s, old M1 carbines, Burmese manufactured HK33s, M79 grenade launchers, RPGs and Burmese replica MG3 GPMGs.⁴⁷⁶

Additionally Mawdsley's summary of the ABSDF's archaic and derisory weapons stocks notes with some dismay:

There were AK47s, M16s, GPMGs, 60mm mortars, hand grenades and rocket-propelled grenades. But nobody denied that the armoury was wholly inadequate. There was very little ammunition and half the shells were duds (but you never know which ones until you fired them). A couple of men even had Lee Enfields, rifles dating back to World War Two.⁴⁷⁷

Davis refers to sections of the Moro groups in the Philippines' inventory as being of "Second World War vintage" similar to the groups in Burma, firearms such as M1 Garands, M2 carbines and Browning Automatic Rifles.⁴⁷⁸ References to Falintil's and GAM's weapons also noted how old, and worn-out many of their weapons were.⁴⁷⁹ Davis even notes how five separate trips by GAM to purchase weapons from southern Thailand resulted in less than 100 weapons,

⁴⁷⁶ Robert Krott, "Sniping Against SLORC," p. 47.

⁴⁷⁷ James Mawdsley, *The Heart Must Break*, p. 47.

⁴⁷⁸ Anthony Davis, "Philippine Security Threatened by Small Arms Proliferation", *Jane's Intelligence Review*, August 2003, p. 33.

⁴⁷⁹ Falintil's weapons at its cantonment in 1999 were referred to as "old, unsafe, ineffective" and "unstandardised". Tom Ciesnieski, Advisor, Defence Force Development, United Nations Transitional Administration in East Timor. Interview, Canberra, Australia, 5 April 2006; International Crisis Group, "Aceh: So Far, So Good." Asia Briefing No. 44, Jakarta/Brussels, 13 December 2005, pp. 1-2.

which he says “confirms a profile of GAM as a guerrilla force surviving at the end of a drip-feed of small consignments”.⁴⁸⁰

The assessments above also indicate that for some groups, their weapons are mostly, if not all, very dated. This suggests that they can only afford to buy very old weapons and ammunition. However, it could also reflect the possibility that they are reusing weapons that come at little or no financial cost – leaked from government stocks or battle captures, recycled within the group, or gifted. In the case of the Lee Enfields and Burmese Army weapons noted above, this is almost certainly the case. As there is no evidence of any external benefactors for the KNLA, ABSDF, MILF or Falintil, (and one could question the extent of the external support for GAM), it is plausible to speculate that in the absence of being able to garner external support, due to lack of funds, government offensives, lack of popularity, internal sources – reused, captured, leaked or craft-produced - become a likelier means of supply. Certain sources may also simply exhaust their stocks; it is said that AK ammunition had become “rare and expensive” since the end of the Cambodian war.⁴⁸¹

While an externally-fed small arms market still exists, it is questionable that all armed groups continue to access this, and that it remains as well-stocked as previous decades. External sources may be of diminishing salience for a number of the groups in the region. Further, as a number of other sources are all internal to the conflict zone, they are beyond the reach of international efforts to curtail them.

⁴⁸⁰ Anthony Davis, "Police Interdict Arms Traffic to Aceh." *Jane's Intelligence Review*, April 2004, p. 5.

⁴⁸¹ Martin West, "Karen Ambush." *Combat and Survival*, January 2000, p. 40. West here also notes the lack of ammunition for the KNLA's Chinese RPD machine guns and M60 machine guns.

Internal Sources

If there are neither funds nor friends to ensure external weapons supplies, it is reasonable to suggest that ongoing conflicts are fought using pre-existent weapons, or that arms are obtained from inside the conflict zones. As in previous decades, weapons from previous external transfers, as well as leaked and captured arms, can all become recycled within the conflict zone. This is less likely to occur with craft-produced small arms, which tend to stay with the manufacturer, although there are cases where this has occurred, especially when there is cooperation and alliances between armed groups.

Leakage

Internal leakage, both deliberate and accidental, is a strong feature of the regional illicit small arms diffusion dynamic. Major armoury raids of the sort noted in the previous section in Burma and East Timor has not occurred in recent years⁴⁸² although small-scale leakage does continue. Of greater interest here is the importance of this trickle of leaked internal arms, and the implications of deliberate leakage.

In the Philippines, as in Indonesia, the security forces are openly known to be the single largest source of arms for the armed groups. Leakage from internal stocks is also in evidence in Thailand. Weapons that were and are legally

⁴⁸² Admittedly, many weapons went missing in East Timor in mid-2006, but this was not of the same scale as the earlier leakage, and many weapons were brought back under control in a relatively short time frame.

produced and transferred to state armed forces are habitually siphoned-off and sold to armed groups by security forces. Indeed any smuggled stocks can include previously leaked arms. Weapons that are transferred through commercial and bilateral political arrangements are also “lost”, or stolen or eventually retransferred. Poor management of stocks and lack of systemic controls exacerbates these improper transfers.

There are few countries where leakage does not seem apparent. However, the loss of state weapons to hostile forces, criminal armies and marriage-of-convenience paramilitaries, either deliberately or through mismanagement, occurs frequently enough in the region for it to be considered a significant point of diversion from the licit realm to the illicit.

In the Philippines, the state security forces are not only a significant source of arms for the revolutionary groups, but even more improbably, the criminal armies. According to a member of the Moro Islamic Liberation Front (MILF); “buying arms from abroad involves a process that the MILF finds ‘long, expensive and risky.’”⁴⁸³ Thus, the MILF arms supplies include accessing more reliable “leaked” weapons from the security sector.⁴⁸⁴ The extent of “leakage” in the Philippines is not to be belittled; from 1972 to 1986 8,000 weapons were “lost” from state stockpiles,⁴⁸⁵ with officials in 2003 admitting “most of the firearms and ammunition [used by armed groups] are coming from us...most bought.”⁴⁸⁶ Even the Abu Sayyaf Group (ASG), widely reviled as a morphed criminal-terrorist group, was said to order weaponry directly from sources

⁴⁸³ Anthony Davis, “Philippine Security Threatened by Small Arms Proliferation,” p. 33.

⁴⁸⁴ Anthony Davis, “Philippine Security Threatened by Small Arms Proliferation,” p. 34–35.

⁴⁸⁵ Anthony Davis, “Philippine Security Threatened by Small Arms Proliferation,” p. 34.

⁴⁸⁶ Anthony Davis, “Philippine Security Threatened by Small Arms Proliferation,” p. 35.

closer to home - the Armed Forces of the Philippines. Well-financed from ransom payments, an ASG member allegedly admitted “We pay a lot more than it should cost of course...But at least we get what we need.”⁴⁸⁷ A Filipino Senator had earlier confirmed that firearms and ammunition captured from the ASG “can only come from the Armed Forces.”⁴⁸⁸

Occasionally, groups undertake an organised raid on a police or military stockpile. In 1990 GAM conducted what was said to be its first successful raid on a TNI base in Aceh, capturing “a large cache of weaponry” but killing two people in the process.⁴⁸⁹ A less-risky tactic, as employed by the New People’s Army, is to masquerade as law enforcement officers on a special investigation, and raid local armouries through subterfuge, not attack.⁴⁹⁰

The Indonesian security forces also have an unfortunate, if not undeserved reputation, as a source of weaponry and ammunition, in evidence in East Timor and Aceh. Falintil, despite its initial windfall of arms, suffered defeats and capitulations. By the early 1990s, it was under-resourced and reduced to a small fighting force. With no external assistance, impoverished Falintil combatants sourced arms and ammunition from the security forces. “We did buy some hand grenades and ammunition, however, but not in great amounts...We bought them from the Indonesian military” reveals Pinto.⁴⁹¹ Cartridges cost

⁴⁸⁷ Quote from a member of the Abu Sayyaf Group, in Anthony Davis, “Philippine Security Threatened by Small Arms Proliferation,” p. 34.

⁴⁸⁸ “Senator Confirms Military Supplied Arms to Abu Sayyaf.” *Manila Standard*, 1 October 1994, (NISAT databse.)

⁴⁸⁹ Tom Farrell, “Indonesian Troops Kill GAM Commander.” *Jane’s Intelligence Review*, November 2004, p. 4.

⁴⁹⁰ “Philippine Communist Rebels Raid Police Station.” *Reuters AlertNet*, 18 March 2006.

⁴⁹¹ Constâncio Pinto and Matthew Jardine, *East Timor’s Unfinished Struggle*, p. 102.

1,500 rupiah, converted by Pinto to 80 cents each, and hand grenades cost 25,000 rupiah (approximately \$13.00).⁴⁹²

Unexpectedly, Falintil “surrenders” to the Indonesians were also a convoluted means of getting ammunition back to the group. With no questions asked about ammunition useage, “not plenty, but enough” Indonesian ammunition was leaked back to Falintil supporters or relatives by former Falintil capitulators, clearly still working for the revolution.⁴⁹³

Pinto also notes the imperative in Falintil to conserve ammunition,⁴⁹⁴ indicating that ammunition was neither plentiful nor cheap. One possible explanation is simply that Falintil did not have the money to pay for any weapons. Often referred to as “rag-tag”⁴⁹⁵ band of rebels, Falintil rarely gave the impression of being well-resourced as the conflict wore on. Operating in a largely rural environment of subsistence farmers, with no local or international business interests to “tax”, and no means of exporting any resources to international buyers, or extorting international corporations, and no external benefactors, Falintil survived through local support alone,⁴⁹⁶ and by extension, local supplies

⁴⁹² Constâncio Pinto and Matthew Jardine, *East Timor’s Unfinished Struggle*, p. 102. The price for the grenade was calculated by this author using Pinto’s rate. Price conversion conducted by the author, using the internet currency conversion site XE.com, available at: <http://www.xe.com>. Accessed 31 December 2007

⁴⁹³ Interview, anonymity requested, Canberra, Australia, 2 August 2006.

⁴⁹⁴ Constâncio Pinto and Matthew Jardine, *East Timor’s Unfinished Struggle*, p. 53.

⁴⁹⁵ See for example, Dan Murphy, “UN Makes Feeble Timor Midwife.” *Christian Science Monitor* (available at East Timor and Indonesian Action Network, ETAN), 14 February 2001; and Gerry van Klinken, “Big States and Little Secessionist Movements.” in Damien Kingsbury (ed.), *Guns and Ballot Boxes: East Timor’s Vote for Independence*. Melbourne: Monash Asia Institute, 2000, p.157.

⁴⁹⁶ For support given to and by Falintil, see the Commission for Reception, Truth and Reconciliation in East Timor, “Chapter Five: ‘Resistance Structure and Strategy’ Final Report.” 2006. These groupings were known as the “Rede Clandestina”, “Frente Clandestina” and

of arms and ammunition. Falintil did not have the finances, appropriate geography, nor the popularity abroad, to purchase, or be gifted, externally-sourced weapons.⁴⁹⁷

Weapons used by the ASNLF/TNA in Aceh were also leaked from government stocks, it being “quite possible” to buy them straight from the government-owned arms manufacturer PT Pindad.⁴⁹⁸ According to Kingsbury, these transfers were facilitated by members of the military:

purchases were made through corrupt generals, and the weapons were shipped, still in crates, to the separatist army waging a war of secession against the government for which the generals supposedly worked...the generals did not have sons fighting in Aceh, so to them it was just a business deal.⁴⁹⁹

McCulloch confirms these direct transfers from Pindad to GAM facilitated by members of the armed forces in Jakarta.⁵⁰⁰ More concerned about cost than the ASG, a GAM official is quoted as saying “We don’t care where they come from if it is a good price”.⁵⁰¹ Shulze confirms that “the Indonesian security forces represent the largest source of GAM weapons”.⁵⁰² In July 2006 the home of a

“Resistencia Clandestina”. See for example Michael G. Smith with Maureen Dee, *Peacekeeping in East Timor*, pp, 40, 54–55.

⁴⁹⁷ In desperation, Falintil commander Taur Matan Ruak is said to have attempted to ship arms in by sending out three vessels in the mid-1990s. It is not known what happened to these ships, but there is no evidence that they returned to East Timor. Interview, anonymity requested, Canberra, Australia, 3 March 2006.

⁴⁹⁸ Damien Kingsbury, *Power Politics and the Indonesian Military*. London: RoutledgeCurzon, 2003, p. 209.

⁴⁹⁹ Damien Kingsbury, *Power Politics and the Indonesian Military*, 2003, p. 209.

⁵⁰⁰ Lesley McCulloch, “Greed: The Silent Force of the Conflict in Aceh.” October 2003. Available at: <<http://www.etan.org/aceh/>>. Accessed 6 July 2008.

⁵⁰¹ Damien Kingsbury, *Power Politics and the Indonesian Military*, 2003, p. 209.

⁵⁰² Kirsten E. Shulze, “The Free Aceh Movement (GAM),” p. 33.

deceased Indonesian Army Brigadier General was found to have a store of weapons and military equipment listed as 145 rifles, 42 pistols, 28,985 rounds of ammunition and nine grenades.⁵⁰³ Inadvertently confirming that such practice was not unusual, the Army Chief of Staff commented that the size of the cache was “beyond acceptable practice.”⁵⁰⁴

While no other Burma-based groups are as well resourced as the Democratic Karen Buddhist Army (DKBA) and United Wa State Army (UWSA), as these two groups operate as semi-complicit government paramilitaries, they too obtain arms from within Burma. As the DKBA is the largest paramilitary on the Thai-Burma border, the Burma Army, at least for several years, provided it with “most” of its arms and ammunition.⁵⁰⁵ This is not too different to the earlier practice regarding the KKY groups noted earlier. Again however, despite the new Minimi sported by the DKBA, this reinforces the internal dimension to the contemporary small arms diffusion pattern. There are even internal dimensions to the UWSA’s arsenal. It is plausible that as the UWSA has a distinct military and political purpose⁵⁰⁶ the Burma Army may have purchased ammunition from North Korea, even for this seemingly self-resourced and well-financed group.⁵⁰⁷

⁵⁰³ “The Man Behind the Guns.” *The Jakarta Post*, 4 July 2006.

⁵⁰⁴ “The Man Behind the Guns,” 4 July 2006.

⁵⁰⁵ Desmond Ball and Phil Thornton, *Buddha’s Renegades: The Democratic Karen Buddhist Army*, forthcoming. Global Witness states Burma Army support in the form of rations and pay ended in 1996, but makes no mention as to whether weapons were still supplied. Global Witness, “A Conflict of Interest: The Uncertain Future of Burma’s Forests.” 7 October 2003, p. 72.

⁵⁰⁶ At least it did have until October 2004, when the Burmese junta turned on the instigator of the “ceasefire” arrangements, former Prime Minister Khin Nyunt.

⁵⁰⁷ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 60. This seems to be backed-up by Bertil Lintner, “North Korea: Coming in from the Cold.” *Asia Pacific Media Services*, 21 February 2006, available at: <<http://www.asiapacificms.com/articles/northkorea/>>. Accessed 31 August 2008.

Another internal dimension occurs when groups factionalise. The defecting KNLA took their weapons with them when they created the DKBA, and weapons were also taken from KNLA refusniks.⁵⁰⁸ Leakage can also come from defecting government security personnel or paramilitaries. Defecting Burma Army combatants going over to the revolutionary armed groups in Burma are lauded in the groups’ publicity material, which notes that they bring personal side arms and ammunition with them.⁵⁰⁹

It is noted in the earlier section of this chapter that the pro-Indonesian militias in East Timor were armed originally with craft-produced firearms. However as calls for independence continued, and a referendum announced by the new President Habibie in early 1999, weapons were leaked from government sources to the militias. From the end of 1998 and into 1999, the complicity of the Indonesian forces in arming them became harder to deny.⁵¹⁰ These included old and new weapons “Portuguese-era Mausers and fully automatic SKS and M16 rifles” as well as hand grenades.⁵¹¹

Pro-Indonesian paramilitaries in Aceh also obtained arms and ammunition from the Indonesian military. References are made to some of the groups having M16s, Indonesian-produced SS1 military rifles, and that ammunition “can be

⁵⁰⁸ Karen Historical Research [unreadable]. “The River Conjunction (Where Rivers Conjoin).” Undated, p. 26.

⁵⁰⁹ See for example, “Interview with a Burmese Junta’s Soldier.” *Freedom News*, Shanworld, Vol. 1, No. 3, April 2001, p. 29; “Militiamen Join Hands with SSA.” *Freedom News*, Shanworld, Vol. 1, No. 4, May 2001, p. 35.

⁵¹⁰ Don Greenlees and Robert Garran, *Deliverance*, pp. 124, 126, 131, 132, 140 (admittedly, some of the gunshot wounds from automatic weapons could have also been made by Indonesian soldiers masquerading as militia, p. 127). John Martinkus, *A Dirty Little War*, p. 221, 405,

⁵¹¹ Don Greenlees and Robert Garran, *Deliverance*, p. 140.

bought from the military at Rp 5000 per bullet.”⁵¹² The same report states there “is overwhelming evidence that the security forces are arming and training such groups.”

While the emphasis in the literature is that conflict is fed by weapons from abroad, the uncomfortable reality in the Indonesian conflicts is that government security personnel are often the primary source of sales and transfers of weapons and ammunition to both revolutionary groups and to government paramilitaries. In the Philippines too, leakage is closer to siphonage. In the case of southern Thailand, weapons used by the Islamist separatists are said to have arms that are “mostly” stolen from the security sector.⁵¹³ Leakage is a less dominant source of supply in the current conflicts in Burma. However this is offset by the practice of the Burmese government in arming the paramilitary groups is on a much larger scale than seen in Indonesia. In Burma this is a clear political and military tactic, also linked to broader government and armed groups’ business interests. As this has occurred in tandem with the “ceasefires” in the country since 1989, which often involve increased militarisation, re-arming capitulating groups or allowing them to retain arms, this is discussed at greater length in the following chapter’s section on disarmament.

⁵¹² “Fear in the Shadows: Militia in Aceh.” July 2004, Aceh-Eye.org, available at: <http://www.aceh-eye.org/data_files/english_format/ngo/ngo_eoa/ngo_eoa_2004_07_00.html>. Accessed 31 December 2007. Five thousand Indonesian rupiah is worth approximately 55c. Conversion conducted by the author, using the internet currency conversion site XE.com, available at: <<http://www.xe.com>>. Accessed 31 December 2007.

⁵¹³ “Southern Thai Separatists.” Jane’s Terrorism and Insurgency Centre, Jane’s online. Academy Library (University of New South Wales at the Australian Defence Force Academy), Canberra, Australia: 2007. <<http://jtic.janes.com/JDIC/JTIC/home.do>>. Accessed 2007.

Arming paramilitary units also occurred more recently in East Timor. In a throwback to the country's factionalised past, a sinister development that emerged out of the 2006 mid-year crisis was the revelation that the ruling political party, in its first years of democracy, was arming against other political forces. What transpired was the existence of what was termed the “Fretilin Secret Service Team” which was linked to the ruling political party, Fretilin.⁵¹⁴ In March 2007, former Interior Minister, Rogerio Lobato, was sentenced to more than seven years prison for illegally distributing weapons originally supplied to special units in the police, to groups of civilians, and to former Falintil.⁵¹⁵ Media alleged that the Minister intended “to turn police into a private army for the ruling Fretilin party and arm civilian hit squads to cow voters” in the 2007 elections, and develop the police “as a counter” to the East Timorese army.⁵¹⁶ In addition to it ultimately being proven that one of the groups was complicit in killing members of the armed forces, it is claimed politicians were also seen armed with police-issued Steyr assault rifles during the crisis.⁵¹⁷

⁵¹⁴ Also known as Fretilin Secret Security Team, which may be discrepancies in the translation, however the acronym of “ESSF” remains the same. See “English Translation of Letter to President Xanana Gusmao: Factual Information Report.” from Commander Rai Los, translation date 21 June 2006; “English Translation of the Memo from Commander Rai Los: Report on Activities Secret Security Team Fretilin.” from Commander Rai Los to Minister for the Interior, Rogerio Lobato, report dated 20 May 2006, translation dated 21 June 2006. Both available from the ABC Four Corners website at:

< <http://www.abc.net.au/4corners/content/2006/s1666349.htm>>. Accessed 22 April 2007.

⁵¹⁵ “Rogerio Tiago Lobato Sentenced to 7 Years 6 Months Prison.” Press Release (English language), Judicial System Monitoring Programme, March 2007. He was also charged with other offences relating to the armed violence.

⁵¹⁶ Hamish McDonald, “Timor Minister Equipped Police as Private Army.” *Sydney Morning Herald*, 19 June 2006.

⁵¹⁷ Andrew Harrington, “25th of May Massacre and War Crimes in Timor-Leste.” *East Timor Law Journal*, 24 January 2007, p. 31, note 54, p. 36. Available at: <www.eastimorlawjournal.org>. Accessed 6 January 2008.

The expansion and arming of paramilitaries, and militias, including village defence forces is particularly apparent in southern Thailand since 2004. In January 2004 a well-organised raid on a military armoury provided a kick-start to a new period of Muslim separatist activity in Thailand’s four southern provinces. These weapons however have not obviously appeared in the hands of the insurgents in the region and it seems most likely that most if not all have left the region. As this is the case, it seem likely the weapons have been shipped out and the most likely end-users would be the LTTE, with known supply routes out of the southern ports, and with the capacity to orchestrate the raid and pay for the goods. Even so, in response to the raid, and renewed separatist activity, the Thai government has expanded its long-standing tendency to arm paramilitary and militia forces. There is little doubt that the paramilitaries and militias are armed, however it is not clear the extent to which they are armed. The Thai government however offers cheap loans for teachers and public servants to enable them to buy their own arms “for self-defence.”⁵¹⁸ Even if only the paramilitaries, plus perhaps half of the village forces and teachers were armed, the figures are deeply concerning. As noted in chapter one, there are due to be an estimated 9,000 paramilitary rangers, 2,200 village defence units, a 2,840 teacher-protection battalion plus 67,400 village defence volunteers by 2009.⁵¹⁹ The paramilitaries are armed with regular weaponry, and receive training in handling M16 rifles, HK assault rifles (most likely a G3 or G33) and M79 grenade launchers.⁵²⁰ The irregular citizens’ forces appear to be armed with shotguns and assault rifles, judging by what is listed as stolen from them.⁵²¹

⁵¹⁸ International Crisis Group, “Southern Thailand,” p. 20.

⁵¹⁹ Peter Chalk, “The Malay Muslim Insurgency in Southern Thailand: Understanding the Conflict’s Evolving Dynamic.” Santa Monica: The RAND Corporation, 2008, p. 17.

⁵²⁰ International Crisis Group, “Southern Thailand,” p. 5.

⁵²¹ International Crisis Group, “Southern Thailand,” p. 17.

Not surprisingly, there appears to be a propensity for weapons to be stolen from the civilian militia groups by alleged separatists.⁵²²

As the East Timor and Thai examples show, historically as well as recently, paramilitaries obtain new weaponry from their patron as and when they are needed. Southern Thailand reflects a particularly complex web of weaponry diffusion, but one which nonetheless one which has a discernable internal dynamic. An exception would be Burma, where most paramilitaries metamorphose from revolutionary armies, and often retain their original armoury, or are rearmed with their own weapons, at no expense to the government, when they “enter the legal fold”. In Aceh and the Philippines, armed non-state groups appear on each side of the conflict, both potentially armed from weapons leaked from the armed forces. Both deliberate and opportunistic leakage is therefore apparent in this period. So too is the prevalence of craft-produced weaponry.

Craft-production

Unexpectedly, there is not necessarily any correlation between a group’s size, and its resources, and the likelihood of it resorting to craft-production. Craft-production for larger weapons, facilities enabling longer production runs, and the capacity for firearms rifling and gun-smithing might appear to be the preserve of the bigger groups with commensurate greater resources, finances and territory. However several smaller, struggling groups also appear to have, or have had, a capacity for craft-production. Craft-production overall can

⁵²² International Crisis Group, “Southern Thailand,” pp. 16-17.

produce small arms and ammunition of varying quality and reliability, and can involve converting very small items from civilian products, to mortar and firearm production involving workshops, machine tooling equipment and gunsmithing skills.

There is recognition that the quality of Filipino craft-production is of a high standard. Both Filipino craft-weapons and craft-gunsmiths have been exported to criminal networks in Japan and Taiwan.⁵²³

AGAM's, later the TNA's arms, were a combination of both craft-produced and factory-made arms. The detailed reports of TNA's arms reveal a surprising preponderance of “rakitan” or craft-produced weapons and ammunition. One listing revealed that over 60% of weapons captured over a 20 month period in 2001–2002 were craft-produced, although this figure appears to include explosive devices.⁵²⁴ Indonesian media reports, often identified craft-produced weapons in records of TNI captures from AGAM/TNA.⁵²⁵ While these reports refer to firearms, AGAM/TNA's capacity for weapons production included grenade launchers, copies of the M79,⁵²⁶ which uses a simple pivoting barrel

⁵²³ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 73; Anthony Davis, "The Philippines' Arms Bazaar." *Jane's Intelligence Review*, August 2003, p. 36.

⁵²⁴ Kirsten E. Shulze, "The Free Aceh Movement (GAM)," pp. 32–33.

⁵²⁵ "Report on 16 GAM Members Killed, 14 Firearms Seized, Other Incidents." *NISAT database*, 15 July 2004; "Indonesian Military Finds Various Types of Ammunition During Operation in Aceh." *ANTARA News*, 21 February 2004.

⁵²⁶ Matthew N. Davies, *Indonesia's War over Aceh*, p. 36. Beek notes seeing 52 of these. Christine Beek, "Re-paving the Road to Peace: Analysis of the Implementation of the DD&R (Disarmament, Demobilization and Reintegration) in Aceh Province, Indonesia." BICC Brief No. 35, Geneva: Bonn International Centre for Conversion, undated, p. 28.

which makes it both easy to make and fire. It is also alleged that GAM made Sten-gun replicas and handguns.⁵²⁷

More surprisingly however, the Free Aceh Movement is the only armed group in this study that used ammunition reloading machines.⁵²⁸ This capacity for ammunition reloading is highly unusual, and possibly unique among armed groups in the region. A reload machine is a small, hand-operated device, mostly utilised by sporting shooters to re-manufacture small arms ammunition.⁵²⁹ While laborious, it quickly and precisely facilitates the reloading of empty cartridge cases by depositing pre-determined amounts of ammunition, such as gunpowder, and shot or solid metal, into bullet casings. The fact that the TNA used these machines to re-fabricate ammunition, rather than to buy or steal it, reveals that the group was more innovative, more technologically advanced and took self-reliance in armaments to an entirely new level – much more so than many other revolutionary groups. The employment of such a machine reveals also that TNA too suffered from a lack of externally-supplied ammunition. Davies confirmed that as Indonesian naval blockades tightened from 2002, this indigenous production gained a stronger strategic role in keeping TNA troops supplied with ammunition.⁵³⁰ To keep this internal production running, small bags were attached to the firearm’s ejection port in order to capture the ejecting ammunition casings, rather than lose them on the battlefield.⁵³¹ Bags of empty

⁵²⁷ William Nessen, journalist, email received, 20 January 2006.

⁵²⁸ Matthew N. Davies, *Indonesia’s War over Aceh*, p. 36.

⁵²⁹ Recreational shooters use reload machines for the purposes of improved economy and improved accuracy.

⁵³⁰ Matthew N. Davies, *Indonesia’s War over Aceh*, p. 36.

⁵³¹ Matthew N. Davies, *Indonesia’s War over Aceh*, p. 36.

bullet casings were returned to the “clandestine town workshops and remote forest cottages” where the reloading machines were hidden.⁵³²

There is little public information about Aceh’s paramilitaries, however it does appear that they too had a capacity for craft-produced small arms although with no detail on their quality or reliability.⁵³³ While some, as in East Timor, were armed by the Indonesian security sector, one self-reliant village militia claimed to have received neither weapons nor training from the TNI, yet alleged that “villagers have been producing ammunition and firearms out of bicycle parts”⁵³⁴ to fight off the TNA.

Fabricated weapons and defences from forest and civilian products have also been employed by armed groups in Burma. Mirante cites “primitive pipe-grenades... plastic [agricultural] explosives in...Heineken beer cans... and punji stakes.”⁵³⁵ The latter are sharpened, poison-tipped bamboo stakes, set in the ground. Similar devices and improvised bamboo grenades can also be observed as part of the kit of the KNLA.⁵³⁶ A particular type of spiked bamboo is said to have been meshed together to form a defensive forest canopy capable of deflecting 60mm mortars.⁵³⁷

⁵³² Matthew N. Davies, *Indonesia’s War over Aceh*, p. 36.

⁵³³ “Fear in the Shadows: Militia in Aceh”, July 2004, Aceh-Eye.org, available at: http://www.aceh-eye.org/data_files/english_format/ngo/ngo_eoa/ngo_eoa_2004_07_00.html. Accessed 29 April 2007.

⁵³⁴ Nani Afrida, “Javanese ‘Militia’ Village Marks Pro-Indonesian Front Line in Aceh.” *The Jakarta Post*, 15 December 2004.

⁵³⁵ Edith Mirante, *Down the Rat Hole*, p. 49. Punji stakes are hardened, sharpened, sometimes poison-tipped, bamboo stakes placed into the ground spike upwards, with the aim of piercing the feet of the enemy in a ground attack.

⁵³⁶ Johnathan Falla, *True Love and Bartholomew*, p. 110; “The Karen: Death or Democracy.” *SBS Dateline*, 22 February 2006.

⁵³⁷ Interview, anonymity requested, Canberra, Australia, 29 June, 2006.

Weapons captured and published in photographic and filmed records after the Mong Tai Army's partial capitulation, reveal that this massive “drug army” also had a number of arms manufacturing facilities. The numbers of military weapons from MTA combatants which were lined-up for the first handovers in January 1996 astounded analysts as one handover was captured on film and broadcast on western television. As the camera pans over the vast array, it reveals that the handover included dozens of grenades, hundreds of assault rifles (AK types and M16s), hundreds of mortars, rockets, and even a number of SA7 surface to air missiles. While the implication in the film is that the weaponry came from cash generated by drug profits, the MTA also appear to have had well-equipped workshops and weapons-production facilities. The photographs and subsequent materials explaining and lauding the capitulation by the MTA commander in chief, Khun Sa, were produced by the Burmese government, therefore it seems prudent to treat the findings with caution, however the claim that thousands of landmines, grenades and mortars were made by the MTA in their workshops appear to be verified by the photographs and film.⁵³⁸ This may explain the preponderance and enormous numbers of these more rudimentary arms on display in the handovers; landmines, grenades and mortars are simpler to manufacture than firearms.

The ability of particularly KNLA craft-production of small arms, as noted in the earlier section, has been severely curtailed by the Burma Army offensives of 1992 and 1995. With the major loss of territory, including its headquarters, and

⁵³⁸ See Maung Hpo Shoke, Part 5, “Why Did Khun Sa’s Mong Thai Army Exchange Arms for Peace?” available at: <<http://myanmar-narcotic.net/MTA>>. Accessed 11 June 2006. Also Adrian Cowell, “The Heroin Wars.”

the splitting of the movement into two factions, the original revolutionary KNLA and the revolutionary/paramilitary DKBA, Karen craft production is likely to be minimal if at all since 1995. At best, KNLA craft-production reveals perhaps a propensity for being able to repair firearms, and being able to fashion enough arms and ammunition to keep a determined revolution going. With the considerable losses of territory (and therefore also taxes of customs posts and local populations) since the 1992 and 1995 tatmadaw offensives, and the visibly aged KNLA weaponry, major gun-smithing may no longer be an activity the group is capable of undertaking.

However landmine production by armed groups inside Burma is among the most prolific of all non-state groups worldwide; craft-production of landmines by groups inside Burma is regularly noted in the Landmine Monitor report.⁵³⁹ According to the Report, the UWSA in 2005-2006 is seemingly making the most of previous links, manufacturing landmines, ammunition and possibly other military products at an “arms factory” formerly used by the Burma Communist Party.⁵⁴⁰

A more recent news report claimed that the UWSA was producing replicas of the Chinese Type 56 (listed as their export name the M22) automatic rifles, and Chinese Light Machine Guns, plus the 7.62mm ammunition used by both.⁵⁴¹ Handguns, and their ammunition, were said to be in planned production,

⁵³⁹ *Landmine Monitor Report: Toward a Mine Free World 2004*, Washington: International Campaign to Ban Landmines, 2004, pp. 937–938.

⁵⁴⁰ *Landmine Monitor Report 2006: Toward A Mine-Free World*. Washington: International Campaign to Ban Landmines, 2006, p. 860. The arms factory is the one set up in 1977 as noted in the historical section of this chapter.

⁵⁴¹ Michael Black, “Myanmar: From Drugs to Guns.” *Asia Times Online*, 19 January 2007.

allegedly for the purpose of supplying other armed groups.⁵⁴² While admitting the allegations of expanded weapons production have yet to be verified, the article argues that obtaining the high quality raw materials and accurate machine tools would be quite feasible for the UWSA, given its established, and mutually beneficial, relations with both official and unofficial sources in China’s neighbouring Yunnan province.⁵⁴³

Craft-production has also been extensive in the Philippines – both of landmines and other small arms. In the Philippines landmines appear to be locally fabricated or battle-captured from the Armed Forces of the Philippines.⁵⁴⁴ Building on the Philippine tradition of “paltik” firearms producers, the MILF, at least until the loss of its major military camps in 2000 and 2003 was refurbishing and craft-producing weaponry. This production included RPG2s, M-79s and a .45 calibre pistol.⁵⁴⁵ Another report suggests that assault rifles were also manufactured by Mindanao-based groups.⁵⁴⁶ While it is said the RPG2s were of dubious quality, they were still of military utility, with “a large proportion” of Filipino army casualties in the 2000 offensive caused by these weapons.⁵⁴⁷

Surprisingly, given external weapons sources were not forthcoming, at no point did Falintil undertake craft-production of firearms. Nor was there any evidence

⁵⁴² Michael Black, “Myanmar.”

⁵⁴³ Michael Black, “Myanmar.”

⁵⁴⁴ *Landmine Monitor Report*, 2006, pp. 601–602, 604–605. The MILF and ASG are said to use landmine components sourced externally. *Landmine Monitor Report*, 2006, p. 605. On IED use in southern Thailand, see “Southern Thai Insurgency Gains Fresh Momentum.” *Jane’s Intelligence Review*, August 2004, pp. 14-21.

⁵⁴⁵ Anthony Davis, “Philippine Security Threatened by Small Arms Proliferation,” p. 35.

⁵⁴⁶ Merlizo M. Makinao and Alfredo Lubang, “Disarmament, Demobilisation and Reintegration: The Mindanao Experience.” Department of Foreign Affairs and International Trade, Canadian Government, 2001, p. 18.

⁵⁴⁷ Anthony Davis, “Philippine Security Threatened by Small Arms Proliferation,” p. 35.

of the use of landmines or booby traps in East Timor, even though it is claimed that like the groups in Burma, Falintil set traditional spiked traps.⁵⁴⁸ Even by the late 20th century, East Timor was largely agrarian and underdeveloped, therefore there was simply no knowledge of the technology of how to make ammunition or firearms.⁵⁴⁹ Even so, such weapons have little utility in an armed confrontation unless they are high quality. Falintil found it tactically more advantageous to revert to spears and arrows than crafted firearms.⁵⁵⁰ Evidence of crude craft-produced firearms and imitation firearms have been common in other recent conflicts in the Pacific however. Homemade weapons comprised over half of the weapons handed in to intervention forces in Bougainville by late 2002.⁵⁵¹ Yet even a poorly-crafted homemade firearm can be used to great effect as a coercive weapon.

Battle-captures

Battle-captures are another key feature of the region’s sub-state conflicts, adding an additional dimension to the legal-illegal, external-internal nexus of small arms availability, transfer and use. There is little current material on this, as noted earlier. What can be said with some certainty is first, that governments and armed groups would be reluctant to admit to their losses, and second, it seems likely groups would exaggerate such acquisitions. Further, while the following statistics reveal only very small numbers of weapons captured, they are indicative of a trend in the small arms diffusion in Southeast Asia at least.

⁵⁴⁸ Interview, anonymity requested, Canberra, Australia, 2 August 2006.

⁵⁴⁹ Interview, anonymity requested, Canberra, Australia, 2 August 2006.

⁵⁵⁰ Interview, anonymity requested, Canberra, Australia, 2 August 2006.

⁵⁵¹ See Philip Alpers and Conor Twyford, *Small Arms in the Pacific*, Occasional Paper No.8, Geneva: Small Arms Survey, 2003, p. 84.

Falintil captured weapons secured in raids on the TNI.⁵⁵² The group also captured weapons and ammunition that had been stockpiled for the militias. One raid in 1998, pre-empting a paramilitary attack, netted 36 automatic rifles, 3,600 rounds of ammunition, 6 grenade launchers, grenades and pistols.⁵⁵³ Battle-captures from the pro-Indonesian militias may also explain how a Falintil combatant was photographed with a craft-produced weapon,⁵⁵⁴ while other sources claim Falintil did not make or use home-made weapons.⁵⁵⁵

Several of Burma’s armed groups record their battle captures from the Burma Army. In January 2006, the Shan Herald Agency for News (SHAN) publicised photographs of Shan State Army – South battle captures from a recent altercation it had had with a unit comprised of both Burma Army and United Wa State Army troops. The photographs revealed stacked G3s (probably Burmese), AK types (most likely Chinese Type 56), mortars and other weaponry.⁵⁵⁶

In another SHAN report from 2006, 542 weapons were captured from the BA over 1996-2005, while the SSA-S weapons’ losses totalled 182.⁵⁵⁷ This netted the SSA-S 360 weapons, although no breakdown of weapons types, or their condition, was made available.

⁵⁵² Michael G. Smith with Maureen Dee, *Peacekeeping in East Timor*, p. 50; Tom Fawthrop, "FALINTIL: Guerrilla Army to Professional Force." *Jane's Intelligence Review*, July 2000, p. 26.

⁵⁵³ John Martinkus, *A Dirty Little War*, pp. 84–85.

⁵⁵⁴ Frank Fraser, "East Timor: From Voting to Violence." *Soldier of Fortune*, January 2000, photograph, p.45.

⁵⁵⁵ For example, email received, anonymity requested, 25 March 2006.

⁵⁵⁶ Document and photographs in the possession of the author. More accurate identification of the weapons was unable to be made.

⁵⁵⁷ "War: SSA Claims to Have Killed, Maimed 9,500 Junta Troops." *SHAN Email News Report No. 2*, February 2006.

Where the information is available, particulars of battle-capture vary, although details often appeared in Shan publications. For example “Freedom News” from early 2001 lists nineteen separate items taken from an altercation with the Burma Army, not only weaponry and ammunition but also including medical materials, backpacks, and military uniforms. The list specifies:

3 rounds for 60 mm mortar

1 Ba100 launcher [authors note, Ba probably stands for Burma Army]

627 rounds of G3 ammunition

1 hand grenade

2 rounds for 82 mm launcher

11 G3 magazines (authors note, G3 could refer to the original German-produced rifle, or to the BA version, also known as the BA-63)

1 Sten magazine.⁵⁵⁸

The KNLA also lists battle captures; in the public domain, these are brief mentions in human rights documentation.⁵⁵⁹ Over the first six months of 2006 alone, more detailed materials reveal these to include the capture of 14 Burma Army rifles, two AK types (probably Chinese), five M16 rifles, one carbine, two “other” rifles, and one RPG.⁵⁶⁰ The same document listed losses of eight AKs (possibly also Chinese), two or three M16s plus grenade launchers, two carbines and four communication devices. This netted the group 12 weapons.

⁵⁵⁸ “Battle News.” *Freedom News*, Shanland, January, February 2001, pp. 36-37.

⁵⁵⁹ The Karen Human Rights Group however mentions battle-captures in passing. See for example the Karen Human Rights Group website available at: <<http://www.khrg.org>>. Accessed 19 November 2006. Both written reports and photo captions refer to battle-captures, see for example photographs 3.38 and 3.39, in the 2006 photo gallery.

⁵⁶⁰ Document in the possession of the author. More details about the weapons were not listed.

Not that all battle-captures reap groups their “weapon of choice” as the literature suggests. It seems reasonable to suggest that options are in fact quite limited inside most conflict zones. For example, it has been said that Burma’s indigenously produced G3 rifle is poorly manufactured, heavier and longer than the M16 and AK types, and with a tendency to jam, making them “most certainly a second choice for all insurgent armies.”⁵⁶¹

The MILF is also said to obtain weapons from battle-captures, although this source is said to be “minimal”.⁵⁶² The overall value of battle-captures however is best revealed by this comment from Connew, observing Karen combatants “who crawled delicately between their own mines and booby traps to the Burmese dead to collect an assortment of weapons that were like gold to the cash-strapped KNLA.”⁵⁶³

Battle-captures for many groups are best described as “minimal”, mere morsels of arms and ammunition against the backdrop of generational revolutions, wars which by the early twenty-first century appear typified by old, reused and pre-owned weapons. It is not surprising to find a number of groups resorting to craft-produced or captured arms to supplement purchases, with each method replacing or supplementing aging, and increasingly unreliable, stocks. This is not to say internal sources are always an easier option for groups to access. If the large warehouses full of weapons inside northeastern Burma were easy to access surely groups inside the country would have accessed them already.

⁵⁶¹ Martin Smith, *Burma*, p. 100.

⁵⁶² Anthony Davis, “Philippine Security Threatened by Small Arms Proliferation,” p. 34.

⁵⁶³ Bruce Connew, *On the Way to an Ambush*. Wellington: Victoria University Press, 1999, p. 61.

Inaccessible terrain, enemy control of territory, the price of the weapons and the risk involved in getting them, all interplay in how armed groups obtain weapons, whether from internal or external sources.

Conclusion

This chapter finds that while externally-sourced weapons are certainly used by armed groups in Southeast Asia, internal sources of arms appear to have a greater role in the diffusion of small arms to armed groups than might be assumed. This seems particularly true of the contemporary situation – from about 1990. The externally-sourced weapons are a largely a legacy of previous conflicts, not injections of new weapons to specific non-state end users. This is a subtly different dynamic to both what might be expected in terms of small arms transfers and use, an expectation that comes largely from experiences elsewhere.

The AK47 is the icon of countless revolutions elsewhere in the world, and while they feature in this region, there is a discernible number of European (mostly the G3) and US arms, and their copies, used by armed groups in Southeast Asia. The Portuguese G3, and later the Indonesian SS1, along with M16s were the weapon of war for many East Timorese combatants; the indigenous G3 and Vietnam-era M16s are both used by armed groups in Burma; and M1s, M2s and M16s are used by groups across the Philippines. The M16 rifle in particular has evolved to take on a curiously central and iconic role in Southeast Asian conflicts.

The factory-produced weapons in the hands of non-state armed groups in Southeast Asia range from pre-WWII-era rifles, to decades-old surface to air missiles, to recently produced machine guns and assault rifles. Short of professional analysis of barrel markings or proofs of purchase of particular weapons, it often remains extremely difficult to determine the country of manufacture of weapons in armed groups' stocks, and in illicit circulation, with any certainty. The circuitous, as well as deliberate and circumstantial obfuscating routes many small arms are transferred and re-transferred through, often fails to clearly identify the point of diversion.

What emerges is that an internal diffusion dynamic appears to be highly significant. This chapter identifies this as an unusual distinguishing feature of the “mature” small arms market in the region. The Southeast Asian small arms black market is still a pot-pourri of pre- and World War II, Vietnam War and Portuguese colonial army vintage, as well as new factory-produced, and craft-produced, small arms. Overall, they are obtained from a range of in-country and external sources. Split into time periods of recent and distant past however, a more sophisticated picture appears. This picture reveals a market that is more mature – not one fed by large influxes of new weapons to hot conflicts, but a small market, by and large recirculating existing weapons, obtaining weapons from within the conflict zone, and with a trend towards the larger non-state users being paramilitaries and criminal groups, rather than revolutionaries.

Such a mature small arms black market is further typified by two trends. The first relates mostly to revolutionary groups, where there is a predisposition towards the internal recycling of weapons inside the conflict zone or their area

of operation. In this market there are few if any external benefactors supplying arms, and few groups able to purchase weapons from external sources. This is in contrast to small arms markets in other regions where external injections of arms, or large quantities of leaked arms, keep reaching non-state entities. The recycling of weapons across borders and users as well as within conflict zones is common across the literature, yet Southeast Asian armed groups inventories reveal they are mostly using extremely old arms. The lack of external pipelines, or inability to access them due to lack of funds, has resulted in a “do-it-yourself” approach by groups whereupon battle-captures from government forces or other armed groups, craft-produced arms and ammunition, and decades of recycling of arms appear to be the predominant sources of small arms for revolutionary groups inside Southeast Asia as at 2008.

Although the longevity of many firearms is their defining feature, it is pushed to the limit of practical useability in Southeast Asia. Extensive recycling, coupled with a predominance of battle-captures and craft-production, and small scale leakage, are the distinctive features of Southeast Asia’s current illicit small arms market.

The second trend is exemplified by arms sources for both large and small paramilitaries. These groups have been nurtured by a government or state agency, usually for a particular military or political purpose, and almost exclusively armed from internal stocks. This is deliberate leakage, and it can be highly significant. Some groups have become so successful however that they have become both wealthy and powerful, and have become less reliant on their

original patron. Therefore they can both afford to purchase arms from external pipelines, and they are a source of potential hostility to the host state.

This is not to discount original sources of externally supplied weapons. Externally-sourced arms, those factory-produced and from outside of the country or conflict zone they are used in, are in evidence in many of the conflicts in the region. However these appear to be largely historical transfers reused and retransferred within the region’s long-running intra-state conflicts. Weapons transferred from previous war-zones are clearly in evidence in the region’s current conflicts, with Cambodia and Thailand as lynchpin states. These mostly cold war era transfers have been re-transferred for ideological, and latterly, financial gain, as chapter two anticipated.

Having made these observations of how armed groups in Southeast Asia source their weaponry, the following chapter explores what the current efforts are that aim to prevent armed groups from obtaining small arms. It will show that the control mechanisms to date are preoccupied with curtailing mostly external illicit sources of factory-produced small arms and inadvertent leakage. Importantly, ASEAN states endorse this approach, as they also support the dominant thinking that sources of illicit small arms are both uncontrolled and external, as reflected in the epigraph at the start of this chapter. How states in the region are approaching small arms control is examined in chapter five.

Chapter 4

Small Arms Control Architecture Affecting Non-state Armed Groups

"Disarmament," like "peacekeeping," is a confident-sounding coinage for an improbable activity.⁵⁶⁴

Findings, Purpose and Structure of the Chapter

Having sought to understand the means of small arms illicit proliferation, particularly how armed groups obtain their weaponry, this study moves on to evaluate the major small arms control mechanisms. In particular, this chapter will focus on the international efforts which seek to both prevent groups obtaining weapons and to remove them where this has all ready occurred. At a policy level both are embodied in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (UN PoA). At practitioner level it is programmes linked to micro-disarmament and weapons disposal, referred to here as weapons removal. Overall, there is a hearty disposition towards advocating both policy and programmes on small arms control and micro-disarmament. Even so, there are only rare occasions where small arms control mechanisms overtly state that they target armed groups. It is therefore important for this chapter to establish how small arms control impacts on armed groups. It is also useful to explain the ongoing divisiveness over the issue of naming armed groups as illicit recipients of small arms and light weapons.

⁵⁶⁴ James Traub, "How Do You Take a Gun Away?" *The New York Times*, 27 August 2006.

This divisiveness hampers policy clarity, particularly for the UN PoA. It does not however appear to dampen the efforts of the small arms control community. The result is civil society working with states through multilateral state fora to create a small arms control mechanism which seems to fit the mould of “humanitarian arms control”.

In addition to the UN PoA there are a number of small arms supply-side controls currently in process internationally. Not all are relevant to this study, but some are.⁵⁶⁵ The Firearms Protocol to the UN Convention on Transnational Crime, the proposed Arms Trade Treaty, the Wassenaar Arrangement are discussed here to ascertain their role in the small arms control architecture. Of more immediate relevance to armed groups are regional initiatives. Each of these measures; regional mechanisms, the Firearms Protocol, Arms Trade Treaty and the Wassenaar Arrangement, are introduced alongside the UN PoA in the following section. These mechanisms can be compared to Southeast Asia’s regional control mechanisms which are discussed in the following chapter.

As indicated in chapter one, this study uses a typology of supply reduction, demand reduction and weapons removal. This chapter evaluates supply reduction in the first instance, then goes on to evaluate weapons removal and demand reduction.

⁵⁶⁵ For a recent thorough consideration of many of the current small arms controls, see Damien Rogers, “Subaltern Killers: The International Community and the Challenge of Controlling Small Arms and Light Weapons.” Unpublished PhD thesis, Australian National University, 2007, pp. 140–141, 157–167, 174–181.

Small Arms Control 101: Supply Reduction

Most, if not all small arms control mechanisms are framed by the assumption that small arms reach armed groups from external suppliers or through accidental leakage from state stocks. This assumption has resulted in a framework that has a decided emphasis on supply-side control which manifests as a two-pronged approach; stemming external transfers and in encouraging states to curtail leakages. As Brauer says, “Diplomats’ work has focused – as for the case of the other weapons classes – on supply-side regulation such as arms trade and weapons registries and non-proliferation schemes.”⁵⁶⁶ Specifically, Atwood et. al. refer to a “supply-side bias that has dominated international small arms control debates to date.”⁵⁶⁷

Essentially, emphasis has emerged on the need to stem the flow of arms to those considered illicit users, or misusers, and on bringing irresponsible suppliers to heel. Many works note that the catalyst for small arms control was increased UN peacekeeping in the 1990s, and peacekeepers reporting back on the amounts and types of weapons they were increasingly being faced with.⁵⁶⁸ From this developed UN processes that have increasingly identified small arms as

⁵⁶⁶ Jurgen Brauer, “Arms Industries, Arms Trade, and Developing Countries.” in Todd Sandler and Keith Hartley (eds.), *Handbook of Defense Economics: Defense in a Globalized World*, Vol. 2, Amsterdam: Elsevier, 2007, p. 1002.

⁵⁶⁷ David Atwood et. al., *Demanding Attention: Addressing the Dynamics of Small Arms Demand*. Geneva: Joint publication of the Small Arms Survey and the Quaker United Nations Office, 2006, p. xiv.

⁵⁶⁸ See for example Mike Bourne, “The Proliferation of Small Arms and Light Weapons.” in Elke Krahmman (ed.), *New Threats and New Actors in International Security*, New York: Palgrave Macmillan, 2005, p. 155; David Capie, *Small Arms Production and Transfers in Southeast Asia*, Canberra Papers on Strategy and Defence No. 146. Canberra: Strategic and Defence Studies Centre, Australian National University, 2002, p. 1.

problematic, and the problem of illicit small arms proliferation is addressed through a number of both “hard” and “soft” law measures.

“Hard” laws are those which are legally binding on states, whereas “soft” laws are those which are in the form of voluntary, political, agreements. Small arms control is composed of both hard and soft laws. Due to the difficulties inherent in small arms control, most laws are soft. Soft law is embodied in the single global initiative on small arms control, the UN PoA, with its recommendations to states being politically influential, but ultimately unenforceable. The UN PoA is however the most comprehensive small arms control measure in place. It is inter-governmental yet has had strong non-governmental input. It is international and encourages complementary regional initiatives. It undertakes widespread and consultative policy development to tackle small arms proliferation through both control measures and micro-disarmament, and it identifies the demand for small arms as a key component of small arms control. Prior to the adoption of the UN PoA in 2001, many scholars were advocating just such an international control mechanism, and in particular one which could address the transnational dimensions of small arms proliferation. Some were hoping for it to set new benchmarks. Klare for example emphasised the need for small arms control to come from “norm creation”,⁵⁶⁹ and both Klare and Laurance have been considered “norm entrepreneurs”.⁵⁷⁰ Boutwell, Klare and Laurance make suggestions that range from precluding transfers that might

⁵⁶⁹ Michael T. Klare, "An Overview of the Global Trade in Small Arms and Light Weapons." Jayantha Dhanapala et al. (eds.), in *Small Arms Control: Old Weapons New Issues*, Aldershot: Ashgate [for United Nations Institute for Disarmament Research], 1999, p. 10.

⁵⁷⁰ Denise Garcia, "Making New International Norms: The Small Arms Case." BCSIA Discussion Paper 2003-13: Kennedy School of Government, Harvard University, April 2004, p. 39.

contribute to increased “civil violence” and “brutality”,⁵⁷¹ while also advocating greater transparency.⁵⁷² Others looked to conflict resolution,⁵⁷³ and some to the expansion of the UN Register of Conventional Arms.⁵⁷⁴ There was little doubt that many saw a compelling need for a global small arms control mechanism.

In terms of hard law, the Firearms Protocol is the sole global, and legally binding, instrument on small arms control. This instrument however focussed on transnational crime and it is only concerned with firearms, not other weapons of interest to armed groups. It is discussed in this study however, as Southeast Asian states identify transnational crime as the major small arms proliferation problem in Southeast Asia.

Non-governmental organisations (NGOs) have been conspicuously active in the small arms control processes, and are openly encouraged to be part of the UN PoA. Driven by a humanitarian agenda, the small arms control community is keen to generate more stringent controls. NGOs also represent the interests of

⁵⁷¹ Michael T. Klare, "An Overview of the Global Trade in Small Arms and Light Weapons," p. 10.

⁵⁷² Jeffrey Boutwell and Michael T. Klare, "Light Weapons and Civil Conflict: Policy Options for the International Community." in Jeffrey Boutwell and Michael T. Klare (eds.), *Light Weapons and Civil Conflict: Controlling the Tools of Violence, Carnegie Commission on Preventing Deadly Conflict*. Lanham: Rowman and Littlefield, 1999; pp. 222-224; Edward J. Laurance, "Addressing the Negative Consequences of Light Weapons Trafficking: Opportunities for Transparency and Restraint." in Jeffrey Boutwell et. al. (eds.), *Lethal Commerce: The Global Trade in Small Arms and Light Weapons*: American Academy of Arms and Sciences, 1995, pp. 140-157.

⁵⁷³ Jo L. Husbands, "Controlling Transfers of Light Arms: Linkages to Conflict Processes and Conflict Resolution Strategies" in Jeffrey Boutwell et. al. (eds.), *Lethal Commerce*, pp. 127-139; David Jackman, "Conflict Resolution and Lessening the Demand for Small Arms." Summary Report of a Research Seminar, Nairobi Kenya 20-22 April 2004. Geneva: Quaker United Nations Office, 2004.

⁵⁷⁴ Mitsuro Donowaki, "Addressing Light Weapons and Small Arms Proliferation" in Malcolm Chalmers, et al. (eds.), *Developing Arms Transparency: The Future of the United Nations Register*, UK: University of Bradford, 1997, pp. 203-211; Aaron Karp, "Small Arms - The New Major Weapons." in Jeffrey Boutwell et. al. (eds.), *Lethal Commerce*, 1995, pp. 26-27.

sporting shooters and industry groups, creating two blocs of non-governmental interest groups. This has complicated an already divisive process. This is because the process takes place through global multilateral state-centric fora, where compromise or consensus-building over an issue as contentious as arming non-state entities that operate on the sovereign territory of member states is never going to be straightforward. Multilateral state systems are inherently geared towards protecting state sovereignty and the right to pursue national interests. Further, they require consensus to both agree to an agenda and promulgate it. This is in part why the campaigns that ban landmines and cluster munitions went outside the consensus-based UN member fora, and created instead the Ottawa and Oslo processes.⁵⁷⁵ These similar campaigns were progressed through series' of meetings spearheaded and attended by sympathetic states. Canada and Norway have been at the forefront of these humanitarian arms control processes, hence they have become known as the Ottawa, and Oslo, processes, respectively. However, the small arms control process is firmly on the UN agenda.

The United Nations Programme of Action

Small arms control can be seen to have its genesis in the same materials that identified illicit small arms proliferation as a transnational, multidimensional problem, as evaluated in chapter two.⁵⁷⁶ The purpose of the UN PoA is to

⁵⁷⁵ For more on the Ottawa Process, see for example, Kenneth R. Rutherford, et.al., *Reframing the Agenda: the Impact of NGO and Middle Power Cooperation in International Security Policy*. Westport: Praeger, 2003.

⁵⁷⁶ In particular however, see Jeffrey Boutwell and Michael T. Klare, “Policy Options for the International Community,” pp. 217-230; Lora Lumpe, “Summary of Recommendations for States and Citizens.” in Lora Lumpe (ed.), *Running Guns: the Global Black Market in Small Arms*. London:

articulate an agenda of small arms control for states to implement and oversee. It emerged from the 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects. The conference was the culmination of a 1995 General Assembly resolution and two expert group reports issued in 1997 and 1999.⁵⁷⁷ Reflecting the strong role civil society groups play in this process, states are encouraged to include NGO representatives on their delegations and many do so. States are encouraged to send delegations to participate in all elements of the UN PoA; Biennial Meetings of States, in Review and Preparatory meetings, and regional supplementary meetings.⁵⁷⁸ States also voluntarily report their progress on implementing the provisions of the UN PoA to the UN Department of Disarmament Affairs.⁵⁷⁹

The UN PoA itself reflects many of the concerns regarding illicit small arms proliferation. It includes paragraphs concerned with criminalising “illegal”

Zed, 2000, pp. 225-232; Aaron Karp, "Negotiating for Small Arms Restraint: The Boldest Frontier for Disarmament?" *Disarmament Forum*, United Nations Institute for Disarmament Research, No. 2, (2000): pp. 5-12.

⁵⁷⁷ United Nations, "Resolutions Adopted by the General Assembly: General and Complete Disarmament; B. Small Arms." UN Document A/Res/50/70/B, 15 January 1996, pp. 2-3; "General and Complete Disarmament: Small Arms; Report of the Panel of Government Experts." UN Document A/52/298, 1997; "Small Arms: Report of the Secretary General." UN Document A/54/404, 24 September 1999.

⁵⁷⁸ For example this author attended a UN regional meeting on the implementation of the UN PoA in Fiji in 2004 and was included on the Australian delegation to the Second Biennial Meeting of States to the UN PoA in 2005. The latter delegation also included a representative of the Sporting Shooters Association of Australia.

⁵⁷⁹ See the United Nations Department for Disarmament Affairs website, available at: < <http://disarmament.un.org/cab/salw.html> >. Accessed 19 July 2008. The Department established and houses the Coordinating Action on Small Arms (CASA) mechanism, which provides a Secretariat role to all UN departments and agencies, and to states on small arms proliferation and control issues.

small arms transfers, production and possession,⁵⁸⁰ asks manufacturers to mark weapons so that they can be more readily identified and traced,⁵⁸¹ calls for tighter controls over weapons brokering,⁵⁸² and for states to destroy surplus small arms.⁵⁸³ To counter both deliberate and unintentional leakage, it asks that states ensure that the armed security sector “establish adequate and detailed standards and procedures relating to the managements and security of their stocks”.⁵⁸⁴ These provisions are ultimately aimed at getting states to agree to criminalise unauthorised small arms activities, professionalise security sector practices, pinch points of diversion, make diversions traceable, and at permanently removing weapons that are not under state control or deemed unnecessary for their current needs.⁵⁸⁵ While the UN PoA is not legally binding, its significance lies in its power as a political process that is attempting to find global agreement on illicit small arms movements. This broad remit is not so controversial; to curtail illicit small arms and light weapons proliferation by reducing illicit and irresponsible transfers, including precluding illicit trafficking, and creating benchmarks of appropriate small arms storage, usage and movement.

Early in its evolution there was a debate over whether the UN small arms control mechanism should include legal state-to-state transfers. This proved less popular with UN members than a process that dealt purely with illicit

⁵⁸⁰ United Nations, “The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.” UN Document A/CONF.192/, 15 July 2001, (hereafter UN PoA) Section II.3.

⁵⁸¹ United Nations, “UN PoA,” Section II.7.

⁵⁸² United Nations, “UN PoA,” Section II.14.

⁵⁸³ United Nations, “UN PoA,” Section II.19.

⁵⁸⁴ United Nations, “UN PoA,” Section II.17.

⁵⁸⁵ It does not address domestic civilian firearms, although the concern from the special interest groups is that it will.

transfers. The result is a process seen as providing “minimum global standards and framework”⁵⁸⁶ and aimed at mitigating the violence of intra-state armed conflict and other misuses of small arms which feed off the illicit small arms market.

Problems with Definitions

The UN PoA has still encountered numerous obstacles even with this seemingly less contentious agenda. Such obstacles include whether or when, armed groups are to be targeted by its control mechanisms. Judiciously, and with considerable diplomatic effort to make the UN PoA work, the process continues with less-controversial elements of its agenda, and in fact avoids trying to find agreement over what constitutes an illicit transfer or illicit user.

It might be thought that there would be agreement on what an illicit transfer is considering the UN PoA process is devoted to preventing this from occurring. The UN definition of “illicit” arms transfers are those that are “understood to cover the international trade in conventional arms which is contrary to the laws of States and/or international law”.⁵⁸⁷ However it has been argued that this does not stop states from transferring weapons against international sentiment, by violating arms embargoes for example. “The illicit trade is not only that which is illegal under national law...it is perfectly possible for a transfer to be state-sanctioned, yet illegal.”⁵⁸⁸ An illicit transfer is therefore one which states

⁵⁸⁶ IANSA et. al., *Implementing the Program of Action 2003: Action by States and Civil Society*. UK: Biting the Bullet, 2003, p. 14.

⁵⁸⁷ Graduate Institute of International Studies, *Small Arms Survey 2001: Profiling the Problem*. Oxford: Oxford University Press, 2001, p. 165. This definition of “illicit” is in the 1997 Panel of Experts Report, see United Nations, “Report of the Panel of Governmental Experts on Small Arms.” UN Document A/52/298, 1997, Section D, 57, p. 17.

⁵⁸⁸ Amnesty International et. al., “Towards an Arms Trade Treaty: Next Steps for the UN Programme of Action.” Control Arms Briefing Paper, June 2005, p. 12.

agree is illicit, yet such a transfer is illicit by circumstance, not necessarily for what it contains. This means that an illicit transfer can be either deliberate, or be a transfer that was overlooked. In the case of the latter, the illicit transfer may be a result of a lack of awareness or a lack of capacity to prevent it from occurring.

Yet a core issue in the matter of small arms transfers is that some states publicly reserve the right to transfer weapons to non- state entities. As such, they object to any specification that such a transfer be considered inherently illicit. John Bolton, then United States’ Under Secretary of State for Arms Control and International Security Affairs, told the UN Small Arms Conference in 2001:

We do not support measures limiting trade in SA/LW solely to governments...Violent non-state groups at whom this proposal is presumably aimed are unlikely to obtain arms through authorized channels...Perhaps most important, this proposal would preclude assistance to an oppressed non-state group defending itself from a genocidal government. Distinctions between governments and non-governments are irrelevant in determining responsible and irresponsible end-users of arms.⁵⁸⁹

This reveals one of the fundamental flaws in the small arms control processes – a lack of common agreement on what constitutes an illicit small arms transfer and why this should or should not include armed groups. Wezeman correctly observes that “The intergovernmental small arms debate remains seriously hampered by the fact that it is focused on the illicit arms trade without having a

⁵⁸⁹ “Statement.” United States of America, United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, New York 2001. This conference initiated the UN Programme of Action.

common definition or understanding of the terms and has not made serious attempts to arrive at such a definition or understanding.”⁵⁹⁰

This is true of the UN PoA, but armed groups are often cited as illicit end users elsewhere, a point raised in chapter two. The 1999 United Nations Secretary-General’s Report repeatedly named armed groups as illicit entities, particularly in its reference to ““clients” of illicit small arms trafficking”.⁵⁹¹ Bourne also clearly sees non-state entities – “rebels, terrorists, criminals, militia” – as not only homogenous, but all are “illicit recipients.”⁵⁹² Similarly, Greene avoided defining the meaning of an illicit transfer, but rather looked to identify a particular illicit clientele; “embargoed governments; armed groups involved in war, banditry and insurgency; terrorists; criminals and criminal organisations; and also citizens who want arms...but cannot obtain gun licenses.”⁵⁹³ Naming armed groups as illicit users is what many in the small arms control community would prefer.⁵⁹⁴ Direct references to armed groups occur most frequently in the

⁵⁹⁰ Pieter D. Wezeman, "Conflicts and Transfers of Small Arms," p. 7.

⁵⁹¹ United Nations, "Small Arms: Report of the Secretary General." UN Document A/54/404, 24 September 1999, p. 6.

⁵⁹² Mike Bourne, "The Proliferation of Small Arms and Light Weapons," p. 158.

⁵⁹³ Owen Greene, "Examining International Responses to Illicit Arms Trafficking." in Mark Phythian (ed.), *Under the Counter and over the Border: Aspects of the Contemporary Trade in Illicit Arms*. Dordrecht: Kluwer, 2000, p. 153. NGO coalitions also argue for clarity on non-state groups, in some cases by supporting the regional processes which more clearly call for bans or restrictions on transfers. See for example IANSA et al., *Implementing the Program of Action 2003*, p. 155.

⁵⁹⁴ See also Owen Greene, "Availability and Flow of Small Arms and Light Weapons: Typology and Mechanisms." Paper presented at the SSRC Workshop on 'International Law and Small Arms Proliferation', Washington DC 2002; and Mike Bourne, "The Proliferation of Small Arms and Light Weapons," p. 158; Garcia claims an early meeting of scholars wanted to stop government transfers to armed groups (Denise Garcia, "Making New International Norms: The Small Arms Case." BCSIA Discussion Paper 2003-13: Kennedy School of Government, Harvard University, April 2004, p. 13), however the resultant publication which discusses armed groups throughout avoids being so direct; Jeffrey Boutwell et. al. (eds.), *Lethal Commerce*.

context of characterising them as “misusers” of small arms.⁵⁹⁵ Humanitarian NGOs have repeatedly called for clarity on transfers to armed groups, with the aim of getting more severe restrictions in place.⁵⁹⁶ The Henri Dunant Centre bemoans the international community for failing to articulate “a blanket ban” on transfers to armed groups, and instead looks to stronger supply, demand and misuse factors to mitigate what it sees as the “systematic human rights abuses” and “vast destruction” caused by non-state armed groups.⁵⁹⁷ More severe restrictions are hinted at, but diplomatically avoided, in the interests of trying to progress the UN PoA, but the small arms control community still agitates against the obvious loopholes in the transfer guidelines that appear to allow transfers to armed groups.

Capie also suggests that armed groups committing “egregious human rights violations” might be cases in point where agreement could be reached to prohibit transfers,⁵⁹⁸ yet this has the effect of conceding, if only indirectly, that some armed groups might be considered legitimate recipients. However, as the United States explains, retaining the right to supply non-state groups may often be “the best in a set of difficult options”, and taken in the context of different

⁵⁹⁵ A useful short summary of armed group small arms misuse is in David Capie, “Armed Groups, Weapons Availability and Misuse: An Overview of the Issues and Options for Action.” Paper presented at the Centre for Humanitarian Dialogue Meeting, Bamako, Mali 2004, p. 8. This is also quite apparent in UN Documents on small arms, particularly, United Nations, “Small Arms,” noted above.

⁵⁹⁶ As noted in chapter two, but see also “IANSA Policy Recommendations for the RevCon.” *Follow-on Mechanisms for the UN Process on Small Arms*, Section 4.a., undated, no page numbers; Graduate Institute of International Studies. *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press, 2002, p. 230.

⁵⁹⁷ Cate Buchanan et. al., “Missing Pieces: Directions for Reducing Gun Violence through the UN Process on Small Arms Control.” Geneva: Centre for Humanitarian Dialogue, 2005, Box 3, Table 2, pp. 40–41.

⁵⁹⁸ David Capie, “Armed Groups, Weapons Availability and Misuse,” p. 12.

perceptions of “national security”.⁵⁹⁹ Thus concern for human rights will scarcely be a major consideration as to whether a last-ditch, desperate and risky transfer takes place or not.

The 1999 Expert Group Report has been superseded by the weaker wording of the UN PoA, reflecting in part the ongoing difficulties with reaching consensus over the issue of arming non-state groups. It seems however that the small arms control community has a clearer view that armed groups should be considered illicit end users, but that this view is not supported by all states.

The result is a UN PoA that evades stating that non-state armed groups are illicit recipients of small arms.⁶⁰⁰ However it would be curious if armed groups were not considered to be illicit recipients of small arms, as they clearly have small arms, and they are perceived as misusing these weapons by taking control of territory, by challenging or debilitating states and populations. Yet naming them as targets of small arms control proved divisive for at least three reasons. First, it denies states the right to transfer arms to armed groups in another state’s territory, which some states at least reserve the right to do. Second, it denies states the right to arm groups within their own territories, which is an activity again which some states at least, reserve the right to do. Third, it draws attention to armed groups, granting them a legitimacy and possibly a platform for entry into international fora. These are each issues that states prefer to deal with discretely, not under a spotlight of public scrutiny. The result therefore is a

⁵⁹⁹ "US Views: Ban on Transfers of SA/LW to Non-State Groups." Paper presented at the Tokyo Follow-up Meeting of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, Tokyo, 24 January 2002, pp. 1-2.

⁶⁰⁰ It is noted however that in extreme instances, certain armed groups, such as the Taliban and Hezbollah, have had UN arms embargoes imposed upon them.

deliberately opaque control mechanism that avoids naming armed groups as illicit recipients of weapons transfers. The negotiated outcome of the UN PoA avoids being so specific because the issue is so divisive. Indeed, the smorgasbord of topics that are dealt with by the UN PoA, ranging from public health to international security, actually helps to disguise the fact that armed groups are targets of the UN PoA. By casting the net of the UN PoA deliberately wide, there is ample room for a broad interpretation of who or what it targets.

That armed groups proved to be unpopular as named targets of the process was perhaps not envisaged at the outset. Part of the problem is that armed groups are not homogenous simply by virtue of being non-state. Where there is little disagreement is over groups more popularly seen as terrorist or criminal, but as noted above, there may be occasions when arms transfers to even a widely reviled group may emerge as a preferred option. In all, it does not seem to have been anticipated that states would so staunchly stand by their right to arm non-state groups. That this is the case even when they are revolutionary, paramilitary and even criminal, is an unexpected finding of this study.

Momentum Maintained

Despite there being no articulated clarity on what an illicit transfer is, and whether or not this includes armed groups, there still remains considerable momentum towards improving small arms control. As the UN PoA had been so eagerly awaited, and as many had advocated it, once it was underway scores of scholars began commenting on its progress, its weaknesses, and its ongoing potential. Curiously, it was only Wezeman that noted its serious definitional flaw. Nonetheless, special issues of both the *SAIS Review* and the *Brown Journal*

of *World Affairs* in 2002 reflected on the inaugural UN Small Arms Control Conference of 2001.⁶⁰¹ A number of significant papers came out of these special issues; Greene’s optimistic “A Useful Step Forward”, Laurance’s perseverance on norms in “Shaping Global Public Policy...”, Marsh’s astute “Two Sides of the Same Coin”, Mason’s rare contribution from the special interest groups “A Free Trade Perspective...”, and Stohl’s linkage of small arms control to terrorism in “Relevant Now More Than Ever”.⁶⁰²

Less enthusiastically, Karp identifies several factors inherent in the UN PoA that thwart the control process. Among these, a number relate to the role of NGOs. Principally, Karp argues that the UN PoA failed to clearly identify appropriate, wide-ranging solutions to the problems of illicit small arms proliferation, which he sees civil society groups as being best placed to provide (as they had in the campaign to ban landmines), but in this case had not done so.⁶⁰³ According to Karp, this new disarmament diplomacy unravelled when the civil society groups failed to contribute new approaches or ideas. This left governments which had come to rely on the ingenuity that often came from NGOs, bereft of bearings and ideas: “Without NGO leadership, the process had no sense of direction.”⁶⁰⁴

⁶⁰¹ The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, New York, 2001.

⁶⁰² Owen Greene, “The UN Conference: A Useful Step Forward.” *SAIS Review*, Vol. 22, No. 1 (2002): pp. 195-201; Edward J. Laurance, “Shaping Global Public Policy on Small Arms: After the UN Conference.” *Brown Journal of World Affairs*, Vol. 9, No. 1 (2002): pp. 193-201; Nicholas Marsh, “Two Sides of the Same Coin? The Legal and Illegal Trade in Small Arms.” *The Brown Journal of World Affairs*, Vol. 9, No. 1 (2002): pp. 217-228; Thomas L. Mason, “A Free Trade Perspective from the Firearms Community.” *SAIS Review*, Vol. 22, No. 1 (2002): pp. 203-206; Rachel Stohl, “Relevant Now More Than Ever.” *SAIS Review*, Vol. 22, No. 1 (2002): pp. 219-221.

⁶⁰³ Aaron Karp, “Laudable Failure.” *SAIS Review*, Vol. 22, No. 1 (2002), pp. 179-182.

⁶⁰⁴ Aaron Karp, “Laudable Failure,” p. 184.

Non-governmental organisations had reached this privileged position in part because, as Phythian had argued, arms transfers were no longer so prominent a tool of foreign policy by the 1990s, which allowed conventional arms control to rise up the policy-makers agenda.⁶⁰⁵ This development gave space to civil society advocates whose role in global disarmament diplomacy is acknowledged and often encouraged.⁶⁰⁶ The 1990s therefore allowed NGOs a role in disarmament policy-making like never before.

Yet, by the 2000s, Karp saw a clear reassertion of state prerogatives.⁶⁰⁷ In no uncertain terms, he states “The UN Small Arms Conference...revealed the limits of the entire effort to reform international politics after the Cold War.”⁶⁰⁸ This “revenge of the state”⁶⁰⁹ meant many governments arrived at the conference with clear national interests overriding humanitarian concerns. In particular, many were looking at ways of stopping arms from getting to revolutionary, criminal or opportunistic non-state armed groups wreaking havoc in their countries.⁶¹⁰ Small arms control NGOs, coordinated, or represented, by the International Action Network on Small Arms, IANSA, were arriving at the conference eager to replicate the runaway humanitarian success of the landmine

⁶⁰⁵ Mark Phythian “The Illicit Arms Trade: Cold War and Post-Cold War.” in Mark Phythian (ed.), *Under the Counter and Over the Border: Aspects of the Contemporary Trade in Illicit Arms*. Dordrecht: Kluwer, 2000, p. 43.

⁶⁰⁶ Edward J. Laurance and Sarah Meek, “The New Field of Micro-Disarmament.” Bonn: Bonn International Centre for Conversion, 1996; Aaron Karp, “Uncertain Prognosis.” *Bulletin of the Atomic Scientists*, Vol. 55, No. 1 (1999): pp. 67-68; Suzette R. Grillot et al., “Assessing the Small Arms Movement: The Trials and Tribulations of a Transnational Network.” *Contemporary Security Policy*, Vol. 27, No. 1 (2006): pp. 60-84.

⁶⁰⁷ Aaron Karp, “Laudable Failure,” pp. 186-188, 189.

⁶⁰⁸ Aaron Karp, “Laudable Failure,” p. 191.

⁶⁰⁹ Aaron Karp, “Laudable Failure,” p. 186.

⁶¹⁰ Aaron Karp, “Laudable Failure,” p. 188.

campaign. In this instance however, NGOs also represented special interest groups, those who use, trade and broker weapons legally.

Therefore, in addition to there being no global consensus on what constitutes an illicit transfer in the international context, there was also a group of currently legal and legitimate small arms owners, users, buyers and sellers who saw themselves as being on the edge of a precipice which would eradicate their sport, their liberties, and in some cases their livelihoods, if they are disarmed. This vested special interest group, mostly comprised of NGOs in the form of recreational shooters’ associations, as well as manufacturers and dealers, sees small arms control as destroying their sport at best, and threatening to criminalise them as users at worst, and cautions against many of the proposals put forward by the small arms control NGOs. With a number of these special interest groups having NGO status at the United Nations itself, their campaigns pitch NGO against NGO in a rigid stand-off. There is little disagreement between states, and even the two NGO communities, over the broad remit of the UN PoA. However, when looking into the detail of adherence to the UN PoA, the special interest groups become alarmed. By virtue of being “non-state” entities, these associations are concerned that should the UN small arms control process take a broad definition of “non-state armed group”, they will become targets of UN small arms control. This is seen as most acute when states amend domestic legislation, including weapons’ registrations and import and export controls, to fit in with UN PoA guidelines, as these changes can affect the

activities of the special interest groups.⁶¹¹ This keeps such groups highly vigilant, often seen as obstructive, on the control process.

Therefore despite the efforts of the early small arms “norm entrepreneurs”, and the potent humanitarianism of the small arms control NGOs, few clear norms have emerged around small arms issues over which consensus could evolve and be applied.⁶¹² Paradoxically, those who might be thought to object most to the arming of non-state armed groups, the states themselves, turned out to be those who were most vocal in protecting their right to arm them should they choose. It is mostly humanitarian NGOs, UN agencies and representatives, and some scholars, who see armed groups as illicit end users of small arms.

The UN PoA’s full name, and wording throughout the document, nonetheless reflects the vigour which UN member states seem to want to apply to small arms control; “to *prevent, combat and eradicate* the illicit trade in small arms and light weapons in all its aspects” (emphasis added). This is more the wording of disarmament – the removal of particular weapons, but only in the circumstance of their becoming “illicit” either by being transferred illegally or to illicit end users. In general, small arms and light weapons are presumptively licit.

Given these ongoing difficulties, Karp makes a poignant observation that the UN PoA is a regulatory framework, not a control mechanism: “Its clearest recommendations stress the need for effective government regulation of small

⁶¹¹ See for example, Mark Chestnut, “Letter from the Editor.” “The Global Showdown at the UN.” and Wayne La Pierre, “The Peters Principle.” in *America’s First Freedom*, National Rifle Association of America, February 2006, pp. 6, 26-29, 32-37, 48-49.

⁶¹² Aaron, Karp, “Laudable Failure,” pp. 182-184.

arms exports, not to block them, but to ensure that they are legal.”⁶¹³ This acknowledges the inherent legitimacy of small arms, as well as their continuing production and transfer, and reveals that the challenge is in fact over identifying at what point they are, or become, illicit.

Karp also concludes that the biggest mistake in tackling small arms proliferation is to assume it is like other disarmament issues, which he argues were campaigns against “demonized technologies”.⁶¹⁴ In the campaign to ban landmines for example, or even restraints over nuclear proliferation, the costs to humanity – tens of thousands of civilian landmine casualties each year,⁶¹⁵ and societies across the globe held hostage to an enemies’ nuclear attack – meant that norms did emerge reflecting these were unacceptable prices to pay in the name of security. Controls, limitations, and an evolution of restraint followed. This “norm building” process is essentially unavailable to the small arms control and disarmament process. The stalling of the control process and continuing incoherence over key terms indicate that the world is not prepared to accept small arms as problematic in themselves, only problematic in certain, yet ill-defined, circumstances. The advocacy materials promoting small arms control identify similar campaigning themes that demonised the antipersonnel landmine – large casualty figures and the number of civilians killed by gunshot

⁶¹³ Aaron Karp, "Small Arms: Back to the Future." *The Brown Journal of World Affairs*, Vol. 9, No. 1 (2002): p. 183.

⁶¹⁴ The examples he gives include nuclear weapons and anti-personnel landmines. Aaron Karp, "Laudable Failure," p. 191.

⁶¹⁵ Casualty statistics are provided annually in each edition of the NGO-coalition publication the Landmine Monitor Report. See for example, *Landmine Monitor Report 2006: Toward a Mine-Free World*, Washington: International Campaign to Ban Landmines, 2006, p. 44.

per year for example.⁶¹⁶ But this tactic is not translating into a similar successful disarmament diplomacy for small arms control advocates.

An ongoing problem is that the umbrella small arms control NGO, IANSA, still lacks discernible clarity on its policy positions.⁶¹⁷ Recurring issues of small arms proliferation and the need for small arms control, continue to be dealt with emotively, which fails to progress policy. For example, at the 2005 UN conference, the IANSA panel presentation included a segment on machete victims, which left its main adversary, the National Rifle Association of the USA, concerned that IANSA was seeking to re-visit the UN definition of small arms that had been agreed in 1997. The NGO presentation proceeded with heartfelt testimonies of small arms misuse and abuse. However these stories simply confirmed what the conference already knew. What delegates were looking for was new insights or approaches which would progress the policy outcomes of the conference, and these were not forthcoming.⁶¹⁸

⁶¹⁶ International Action Network on Small Arms website has a rolling tally of firearms deaths, presumably non-conflict related, each year on its homepage. The tally was almost 276,000 for January–October 2008. See: <<http://www.iansa.org>>. Accessed 3 October 2008.

⁶¹⁷ Despite protestations that they are not “anti-gun”, as alleged by recreational shooters, in a public debate between IANSA Director Rebecca Peters and National Rifle Association President Wayne La Pierre in 2004, Peters evaded a direct question from a sporting shooter asking for clarity over what small arms IANSA was wanting banned. After being asked for clarification, Peters suggested he take to another sport. Sporting shooters see this as indicating that IANSA does want all firearms out of civilian hands because it sees private gun ownership as providing wider availability of firearms to civilians ultimately leading to greater risk of firearms violence, a point vocally countered by licenced sporting shooters. The debate is available as a transcript “The Gun Debate.” on the IANSA website, available at: <<http://www.iansa.org>>. Accessed 18 December 2006. Sections of it are also on *YouTube*, at: <www.youtube.com>. Accessed 19 July 2008.

⁶¹⁸ For more on this see Stephanie Koorey, “The UN Small Arms Control Process: What if This is as Good as it Gets?” *Security Challenges*, Vol. 2, No. 2 (2006): p. 4.

Rogers concurs, considering the presentation to be a non-contribution to both IANSA’s campaigning and the entire UN PoA process.⁶¹⁹ Earlier, Smith too had called for greater policy clarity from IANSA.⁶²⁰ In this humanitarian arms control campaign therefore, as led by IANSA, there are a number of contradictions within the NGO interest groups that dog progress. First, the humanitarian and the special interest NGOs seem incapable of working with each other to find common ground. Neither the sporting shooters organisations nor IANSA work to find a common point of agreement – each see the other as personally wedded to their cause, and each vilifies the others’ position, including disputes over each others’ methodology.⁶²¹ Second, the lack of policy clarity from IANSA has curtailed both its credibility, and its utility, to governments. It is interesting to note that where scholars have discussed the role of the small arms NGOs it is usually with a (not uncritical), emphasis on IANSA, rather than on the sporting shooters.⁶²²

⁶¹⁹ Damien Rogers, "Subaltern Killers," pp. 222–223.

⁶²⁰ Chris Smith, "The 2001 Conference - Breaking Out of the Arms Control Framework." *Disarmament Forum, Small Arms Control: The Need for Coordination*, United Nations Institute for Disarmament Research, 2000, p. 41.

⁶²¹ This is particularly apparent in disagreements over the efficacy of domestic firearms buy-back schemes and amnesties. See for example Jeanine Baker and Samara McPhedran, "Gun Laws and Sudden Death: Did the Australian Firearms Legislation of 1996 Make a Difference?" *British Journal of Criminology*, Vol. 47, No. 3 (2007): pp. 459-465. Responded to in C. Chapman, et. al., "Australia’s 1996 Gun Law Reforms: Faster Falls in Firearm Deaths, Firearm Suicides, and a Decade without Mass Shootings." *Injury Prevention*, Vol. 12 (2006): pp. 365–372.

⁶²² Most recently this is dealt with by Damien Rogers, 'Civil Society Organisations and Arms Control Campaigns.' in "Subaltern Killers," pp. 201-243. In addition to the references in Klare noted above, see also Suzette R. Grillot et. al., "Assessing the Small Arms Movement," pp. 60-84; Aaron Karp, "Uncertain Prognosis." *Bulletin of the Atomic Scientists* Vol. 55, No. 1 (1999): pp. 68-69; Chris Smith, "The 2001 Conference - Breaking Out of the Arms Control Framework." Karp and Smith at least both note the vocal role of the US’ National Rifle Association in the UN process. See Aaron Karp, "Small Arms: Back to the Future," p. 186; Aaron Karp, "Laudable Failure," pp. 190-191; Chris Smith, "The 2001 Conference - Breaking Out of the Arms Control Framework," p. 42. Goldring however is unashamedly critical of what she terms “pro-gun organizations”; see Natalie J. Goldring, “Domestic Laws and International Controls.” in Jeffrey Boutwell et. al. (eds.), *Light Weapons and Civil Conflict*, particularly pp. 110-115.

Where NGOs are currently more effective is in holding states accountable to their obligations under the UN PoA. The UN PoA is not legally binding, therefore there are not any official verification measures that check the extent to which states are adhering to its development. There is however a civil society verification measure produced by IANSA and the University of Bradford known colloquially as *The Red Book*,⁶²³ which is published to coincide with significant meetings on the implementation of the UN PoA.

The Red Book is a useful resource that publicises state responsibility and activity, bringing welcome transparency to the UN small arms control process. Even so, it cannot shed light on the UN PoA’s inability to articulate a clear position on whether or not small arms controls should or should not target armed groups. As it points out, the UN PoA proceeds haltingly, “by excluding or diluting some proposed norms and standards that commanded wide support, and through ambiguous drafting in some areas.”⁶²⁴ This is reflective of a broader and ongoing political impasse. The USA explained its objection to “blanket bans” on transfers to non-state actors early in the control process, and it has been

⁶²³ IANSA, et. al., *Implementing the Program of Action 2003: Action by States and Civil Society*. UK: Biting the Bullet, 2003; *Implementing the Program of Action 2005: Action by States and Civil Society*. UK: Biting the Bullet Coalition 2005; *Implementing the Program of Action 2006: Action by States and Civil Society*. UK: Biting the Bullet, 2006. Civil society verification of arms control was pioneered by NGOs such as the Verification, Research and Training Information Centre, known as Vertic (available at: <<http://www.vertic.org/>>. Accessed 1 October 2008). Civil society verification has been popularised through the International Campaign to Ban Landmines’ annual publication *Landmine Monitor Report*. The United Nations Institute for Disarmament Research also produces regular reports on the progress of the UN PoA (for example, Elli Kytömäki and Valerie Yankey-Wayne, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the Reports Submitted by States in 2003*, Geneva: United Nations Institute for Disarmament Research, 2005) however *The Red Book* has greater readability.

⁶²⁴ IANSA et. al., *Implementing the Program of Action 2003: Action by States and Civil Society*. UK: Biting the Bullet, 2003, p. 4.

consistently vocal on the matter ever since. The controversy over the inclusion or exclusion of armed groups from the Programme’s agenda even contributed to the stalling of its Review Conference in mid-2006. Media reports blamed the United States, which had again reiterated its objection to what it termed “a blanket ban” over transfers to non-state armed groups.⁶²⁵ Unlike the early conferences, there is little written on what was perceived as the abject failure of the Review Conference of 2006.⁶²⁶

The USA’s position is unequivocal, yet other states too can also enjoy the freedom of operation this allows them. While Karp alleges that state delegations from Africa and Latin America to the 2001 conference had goals that included preventing arms getting to non-state armed groups, he also points out that a number of governments actively use small arms transfers to armed groups in pursuit of their own national policy objectives.⁶²⁷ The Small Arms Survey would seem to concur, stating: “Many governments are actively and/or passively supplying small arms to...non-state actors.”⁶²⁸ At the same time, the 2008 Biennial Meeting of States draft document acknowledged that some states wanted clarity on how the UN PoA could prohibit the transfer of small arms to

⁶²⁵ Robert G. Joseph, Under Secretary of State for Arms Control and International Security Affairs, in Warren Hoge, “With Caveats, US Backs Session at UN on Curtailing Illegal Arms.” *The New York Times*, 28 June 2006.

⁶²⁶ For one opinion, see Philip Alpers, “Guns and the Pacific: A Wasteful Hiccup at the United Nations.” *Austral Policy Forum 06-33A 19 October 2006*: Nautilus Institute, 2006, available at: < <http://www.nautilus.org/>>. Accessed 18 December 2006. For a brief discussion of the potential difficulties at the 2006 Review Conference, see also Stephanie Koorey, “The UN Small Arms Control Process,” pp. 1-7.

⁶²⁷ Aaron Karp, “Small Arms: Back to the Future,” p. 182.

⁶²⁸ Graduate Institute of International Studies, *Small Arms Survey 2001*, p. 170.

non-state armed groups.⁶²⁹ Consensus remained out of reach, and the outcome was simply to acknowledge that some states wanted this.

There are therefore two polar positions, reflecting not only the subjectivity of the terrorist/freedom fighter debate, but also the subjectivity of how states view the purpose and meaning of small arms transfers. Almost by definition, if not the experience of history, an armed group will be popular with someone.

Targeting Armed Groups

Incompatible agendas, polarised civil society groups, and the adoption of a “lowest common denominator”⁶³⁰ approach typifies the UN PoA. This is in part attributable to the divisive issue of arming armed groups. While there is a bounty of material suggesting there is no agreement that the UN PoA should target armed groups, it is reasonably certain that it does. Further, it can be argued that these control mechanisms are aimed at revolutionary and criminal groups, not paramilitaries. There are at least three reasons that suggest why this is the case.

First, it is clearly implied, albeit not overtly stated, that armed groups are targets of the UN PoA. This is due to the “ambiguous drafting” as described above. Article I. 11 of the UN PoA acknowledges the right of peoples to self-determination although, “This shall not be construed as authorizing or encouraging an action that would dismember or impair, totally or in part, the

⁶²⁹ United Nations, Article 28 (c), “Draft Report of the Third Biennial Meeting of States to Consider 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.” UN Document A/Conf.192.BMS/2008/L.3/Rev.1, 17 July 2008.

⁶³⁰ Aaron Karp, “Small Arms: Back to the Future,” p. 182.

territorial integrity or political unity of sovereign and independent States”.⁶³¹ The majority view in the UN therefore is that non-state revolutionary groups should not be armed by member states. More commonly, there emerges a position that excludes armed groups from the legal transfers market because the emphasis in the literature and policy documents is on the exclusive legality of transfers between states or state-sanctioned entities.⁶³² By exclusion from the legal realm of arms transfers, armed groups assume a default role as actors in the illicit small arms market.

What this also reveals is that the control processes are clearly aimed at only those groups which are not state authorised. While the implication is that all non-state entities are illicit recipients of small arms, a closer reading of the texts reveals that non-state entities which operate under the authority of the state, such as paramilitaries, may in fact receive weapons legally. The section below on regional small arms control also shows how this is the case.

Second, the UN PoA reflects a strong internationalist sense that arming a non-state entity engaged in conflict is the least preferred action.⁶³³ The government-NGO Small Arms Consultative Group has debated this point, and discussed the circumstances under which certain armed groups might have international

⁶³¹ United Nations, “UN PoA,” Article I.11.

⁶³² Pieter D. Wezeman, “Conflicts and Transfers of Small Arms.” Stockholm: Stockholm International Peace Research Institute, 2003, p. 7.

⁶³³ Only outside of the mainstream small arms literature has arms transfers to an armed group been evaluated. See John Sislín and Frederic S. Pearson, *Arms and Ethnic Conflict*. Lanham: Rowman and Littlefield, 2001, p. 18. The merit of this idea is discussed in chapter six of this dissertation. Karp is alone amongst small arms scholars in suggesting that there may be times when an injection of small arms may stabilise or finalise intra-state armed conflicts; Aaron Karp, “Laudable Failure,” p. 186.

approval to receive arms.⁶³⁴ It concluded by concurring with the dominant paradigm of all arms control; that arming belligerents is not conducive to mitigating armed conflict. The group’s report reflects the broader international consensus that “covert supplies to armed opposition groups are generally illegitimate, irresponsible, destabilising and harmful to international, state and human security, and should thus be strongly discouraged.”⁶³⁵ The report acknowledges that “rare occasions” may arise in which “well-intentioned and responsible governments” might act altruistically to aid armed groups in intrastate armed conflict and “experiencing large-scale oppression or genocide”.⁶³⁶ Yet in evaluating such actions the report nonetheless contains serious warnings over the likelihood of a desired outcome resulting from the transfer, and instead argues a strong preference for diplomacy, sanctions or multilateral intervention, rather than injections of weaponry.⁶³⁷ A minority conclusion was reached, which conceded that in certain “hard cases” small arms transfers to armed groups could be appropriate. However the final agreement was that such a transfer had to be subject to scrutiny and approval by peer states, the United Nations Security Council, and adhere to any resolution that it passed in relation to the transfer.⁶³⁸ It is difficult to imagine any but the most irrelevant, or the most unashamedly popular, non-state group being able to

⁶³⁴ Chair's Interim Report, “Small Arms and Light Weapons Transfers: Developing Understandings on Guidelines for National Controls and Transfers to Non-State Actors.” *Biting the Bullet*, 2003; Small Arms Consultative Group Process, “Developing International Norms to Restrict SALW Transfers to Non-State Actors.” *Biting the Bullet*, 2006.

⁶³⁵ Small Arms Consultative Group Process, “Developing International Norms to Restrict SALW Transfers to Non-State Actors,” p. 6.

⁶³⁶ Small Arms Consultative Group Process, “Developing International Norms to Restrict SALW Transfers to Non-State Actors,” p. 6.

⁶³⁷ Small Arms Consultative Group Process, “Developing International Norms to Restrict SALW Transfers to Non-State Actors,” p. 7.

⁶³⁸ Small Arms Consultative Group Process, “Developing International Norms to Restrict SALW Transfers to Non-State Actors,” p. 7.

obtain arms through this method. Further, if the host state is arming paramilitary groups from stocks acquired through previous legal transfers, there is no mechanism to address this through control measures that remain focussed on transnational transfers and inadvertent leakage as main sources of arms for armed groups.

Third, the UN PoA seeks to strangle what it sees as the major sources of illicit arms, and these are also what are identified as the main sources of small arms for armed groups. These include activities aimed at reducing the size of black markets, through eliminating diversion and accidental losses and illicit brokering practices. In practice therefore, the UN PoA cannot fail to target armed groups as it seeks to both prevent arms from reaching the black markets which revolutionary and criminal armed groups are seen to access. As will be shown below, the UN PoA also advocates the disarmament of former combatants and wants to eliminate demand for weapons, including by armed groups. Therefore, as Capie says, “much of the existing UN small arms agenda, by targeting the illicit trade in small arms, is designed to prevent weapons falling into the hands of armed groups.”⁶³⁹

The Firearms Protocol and Arms Trade Treaty

While the debates over the UN PoA remain fiery, there has been more moderate discussion of the Firearms Protocol⁶⁴⁰ and proposed Arms Trade Treaty.⁶⁴¹ The

⁶³⁹ David Capie, “Armed Groups, Weapons Availability and Misuse,” p. 10.

⁶⁴⁰ United Nations, “Protocol Against the Illicit Manufacturing of, and Trafficking in, Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention on Transnational Organized Crime,” UN Document A/Res/55/255, 8 June 2001. A most comprehensive discussion of the Protocol in the small arms literature is in Owen Greene,

treaty, seeking global benchmarks of responsibility in conventional arms transfers based on existing international and national laws, is still in development. However the draft document again reveals a state-centric bias in that it is concerned with state-to-state transfers, not armed groups. The treaty's main focus however is likely to be major weapons systems rather than small arms, whereupon its state-centric bias can be seen as both reasonable and unavoidable. Even making occasional reference to non-state armed groups, the civil society documents that support the treaty continue to shy away from explicit comment on transfers to non-state entities.⁶⁴² What is clear however is that there is reinforcement from the non-government sector that the state's monopoly over the means of deadly force – in this case all conventional weaponry - is the best method for its control.

The UN Firearms Protocol entered into force on 3 July 2005, and was welcomed as the first legally-binding small arms control mechanism. As an annexe to the UN Convention on Transnational Crime it is concerned with firearms, not other small arms and light weapons, and with preventing them from getting to organised crime groups, not other non-state entities. However despite this narrower remit, it is small arms movements related to transnational crime “in

“Examining International Responses to Illicit Arms Trafficking,” pp. 155, 180-181. For greater detail, see for example, Anne Gallagher, “Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis.” *Human Rights Quarterly*, Vol. 23 (2001): pp. 975-1004.

⁶⁴¹ See for example, Lerna K.Yenik, “Guns and Human Rights: Major Powers, Global Arms Transfers, and Human Rights Violations.” *Human Rights Quarterly*, Vol. 28 (2006): pp. 357-388. Alpers however has raised concerns over the Arms Trade Treaty. See Philip Alpers, “Guns and the Pacific: A Wasteful Hiccup at the United Nations.” *Austral Policy Forum 06-33A 19 October 2006*: Nautilus Institute, 2006, available at: <<http://www.nautilus.org/>>. Accessed 18 December 2006.

⁶⁴² See for example Amnesty International et. al., “Towards an Arms Trade Treaty.” Control Arms Briefing Paper, June 2005, pp. 7, 23.

which small arms are intertwined with other cross-border crimes” that states in Southeast Asia are most concerned about.⁶⁴³

The Firearms Protocol focuses on law enforcement as opposed to arms control, reflected in its remit over only those firearms likely to be used in crime, not weapons more likely to be used in conflict such as light weapons or explosive devices. It ultimately requires governments to cooperate on transfers. As with the UN PoA, the issue of transfers to non-state actors proved divisive. On this occasion however, the outcome delivered a compromise position. In essence, the Protocol is “consistent with the US refusal in other forums to accept a ban on transfers to non-state actors, will in effect allow States Parties to decide for themselves whether a specific transfer from the state to a non-state actor is covered by the Protocol.”⁶⁴⁴ This is a re-affirmation that non-state armed groups remain uncertain targets of small arms control, and that a state’s transfer of weaponry to non- state entities is at its own discretion.

A further point that can be surmised from the above discussion is that the control mechanisms remain very much focussed on supply-reduction. This is also reflected in regional control mechanisms, almost all of which are more direct in their targeting of armed groups as illicit end users, yet these regional mechanisms, particularly one from Africa, also aim for greater understanding of demand.

⁶⁴³ Graduate Institute of International Studies, *Small Arms Survey 2001*, pp. 267-268.

⁶⁴⁴ Graduate Institute of International Studies, *Small Arms Survey 2002*, p. 240.

Regional Controls and the Wassenaar Arrangement

Regional organisations have been much more forthright on the issue of small arms control to non-state armed groups. In the absence of clear universal norms, regional small arms control - reflecting and defining regional norms – is often seen to be a more plausible control measure. Scholars, and the UN PoA, identify regional small arms control initiatives as essential in combating geographically constrained, yet still transnational, small arms movements. In a review of initiatives prior to the adoption of the UN PoA, Greene concluded that there were increasing and “substantial” regional control mechanisms, in Europe, Sub-Saharan Africa and the Americas.⁶⁴⁵ Other scholars too cite control mechanisms such as the European Code of Conduct and the Organisation of American States and the West African moratorium as being the most effective means of regional, multilateral small arms control.⁶⁴⁶ The following brief selection of agreements from Africa, the Americas and Europe show how stronger norms on preventing arms getting to armed groups are apparent at regional levels.

The Bamako Declaration, the ECOWAS moratorium and the EU Code of Conduct are each discussed briefly below. The OAS Firearms Convention is less explicit about naming armed groups, but overall the small arms control community has been supportive of this clearer articulation of armed groups as illicit end users.

⁶⁴⁵ Owen Greene, "Examining International Responses to Illicit Arms Trafficking," p. 185.

⁶⁴⁶ Jeffrey Boutwell and Michael T. Klare, "Light Weapons and Civil Conflict," pp. 224-225.

The Bamako Declaration articulates the African Common Position on small arms. It states that only governments are legitimate entities to receive transferred arms and urges supplier restraint: “We strongly appeal to the wider international community and, particularly, to the arms supplier countries, to...Accept that trade in small arms should be limited to governments”.⁶⁴⁷ Nor does the European Union leave room for ambiguity, also explicitly naming only governments as legal recipients of small arms transfers. In 2002, and echoing a 1998 Canadian proposal,⁶⁴⁸ the Council of the European Union stated that small arms and light weapons should only be supplied to “governments” or their “licenced entities”.⁶⁴⁹ The Organisation of American States convention, no doubt again reflecting the interests of the USA, makes no explicit mention of armed groups, or, by negation, of legal transfers only being between states.⁶⁵⁰ Schroeder at least however argues that it should prevent weapons getting to armed groups and makes suggestions on how this could be done.⁶⁵¹

Most recently, the Economic Community of West African States (ECOWAS) Convention⁶⁵² has furthered the regional norm of banning transfers to armed groups. Such groups are identified as “any actor other than State Actors”,

⁶⁴⁷ “Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons.” 30 November-1 December 2000, Article 4(i).

⁶⁴⁸ “A Proposed Global Convention Prohibiting the International Transfer of Military Small Arms and Light Weapons to Non-State Actors.” Canadian government, 1998.

⁶⁴⁹ Council of the European Union, “Council Joint Action on the European Union's Contribution to Combating the Destabilising Accumulation and Spread of Small Arms and Light Weapons and Repealing Joint Action 1999/34/CFSP (2002/589/CFSP).” Article 3 (b).

⁶⁵⁰ See the “Inter-American Convention Against Illicit Production of and Trafficking in Firearms, Ammunition, Explosives and Related Materials.” available at:

<<http://www.oas.org/juridico/English/treaties/a-63.html>>. Accessed 2 March 2008.

⁶⁵¹ Matthew Schroeder, “Illicit Arms Transfers to the Colombian Illegal Groups.” in *Small Arms, Terrorism and the OAS Firearms Convention*. Federation of American Scientists, 2004, pp. 19–29.

⁶⁵² This Convention is a legally-binding instrument taking the current ECOWAS moratorium on small arms, a political agreement, one step further in strengthening small arms controls.

naming “mercenaries, armed militias, armed rebel groups and private security companies.”⁶⁵³ Explicitly, a “Member State shall ban, without exception, transfers of small arms and light weapons to Non-State Actors that are not explicitly authorised by the importing member.”⁶⁵⁴ In encouraging this convention, the President of the UN Security Council, used the term “illegal armed groups”.⁶⁵⁵ Again, by default, what this reveals is that small arms control aims to target revolutionary and criminal groups, or others it deems illegal, but a loophole allows states to arm paramilitaries.

Although not a regional grouping, the Wassenaar Arrangement (WA)⁶⁵⁶ is important as a confidence-building measure for weapons-supplier states. Interestingly the WA does acknowledge that its members transfer arms to non-state entities as it advises members to take “especial care” when doing so.⁶⁵⁷ Even so, in keeping with the over-riding concern of the WA guidelines, this is mostly in the context of preventing arms getting to groups considered terrorist organizations. By admitting that governments can and may, with due consideration, transfer to non-state entities, the WA confirms that there is no

⁶⁵³ “The ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials.” Point 10, Preamble. Available at the OECD Database at: < <http://www.oecd.org/dataoecd/56/26/38873866.pdf>>. Accessed 2 March 2008.

⁶⁵⁴ “The ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials.” Chapter II, Transfer of Small Arms and Light Weapons, Article 3, Prohibition of Transfer of Small Arms and Light Weapons, Point 3.2. Available at the OECD Database at:

<< <http://www.oecd.org/dataoecd/56/26/38873866.pdf>>>. Accessed 2 March 2008.

⁶⁵⁵ United Nations, “Statement by the President of the Security Council.” UN Document. S/PRST/2006/38, 9 August 2006, p. 2.

⁶⁵⁶ Its full name is the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies.

⁶⁵⁷ Wassenaar Arrangement, “Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW).” 2007, Point 5, p. 3. Available at: < <http://www.wassenaar.org/>>. Accessed 26 February 2008.

norm on banning transfers to non-state entities. Ultimately, what this confirms is that states can transfer weapons to non-state armed groups should they choose to do so.

The WA has taken a groundbreaking step in what amounts to a “de facto ban” of one type of small arm to non-state armed groups; MANPADS.⁶⁵⁸ As Schroeder emphasises, “The ban is unprecedented and runs counter to the unyielding US position to restrictions on small arms transfers to non-state actors in other forums.”⁶⁵⁹ Again however, this is in keeping with the WA member concerns over weapons likely to be used in terrorist activity.

In these regional and supplier-group initiatives from both supplier and recipient regions, three clear themes emerge. First is the agreement to prevent external meddlers supplying arms to non-state groups without the host government’s consent. The second is the support for the reassertion of a state monopoly over the use of force. Third, the activities of the WA also reveal how current concerns over terrorist activity resulted in a singling out, and then rapid ban over transfers of the largest and most technologically sophisticated small arms.

Therefore while there is agreement to supply non-state entities – which could be private dealers or private military service companies as much as armed groups themselves – only with the permission of the host state, there is in fact a diminution of sovereignty occurring in sanctioning arms transfers to non-state groups. The intention appears to be supportive of the UN PoA principles of

⁶⁵⁸ Matt Schroeder, Appendix 14A “Global Efforts to Control MANPADS.” in *Stockholm International Peace Research Institute Yearbook 2007: Armaments, Disarmament and International Security*, Oxford: Oxford University Press, 2007, p. 628.

⁶⁵⁹ Matt Schroeder, Appendix 14A, “Global Efforts to Control MANPADS,” p. 628.

promoting security, development and human rights by reducing small arms supply, which are essentially internationalist and humanitarian objectives. However there is an undertone across the supply-reduction developments that states are not only determined to regain the monopoly over the threat or use of armed force, but retain the right to arm, or allow the arming, of non-state entities when it suits their interest to do so. Through allowing this, the two imperatives of humanitarianism and qualifying the monopoly over the use of force through the arming of proxy paramilitaries, work against each other. Given that paramilitary groups rarely take humanitarian interests into account, the end result, in extreme cases, would not be less small arms, and less resultant human mortality and misery, but an equivalence of small arms misuse yet in the name of state sovereignty. Although there is an abundance of international laws and norms, most visibly displayed through arms embargoes, that seek to punish or prohibit states when they use predatory or oppressive behaviours, as Bourne says, “embargoes...are not binding on all states engaged in the SALW trade – and thus such embargoes...do not cut off access to the global legal market.”⁶⁶⁰ He points out that while UN Security Council arms embargoes were imposed during the 1990s, “these covered less than a quarter of major intra-state conflicts that were active during that time.”⁶⁶¹ Further, these embargoes were only imposed “after the establishment of primary arms acquisition networks.”⁶⁶²

Through looking at these other small arms control arrangements, it seems reasonable to argue that there are emergent regional norms that seek to restrict external small arms supplies to armed groups. This is the case even if these

⁶⁶⁰ Mike Bourne, *Arming Conflict: The Proliferation of Small Arms*. Basingstoke, Hampshire: Palgrave Macmillan, 2007, p. 92.

⁶⁶¹ Mike Bourne, *Arming Conflict*, p. 92.

⁶⁶² Mike Bourne, *Arming Conflict*, p. 94.

mechanisms are not necessarily working in concert with the goals of humanitarian arms control. As such it also seems reasonable to suggest that there are frameworks and surfacing norms that target non-state armed groups through supply reduction, but that these supply restrictions are only concerned with revolutionary or criminal groups, allowing states to arm paramilitary organisations. This trend is also apparent at global level, although there would be little dispute that this is not the purpose of small arms control. However supply reduction is but one pillar of the small arms control architecture, and the discussion above explains only how it targets weapons obtained by armed groups. It is also necessary to see how weapons removal and demand reduction are implemented to see how small arms control affects how armed groups retain and surrender their weapons.

Disarmament

The removal of small arms is commonly referred to as micro-disarmament or practical disarmament.⁶⁶³ Such disarmament is said to be “the collection, documentation, control, and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants...It also includes the development of responsible arms management programmes.”⁶⁶⁴ The latter is to prevent leakage, and to remind states to keep weapons under their control. Overall, weapons used by former non-state combatants are considered surplus, illicit, or

⁶⁶³ The Small Arms Survey notes how “practical” disarmament originally encompassed a range of practices, including demining and arms conversion, but has come to mean small arms disarmament. Graduate Institute of International Studies, *Small Arms Survey 2002*, Box 7.2, p. 282.

⁶⁶⁴ “Analysis of the Disarmament, Demobilisation and Reintegration (DDR) Programmes Existing in the World During 2006.” Barcelona: Escola de Cultura de Pau, March 2007, Box 1, p. 8.

at least unnecessary, and therefore taken away from them through disarmament, demobilisation and reintegration (DDR) programmes and other political agreements.

Disarmament, Demobilisation and Reintegration, like its sister mechanism, Security Sector Reform (SSR), appears frequently in the small arms literature. The disarmament of combatants is a key component of small arms control, noted in the first Panel of Experts Report and subsequent UN PoA.⁶⁶⁵ Disarmament, Demobilisation and Reintegration, weapons amnesties and voluntary and forcible weapons collection programs have been identified as being one of the UN PoA's greatest successes.⁶⁶⁶ This same report however noted that one of the weaknesses of the DDR programmes is their failure to adequately address demand factors.⁶⁶⁷ Disarmament, Demobilisation and Reintegration of combatants' programmes has nonetheless developed as an essential component of better small arms control.⁶⁶⁸ The assumption behind DDR is that former combatants in a post-conflict environment who can be assisted with alternative employment and lifestyle changes will become integrated into a civilian lifestyle. If they are assisted to do this, they will have less recourse to using their military skills such as by becoming a hired gun, either as mercenary or street criminal. In DDR therefore, both supply and

⁶⁶⁵ United Nations, "Report of the Panel of Governmental Experts on Small Arms," pp. 21-22; United Nations, "UN PoA," Section II, Point 35, Section III, Point 16.

⁶⁶⁶ IANSA et. al., *International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action: Biting the Bullet*, 2005, pp. 266-268.

⁶⁶⁷ IANSA et. al., *International Action on Small Arms 2005*, p. 268.

⁶⁶⁸ See for example, Joanna Spear, "From Political Economies of War to Political Economies of Peace: The Contribution of DDR after Wars of Predation." *Contemporary Security Policy* 27, No. 1 (2006): pp.168-189; Robert Muggah, "Emerging from the Shadow of a War: A Critical Perspective on DDR and Weapons Reduction in the Post-Conflict Period." *Contemporary Security Policy*, Vol. 27, No. 1 (2006): pp.190-205.

demand for small arms is seen to be removed. SSR – establishing or re-establishing trustworthy, professional military, paramilitary, prison, customs and police forces – is also promoted as a means of reducing demand.

The DDR of former combatants is encouraged by the UN PoA.⁶⁶⁹ The decommissioning weapons of war and the disarmament of former combatants are often considered as preconditions, or central tenets of, many interventions or ceasefire agreements. As small arms control, this strategy is still an essentially supply-side mechanism – getting weapons out of the hands of the combatants– with additional elements which address demand – the reintegration of combatants back into civil pursuits or into the state security forces.

As with Capié’s comment that small arms supply-side control can be sovereignty enhancing, there is often implicit, or occasionally overt, recognition that the goal of the small arms control architecture is to re-establish state control over the means of armed force. Swarbrick unequivocally sees that the urgency of DDR lies in reinstating the state’s monopoly on the threat or use of armed force,⁶⁷⁰ and Brzoska claims that achieving SSR involves “The disarmament, demobilization, reintegration and transformation of all kinds of armed forces...in order to re-establish a state monopoly on the use of justifiable force”.⁶⁷¹

⁶⁶⁹ United Nations, “UN PoA,” Section II.21.

⁶⁷⁰ Peter Swarbrick, “Avoiding Disarmament Failure: The Critical Link in DDR.” Small Arms Survey Working Paper No. 5. Geneva: Small Arms Survey, 2007, p. 14.

⁶⁷¹ Michael Brzoska, “Introduction: Criteria for Evaluating Post-Conflict Reconstruction and Security Sector Reform in Peace Support Operations.” *International Peacekeeping*, Vol. 13, No. 1 (2006): p. 3.

There are many problems associated with micro-disarmament and these are well recognised and of long standing. They are particularly acute when demand has not been adequately addressed. Documented problems include the surrender of only conspicuously obsolete weapons,⁶⁷² generating a demand for arms to surrender, which previously did not exist,⁶⁷³ revealing the inadequacies of cash payments,⁶⁷⁴ and reflecting the difficulties in defining or agreeing on numbers of weapons.⁶⁷⁵ In the case of the Regional Assistance Mission to the Solomon Islands weapons buy-back, it even resulted in unanticipated predator infestations, when crocodiles began appearing close to human habitation but the local people had been disarmed by the intervention mission.⁶⁷⁶

The purpose of the disarmament component of DDR programmes is to remove weapons from former combatants.⁶⁷⁷ Taken literally, disarmament means removing all weapons. In practice, whether it is intended to remove all, most, or some, of the weapons used by members of an armed group, is less clear. It is certainly implied that it should be the former, although the wording of micro-disarmament programmes is no doubt deliberately imprecise. In most

⁶⁷² See below, and also in Graduate Institute of International Studies, “A Constant Threat: Armed Groups in West Africa.” in *Small Arms Survey 2006: Unfinished Business*. Oxford: Oxford University Press, 2006, p. 261.

⁶⁷³ Graduate Institute of International Studies, “A Constant Threat,” p. 263.

⁶⁷⁴ See for example Mats R. Berdal, *Disarmament and Demobilisation after Civil Wars*, Adelphi Paper 303. Oxford: Oxford University Press, 1996, p. 47.

⁶⁷⁵ For example in the crisis in East Timor in 2006, cigarette lighters used in arson attacks and traditional knives – katanas - caused a great deal of the damage, and a pair of pink-handled sewing or craft scissors were also lined up alongside other bladed weapons in the intervention forces’ attempt to disarm combatants and street gangs. Photograph in the possession of the author.

⁶⁷⁶ Ian Llewellyn, “Crocs Breach Peace in Solomons Disarmament.” *The Age* (Melbourne), 8 June 2004.

⁶⁷⁷ It can also include downsizing the armed forces at the end of a conflict, as well as civilian gun buy-backs and gun amnesties. For the purposes of this study, it is the removal of weapons from non-state combatants.

instances, the government side has no precise or verifiable information on an armed group's stocks, and the group would likely work this to their advantage so as not to disarm entirely which would be seen as defeat. In the unusual case of the decommissioning of the weapons of the Irish Republican Army (IRA) in 2005, complete disarmament of the group was clearly stated as a core component of the peace process. Such dogmatic specifications are rare, but in the case of the IRA the “totality” of the group's stockpile was said to have been collected and destroyed.⁶⁷⁸ More often, references to micro-disarmament avoid terms that state or imply comprehensive weapons removal. By not stating absolute numbers, groups keep the flexibility to retain some arms – either deliberately as “insurance” or purely as a result of decentralised commands – and the government still emerges as having disarmed the group.

However this raises the issue of “sufficiency”. Spark and Bailey remark, in relation to the disarmament in Bougainville, “that a sufficient (but unquantified) number of weapons” were removed from combatants and put into containers.⁶⁷⁹ Arguably, what this amounts to is that absolute weapons removal may be less significant than arriving at an agreed-upon sufficiency of weapons. In this context, sufficiency means that both sides recognise the handing over of weapons as a turning point in the conflict. This can reflect either a decisive reduction in the capacity to engage in armed violence or a reflection of a decision to no longer exercise whatever capacity remains. In most instances, it would be a combination of the two.

⁶⁷⁸ Graduate Institute of International Studies, “A Constant Threat,” Box. 10.5, p. 260.

⁶⁷⁹ Natasha Spark and Jackie Bailey, “Disarmament in Bougainville: ‘Guns in Boxes.’” *International Peacekeeping*, Vol. 12. No. 4, Winter (2005), p. 602.

The notion of sufficiency thus reinforces the importance of the symbolism of disarmament. In its first yearbook, the Small Arms Survey acknowledged the “symbolic resonance”⁶⁸⁰ of small arms, particularly firearms. This acknowledges the intangible, iconic, role small arms have for many who use them.

Disarmament, Demobilisation and Reintegration therefore address supply and demand factors. While the DDR and weapons collection programmes vary, their purposes include methods which seek: to remove the reason for the demand for weapons (the conflict); to remove the means by which that conflict is fought (small arms, which are often destroyed); and to reorientate the facilitator of both (the combatant). These programmes are complementary to the control measures as they address the elements of small arms demand and disarmament by tackling the reasons for weapons retention, and incentives to hand weapons over. When problems emerge, they are often traced back to the ongoing availability of small arms, in that ceasefires are opportunities for rearmament,⁶⁸¹ or that weapons hand-ins create micro-economies and fuel demand; “the more substantial the benefits, including cash...the more numerous the applicants.”⁶⁸² Weapons buy-back schemes effectively become weapons upgrade programmes. And, in keeping with the entrenched failure of

⁶⁸⁰ Graduate Institute of International Studies, *Small Arms Survey 2001*, p. 205.

⁶⁸¹ See for example, Chris Smith, “In the Shadow of a Cease-fire: The Impacts of Small Arms Availability and Misuse in Sri Lanka.” Occasional Paper No. 11. Geneva: Small Arms Survey, 2003, pp. 8, 14, 17.

⁶⁸² Peter Swarbrick, “Avoiding Disarmament Failure,” p. 16. See also Damien Rogers, “Subaltern Killers,” p. 188-189.

those responsible for weapons to actually secure their stocks, decommissioned weapons have been known to leak and be recycled into a new black market.⁶⁸³

Such problems associated with disarmament again reflect the dominant thinking that the problem is in the large number of weapons available and confirms that they should be removed or destroyed. At the very least, easy access to new weapons makes it easier for a disaffected or minority group to subvert a situation. Yet it is overoptimistic for Boutwell and Klare to suggest the complete disarmament of combatants. They argue that in order to avert post-conflict armed criminality; “decisions to disarm warring factions and remove small arms and light weapons from areas of conflict must be implemented uniformly and comprehensively.”⁶⁸⁴

Additionally, although recognising the complex interrelationship between military, political, economic and security issues relating to the disarmament of combatants, the Small Arms Survey also emphasises the importance of getting accurate weapons numbers in DDR programmes. Seemingly undeterred by the anarchical conditions of intra-state conflict, the authors argue that “It is vital to develop systematic and reliable means of monitoring arms possession and verifying claims.”⁶⁸⁵ Yet three paragraphs before, while supporting the disarmament of foot soldiers, the authors also allude to the “symbolic retention of weapons” by American civil war officers bestowing upon them an

⁶⁸³ See for example, Robert Muggah, “No Magic Bullet: A Critical Perspective on Disarmament, Demobilization and Reintegration (DDR) and Weapons Reduction in Post-conflict Contexts.” *The Round Table*, Vol. 94. No. 379 (2005): p. 247.

⁶⁸⁴ Jeffrey Boutwell and Michael T. Klare, “Light Weapons and Civil Conflict,” p. 228.

⁶⁸⁵ Graduate Institute of International Studies, *Small Arms Survey 2003: Development Denied*, Oxford: Oxford University Press, 2003, p. 277.

appropriate soldierly “honour” leading to “peace and prosperity.”⁶⁸⁶ If, as noted in chapter one, twenty first century “new” wars are seen as being no more than criminalised violence, perpetrated dishonourably by opportunistic youths, revering them with a soldierly honour and symbolic retention of arms is clearly misplaced. “Weapons for development” schemes that benefit conflict-ravaged communities and other clearly thought out weapons collection schemes are clearly more appropriate. However if combatants are fighting for a political liberation struggle, particularly over many generations, they will more likely see themselves as equally deserving of such dignity, and having a similar right to retain the symbols of their resistance. Yet disarmament schemes across conflict zones invariably involve the collection and removal, and often destruction, of weapons by an intervention force, in which their symbolic value is not considered.

Others recognise that micro-disarmament has a strong symbolic function. Muggah suggests that those involved in enacting DDR programmes often have different agendas, but that “military and government strategists...might agree that DDR should serve a symbolic purpose, such as building confidence between erstwhile combatants and their communities.”⁶⁸⁷ The political nature of disarmament is reflected in Cox’s observation of the disarmament of the “Contras” in Nicaragua, “Whether or not weapons...were concealed...was not a critical matter as long as the outcome of the disarmament process was *politically credible* and acceptable to all parties.”⁶⁸⁸

⁶⁸⁶ Graduate Institute of International Studies, *Small Arms Survey 2003*, p. 277.

⁶⁸⁷ Robert Muggah, “No Magic Bullet,” p. 246.

⁶⁸⁸ David Cox quoted in Mats R. Berdal, *Disarmament and Demobilisation after Civil Wars*, p. 22, (Berdal’s emphasis added.)

Karp emphasises the symbolism of disarmament when dealing with non-state armed groups, in that it should be accepted as a gesture of good intention rather than a bean-counting exercise.⁶⁸⁹ Although Karp makes strong case for adopting a disarmament framework, he recognises its inherent lack of universality.

Noting cases where disarmament resulted in massacres of the unarmed or disarmed, he also acknowledges that stipulating the disarmament of a group as a central tenet of peace or ceasefire negotiations can create an irreducible stand off, risking a backfire that can destabilise the whole political process.⁶⁹⁰

This reframing of disarmament of armed groups as a political gesture, not a military achievement, reveals insights which are outside the dominant thinking that small arms are inherently problematic, even to the point of being “demonised”. The emphasis on the symbolism of disarmament is ultimately much more realistic, although this does not necessarily mean it is easier to accomplish. For example, the UNTAC⁶⁹¹ force in Cambodia had a remit for weapons collection, but Chalk states that this aspect of the mission was “virtually abandoned” when it transpired elections could take place without the disarmament of all former combatants.⁶⁹² Yet the failure of this UN mission to demobilise the Khmer Rouge created a Cambodian source of weaponry, and ex-combatants with black market links, that lasts to this day.

⁶⁸⁹ Aaron Karp, “Laudable Failure,” p. 186.

⁶⁹⁰ Aaron Karp, “Laudable Failure,” pp. 185-186.

⁶⁹¹ UNTAC, the United Nations Transitional Authority in Cambodia, was a major multinational operation which according to Findlay brought in the second generation of peacekeeping, with a remit not just to monitor the situation on the ground, but also to disarm the warring factions and monitor the elections. The Khmer Rouge simply refused to be involved in either. See for example Trevor Findlay, *Cambodia: The Legacy and Lessons of UNTAC*, SIPRI Research Report No. 9. Oxford: Oxford University Press, 1995.

⁶⁹² Peter Chalk, “Light Arms Trading in SE Asia.” *Jane’s Intelligence Review*, March 2001, p. 43.

Muggah is amongst those who see that small arms have become a “demonised” technology. Further, because of this, he suggests that there is bias towards disarmament, at the expense of the reintegration of former combatants, in that:

Donors and governments continue to prioritize, even fetishize, the gathering of hardware. This ‘disarmament bias’ persists despite growing evidence that absolute numbers of arms collected do no [sic] necessarily contribute to improved security, or even the building of confidence.⁶⁹³

Cooper suggests that dealing with “disarmament from below”,⁶⁹⁴ is a more effective mode of dealing with small arms control. Echoing Karp and Muggah, he argues “the practice of focusing upon particular *pariah* weapons represents one of the more problematic elements of current approaches to conventional weapons control.”⁶⁹⁵ Referring to arms control mechanisms as “statist and sclerotic”⁶⁹⁶ he instead supports grassroots programmes such as the “weapons-free villages” and “weapons for development” projects.⁶⁹⁷ However the supplier is seen to be at fault again, for he also advocates that DDR programmes include what is more of a European approach of public “naming and shaming” of those involved in illicit arms transfers. Where companies or governments are found to be complicit or simply lax, penalties, he argues, can serve to deter and punish.⁶⁹⁸ Although Cooper acknowledges the complexities of small arms

⁶⁹³ Robert Muggah, “No Magic Bullet,” p. 246.

⁶⁹⁴ Neil Cooper, “What’s the Point of Arms Transfer Controls?” *Contemporary Security Policy*, Vol. 27, No. 1 (2006): p. 128.

⁶⁹⁵ Neil Cooper, “What’s the Point of Arms Transfer Controls?” p. 118 (emphasis added).

⁶⁹⁶ Neil Cooper, “What’s the Point of Arms Transfer Controls?” p. 124.

⁶⁹⁷ Neil Cooper, “What’s the Point of Arms Transfer Controls?” p. 132.

⁶⁹⁸ Neil Cooper, “What’s the Point of Arms Transfer Controls?” p. 132.

diffusion (such as multiple producers, users and means of diversion), this part of his argument supports one of the main presumptions about small arms proliferation which assumes weapons are shipped from an external supplier to a non-state end-user. This is not necessarily, nor even often, the case. His argument also focuses on micro-supply control – “weapons-free zones” – which are helpful in alleviating some of the immediate factors of firearm violence by creating oases of safety. While these “weapons-free zones” can be circuit-breakers or safe-havens in regions in, or emerging from, conflict, what this approach does not explain is demand; exemplified by arms being collected by their users as they leave that zone.

The psycho-social dimension to demand, the reintegration of the former combatant, is a crucial component to the success of any disarmament programme. Swarbrick appears to pinpoint one of the core problems regarding the reintegration of former combatants. “Reintegration” he states “is often a misnomer, in that young men who find themselves in the bush under arms were never integrated into society in the first place, which is the main reason they joined the armed groups.”⁶⁹⁹ Berdal also acknowledges the disconnect in the reintegration of combatants in which there is “a reluctance to abandon a way of life which, however miserable, offers a measure of socio-psychological security”.⁷⁰⁰ Berdal makes a pivotal point regarding demand, arguing “the general willingness to abandon weapons...depends, principally, on the extent to which the security environment and the viability of continuing political processes are perceived to be taking root.”⁷⁰¹ However the point at which

⁶⁹⁹ Peter Swarbrick, “Avoiding Disarmament Failure,” p. 39.

⁷⁰⁰ Mats R. Berdal, *Disarmament and Demobilisation after Civil Wars*, p. 17.

⁷⁰¹ Mats R. Berdal, *Disarmament and Demobilisation after Civil Wars*, p. 18.

security is achieved, and for whom, and demonstrable trust in political processes, is notoriously difficult to judge. Newly-independent East Timor’s collapse into chaos in mid-2006, took many by surprise as it had been seen as the region’s weapons-free peacekeeping success story.

It would seem therefore that those observing the disarmament of combatants are aware of the complexities associated with it as a small arms control mechanism. While there seems to be an urgency in the removal of weapons, there also appears to be a degree of sympathy towards the symbolism associated with disarmament. It is also apparent how closely linked disarmament and demand factors are at this level of small arms control.

Understanding Demand

Work on small arms demand has come from regional institutions, scholars and non-governmental organisations. Although the UN PoA makes reference to demand,⁷⁰² there is no elaboration on how states should be addressing demand issues. There is inference that demand from non-state entities is of concern, yet the reference in the document is only to terrorist and crime groups,⁷⁰³ not to conflict actors. With most wars of national liberation being comfortably historic events, and resulting in many new UN member states, the potential to find validity in non-state entities arming in either self-defence against an aggressive or predatory state, or even to pursue the right of self-determination, strikes an uncomfortable chord for the international community of extant states.

⁷⁰² United Nations, "UN PoA," Article I.7.

⁷⁰³ United Nations, "UN PoA," Article I.7.

The small arms control community engages with demand uneasily, and both scholarly and policy materials reflect the delicacy of the topic. Scholars have to look within and beyond their own discipline. States do not readily admit to being so lax or predatory as to drive their citizens into armed revolt or criminality. Nor do states openly admit to their role in arming paramilitaries to bolster regime security. Responding to demand may also require such a range of intervention measures that would be “too broad and complex for effective program development.”⁷⁰⁴ As such, discussions of demand often reflect the control architecture’s vagueness, stating that the catalysts for demand are rooted in broad notions of “insecurity” and “inequality”, and that responses should include addressing the “unequal distribution of resources [and] access to power”.⁷⁰⁵ Revolutionary groups engaged in generational conflicts with state forces over the very issues of security, inequality, resources and political representation, would agree. The difficulty lies in achieving this. Further, such suggestions are informed by the presumption that weapons are universally “readily available”, and therefore a first resort, rather than a last one, for the disaffected and disempowered. Arguably, this is not always the case.

The breadth and complexity of intra-state conflicts will certainly necessitate that durable solutions, including addressing demand, are situation-specific. Generalisations are helpful only up to a point. The melee of specific political and economic contexts, the will of the parties involved, the knowledge and skills of the negotiators, and the respect that the parties involved have for them,

⁷⁰⁴ David Jackman, “Conflict Resolution and Lessening the Demand for Small Arms,” p. 10.

⁷⁰⁵ Cate Buchanan et. al., “Missing Pieces: Directions for Reducing Gun Violence through the UN Process on Small Arms Control.” Geneva: Centre for Humanitarian Dialogue, 2005, Table 2, p. 41.

are all at the core of conflict mitigation, and ultimately, demand mitigation. To understand small arms demand by non-state armed groups it is also helpful to see them as a multi-dimensional phenomenon, explained further in chapter five.

To date, the focus has been on removing the weapon from the combatant and on re-orienting the combatant’s preference for a weapon to another object such as cash or vocational training. This re-orientation deals with tangible factors for disarming combatants, such as the need for a combatant to find a livelihood in a secure post-conflict environment. Further, if the single vector of small arms demand in Southeast Asia’s intrastate conflicts is the conflict itself and its concomitant insecurity,⁷⁰⁶ it seems reasonable to propose that conflict resolution is a singular demand-reduction mechanism that should be higher up the agenda of small arms control.

Without doubt, demand is the most perplexing component in small arms diffusion. There is general agreement that it is vital to understand demand, yet little in the way of conceptualising demand in ways that contribute to a robust framework of control. That which exists comes from fields as diverse as defence economics, sociology and non-violence advocates. African states have also made the strongest promulgations on demand.

As noted above, the Bamako Declaration, reflecting an “African Common Position” on small arms proliferation and control, has produced the most advanced work on demand from an institution. Boldly, it acknowledges that demand factors can be associated with predatory and poor state practices. As

⁷⁰⁶ See below.

such it encourages democratisation, adherence to human rights laws and economic development, calls for promoting “cultures of peace”, in weapons-afflicted societies, and uniquely calls for non-military solutions to conflicts through “the promotion of conflict prevention measures and the pursuit of negotiated solutions to conflicts”.⁷⁰⁷ Such an observation is rare; there is scant reference to conflict prevention or resolution as a form of small arms control in the broader literature.

The sociological approach finds that the demand for small arms is linked to social phenomena. These include “identity “(the disenfranchisement of a large youth population); economic marginalisation of key sectors in the community (often male youth); a lack of education, and a lack of economic development, state failure, civil conflict, a “gun culture”, general arms availability and entrenched or systemic violence.⁷⁰⁸

Other papers have explored the market dynamic in individual, group or non-state small arms accumulation.⁷⁰⁹ Many of these papers come from a defence

⁷⁰⁷ "Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons." 30 November-1 December 2000, Articles, 2 (iii; iv, vii).

⁷⁰⁸ Taya Weiss, "A Demand-Side Approach to Fighting Small Arms Proliferation." *African Security Review*, Vol. 12, No. 2 (2003): pp. 5-9; *Guns in the Borderland: Reducing the Demand for Small Arms*, Institute for Security Studies Monograph Series. Pretoria: Institute for Security Studies, 2004, pp. 105-110;

⁷⁰⁹ What is missing in the current demand literature is acknowledgment of the motives of recreational shooters', or others who use firearms to hunt wild, or put down domestic, animals, when purchasing and transferring firearms. The Small Arms Survey gives the total number of private individual gun owners as approximately 378,300,000 million, or almost 60% of total firearm owners, outstripping government security forces which account for approximately 40% of firearm ownership, and far outstripping armed groups, which only account for 0.2% of small arms users, the one million figure cited in chapter one of this study. See Graduate Institute of International Studies, *Small Arms Survey 2002*, p. 104.

economics perspective, which employ basic theories of consumer demand. This has resulted in these papers seeing demand as a relationship between “motivations” and “means”.⁷¹⁰ Both are considered to be social constructs, influencing behaviour in social and cultural environments. Motivations dictate “preferences” or reasons for small arms acquisition and use, while “means” include both financial and other factors influencing the availability of small arms to any particular purchaser.⁷¹¹ Using this “demand optic” three interesting points emerge.⁷¹² First is the proposal that local interventions, particularly those led by non-governmental agencies can be successful in removing demand by resolving conflicts. Second is the suggestion that effective partnerships need to be built between all stakeholders including states, NGOs and armed combatants. Third is a suggestion that combinations of security guarantees and economic development are all means by which small arms demand can be reduced.

There are two intriguing insights in this argument. The first is that points one and two appear to support a case for conflict resolution between state and non-state groups through engagement with the armed groups facilitated by non-governmental organisations. The authors argue that “Demand reduction is synergistic with other forms of non-violent conflict management”.⁷¹³ In the case of Papua New Guinea, the Mendi Peace Commission, comprised of local

⁷¹⁰ David Atwood et. al., *Demanding Attention: Addressing the Dynamics of Small Arms Demand*. Geneva: Joint publication of the Small Arms Survey and the Quaker United Nations Office, 2006; Jurgen Brauer and Robert Muggah, "Completing the Circle: Building a Theory of Small Arms Demand." *Contemporary Security Policy*, Vol. 27, No. 1 (2006): pp. 138-154.

⁷¹¹ David Atwood et. al, *Demanding Attention*, pp. 10-14. Policy recommendations are interwoven throughout both papers, but the Atwood is firmly focussed on the UN PoA process, while the Brauer and Muggah paper is a more intellectual contribution to the debate.

⁷¹² David Atwood et. al., *Demanding Attention*, p. xv.

⁷¹³ David Atwood et. al., *Demanding Attention*, p. xix.

business people and church leaders, resulted in a peace agreement between two warring tribes that involved actual and symbolic gestures of putting the weapons under the control of the tribal leaders (which is actually a supply-side reduction) and public apologies. Atwood et. al. cite this as a successful indigenous response to small arms related violence by removing the driver for demand which was the conflict itself.⁷¹⁴

A brief account of conflict resolution as a method of reducing small arms demand appeared in the Small Arms Survey in 2003. The example given is of pastoralist communities in Kenya, where the use of small arms contributed to escalating violence. While it does not argue that conflict resolution practices are a panacea for armed violence, it does find that traditional methods to deal with disputes, and thus demand for weapons, can be successful in certain situations.⁷¹⁵

Importantly, conflict resolution, through engagement with armed groups, may be singularly useful for reducing demand by armed groups in Southeast Asia. In conflict situations, it is the conflict itself which is the principle demand factor. It is curious that the small arms control community largely avoids branching into this area of knowledge when it is comfortable linking into DDR and SSR. The UN PoA makes reference to conflict resolution being a part of the responses to the small arms problem,⁷¹⁶ yet this is an underdeveloped area of small arms

⁷¹⁴ David Atwood et.al., *Demanding Attention*, p. 38. Indigenous conflict resolution strategies are also noted in Jackman, although acknowledging these are not always successful. See David Jackman, “Conflict Resolution and Lessening the Demand for Small Arms,” p. 20.

⁷¹⁵ Graduate Institute of International Studies, *Small Arms Survey 2003*, Box 9.6, p. 312.

⁷¹⁶ United Nations, “UN PoA,” Article I.15.

research, with subsequent works doing little more than acknowledging conflict resolution is a good idea.⁷¹⁷

The second important point from the “motives and means” argument is that it can accommodate what this study terms intangible preferences. This accommodates the symbolic role of weapons used in conflict as suggested in the preceding section. Motives to obtain and retain weapons are generally seen as tangible, or reasonable; retaining weapons for personal or group security, or because it is the single most valuable item the combatant owns. Intangible reasons are psychological, emotional and largely symbolic, instances where the combatant wants to keep the weapon because of a strong relationship to it. Such a weapon could be steeped in notions that it is symbolic of the revolution for its owner, a memento of their time as a warrior, seen as a co-combatant who kept the enemy and hunger at bay. In this instance, the preference is not to exchange it for anything else, but to keep it.

This more interesting approach to understanding demand appears in a chapter on weapons possession in Yemen in the Small Arms Survey Yearbook from 2003. A psychology of demand is explored briefly in this chapter. “Demand,” it proposes, albeit somewhat psychedelically, “...is a state of mind.”⁷¹⁸ This is perhaps the least tangible reason of all, yet what it suggests is that there are

⁷¹⁷ See for example Cate Buchanan, Mireille Widmer et. al., *Putting Guns in Their Place: A Resource Pack for Two Years of Action by Humanitarian Agencies*: Centre for Humanitarian Dialogue, 2004, p. 31. Jo. L. Husbands’ “Controlling Transfers of Light Arms: Linkages to conflict Processes and Conflict Resolution Strategies” in Jeffrey Boutwell et. al. (eds.), *Lethal Commerce*, pp. 127–133. Despite the title, Husbands’ work does not engage with conflict resolution strategies, rather she questions the purpose of controls. More puzzling is that the leading NGOs, IANSA and the Small Arms Survey, have not engaged deeply with conflict resolution strategies in their policy or publications.

⁷¹⁸ Graduate Institute of International Studies, *Small Arms Survey 2003*, p. 170.

psychological and emotional influences that dictate weapons procurement and retention that are not being considered in small arms control and disarmament programmes and policies. This is further explained by a later suggestion that:

if weapons are kept because of whom they belonged to [sic] or their historical significance, owners will be unlikely to hand them over to collection and destruction programmes. The social or emotional significance of weapons will affect whether they are passed on to another party.⁷¹⁹

For combatants in protracted revolutionary wars, as is evident in numerous cases across Southeast Asia, the “emotional significance” of their personal arms, may therefore lie not so much in tangible reasons such as insecurity, but in intangible reasons. Such intangible reasons show that demand can also be symbolic, reflective of a “state of mind”. Given these may be extremely powerful demand factors, no amount of cash payments, or weapons for development programmes, being tangible responses, will adequately address such intangible demand factors. Further, because small arms may well have become “demonised” accompanied by a “fetish” to collect and destroy them, small arms demand and retention, particularly by revolutionary groups, has not yet been seen as being as symbolic as it is practical; as intangible as it is rational.

Less convincing is the more common argument that demand can be mitigated by dealing with “inequalities, injustice and human rights abuses, which can influence recourse to (armed) violence”.⁷²⁰ While true, this does not adequately

⁷¹⁹ Graduate Institute of International Studies, *Small Arms Survey 2003*, p. 178.

⁷²⁰ David Atwood et. al., “Motivations, Means and Entry Points for Policy.” *Demanding Attention*, Table 1., p. 11.

address one vital factor. In the face of determined invaders, or implacable or predatory states, it offers few inroads. Calling for rights and political solutions and an end to abuses is what the political wings of armed groups attempt to do through advocacy and engagement in political processes anyway – from Jose Ramos Horta’s time at the UN representing East Timor to the joint National Convention in Burma where ethnic groups and political parties were invited to negotiate a new constitution with the military junta. The former resulted in over 20 years of exile, the latter in over ten years of stalemate.⁷²¹

In terms of tangible vectors, Capie clearly and correctly identifies Southeast Asia’s multiple intrastate conflicts as the principle demand factor for small arms.⁷²² As such, he is also correct in arguing that dealing with small arms demand in Southeast Asia is intricately linked to conflict resolution, particularly “finding just long-term solutions to the deep-rooted conflicts” in the region.⁷²³ In a later paper he implies this should be undertaken by the governments in the region, while acknowledging it is non-government agencies which have been most active in disarmament efforts and public education.⁷²⁴ The creation of a regional fund to assist under-resourced states with DDR programs is also suggested by Capie.⁷²⁵ Quite how this would operate remains unclear, but

⁷²¹ A Draft Constitution was eventually passed by the military government in mid-2008. It was widely vilified, and is unlikely to do little more than continue to benefit the military government.

⁷²² David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 16-17; David Capie, "Sovereignty Under Fire." *Panorama: Insights Into Southeast Asian and European Affairs*, Vol. 1 (2001): p. 72.

⁷²³ David Capie, "Sovereignty Under Fire," p. 72.

⁷²⁴ David Capie, "Missing the Target? The Human Cost of Small Arms Proliferation and Misuse in Southeast Asia." in Annelies Heijmans et. al. (eds.), *Searching for Peace in Asia Pacific: An Overview of Conflict Prevention and Peacebuilding Activities*, Boulder: Lynne Rienner, 2004, pp. 304-305.

⁷²⁵ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 106.

money may not be the issue. External funders appear more than willing to bankroll arms buybacks – Japanese and European funds have paid for such programs in Cambodia and the latter in Aceh.

Acknowledging that predatory, unprofessional or simply illegal behaviour by the security sector can catalyse small arms demand is a component of Security Sector Reform. State security forces can abuse their position and misuse their weaponry. Demanding stronger accountability from, and removing impunity from, this sector has become a related component of small arms control. The Small Arms Survey cites the OECD definition of “the security sector” in which it includes “core security actors (such as the armed forces, the police, etc)”, “security management bodies”; “justice and law enforcement institutions” and intriguingly armed groups “non-statutory security forces”, which includes “liberation armies...and...militias.”⁷²⁶ Security Sector Reform argues for the correct use and storage of weaponry and clarifies professional accountability to command and government. These provisions, which are aimed at enhancing the role of the security sector, are also found in the UN PoA.⁷²⁷

Berdal offers further suggestions at this point. In cases “where the security situation is uncertain and economic incentives for retaining weapons are greater

⁷²⁶ “Stabilising Cambodia: Small Arms and Security Sector Reform.” Graduate Institute of International Studies, *Small Arms Survey 2006: Unfinished Business*. Oxford: Oxford University Press, 2006, p. 134. This chapter is a rare investigation of the specific link between small arms and SSR. Works on the broader topic include Nicole Ball, “Transforming the Security Sectors, the IMF and World Bank Approaches.” and Chris Smith “Security-Sector Reform: Development Breakthrough or Institutional Engineering?” both in *Conflict, Security and Development*, Vol. 1, No. 1 (2001): pp. 45-66 and pp. 5-20 respectively.

⁷²⁷ United Nations, “UN PoA,” Section II, Paragraphs 17, 18. The EU Joint Action on Small Arms also notes how the interrelationship between security sector reform and DDR programs enhance small arms control. See “EU Joint Action on Small Arms 2002,” Title II, Article 6.1.

than for selling them”⁷²⁸ a strong case for demand based on personal and economic insecurity is apparent. Many small arms control advocates, arguably having “demonized” small arms, find it difficult to accommodate a desire for personal security through weapons possession, even in cases where the state, particularly the security sector, is clearly predatory, or where the state itself is economically or politically untrustworthy. This again reveals that the dominant thinking about small arms disarmament is the removal of the weapons from the user; changing preferences in the language of defence economics. If the non-state combatants are seen as opportunistic criminals, or in contemporary nomenclature, terrorists, then their desire to retain what the small arms control community refers to as “tools of violence” is clearly unacceptable. The small arms control architecture therefore does not support non-state combatants keeping their weapons. Yet, for many revolutionary combatants, their weapon has served a legitimate military function of self defence, or even as a symbol of liberation, whether the liberation was successful or not. Again therefore, it can be seen that the weapon therefore has a strong iconic value. Symbolic retention is part of what this study sees as necessitating the broadening of small arms control.

There are two further difficulties in states and non-governmental organisations coming to a clear position on demand by non-state armed groups. First, non-governmental organisations, like many in the small arms control community argue that weapons availability makes weapons use, and therefore armed violence, more likely.⁷²⁹ The Small Arms Survey calls this the “accessibility

⁷²⁸ Mats R. Berdal, *Disarmament and Demobilisation after Civil Wars*, p. 34.

⁷²⁹ This was even echoed in the United Nations Development Programme yearbook for 2005. United Nations Development Programme, “Violent Conflict: Bringing the Real Threat into

thesis”.⁷³⁰ The small arms control community therefore will always argue in favour of reducing supply, (rhetorically if not practically) argue for reducing demand, and be in support of weapons removal. Yet they are working within an international state-centric system where most states want, and retain the right to make, transfer, stockpile and use, small arms. Working within this dichotomy is a contributing factor in the policy incoherence among the NGOs. Essentially, groups like the umbrella small arms control agency IANSA want a situation closer to small arms disarmament, not control, whereas states want control, not disarmament. The compromise reached is agreement that states and states alone should hold the monopoly over the use of deadly force. States therefore are managing the small arms control processes to progress the norm of sovereignty, while the arms control NGOs see small arms control as a progression of humanitarianism.

Second, states are extremely reluctant to engage in talks with armed groups, for reasons that it gives the group a legitimacy which the state sees as unwarranted. Yet engagement with armed groups which are acting out of political motivation – for a self-governing territory or secession for example – is precisely what is warranted in terms of reducing the small arms demand in the Southeast Asian region. Engagement with non-state conflict actors is precisely what other non-governmental organisations are undertaking,⁷³¹ although this is not usually part of the small arms control community’s approach.

Focus.” *Human Development Report 2005: International Cooperation at the Crossroads; Aid, Trade and Security in an Unequal World*, 2005, p. 172.

⁷³⁰ Graduate Institute of International Studies, *Small Arms Survey 2001*, pp. 200-208.

⁷³¹ See chapter five for a discussion of the groups that are involved in this.

In sum, there appear to be several truths that emerge from the demand-side control mechanisms. The first is that demand has a number of tangible vectors. These can be seen as keeping or taking to arms for overt, understandable, reasons. Overall, they fall into categories of insecurity, exclusion and inequality. This covers a range of reasons such as personal safety, group identity, as well as greed and opportunism, and grievance-based rebellions. It also explains keeping arms to keep former adversaries at bay. This study agrees that conflict and insecurity are the prime tangible vectors for small arms demand by armed groups in Southeast Asia.

Second, weapons removal by removing demand is seen as a crucial part of small arms control. Yet in many circumstances, this may actually be impractical. It may progress debate on this issue if it is acknowledged that firearms have a number of useful and traditional uses such as hunting and pest control. Admittedly, these same weapons can be used in conflict. Again the experience of Yemen, in which weapons use is tightly regulated by stringent and enforced societal norms, may be instructive. Such a system, firmly entrenched in tradition, meant that while armed violence was ever-present, “killing could not become widespread.”⁷³² The building of such social norms in severely disrupted states, such as those which host protracted conflict, may require considerable social engineering, however it may be hasty to disregard the role societal norms play in restraining weapons use. The crux of the success of conflict resolution strategies, noted above, may be that it takes place “in combination with attempts to address the functions weapons serve in the local context”.⁷³³ These ideas are under-explored demand factors and influences, and they admittedly run

⁷³² Graduate Institute of International Studies, *Small Arms Survey 2003*, p. 181.

⁷³³ Graduate Institute of International Studies, *Small Arms Survey 2003*, p. 312.

counter to the strong weapons-removal norm of intervention missions and peace agreements.

Third, the symbolism and emotional components of disarmament, and particularly demand, are underdeveloped concepts. Re-conceptualising both disarmament and demand as having intangible dimensions, which include factors such as symbolism and emotional ties to weaponry, appears to offer reasons for weapons retention even when the more tangible reasons – such as security and livelihood - have been addressed.

Fourth, there does not appear to be any trend towards states embracing engagement with armed groups as a form of small arms control. Fears of granting legitimacy to groups or individuals, of being cornered into a compromise or duped into entrapment by external do-gooders, of having government underhand tactics exposed, are all valid concerns that states might have when confronted with the notion of engagement. It is therefore not so surprising that there is more general agreement, over less contentious issues, which are supply reduction and weapons removal.

Even so, it may prove beneficial for the UN PoA to consider two options regarding demand. The first would be encouraging conflict resolution through engagement with armed groups. The second would be through exploring alternatives to weapons removal. These options, and others, are discussed at greater length in the following chapter.

Conclusion

Micro-disarmament and micro-control have a strong focus on removing weapons from combatants, or preventing them from entering an illicit market in the first place. These control measures often presume that weapons have come from an external source to the conflict, or inadvertently from an internal source. By the removal of the weaponry, such conflict zones can become free of small arms. By extension they become a post-conflict zone.

The control processes are unashamedly geared towards the state reasserting sovereign control over weapons in its territory. This is supported on humanitarian grounds by the small arms control community; states, NGOs and scholars who actively promote small arms control. Ultimately the presumption is that when there is better small arms control, and fewer small arms in circulation, this will improve the human condition through the removal of threats to security, fewer conflicts and less resultant injury, mortality and misery, often involving non-state armed actors. This is reflected in the academic literature and international organisation and non-governmental organisation documents and policies, including those on Southeast Asia, each contributing to a wider small arms control community. By extension, or sometimes by exclusion, these control mechanisms are aimed at curtailing transfers to armed groups, but such unequivocal references are rare, and the targets and purposes of the control processes remain uncomfortably vague.

With these considerations in mind, the question that drives this study asks how much these control and disarmament policies and programmes actually impact

on how armed groups obtain, retain and surrender their weaponry. It seems particularly pertinent to test this question in a region that does not have a high profile in other studies. As such, the question arises as to the whether the extant small arms control and disarmament mechanisms as identified in this chapter are appropriate to tackle the armament and disarmament of armed groups in Southeast Asia.

Chapter 5

Small Arms Control Relating to Non-state Armed Groups in Southeast Asia

*Politically, the critical issue in dealing with the use of small arms in intra-state conflicts is to bring small arms back under the authority of the State functioning through a democratic government which enjoys broad public support.*⁷³⁴

Findings, Purpose and Structure of the Chapter

The purpose of this chapter is to evaluate the small arms control mechanisms that impact on armed groups in Southeast Asia. This evaluation reveals that there are a range of both control and disarmament measures relating to arms procurement and retention by armed groups. As chapter four showed, even though there is no agreement at global level that armed groups should be the target of small arms control, the manner in which these control mechanisms are enacted in policy and practice inevitably affect armed groups. This is also the case in Southeast Asia.

This chapter employs the typology of supply reduction, demand reduction and weapons removal to understand how the small arms control architecture is manifesting in Southeast Asia. As with the preceding chapter, these pillars are supply-reduction mechanisms, particularly the United Nations Programme of

⁷³⁴ Swadesh Rana, "Small Arms and Intra-State Conflicts." New York: United Nations Institute for Disarmament Research, 1995, p. 18.

Action (UN PoA), exploring demand reduction factors, and assessing disarmament programmes. It commences with how states in the region have enacted small arms control mechanisms. It finds that most expression of small arms control comes in the form of conflicts ending, and in the disarmament of armed groups. Therefore this chapter delves deeply into an assessment of micro-disarmament initiatives across the region evaluating the disarmament of armed groups in Aceh, Burma, Cambodia, East Timor, and the Philippines. These programmes reveal a diversity of psychological, practical and political complexities associated with the disarmament of armed groups.

This chapter also explores small arms demand in the regional context. It does this by drawing on the concepts developed in the previous chapter, particularly the notion of symbolic demand. What emerges from these assessments of supply reduction, demand reduction and weapons removal is a perceived need for an expanded small arms control architecture, involving both the broadening and the deepening of current approaches.

As the preceding chapter found, small arms control measures are based on assumptions formulated to capture supplies that come from renegade supplier companies or states, under-resourced or corrupt security sectors, and nefarious brokers and traffickers. While there is little clarity at global level whether non-state conflict actors are licit recipients of small arms, there is some agreement that such recipients are licit only when they operate on behalf of, or represent a sovereign state. There is nothing emanating from Southeast Asian scholars or governments that question this pre-eminent thinking.

The Small Arms Control Architecture in Southeast Asia

Introduction

Most progress in small arms control in Southeast Asia has been through conflicts coming to an end, and through weapons removal. This reflects the number of conflicts which have reached a negotiated position or been subject to an international intervention. There have, however, been a number of curious interpretations of disarmament. Demand reduction has thus also been most usefully addressed by conflicts being brought to an end, either through military victory or external intervention. In addressing supply reduction, Southeast Asian countries consider transnational crime to be the biggest small arms control challenge in the region.⁷³⁵ Although states in Southeast Asia have been supportive of the UN PoA, they have not been particularly forthcoming with concrete measures in implementing it at a regional level.

Some states have been most active at national level. Capie notes Cambodia's, the Philippines' and Thailand's efforts at small arms control within their own borders. These include Cambodia's "flames of peace" weapons destruction ceremonies and new legislation, the Philippines' weapons collection and destruction programmes and the Thai government's attempts to implement stronger domestic gun laws.⁷³⁶ Further, the role of the small arms control

⁷³⁵ United Nations Department for Disarmament Affairs, UN Regional Centre for Peace and Disarmament in Asia and the Pacific, "Summary Highlights, Jakarta Regional Seminar on Illicit Trafficking in Small Arms and Light Weapons." 3-4 May 2000, points 6, 11; "Statement." Indonesia, Biennial Meeting of States on the Implementation of the United Nations Programme of Action, New York, 11 July 2005, pp. 4-5.

⁷³⁶ David Capie, "Missing the Target? The Human Cost of Small Arms Proliferation and Misuse in Southeast Asia." in Annelies Heijmans, et. al. (eds.), *Searching for Peace in Asia Pacific: An*

community, including NGOs in or from Southeast Asia, is less prominent than in other regions, although they are acknowledged,⁷³⁷ and a listing of International Action Network on Small Arms (IANSA) members for Southeast Asia indicates at least a modest presence.⁷³⁸ Non-governmental organisations in the region have also contributed to the small arms debate, addressing in particular the UN PoA, but also regional firearms laws, human security and small arms demand.⁷³⁹

In the previous chapter, Greene noted the small arms control norms developing at regional level. He excluded the limited Association of Southeast Asian Nations (ASEAN) agreements on small arms control because his focus was on strong, multilateral, institutionalised cooperation.⁷⁴⁰ ASEAN states have a predilection towards informal, bilateral agreements, therefore it is not surprising to find small arms control efforts in Southeast Asia are not particularly

Overview of Conflict Prevention and Peacebuilding Activities, Boulder: Lynne Rienner, 2004, pp. 305-306.

⁷³⁷ David Capie, "Missing the Target?" pp. 304-305; Peter Chalk, "Light Arms Trading in SE Asia." *Jane's Intelligence Review*, March 2001, p. 43.

⁷³⁸ Six organisations are listed in IANSA, "Who's Who in Gun Violence Prevention: International Directory of NGOs Working Against Small Arms Proliferation and Misuse." London: 2004, pp. 117-119. There are seven entries for Southeast Asia in this list, however two are the same person and organisation.

⁷³⁹ Cate Buchanan and David Atwood, *Curbing the Demand for Small Arms: Focus on Southeast Asia*. Geneva: Centre for Humanitarian Dialogue and the Quaker United Nations Office, 2002; Edgardo P. Legaspi, "EastAsia InAction OnArms." Southeast Asia Forum on Armed Violence, 2005; Katherine Kramer, "Legal Controls on Small Arms and Light Weapons in Southeast Asia." Occasional Paper No. 3. Geneva: Small Arms Survey and Non-Violence International, 2001; Robert Muggah and Yeshua Moser-Puangsuwan (eds.), *Whose Security Counts? Participatory Research on Armed Violence and Human Insecurity in Southeast Asia: Small Arms Survey and Nonviolence International*, 2003; Gina Rivas Pattugalan, "Two Years After: Implementation of the UN Programme of Action on Small Arms in the Asia-Pacific Region." Geneva: Centre for Humanitarian Dialogue, 2003.

⁷⁴⁰ Owen Greene, "Examining International Responses to Illicit Arms Trafficking." in Mark Phythian (ed.), *Under the Counter and Over the Border: Aspects of the Contemporary Trade in Illicit Arms*, Dordrecht: Kluwer, 2000, pp. 156-157.

formalised. In relation to Southeast Asia, both Bedeski et. al., and Chalk see the Organisation of American States model of multilateral small arms control as being an applicable template for Southeast Asia.⁷⁴¹ Kramer too looks to apparent progress in other regions, and asserts that regional harmonisation of legislation would “greatly enhance small arms control” in Southeast Asia.⁷⁴²

However a more interesting point comes from Capie. Capie affirms that small arms control in Southeast Asia, if not also other regions, should be presented to states as being “sovereignty-enhancing” not “sovereignty-diminishing”.⁷⁴³ Particularly sensitive to Southeast Asia’s preference to non-intrusive “soft” regionalism, (which makes cross-border cooperation dealing with weaponry difficult), Capie argues that this sovereignty enhancement should be straightforward given that states already have the right to control their borders and the movements over weapons of war to or within their territory.⁷⁴⁴ In Southeast Asia, as elsewhere, the security sector can also be also important for border protection. Capie however sees the region as being home to a number of “weak states”, with correspondingly weak capacity to effectively police their borders or enforce what laws do exist, and compounded by an abject absence of professional accountability and infrastructure.⁷⁴⁵

⁷⁴¹ Robert E. Bedeski et. al., "Small Arms Trade and Proliferation in East Asia: Southeast Asia and the Russian Far East." Institute of International Relations, University of British Columbia, 1998, p. 15; Peter Chalk, "Light Arms Trading in SE Asia," p. 45.

⁷⁴² Katherine Kramer, *Legal Controls on Small Arms and Light Weapons in Southeast Asia*, p. 24.

⁷⁴³ David Capie, "Sovereignty Under Fire." *Panorama: Insights Into Southeast Asian and European Affairs*, Vol. 1 (2001): p. 58.

⁷⁴⁴ David Capie, "Sovereignty Under Fire," pp. 69–70.

⁷⁴⁵ David Capie, *Small Arms Production and Transfers in Southeast Asia*, Canberra Papers on Strategy and Defence No. 146. Canberra: Strategic and Defence Studies Centre, Australian National University, 2002, pp. 15, 25.

In sum, the three pillars of the small arms control architecture; supply reduction, demand reduction, and weapons removal, are therefore being promoted and, in some cases progressed in a range of instances across Southeast Asia. In keeping with the manner of much Southeast Asian diplomatic practice, small arms control measures are less formalised than in many other regions, but are still perceived as enhancing state sovereignty.

Supply Reduction

In Southeast Asia, states have been vocally in favour of small arms control, even if the messages are not always consistent. Many states in the region are steering attention away from the conflicts they are involved in by stating that the small arms problem in Southeast Asia is purely an issue related to transnational crime. Yet there are also clear instances of states supporting the move for armed groups to be clearly named in the control processes.

As argued in the preceding chapter, despite its manifold difficulties, the UN PoA is still the most significant small arms control process. Further, as it encourages regional and national harmonisation of action against illicit transfers of small arms, its progress is worth assessing for this chapter. Many states from Southeast Asia support the UN PoA. They have hosted regional meetings, sent delegations to attend UN conferences on the Programme, and report to it, whereby they make public their national activities and regional cooperation on small arms control.

From early in the small arms control process however, Southeast Asian states declared that the main small arms issue in their region was transnational organised crime. Further, in keeping with ASEAN norms of soft diplomacy, the first meeting on small arms announced that the resultant document was not intended to be a document for action, rather it should be considered as an early declaration of interest in understanding small arms related problems.⁷⁴⁶

The scholarly works on Southeast Asia have also trodden softly, yet almost invariably these works also provide a list of policy options for improved small arms control. These works also emphasise supply-side restraints, which, as suggested in the preceding chapter, are seen to affect sources used by armed groups, even if this is not a declared intention. These works also regularly call for a more vigorous role for regional multilateral cooperation, particularly for ASEAN bodies. Capie for example lists a succinct chapter of “Policy Recommendations”. At a regional level these include legislation to harmonise brokering activities, information sharing and cooperation through ASEANAPOL,⁷⁴⁷ encouraging members of the ASEAN Regional Forum to adopt the requirements of the UN PoA, and national stockpile security, capacity building, and gun control.⁷⁴⁸ Chalk calls for a regional arms register and a regional small arms control treaty,⁷⁴⁹ and Capie encourages submissions to the global UN Register of Conventional Arms.⁷⁵⁰ NGOs have assessed the region’s compliance with the UN PoA.⁷⁵¹ Although most NGO publications on the UN

⁷⁴⁶ United Nations Department for Disarmament Affairs, UN Regional Centre for Peace and Disarmament in Asia and the Pacific, "Summary Highlights," point 3.

⁷⁴⁷ Association of Southeast Asian Nations Chiefs of National Police.

⁷⁴⁸ David Capie, *Small Arms Production and Transfers in Southeast Asia*, pp. 103-111.

⁷⁴⁹ Peter Chalk, "Light Arms Trading in SE Asia," p. 45.

⁷⁵⁰ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 110.

⁷⁵¹ Edgardo P. Legaspi, "EastAsia InAction OnArms," Gina Rivas Pattugalan, "Two Years After."

PoA are dissatisfied with the general lack of progress in implementing the programmes' principles,⁷⁵² ASEAN members are seen as making some progress in small arms control, principally in addressing it as a transnational crime issue, yet being constrained from stronger regional action by strong norms of non-interference in each others internal affairs.⁷⁵³

Even so, Southeast Asian countries have been surprisingly vocal regarding the UN PoA's failure to name armed groups as illicit end users. At the 2005 Biennial Meeting of States to discuss the implementation of the UN PoA, several individual ASEAN country statements, and the ASEAN joint statement delivered by Burma, argued that armed groups should be included in the Programme as illicit end-users.⁷⁵⁴ At the UN Preparatory Committee on the UN PoA in January 2006, Indonesia produced one of 13 statements calling for clarity on armed groups, suggesting this should be a focus of the Programme's attentions in the Review Conference for mid-2006.⁷⁵⁵ Indeed Burma has been advocating the inclusion of armed groups as illicit end users throughout the

⁷⁵² See for example, IANSA, et al., *Implementing the Program of Action 2003: Action by States and Civil Society*. UK: Biting the Bullet, 2003; *Implementing the Program of Action 2005: Action by States and Civil Society*. UK: Biting the Bullet 2005; *Implementing the Program of Action 2006: Action by States and Civil Society*. UK: Biting the Bullet, 2006.

⁷⁵³ David Capie, "Missing the Target?" pp. 306-307.

⁷⁵⁴ As noted in the epigraph in chapter three. See Association of Southeast Asian Nations, "Statement." delivered by Myanmar, Biennial Meeting of States to Consider 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 (henceforth Biennial Meeting of States), United Nations, New York, 12 July 2005, p. 1; Indonesia, "Statement." Biennial Meeting of States, New York, 11 July 2005, p. 1; Malaysia, "Statement." Biennial Meeting of States, United Nations, New York, 12 July 2005, p. 1.

⁷⁵⁵ IANSA et. al., "Global Action to Stop Gun Violence: PrepCom for the Review Conference 9-20 January 2006." PrepCom Report 2006, p. 4. Indonesia, "Statement." Preparatory Committee for the Conference to Review 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, United Nations, New York, 9 January 2006, p. 2.

duration of the UN PoA.⁷⁵⁶ Indonesia raised the issue of armed groups as illicit recipients again in 2008.⁷⁵⁷ As many ASEAN members have recently suffered, and continue to suffer, from internal dissent by, or excesses from, revolutionary and criminal armed groups, it is not at all surprising that these states are utilising the opportunity provided by the UN PoA to secure international support to stop arms getting to armed groups within their borders.

Yet action from the states involved does not match their rhetoric in the international fora. In comparison to other regional small arms control developments assessed in 2000, Greene had noted that ASEAN was not regarded as having undertaken any “substantial or distinctive” multilateral action on small arms control.⁷⁵⁸ Little has changed in the years since 2000. While statements and undertakings are often voiced, concrete changes or outcomes are not apparent. In keeping with its original sentiment that transnational crime was the small arms issue in the region, within two years of the first meeting to discuss small arms transfers in Southeast Asia, ASEAN produced the 2002 Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime, which included arms smuggling in its focus areas.⁷⁵⁹ On paper, the Work Programme is comprehensive and ambitious. It includes the harmonisation of marking of weapons and ammunition,

⁷⁵⁶ In 2003, Burma’s statement referred to the Thai border area where armed groups were operational and involved in small arms transfers, although claiming only the Karen National Union “and some splinter groups” were still operational. See Myanmar, “Statement.” Biennial Meeting of States, United Nations, New York, 8 July 2003. By 2005, and when representing ASEAN, the reference to armed groups was more direct. See above.

⁷⁵⁷ Indonesia, “Statement by Indonesia on ‘Other Issues.’” United Nations Biennial Meeting of States, United Nations, New York, 16 July 2008, p. 1.

⁷⁵⁸ Owen Greene, “Examining International Responses to Illicit Arms Trafficking.” p. 156.

⁷⁵⁹ ‘4. Arms Smuggling.’ “Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime.” Association of Southeast Asian Nations, 2002. Available at: <<http://www.aseansec.org/5616.htm>>. Accessed 29 April 2005.

intelligence exchange, the strengthening of law enforcement capabilities, and database creation and sharing including of volumes of weapons, trends and supply routes. It also encourages members to implement their obligations under the UN PoA. Each item has a clear Action Line and timeline for implementation or initiation. As of mid-2008 the Work Programme did not appear to have reached the benchmarks it set itself. The only external indication of regional action being taken on its recommendations has been the hosting of region-wide workshops on the implementation of the UN PoA.⁷⁶⁰ Individually, states have taken steps to control weapons possession and transfers, but this has not become a subject of regional cooperation.

It might be thought that this might be occurring at a policing level. In keeping with regional concerns about crime, in 2005 ASEANAPOL agreed to take concerted action against small arms smuggling, including tracking collected weapons and explosives and greater vigilance at exit and entry points.⁷⁶¹ There is little public information on how successful this is in terms of increased interdictions or convictions.⁷⁶²

⁷⁶⁰ In date order these were the “Regional Seminar on Implementing the UN Programme of Action on Small Arms and Light Weapons.” (Manila, Philippines, 9-10 July 2002); “Regional Seminar on Small Arms and Light Weapons.” (Bali, Indonesia, 10-11 February 2003); the “United Nations Workshop on Small Arms and Light Weapons in Beijing.” (Beijing, China, 19-21 April 2005); “Towards the Review Conference 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.” (Bangkok, Thailand, 17-19 May 2006). The meeting in Beijing was on small arms and light weapons proliferation and control in Southeast Asia.

⁷⁶¹ “Joint Communiqué.” ASEAN Chiefs of Police Conference. May 16-20 2005, Resolutions 9.3.1, 9.3.2. Available at: <http://www.aseansec.org/25ASEANAPOL.pdf#search=%22ASEANAPOL%22>. Accessed 8 October 2006.

⁷⁶² The only public document on the 26th meeting of police chiefs is a welcoming message from the host country, Malaysia. Available at: <http://www.pmo.gov.my/WebNotesApp/tpmmain.nsf/f0d8126d117745db4825674f00069cba/7aaa3c386e66b0b148257178001971a3?OpenDocument>. Accessed 8 March 2008.

The most progress on small arms control through supply-side measures in Southeast Asia has been made through the Asia-Pacific Economic Co-operation forum (APEC). This forum’s commitment to small arms control has been purely in terms of aviation security and the dangers posed to it by non-state use of portable surface to air missiles, MANPADS. Expressly in the context of counter-terrorism measures, and avoiding the issue of weapons in intrastate conflict, the 2003 Leaders Declaration on Partnership for the Future stated APEC members’ commitment to:

Strengthen our joint efforts to curb terrorist threats against mass transportation and confront the threat posed by terrorists’ acquisition and use of Man-Portable Air Defense Systems (MANPADS) against international aviation by committing to: adopt strict domestic export controls on MANPADS; secure stockpiles; take domestic action to regulate production, transfer, and brokering; ban transfers to non-state end-users; and exchange information in support of these efforts.⁷⁶³

Although the forum agreed to review the progress of this pledge at the 2004 meeting, it is not recorded in the Leaders’ Declaration of that year. MANPADS control was noted again in 2005, where the forum “welcomed” initiatives to reduce threats to civilian aircraft.⁷⁶⁴

⁷⁶³ “2003 Leaders’ Declaration: Bangkok Declaration on Partnership for the Future.” Asia-Pacific Economic Cooperation, 2003. Available from: http://www.apec.org/apec/leaders_declarations/2003.html#HumanSec. Accessed 21 April 2006.

⁷⁶⁴ “2005 Leaders’ Declaration: 13th APEC Economic Leaders’ Meeting, Busan Declaration.” Asia-Pacific Economic Cooperation, 2005. Available at: http://www.apec.org/apec/leaders_declarations/2005.html#II. Accessed 21 April 2006.

The focus on MANPADS is clearly reflective of the current security concerns for many governments in Southeast Asia, and beyond, for several reasons. First, this is the area of small arms control which has the greatest appeal for governments in the current security climate which has a primary focus on anti-terrorism and resultant concerns over civil aviation security. Second, MANPADS' capacity to threaten civilian aviation touches a particular nerve in the USA (an APEC member) since the attacks on US cities by Al Qaeda in September 2001. Third, MANPADS are also clearly not a sporting shooter's nor self-defence advocate's interest, or at least should not be, and therefore not a civil liberty concern for the special interest group NGOs. Fourth, the economic consequences of a MANPADS incident are also of particular concern to APEC members in the context of APEC as an economic forum. Both the USA and other countries therefore, for domestic and foreign policy reasons, have strong interest in controlling MANPADS.

Some progress has been made at state level on small arms control, but this has not become a norm across the region. Cambodia is mainland Southeast Asia's strongest advocate of small arms control, and has backed up its concerns with concrete actions in-country. The collection and destruction of weapons, and the introduction of new legislation in April 2005 ⁷⁶⁵ indicate Cambodia's desire to reduce of the numbers of loose weapons and its reputation as the “supermarket”, both mostly a legacy of its weapons-riddled past. The Cambodian government has also supported supply reduction and weapons

⁷⁶⁵ Cambodia, “Law on the Management of Weapons, Explosives and Ammunition.” Cambodian government, adopted 26 April 2005. A draft of this is available at the European Union Assistance on Curbing Small Arms and Light Weapons in Cambodia website: < http://www.eu-asac.org/programme/arms_law/draft_arms_law_2005.pdf>. Accessed 20 October 2008.

removal strategies, including public “weapons for development” programmes and “flames of peace” ceremonies. The programmes are generally regarded as being successful in getting rid of many war-remaindered weapons.⁷⁶⁶

The Philippines has also undertaken recent weapons destruction ceremonies of captured, confiscated and obsolete weapons.⁷⁶⁷ In addition, the Philippines has tried to manage its endemic craft-production of weapons by decentralising the licencing procedures for producers to encourage illicit craft producers to become legal producers.⁷⁶⁸ Other country statements from Southeast Asia reporting on the UN PoA indicate a willingness to comply with its remit.⁷⁶⁹

Southeast Asian countries have therefore made some halting efforts in supply-reduction. As noted earlier however, states in the region continue to call for stronger international agreement to identify armed groups as illicit end users, reflecting the general perception that armed groups are armed from external sources. However, chapter three of this study finds that a strong feature of arms procurement by Southeast Asian armed groups is an internal diffusion pattern. If this is the case, the weapons mostly used by armed groups in Southeast Asia at the present time are either those recycled within, or sourced in-country or

⁷⁶⁶ David De Beer, “Post-conflict SALW Management in Cambodia: Improving Security in Cambodia and the ASEAN Region.” in *Compilation of Texts and Documents Distributed*, United Nations Workshop on Small Arms and Light Weapons, Beijing, China, 19-21 April 2005, pp. 126-137.

⁷⁶⁷ Philippines, “2008 Integrated National Report on the Implementation of the International Tracing Instrument and of the SALW Programme of Action.” Philippines Mission to the United Nations, 31 March 2008, pp. 6-7.

⁷⁶⁸ Philippines, “Report of the Republic of the Philippines on Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.” Submitted to the United Nations Department of Disarmament Affairs, 18 April 2005, p. 5.

⁷⁶⁹ These can be found on the United Nations Small Arms website, available at: <http://disarmament.un.org/cab/salw-nationalreports.html>. Accessed 19 August 2008.

within the conflict zone. Therefore, efforts to control weapons sourced by armed groups by imposing restrictions or bans on external suppliers, as advocated by the UN PoA and other regional mechanisms, could well be only a partial control measure for Southeast Asia. External suppliers of weapons to armed groups in Southeast Asia are simply no longer in evidence to any great degree. This is not to say there are not gunrunners and opportunistic smugglers active in the region, but external arms suppliers may not be the major source of weapons for armed groups as at the early 2000s. External suppliers were certainly in evidence in the region’s conflicts of the past, but media reports of illicit cross border weapons movements in recent years are often allegations, rather than proof, of external supplies reaching armed groups.⁷⁷⁰

Small arms supply reduction with its emphasis on external suppliers – whether brokers, cash-hungry state forces or private businesses, or meddling foreign powers – is therefore arguably not an especially relevant arms control mechanism in Southeast Asia at the current time. Cambodia’s efforts will largely only benefit Cambodia as the Cambodian-origin weapons being used by armed groups in the region are not necessarily from recent transfers. Even if groups in other countries still wanted Cambodian-origin weapons, many of the remaining revolutionary groups are so beleaguered financially that they cannot afford new, trans-shipped arms. The groups which can afford new weapons are most likely to be the criminal or paramilitary groups, but these groups also often obtain weapons from in-country sources. The external illicit arms markets may still exist, but they may be shrinking – Cambodia’s efforts and the passage of

⁷⁷⁰ See for example, “Thailand, Indonesia to Cooperate in Blocking Flow of Illegal Weapons to Aceh.” *The Nation* (Bangkok), (*NISAT database*), 15 May 2001.

time must mean the number of illicit weapons leaving the country is reduced.⁷⁷¹ By extension, they must also eventually run out. Other interdictions may be curtailing supply, but a more powerful factor may be that these groups have a continuing demand that is largely sated through internal sources. Demand by beleaguered groups may remain strong too, but without external support, either financial or in the form of materiel, these groups will continue to access the internal sources of arms and ammunition; battle captures, raids, purchased and crafted weapons, all recycled many times over. Although supply-reduction through the UN PoA is also concerned with curtailing leakage from state stocks, it does not take account of deliberate leakage to in-country paramilitary groups from state forces or central governments. Nor can it capture craft-produced arms or battle-captures.

Crucially, for any small arms control mechanisms to be successful, whether supply or demand focussed, there must be “a perception of security and reasonable levels of credibility and legitimacy accorded to the security sector.”⁷⁷² Security Sector Reform in Southeast Asia has been recognised,⁷⁷³ but not noticeably from the scholars of small arms observing the region, whose policy recommendations fall short of discussing the role of SSR in small arms control in the region.

⁷⁷¹ Lintner seems to think this is the case. See Bertil Lintner, “Arms Trade: The Phuket Connection.” Asia Pacific Media Services Ltd, 2000, available at: <http://www.asiapacificms.com/>. Accessed 20 August 2008.

⁷⁷² David Atwood et. al., *Demanding Attention: Addressing the Dynamics of Small Arms Demand*. Geneva: Joint publication of the Small Arms Survey and the Quaker United Nations Office, 2006, pp. 52-55.

⁷⁷³ Tim Huxley, “Reforming Southeast Asia’s Security Sectors.” The Conflict, Security and Development Group Working Papers, London: Centre for Defence Studies, 2001.

Supply-reduction initiatives at international, and at regional level including Southeast Asia, are therefore working towards a well-intentioned arms control architecture that targets revolutionary and criminal armed groups as illicit recipients and users of small arms. Yet, while laudable, and increasingly explicit at regional levels, the supply reduction focus may not be the most appropriate for Southeast Asia at this time. Further, the UN PoA, and by the experience of other regions, also any regional agreement, is potentially open to exploitation whereby states can arm paramilitary groups within their borders, which undermines the goals and sentiments of the humanitarian imperative and sovereignty-enhancing undertones of the small arms control architecture. Removing or reducing the demand for small arms can therefore be seen as an essential, and complementary, activity.

Demand Reduction

There is sparse material on demand in Southeast Asia. States in the region have alluded to demand being important to address, yet have still not addressed it in any observable manner. There is an enduring tendency to view small arms transfers in the context of transnational crime, and while there are rare allusions to “root causes”, to conflict resolution being important, and that demand can come from non-state armed groups, these issues are not elaborated upon.⁷⁷⁴

The main work on demand from Southeast Asia comes from a humanitarian NGO. This publication, *Curbing the Demand for Small Arms: Focus on Southeast*

⁷⁷⁴ See statements delivered by representatives of Indonesia, Malaysia and Thailand, in "Compilation of Texts and Documents Distributed." Papers presented at the United Nations Workshop on Small Arms and Light Weapons, Beijing, China, 19-21 April 2005, pp. 39, 153, 155.

Asia, focusses on violence reduction or weapons removal strategies, but particularly in social, not conflict, situations. Reference to Security Sector Reform emphasises that the police and judiciary sectors must be more accountable, should address corruption, expand community policing, and reduce government arms spending.⁷⁷⁵ The publication acknowledges that the state, or sectors of government, can fail in certain respects (such as keeping the peace or upholding human rights), but it does not engage with situations when central government and its military forces are the provocateur or part of the problem. It only alludes to non-violent responses as being a preferable reaction.⁷⁷⁶ It does see a denial of “Basic rights to self-determination, to land, resources and freedom” as a catalyst for much conflict, insecurity, and therefore small arms demand, in Southeast Asia⁷⁷⁷ yet how this might be redressed short of non-violent means being preferable is not clear. What the paper does seem to hint at is engagement with armed groups leaderships’ drawing their attention to international norms of war.⁷⁷⁸ This may not necessarily reduce demand, but engagement is a core tenet of this paper’s argument for extended arms control, as the following chapter will explain.

Capie suggests that small arms demand in Southeast Asia stems from “conflict”⁷⁷⁹ and “insecurity”.⁷⁸⁰ The latter is commonly cited as a catalyst for

⁷⁷⁵ Cate Buchanan and David Atwood, *Curbing the Demand for Small Arms: Focus on Southeast Asia*. Geneva: Centre for Humanitarian Dialogue and the Quaker United Nations Office, 2002, pp. 6, 39.

⁷⁷⁶ Cate Buchanan and David Atwood, *Curbing the Demand for Small Arms*, p. 37.

⁷⁷⁷ Cate Buchanan and David Atwood, *Curbing the Demand for Small Arms*, p. 23.

⁷⁷⁸ Cate Buchanan and David Atwood, *Curbing the Demand for Small Arms*, p. 40.

⁷⁷⁹ David Capie, “Missing the Target?” p. 295.

⁷⁸⁰ David Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 111. It is difficult to clearly identify a particular vector for the conflicts in Southeast Asia, but a commonality appears to be disenfranchisement, resulting in both conflict and insecurity. Tan argues that Southeast

demand, yet Capie does not elaborate on what causes the insecurity and how it can be redressed. However his ensuing comments reveal why he cannot explain what is meant by insecurity, which, could, in cases of intra-state conflict, be the state itself. He correctly states that for any small arms control measures to find popularity in Southeast Asia (arguably, to find popularity with any government in any region) they must not be “threatening to regional norms, which place a premium on sovereignty and non-interference” indeed, he says small arms control must be portrayed as “sovereignty enhancing.”⁷⁸¹ If the small arms control process were to identify a state as a source of insecurity, this state will not welcome either the public humiliation, nor the intervention that might be called for in order to prevent its predatory behaviour. These would both be sovereignty diminishing, and precisely what states particularly in Southeast Asia would be repulsed by. It is this sort of uncomfortable political imbroglio that the region finds itself in over Burma, due to the latter’s continuing maverick behaviour.

Despite little secondary material to work from, it can be argued that both states and the small arms control community see demand as a central part of small arms diffusion. This is as true of the general material as it is of that on Southeast Asia. There is also an unspoken consensus that armed groups, as conflict actors, should desist from their activities. However there is no explanation on how the conflicts could be resolved, thereby removing demand, only that they should be. In suggesting small arms control be sovereignty-enhancing, Capie announces

Asia suffers from weak states that struggle to maintain cohesion and legitimacy, and that this nurtures the internal conflicts in the region. See Andrew Tan, *Armed Rebellion in the ASEAN States: Persistence and Implications*, Canberra Papers on Strategy and Defence No. 135, Canberra: Strategic and Defence Studies Centre, Australian National University, 2000.

⁷⁸¹ David.Capie, *Small Arms Production and Transfers in Southeast Asia*, p. 111.

the clear intention of much of the control architecture. Efforts in supply reduction are vocal, and orientated towards activities that Southeast Asia states see as the least intrusive upon their sovereignty and ones which have most support from other states. However the continued emphasis on supply reduction in this region, particularly to stop weapons being smuggled across borders from known supplier states, may be largely a case of locking the stable door long after the horse has bolted. The one apparent case of external arms supplies getting to an armed group in Southeast Asia is Chinese-origin arms getting to the United Wa State Army. However whether the parties involved would want this stopped is questionable. Beijing can plausibly deny that arms getting to the UWSA are officially endorsed, even if China may be benefiting from keeping the Wa on side. Allowing the UWSA to purchase its own arms may alarm the SPDC, however it may also find it beneficial that the group remains militarily strong and economically self-sufficient, so long as it remains an ally. The UWSA clearly finds it beneficial as its relationship with both sources has diversified its arms supplies, making it less dependent on one, and possibly more independent from both. This situation however is highly unusual, and large paramilitaries operating semi-autonomously will present ongoing challenges to small arms control.

Where small arms control has most to offer however is in the instances of disarmament as observed in several cases across the region. The cases discussed below reveal that the disarmament of armed groups in Southeast Asia reveals a great deal of insight into what weapons removal is meant to achieve, and reveals how it has been interpreted by both governments and armed groups.

These examples also throw light on the reasons why non-state armed groups want to keep their weapons, even when disarmament appears to be successful.

The Disarmament of Armed Groups in Southeast Asia

The purpose of this section is to evaluate how the small arms control component of DDR – disarmament, or weapons-removal– has manifested in Southeast Asia. It evaluates the main disarmament programmes that have occurred in Southeast Asia in order to find out if and how they have achieved the removal of weapons from non-state armed groups. It finds that there are additional complexities in the disarmament of armed groups as introduced in chapter four. These complexities can be considered the psychological, practical and political manifestations of micro-disarmament. Disarmament, as well as demand, appears to be a combination of both tangible and intangible factors, both of which influence weapons retention.

Conceptualising demand and disarmament as having intangible components helps to explain why combatants want to keep their weapons even when tangible reasons, such as security, have been addressed. As will be argued below, the symbolism of the weapons themselves and the dignity of combatants who see themselves as protectors and liberators, are essentially often overlooked in the practice of disarmament. Christopher Chevalier rightly states that “disarmament will need to be both physical and psychological, ‘getting rid of not only the guns in people’s hands, but also the guns in their heads’.”⁷⁸² This is

⁷⁸² Christopher Chevalier in Philip Alpers and Conor Twyford, *Small Arms in the Pacific*, Occasional Paper No. 8, Geneva: Small Arms Survey, 2003, p. 41.

insightful, but only partially helpful. Effective micro-disarmament also has to get rid of the guns in people’s hearts, and it must be undertaken with an understanding of the political and practical context of weapons removal. Further it underscores the argument that weapons collection may be most usefully seen as an exercise in reaching a mutually-agreeable sufficiency of weapons.

Compared to Southeast Asia’s relative inaction on supply and demand reduction activities, there have been a number of DDR and ceasefire initiatives undertaken across the region. This indicates a stronger predilection towards weapons removal, as opposed to supply or demand reduction. In Southeast Asia, weapons removal has been undertaken in Aceh, Cambodia, East Timor and the Philippines. Disarmament of a sort has been undertaken in Burma; the Burmese government has reached innovative ceasefire arrangements with over 17 armed groups, often termed “exchanging arms for peace”.

The following examples evaluate disarmament programmes in Aceh, Burma, Cambodia, East Timor and the Philippines and reveal how small arms disarmament has been interpreted and pursued in the region. Even with a range of seemingly practical approaches evidenced across different countries, the overall result is more of an emperor’s new clothes approach to disarmament. This may mean it is ultimately not disarmament at all. However this need not be problematic. Subtleties in the context, practice and purpose of disarmament, and the recurring importance of sufficient numbers of weapons appear to be stronger determinants of positive outcomes. Nevertheless, enforcing even

voluntary disarmament, without addressing both the tangible and intangible components of demand, often proves to be counter-productive.

Cambodia: Disarmament Gamble

The Cambodian example reveals how incomplete disarmament, while practical at the time, can be deeply problematic. The Khmer Rouge’s incomplete disarmament has no doubt been one of the catalysts for much more rigorous and intrusive small arms removal as a central component of Disarmament, Demobilisation and Reintegration programmes.

The UN mission to Cambodia at the conclusion of the Paris Peace talks ended the most recent, and most heavily armed, conflict in mainland Southeast Asia. The intervention into then Kampuchea, from 1991–1993, is generally considered to have been successful in ending the rule of the Khmer Rouge (KR) in stabilising the country, and nurturing its development as a democracy. Despite its collection of huge numbers of arms and ammunition, the incomplete disarmament of all the armed groups in the country meant the mission was unable to fulfil its mandate.

United Nations Transitional Authority in Cambodia (UNTAC) arrived in Kampuchea in 1991. The mission was lauded for its expansive peacekeeping mandate which included the disarmament of all of the armed groups, and resulted in UNTAC having collected a cache of tens of thousands of arms by the

end of 1992.⁷⁸³ Despite such massive weapons removal, the fact remained that the KR simply refused to accept the remit of the UN mission. The mission clearly identified that all the warring factions should each agree to the cantonment of combatants and to a 70% disarmament of each faction.⁷⁸⁴ The remaining 30% of the combined factional forces were to be demobilised or incorporated into a new national army.⁷⁸⁵ The complete disarmament of the factions however was avoided deliberately, due to a fear of a KR takeover if the other groups complied and the KR did not.⁷⁸⁶ Three of the four factions ultimately evolved into parties and contributed to the new Cambodian government.

UNTAC left Cambodia in 1993, with the country clearly moving towards democracy, albeit leaving behind an incompletely disarmed Khmer Rouge. This result is said to have been a political gambit which prioritised progressing the electoral process over intrusive, failing, and expensive, comprehensive weapons removal.⁷⁸⁷ In a balancing act that prioritised the democratisation of Cambodia over and above its small arms disarmament, the importance of weapons collection and destruction were perhaps considered an issue that could be best dealt with once a functioning government was in place. Not proceeding with the electoral process could have meant putting democratisation at risk from a

⁷⁸³ Berdal gives the figure of 300,000 arms and 80 million rounds of ammunition. See Mats R. Berdal, *Disarmament and Demobilisation after Civil Wars*, Adelphi Paper 303. Oxford: Oxford University Press, 1996, p. 18. Findlay says these figures were inflated, and only 50,000 weapons were collected. See Trevor Findlay, *Cambodia: The Legacy and Lessons of UNTAC*, SIPRI Research Report No. 9. Oxford: Oxford University Press, 1995, pp. 31, 38.

⁷⁸⁴ Details of the military provisions of UNTAC are in Trevor Findlay, *Cambodia: The Legacy and Lessons of UNTAC*, SIPRI Research Report No. 9. Oxford: Oxford University Press, 1995, pp. 29–34.

⁷⁸⁵ Trevor Findlay, *Cambodia*, p. 11.

⁷⁸⁶ Trevor Findlay, *Cambodia*, p. 10.

⁷⁸⁷ Trevor Findlay, *Cambodia*, p. 39.

renewed civil war, or even a conflict between the intervention forces and the KR. With the benefit of hindsight this has proven to be problematic and destabilising, not only for Cambodia but for other countries where armed groups have obtained weapons from Cambodia. The lingering armed KR presence into the late 1990s, and the failure to control the remaindered war weapons in the country over the best part of a decade, are clearly major factors which continued to contribute to the current Southeast Asian small arms black market. Changes in the intervening period however appear to have reached the other extreme, one which prioritises weapons collection. It is likely the Cambodian experience contributed to raising the profile of weapons collection in subsequent intervention missions. In this region, this is particularly evident in the disarmament of the armed wing of the Free Aceh Movement in 2005.

Aceh: The Successful DDR of the Free Aceh Movement?

The Free Aceh Movement’s armed wing, known as the Tentara Negara Aceh, the Aceh State Military, or TNA,⁷⁸⁸ completed the fourth and final phase of its weapons decommissioning on 31 December 2005. After two and a half decades of armed insurgency, pitting the Free Aceh Movement (GAM), against the Indonesian forces and Indonesian-backed militias, a negotiated peace for the province seems to be holding. Progress in demobilising and disarming TNA combatants, the withdrawal of Indonesian troops, and progress on the peace

⁷⁸⁸ This was its name from 2002. It was originally the Angkatan Gerakan Aceh Merdeka, or AGAM, Forces of the Free Aceh Movement.

agreement has been heralded as a success story “working beyond expectations.”⁷⁸⁹

A year earlier, on 26 December 2004, a gigantic tsunami had surged across South and Southeast Asia. The tsunami was triggered by an earthquake under the sea off the western coast of Aceh; and the region claimed by the Free Aceh Movement as its rightful territory, was worst affected. The death toll for the province ended up being in the region of 170,000.⁷⁹⁰ It is likely a number of TNA commanders in Aceh were also killed.

GAM’s political ambitions at the time of the tsunami were independence from the Republic of Indonesia. Sobered by the devastation of what was seen as the Acehnese homeland, the tsunami was by no means the sole vector of peace, but it was a “catalyst”.⁷⁹¹ Following the election of Susilo Bambang Yudhoyono, Kingsbury states “approaches were again made to GAM” in late 2004, indicating an increased desire for negotiated settlement stemming from compelling political and economic imperatives for the Indonesian government to solve the situation.⁷⁹² Previous offers of limited autonomy had been agreed to in 1959, and a previous short-lived ceasefire agreed to in 2001. On this occasion however, GAM accepted limited autonomy in August 2005, “disarmed” its combatants before the end of the year and successfully partook in a peaceful

⁷⁸⁹ International Crisis Group, “Aceh: So Far, So Good.” Asia Briefing No. 44, Jakarta/Brussels, 2005, p. 1.

⁷⁹⁰ “Indonesia Braces for Return of Exiled Rebel Leader.” *Agence France Presse*, 10 October 2008.

⁷⁹¹ Damien Kingsbury, “A Mechanism to End Conflict in Aceh.” *Security Challenges*, Vol. 1, No. 1 (2005): p. 78.

⁷⁹² Damien Kingsbury, “A Mechanism to End Conflict in Aceh,” p. 79.

election a year later. By any measure, a long history of armed struggle seemed to have glided to a phenomenally successful ending.

The “micro-disarmament” of TNA reveals a great deal about the meaning and practice of contemporary small arms disarmament. The Aceh Monitoring Mission, comprised of EU and ASEAN members, arrived in Aceh in September 2005 to oversee the implementation of the Memorandum of Understanding (MoU) between GAM and the government. The agreements had political and economic components as well as military and security provisions, including the decommissioning of TNA arms. At the conclusion of the MoU in August 2005, GAM and the government had arrived at a figure of 3,000 GAM combatants, all of whom GAM agreed to decommission.⁷⁹³

The MoU also listed the specified figure of 840 GAM arms to be handed over to the Aceh Monitoring Mission.⁷⁹⁴ This figure was of agreed-upon weapons and it included only factory-produced functioning weapons. This meant that over 267 weapons were rejected by the Monitoring Mission or the Indonesian government.⁷⁹⁵

The disarmament of the TNA was conducted in four stages, and concluded by the year’s end.⁷⁹⁶ The handover was considered successful for several reasons. First, there was little opposition to the disarmament. Second, a sufficient

⁷⁹³ "Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement." Helsinki, Finland, 15 August 2005, Article 4.2.

⁷⁹⁴ "Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement," Article 4.3.

⁷⁹⁵ International Crisis Group, "Aceh: So Far, So Good," p. 1.

⁷⁹⁶ "Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement," Article 4.4.

number of weapons were decommissioned. Third, the reintegration of TNA combatants was initially working well.

Over the following year and beyond the elections for governor of the region in December 2006, fears of spoiler tactics by former militia members, or others, failed to materialise. While Indonesian-backed and armed militias horrified the international community during the murderous violence and intimidation in East Timor, the militias in Aceh operated more surreptitiously. There is no public information available indicating what has happened to militia weapons in Aceh since 2005, whether factory- or home-made. Nor is there public information on what has happened with these paramilitaries.

The end of the war in Aceh is to be heartily applauded, and may yet prove to galvanise support for similar initiatives elsewhere across the region. Nonetheless, the TNA's weapons hand over reveals a curious side of small arms disarmament. Eight hundred and forty weapons was the agreed number of weapons. Three thousand was the agreed number of combatants. This suggests not every member of TNA was armed, not all surrendered weapons were considered appropriate, which was proved to be the case, and not all weapons were handed in.

Indeed, all are likely to be true to some extent. Even if the additional 267-plus rejected weapons are added to the 840, bringing the total to around 1,100, the ratio of weapons to combatant is closer to 1 in only every 3 combatants being armed. Using the Small Arms Survey ratio, of 1.25 arms per combatant, up to

2.5 for groups thought to be well armed⁷⁹⁷ it would be expected that the TNA had between 3,750 to 7,500 weapons.⁷⁹⁸

The weapons hand-in by the Free Aceh Movement indicates that the disarmament of armed groups must be seen as a symbolic gesture, underpinned by the enduring theme of sufficiency. It is unlikely the TNA was as well armed as the Small Arms Survey calculations would suggest. If equivalent figures were available for other disarmed groups in Southeast Asia, assessments might be made that could help in such a re-evaluation of stocks held by armed groups.

It is both impractical and unrealistic to see disarmament as removing absolutely all weapons from all combatants for a number of reasons. First, such declarations are mostly voluntary and ultimately unverifiable. Second non-state armed groups are often highly decentralised entities, therefore ensuring all commanders and combatants hand over their weapons may be politically and militarily impractical. Not all commanders may agree with the hand over. Third, and related to the second point, units or the entire group may often keep some arms as insurance, including against paramilitaries which may remain even if the government agrees to pull its uniformed troops out. They may also be unwilling to hand over weapons as these arms may yet convert into “currency” in an uncertain future.⁷⁹⁹ In other words, while some of the tangible demands by the TNA appear to have been addressed, other factors meant that

⁷⁹⁷ See chapter one for an explanation of how this ratio was determined.

⁷⁹⁸ *Jane's* asserts the TNA was both well armed and held weapons in reserve, as evidenced by it being able to replace the rejected weapons within two hours. “Gerakan Aceh Merdeka.” *Jane's Terrorism and Insurgency Centre*, Jane's online, Academy Library (UNSW@ADFA), Canberra, Australia, 2007, available at: <<http://jtic.janes.com/JDIC/JTIC/home.do>>. Accessed 2007.

⁷⁹⁹ International Crisis Group, “Aceh: A New Chance for Peace.” *Asia Briefing* No. 40, Jakarta/Brussels, 15 August 2005, p. 7.

there were no doubt weapons kept by TNA combatants as insurance against an uncertain future.

Fourth, not all troops and commanders want to see their weapons destroyed. As Irwandi lamented:

In front of us we saw our weapons being destroyed. Those weapons were our friends during the years of war... Now they are lying dead – as were the heroes, saints and martyrs we know from our history book -...We are here to say goodbye to a past where these heroes were needed and to welcome a future where weapons may not be the answer to the problems we may face.⁸⁰⁰

This comment clearly reveals the strong emotional ties that revolutionary fighters can have to the weapons they have used in what they see as a glorious struggle for justice and freedom. Seeing weapons as “friends”, “heroes” and “martyrs” is quite unpalatable for small arms control advocates who clearly see them as “pariahs” at worst, or as tools which have outlived their use at best. Further, this emotional connection to weaponry again reveals the intangible nature of demand and reveals how reluctant groups might be to surrender their weapons to destruction ceremonies.

The disarmament of the TNA therefore leads this study to make two observations. First, that disarmament, in addition to other political processes, should be assessed in terms of its intangible symbolism rather than its substantive importance. As noted by Cox in 1990 “Whether or not

⁸⁰⁰ Irwandi Yusuf, "Speech by Free Aceh [sic] Movement Senior Representative to Aceh Monitoring Mission (AMM)." 21 December 2005. Yusuf was elected Governor of Aceh province in December 2006.

weapons...were concealed...was not a critical matter as long as the outcome of the disarmament process was *politically credible* and acceptable to all parties’.”⁸⁰¹ Weapons removal is only a part of the solution to intra-state conflicts, it should not, as Muggah says, be considered the “magic bullet”.⁸⁰²

Second, it reveals how difficult it is for revolutionaries to hand over their weapons just to see them destroyed, holding a strong attachment to the weapon as a “martyr” for the revolution. It is clearly easy to crush, slice, bury or dump the surrendered arms at sea⁸⁰³ if such weapons have been demonised by the intervention mission. However these solutions may not always be a helpful part of the disarmament process. A selection of other solutions to small arms removal that incorporate the tangible and intangible components of demand and disarmament are put forward in chapter six.

East Timor: Three Lessons in Micro-disarmament

East Timor is particularly useful case for three main reasons. First, it contrasts the genuine reintegration of former Falintil⁸⁰⁴ with the continued spoiler tactics of the paramilitaries (better known as militias), and the latter’s ongoing support from Indonesia. This exemplifies how important it is to recognize the differences between armed groups in attempting their disarmament. In

⁸⁰¹ David Cox in Mats R. Berdal, *Disarmament and Demobilisation after Civil Wars*, p. 42 (emphasis added by Berdal.)

⁸⁰² Robert Muggah, "No Magic Bullet: A Critical Perspective on Disarmament, Demobilization and Reintegration (DDR) and Weapons Reduction in Post-Conflict Contexts." *The Round Table*, Vol. 94, No. 379 (2005): pp. 239-252.

⁸⁰³ These are common means of small arms destruction.

⁸⁰⁴ Forças Armadas De Libertação Nacional de Timor Leste, Armed Forces for the National Liberation of East Timor.

particular, the difference between revolutionary groups and paramilitaries is of prime importance. Second, the crisis in mid-2006 while involving some of Falintil’s weapons, was not a failure of disarmament, but reflected the deeper political ruts in East Timorese society. Third, Falintil combatants’ attachment to battle captures, and possibly to personal firearms, reinforces the psychological relationship combatants can have with their weapons and again shows how this may result in their incomplete disarmament.

In East Timor, both the paramilitaries and the liberation movement Falintil were confronted with a UN force that sought to deal with both armed groups’ weapons. The intervention mission INTERFET⁸⁰⁵ was deployed in September 1999. Originally it intended to disarm all combatants, but in practice it cantoned Falintil and disarmed the militias. While Falintil agreed to cantonment, it refused to disarm. A number of Falintil combatants formed the core of the new national defence force, and, for a few years at least, there was little evidence of “post-conflict” weapons availability in East Timor.

Falintil’s combatant numbers were in the vicinity of 1,300–1,500 by late 1999.⁸⁰⁶ Even so, there was not a weapons glut at this time. There was a seemingly manageable number of post-conflict weapons collected by INTERFET. The

⁸⁰⁵ International Force East Timor.

⁸⁰⁶ Department of Foreign Affairs and Trade, *East Timor in Transition 1998-2000: An Australian Policy Challenge*. Australian government, 2001, p. 55. About a half of these were new recruits, and it is questionable, considering massive losses of Falintil weapons and combatants particularly by the mid-1980s, if they were all armed. Many carried hand grenades, rather than firearms and ammunition. Interview, Mark Webb, former Australian Defence Attaché to East Timor, 2000, Canberra, Australia, 11 March 2008.

militias were either disarmed, killed or retreated into Indonesian West Timor.⁸⁰⁷ The East Timorese conflict is possibly unique in this regard, and in sharp contrast to other “post-conflict” countries, is rightly described as being “almost the antithesis of conflicts in Africa”.⁸⁰⁸ If the militias had disarmed in East Timor, this could have resulted in both the abandonment or selling of many weapons across the country. It also would have left militia members unarmed in unsympathetic territory.⁸⁰⁹ They instead retreated back to Indonesian West Timor, particularly to the refugee camps along the border, taking “most” of their weapons with them.⁸¹⁰ The militias were not cantoned inside East Timor despite a comment by Australia’s Foreign Minister in July 1999 that this was a good idea.⁸¹¹ As Martinkus observed, non-cantonment of the militias was partly due to their “fluid”, and “urban-based” nature, however there was little incentive for the Indonesian security forces to restrain the militias because, as this point prior to the ballot, they “hadn’t finished their job yet.”⁸¹²

A year later, militia activity was still problematic. UN resolution 1390 strongly urged Indonesia to disarm the militias operating on the East-West Timor border refugee camps after militias murdered aid workers there in September 2000.⁸¹³ Nevertheless, they were still termed “militia-controlled” camps by 2001.⁸¹⁴ The presence of armed militias in West Timorese refugee camps and elsewhere in

⁸⁰⁷ Michael G. Smith with Maureen Dee, *Peacekeeping in East Timor: The Path to Independence*, *International Peace Academy Occasional Paper Series*. Boulder: Lynne Rienner, 2003, pp. 49–50.

⁸⁰⁸ Interview, anonymity requested, Canberra, Australia, 3 March 2006.

⁸⁰⁹ For example in one instance 50 militia were detained by UN Civilian Police in Dili. John Martinkus, *A Dirty Little War*. Sydney: Random House, 2001, p. 417.

⁸¹⁰ Michael G. Smith with Maureen Dee, *Peacekeeping in East Timor*, pp. 49-50.

⁸¹¹ John Martinkus, *A Dirty Little War*, p. 242.

⁸¹² John Martinkus, *A Dirty Little War*, p. 242.

⁸¹³ United Nations Security Council Resolution, “Resolution 1319.” UN Document S/RES/1319, 2000, p. 2, Paragraphs 1, 5.

⁸¹⁴ John Martinkus, *A Dirty Little War*, p. 418.

West Timor was identified by the UN Secretary-General as an ongoing threat to East Timor in these early years of its independence.⁸¹⁵ Their ease of access to what the United Nations Secretary-General referred to as “caches” of military arms – hand grenades and automatic rifles - was raised as a concern in mid-2001, in spite of the Indonesian “disarmament” of these militias.⁸¹⁶ These militias were clearly serving some purpose to destabilize and punish the East Timorese, seemingly with complicity from at least some members of the Indonesian forces or government.

In contrast, combatants in the liberation army, Falintil were cantoned at Aileu and, initially, at three other camps in East Timor. This cantonment was voluntary and rested on the agreement that they did not have to disarm. In October of 1999, within two weeks of INTERFET’s arrival, the head of the mission, General Peter Cosgrove, ordered that weapons stay in the cantoned areas. Falintil combatants could leave the cantonments but had to be unarmed if they left it. ““The policy is we disarm any East Timorese who are not in TNI”” stated Cosgrove on 4 October 1999.⁸¹⁷ This (verbal) policy had evolved rapidly from an incident where an order was issued by members of INTERFET to Falintil combatants to disarm. However this new order to disarm was rejected by Falintil Commander in Chief “Xanana” Gusmão, upon his release from prison in Indonesia. Gusmão regarded the order as equating Falintil with

⁸¹⁵ United Nations Security Council, “Report of the Secretary-General on the United Nations Transitional Administration in East Timor.” UN Document S/2001/983, pp. 4, 9, Paragraphs 29, 64.

⁸¹⁶ United Nations Security Council, “Progress Report of the Secretary-General on the United Nations Transitional Administration in East Timor.” UN Document S/2001/719, Paragraph 50, p. 9.

⁸¹⁷ Don Greenlees and Robert Garran, *Deliverance The Inside Story of East Timor’s Fight for Freedom*. Crows Nest, NSW: Allen & Unwin, 2002, p. 284.

“bandits”.⁸¹⁸ He was reportedly so furious over what he considered a monstrous violation of the arrangements Falintil had agreed to, that the issue was only resolved by General Cosgrove’s unreserved apology to an enraged Gusmão.⁸¹⁹ This incident was seen by observers as coming close to undermining the whole UN mission, as Cosgrove’s diplomatic turnaround clearly reveals.⁸²⁰

As this case in East Timor shows, the sensitivity over the disarmament of revolutionary armed groups cannot be underestimated. The equation of Falintil with the militias, or implying it was no better than a gang of bandits clearly galled Falintil, who, like the combatants in the TNA, had seen many of their comrades fall in the pursuit of a greater political goal and who saw themselves as protectors of their people. As Rees points out, Falintil had a “moral legitimacy” within East Timor, but the intervention mission, was put to the test how to deal effectively with a politically-popular non-state armed group.⁸²¹

Falintil was dissolved on 1 February 2001, with 650 of its 1,900 members being absorbed into the new East Timor Defence Forces.⁸²² While this transition from guerrilla army to national forces has been commented upon at length, particularly in light of the security sector breakdown in mid-2006, there is surprisingly no clarity over what happened to Falintil’s weapons, despite East Timor being taken under UN control and with weapons control a central

⁸¹⁸ Don Greenlees and Robert Garran, *Deliverance*, p. 285.

⁸¹⁹ Interview, anonymity requested, Sydney, Australia, 12 March 2006.

⁸²⁰ Document in the possession of the author; interview, anonymity requested, Sydney, Australia, 12 March 2006.

⁸²¹ Edward Rees, “Under Pressure Falintil – Forças de Defesa de Timor Leste: Three Decades of Defence Force Development in Timor Leste.” Working Paper No. 139, Geneva: Geneva Centre for the Democratic Control of the Armed Forces, April 2004, p. 46.

⁸²² Edith Bowles, “Veterans Policy Preparation Seminar, East Timor; Background Briefing Note.” World Bank, undated, p. 4.

component of the mandate. There are a number of opinions over the final fate of Falintil’s weapons, although unfortunately none are conclusive, nor is there any accessible material that clearly identifies one explanation as more likely to be true than the others.

First, observers claim that shipping containers were brought into Aileu to act as temporary armouries.⁸²³ Falintil commanders however were said to be far too astute to place their only weapons into an armoury which could not only be flown out at short notice, but which could also be locked and unlocked by the INTERFET key-holder.⁸²⁴

Second, a military barracks was built at Metinaro by Australia, however there is no confirmation as to how many Falintil weapons were taken to the locked armoury there, and if they were, whether the numbers of weapons, the weapons types, and other details were recorded. Some Falintil weapons were clearly unserviceable and prone to accidental discharge, and were understandably destroyed, but it was known that officers in Falintil kept their sidearms, and that bodyguards for Falintil commanders also retained their arms, and that some long-barrelled weapons had not been surrendered.⁸²⁵

Third, yet another source claims Falintil arms were siphoned off to a former member of Falintil known as “Elle-Sette”, (L-7), who had been purged from Falintil after a split in Falintil in 1986, and who has an enduring reputation as a

⁸²³ Interview, anonymity requested, Canberra, Australia, 6 June 2006.

⁸²⁴ Interview, anonymity requested, Canberra, Australia, 6 June 2006.

⁸²⁵ Interview, Mark Webb, 11 March 2008.

well-connected criminal.⁸²⁶ Whether these accusations relate to the weaponry he took with him when he left Falintil, or to his ongoing role in underhand affairs, is not clear.

Given this incomplete history, it is perhaps it is not as curious as it should be to discover that 342 of Falintil’s weapons were found in the possession of the East Timor Defence Force (ETDF) in 2006.⁸²⁷ It should be curious because the creation of a professional ETDF involved it obtaining new firearms and other weaponry.⁸²⁸ If the Falintil weapons were kept, it would imply there either were not enough new weapons, or that these older weapons had a special value for the East Timorese.

As with TNA, Falintil combatants had strong attachments to their weapons, but in Falintil’s case particularly so in the case of battle-captures from Indonesians. For example, Falintil members who killed a member of the elite Kopassus forces, which are visibly distinguished by their red beret as part of their uniform, and captured his weapon, also subsequently wore a red beret.⁸²⁹

Small arms control in East Timor therefore reveals a number of interesting complexities. First, it demonstrates the profound political sensitivity over

⁸²⁶ Interview, anonymity requested, Canberra, Australia, 14 January 2007.

⁸²⁷ "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste." Geneva, 2 October 2006, p. 42.

⁸²⁸ Australia loaned M16 rifles to the ETDF for training, which were replaced by US supplied M16s, as well as M203 grenade launchers and pistols. Belgium supplied Minimi Light Machine Guns. For a list of what was due to be supplied, see Tom Fawthrop and Paul Harris, "East Timor Prepares for Post-independence Security Threats." *Jane's Intelligence Review*, October 2001, p. 37.

⁸²⁹ Interview, Mark Webb, 11 March 2008. Photograph in the possession of the author, photograph courtesy of Mark Webb.

attempts to disarm Falintil and equate them with “bandits” and the militias. This shows how the presumption that all armed groups should be disarmed by interventions can be not only misplaced but can potentially undermine political progression.

Second, small arms control appears to have been quite successful in the immediate period following the INTERFET mission. The ongoing weapons problems on the island were mostly emanating from Indonesian-controlled West Timor, and the activities of Indonesian-supported militia based there.

Third, by clearly identifying their battle-captures and their military proficiency by wearing a red beret, Falintil combatants also show how their weapons were of great personal significance. It is understandable therefore, that such trophies of battle victory would not be surrendered easily.

While there was weapons removal, through destruction of some dangerous firearms, and weapons legalisation by incorporating former Falintil arms into the national armoury, these actions in themselves were adequate for as long as the country and the security sector were engaged in the process of democratisation. The weapons-related problems that manifested in the political crisis of 2006 did involve military and police force arms, (as well as former Falintil weapons) appearing on the streets, but this is to be expected in an army and police mutiny. A more serious development was the creation of a private army by a political party, as discussed in chapter three.

The Philippines; The Importance of Social Context

The Government of the Philippines has been faced with threats posed by armed groups over many decades. Its responses over recent decades have involved both increased military action, but also ceasefire arrangements that have tried innovative practical approaches to disarming and integrating armed group members.

The current groups active in the Philippines are mainly revolutionary and criminal. These include both the Islamist revolutionary groups in the south, particularly the Moro Islamic Liberation Front (MILF), the breakaway Abu Sayyaf Group (ASG) criminal army, and the state-wide Maoist New People’s Army (CPP-NPA). There are also paramilitary-private army hybrids, the Civilian Armed Forces Geographical Units (CAFGUs).

The ASG has been a particular target of Philippine Army military offensives in recent years due to its extensive criminal and terrorist actions. The MILF was formed from disgruntled combatants who broke away from the Moro National Liberation Army when the latter agreed to a ceasefire in 1996. The MILF is under increasing pressure especially given its links to the Islamist networks in Indonesia. However the success of a nationwide firearms buy-back scheme (“balik baril”) and the deliberate non-disarmament of the armed wing of the MNLF in 1996, serve to illustrate cases of both unrealistic buy-back schemes and what is widely seen as failed DDR, which was nevertheless trying to be practically realistic.

The armed wing of the Moro National Liberation Army, the Bangsamoro Army (BMA), was demobilised and integrated into the Armed Forces of the Philippines (AFP) and the Philippines National Police (PNP) in 1996. The wording of the agreement between the group and the government deliberately avoided any attempt at disarmament of the group. The 1996 ceasefire was quite explicit in its avoidance of “terms that are synonymous with “surrender””.⁸³⁰ Similarly to Falintil, the MNLF leadership considered its armed struggle morally legitimate, and its agreement with the government an act of goodwill.

Perhaps unsurprisingly, this peace agreement with the MNLF while politically potent, was disappointingly ineffective in terms of weapons removal. Of a total of 15,000 combatants, 7,500 were integrated into the AFP and the PNP. According to Davis, the manner in which this took place did not really reduce the number of illicit weapons available to armed groups. First, the agreement was that while those joining the AFP should surrender a weapon, those joining the police had no such requirement. Therefore a number of combatants did not need to disarm in order to demobilise and reintegrate. Second, those joining the security forces were said to not all be former combatants, but instead people related to the MNLF commanders. Therefore, those who sought reintegration could have been armed by the group in order to do so, or be given employment without having to hand over a weapon. This both disadvantaged MNLF foot soldiers and left them armed. Third, many weapons handed in were seen as being obsolete, a common feature of small arms buy-backs. Fourth, many former combatants had more than one weapon, therefore in demobilising and

⁸³⁰ Merlizo M. Makinao and Alfredo Lubang, "Disarmament, Demobilisation and Reintegration: The Mindanao Experience." Department of Foreign Affairs and International Trade, Canadian government, 2001, p. 33.

reintegrating, they may have kept more than one weapon, and thus did not fully disarm. Finally, an estimated 2,000 MNLF combatants are thought to have joined criminal armed groups, some forming “lost commands” gravitating into the lucrative industries of kidnap-for-ransom and armed extortion”.⁸³¹ Davis concluded that effectively, “seven years after the advent of “peace”, most of the MNLF arsenal...remains loose.”⁸³²

In the context of hundreds of thousands, if not millions, of “illicit” firearms in the Philippines,⁸³³ and in weapons round-ups being unrealistic in their goals, both the misnamed disarmament of the MNLF and the “balik baril” measures fall well short of any goal to remove weapons from either the population, or armed groups. In addition to the problems noted above with the MNLF ceasefire, this is particularly so for several reasons. First, there are tribal loyalties that frequently translate directly into support for a number of armed groups in Mindanao. Second, weapons have left areas of firearms bans and “moved out of the urban area into a lawless hinterland.”⁸³⁴ Third, the prices paid for weapons did not tally with black market prices for the same. The government price paid for an M16 under the “balik baril” buyback programme is given as \$340, and while black market prices could be as low as \$100 they

⁸³¹ Anthony Davis, “Philippine Security Threatened by Small-Arms Proliferation.” *Jane’s Intelligence Review*, August 2003, p. 36.

⁸³² Anthony Davis, “Philippine Security Threatened by Small-Arms Proliferation,” p. 36.

⁸³³ The Small Arms Survey notes that 329,985 firearms were considered “loose” in the Philippines at the end of 1999, but calculates 4.2 million may be a more likely figure. Graduate Institute of International Studies, *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press, 2002, pp. 98–99. On Jolo island alone, there were said to be 30,000 “loose” firearms, accessible to both supporters of the ASG and Misuari Breakaway Group, some with clan loyalties, but also to individuals and street criminals. Anthony Davis, “Philippine Security Threatened by Small-Arms Proliferation,” p. 36.

⁸³⁴ Anthony Davis, “Philippine Security Threatened by Small-Arms Proliferation,” p. 36.

could more attractively be as high as \$660.⁸³⁵ Further, many of the weapons handed in have been described as “conspicuously obsolete”.⁸³⁶ Clearly, despite attempts to bring small arms under government control through payments and employment incentives, these projects do not equate with reduced weapons numbers in circulation or in the hands of non-state armed groups, which must be its goal. While seemingly pragmatic, and showing considerable sensitivity to the dignity of the MNLF, which brought the sparring between the government and the group to an end, the disarmament programme faltered as a form of small arms control

Yet this example shows that disarmament of armed groups is heavily contextual, and in this case the political environment was as much to blame as the poorly-implemented DDR. What could have been an acceptably symbolic disarmament was undermined by the fact that the government of the Philippines has so little control over tracts of a country which permits large scale weapons possession. This has spawned both criminal economies and political and economic roles for armed groups, including the CAFGU paramilitary/private armies. Essentially, the MNLF’s demand for weapons was not reduced by taking them away, therefore the disarmament failed. The partial disarmament and integration the MNLF was therefore a case of rearranging the deck chairs on the Titanic. It was ineffective not because it was partial, but because the broader political and economic environment was not, and could not be made, conducive to weapons removal.

⁸³⁵ Anthony Davis, “Philippine Security Threatened by Small-Arms Proliferation,” Table, p. 36.

⁸³⁶ Anthony Davis, Philippine Security Threatened by Small-Arms Proliferation,” p. 36.

More insight and creativity is clearly called for. In this instance, NGOs have been forward thinking. Showing a greater understanding of the longer term and more tangible benefits for combatants, as opposed to cash payments or integration into state forces, a Filipino-based NGO, has promoted scholarships to university, in exchange for weapons.⁸³⁷ Offering a lifestyle change, and the opportunity for education may not work in all instances, but it does show that NGOs, especially those which engage with the combatants, gain a stronger understanding of what may motivate combatants to disarm. Essentially, engagement addresses the demand factor.

It remains curious that in a country designated to have up to millions of illicit small arms in circulation, that there are not more, and larger, armed groups, or a thriving trade in weapons leaving the Philippines. Having weapons outside of direct government control does not necessarily translate into weapons being available to armed groups. The case of Burma however reveals yet another interpretation of arms control through disarmament. Counter-intuitively, weapons procurement by armed groups is intricately linked to their “disarmament.”

⁸³⁷ See chapter six for a discussion of this idea. The scholarship idea was floated early on but not explored by others. See Fabiola Fuentes Orellana, “Demobilisation and Integration of Former Combatants in Guatemala.” in Jayantha Dhanapala et. al. (eds.), *Small Arms Control: Old Weapons New Issues*. Aldershot: Ashgate [for United Nations Institute for Disarmament Research], 1999, p. 187.

“Exchanging Arms for Peace” or Not: The Burmese Way to Ceasefires

In Burma, a number of ceasefire arrangements have included what might appear to be disarmament. Often grandly welcomed by the government, Burma’s ceasefire arrangements do not necessarily manifest in reduced numbers of arms or reduced numbers of armed groups. The government, the State Peace and Development Council (SPDC), grapples with the means of consolidating state-wide control,⁸³⁸ whereupon the ceasefire arrangements have resulted in at least three unusual interpretations of “weapons removal”. First, two of the major armed groups that have ceasefire arrangements not only retained arms and territory, but have grown in size and armed strength and are used by the military government as adjunct paramilitary allies. These groups are also engaged in a great deal of black marketeering, making them quasi criminal armies. Second, smaller groups and individuals are rearmed upon surrendering weapons, on the understanding that they also act as paramilitary or adjunct combatants to Burma Army forces. These two activities are clearly more the case of legalising small arms, rather than weapons removal. Third, ceasefire arrangements are often violated by the Burma Army, resulting in the factionalising of armed groups and the retention of arms by such groups, which also does not result in more peace or less weaponry. The ceasefire arrangements, and grandiose rhetoric that accompanies them, are clearly not disarmament in any commonly understood sense, and they shield much more ominous developments.

⁸³⁸ In mid-2008 the SPDC announced that by the time the draft Constitution goes into effect in 2010, all non-ceasefire armed groups would cease to be tolerated. See for example “Ceasefire Group under Pressure to Surrender.” *Shan-EU Group*, 5 July 2008. This is unlikely to alter the situation in the country to any significant degree. It will most likely play out as a continuation of current practices which are both military offensives and continued paramilitarisation.

As in previous decades, the past 19 years have seen the Burma-based armed groups regroup, merger, recruit, upgrade, suffer attrition, factionalise, suffer defeat and occasionally reach working agreements both with each other and the government. The collapse of the Burma Communist Party occurred in 1989 and initiated a number of “ceasefires” between the SPDC and many small and major armed groups. The largest of these became the United Wa State Army (UWSA),⁸³⁹ which emerged from the imploded Burma Communist Party. Over the next 15 years in particular, over 17 groups are said to have reached “ceasefire” agreements. Collectively, these agreements are regarded as ending Burma’s entrenched civil war.

These “ceasefire” groups however often remain armed, in contravention to the spirit, if not the intention, of what one would expect for groups which have ceremoniously “exchanged arms for peace”, “made peace with the government” or “returned to the legal fold” which are the terms employed by the SPDC. There are also numerous militias and village defence organisations in areas controlled by both the government and the armed groups.

In northern Burma, the UWSA effectively runs a large territory across Shan state, including border areas with China, Laos and Thailand. The UWSA is the largest and best equipped armed group in mainland Southeast Asia, with over 20,000 combatants, and possibly thousands more village defence militia

⁸³⁹ The ethnic Chinese Kokang also remain important players in Shan State, particularly with regard to drug production and trafficking, however there does not appear to be a singular Kokang Armed Group. There are also other Wa ethnic armies, such as the Wa National Army, but these are much smaller than the UWSA, and at least one of these groups is what is termed “non-ceasefire”.

members. As noted of the DKBA in chapter three, the UWSA is also said to be better armed than the Burma Army (BA, or *tatmadaw*).⁸⁴⁰ The UWSA is allowed to govern territory, including control over border areas, and collect revenues in these areas, including from narcotics production and trade,⁸⁴¹ provided it follows orders issued by the Burma Army as and when required. This is usually in regard to the UWSA attacking or defending against assaults by the non-ceasefire Shan State Army-South (SSA-S), which has an estimated 5,000 combatants. “The junta has gained a self-financing border-guard on a frontier where it faces a continuing threat from the recalcitrant Shan State Army” observed Davis in 2003.⁸⁴² The UWSA therefore acts as an adjunct paramilitary force to the BA, although both the government and the UWSA seem to be increasingly disenchanted with the status quo.⁸⁴³ The tenuous relationship continues however; a major clash between the UWSA and SSA-S in 2005 went on for two months, and resulted in hundreds of deaths on both sides, allegedly because the UWSA “wanted to show the ruling junta that they were still a useful

⁸⁴⁰ Donald M. Seekins, *The Disorder in Order: The Army-State in Burma since 1962*. Bangkok: White Lotus, 2002, p. 246. The Burma Army is often also referred to as the “*tatmadaw*”, the Burmese name for armed forces.

⁸⁴¹ There is seemingly endless reporting and counter-reporting that the Wa are deeply involved in, or are committed to moving out of, heroin and methamphetamine production and trafficking.

⁸⁴² Anthony Davis, “The Wa Challenge Regional Stability in Southeast Asia.” *Jane’s Intelligence Review*, January 2003, p. 13.

⁸⁴³ See Anthony Davis, “United Wa State Army Prepares for Confrontation.” *Jane’s Defence Weekly*, 25 October 2006, available at *Jane’s Intelligence Centres*, Jane’s online, Academy Library (UNSW@ADFA), Canberra, Australia, 2007, available at: <<http://jtic.janes.com/IDIC/TIC/home.do>>. Accessed 2007. Interestingly the UWSA also defied the instruction from the SPDC for all ceasefire groups to condemn the statement made by UN envoy Ibrahim Gambari on behalf of detained leader Daw Aung San Suu Kyi in November 2007. See Saw Yan Naing, “UWSA and KIO Abstain from Condemning Suu Kyi.” *The Irrawaddy*, 22 November 2007.

friend”.⁸⁴⁴ Even so, in 2006 the SPDC was placing pressure on the UWSA to “exchange arms for peace”,⁸⁴⁵ a request which was not fulfilled.

The USWA, along with another paramilitary to the southeast of the country, the Democratic Karen Buddhist Army (DKBA),⁸⁴⁶ provide most unusual examples of “post-conflict” armed groups; and the subsequent disarmament that one might expect. Neither group have reached any negotiated position on disarmament or demobilisation plans with the SPDC. Not only have they both retained their armed strength at ceasefire, both have grown, and actively sought to purchase and produce new arms and ammunition.⁸⁴⁷ At least one battalion of the DKBA is said to have “used the informal ceasefire period to build up military strength and consolidate control”, including forced conscription to the DKBA.⁸⁴⁸ Like the UWSA, allegations continue that the DKBA is heavily engaged in both legal and illegal activities, including methamphetamine production and trafficking.⁸⁴⁹ In November 2004, concerned at the DKBA’s

⁸⁴⁴ Don Pathan, “Wave of Refugees Shows Weakness in Wa Army.” *The Nation* (Bangkok), 26 April 2006.

⁸⁴⁵ Aung Lwin Oo, “Junta Urges the Wa’s Army to Disarm.” *The Irrawaddy*, 18 April 2006.

⁸⁴⁶ The DKBA has been a close, albeit uncomfortable ally of the Burma Army from the outset. It is said there is mutual mistrust and lack of respect between the DKBA and BA; Global Witness, “A Conflict of Interest: The Uncertain Future of Burma’s Forests.” 7 October 2003, p. 72. The tactical advantage the defection of many KNLA troops gave the BA in its routing of the KNLA headquarters within months of the DKBA’s creation in December 1994 cannot be underestimated. The KNLA remains quite bitter over what it regards as utter treachery, often referring to the DKBA as a “puppet” of the SPDC, and listing battle-clashes with the “enemy” as including the DKBA. Document in the possession of the author. Other groups fear that defecting combatants may do the same to them. See “Prodigal Son Still at Large.” *SHAN*, 9 August 2006.

⁸⁴⁷ Nusara Thaitawat et. al., “Ethnic Rebels Launch Arms Spree.” *Bangkok Post*, 1 July 2000; Interview, anonymity requested, Mae Sot, 19 December 2005.

⁸⁴⁸ Thailand Burma Border Consortium, *Internal Displacement in Eastern Burma: 2006 Survey*. Bangkok: 2006, p. 40.

⁸⁴⁹ As at early 2007, the DKBA was still alleged to be involved in methamphetamine production and trafficking. See “Democratic Buddhist Karen Army (DKBA).” *Jane’s Terrorism and*

growing strength, the SPDC demanded a listing of DKBA weapons and combatants, and requested it to disarm, a request which was also not fulfilled.⁸⁵⁰

“Exchanging arms for peace” does take place however, but in its uniquely Burmese way. In mid-2006, a splinter group surrendering from the (SSA-S), was ceremoniously welcomed “into the legal fold” by the local tatmadaw commander, and immediately rearmed with the same weapons. After a brief recapitulation by some members back to the SSA-S, speculated to be on the grounds that the terms of the agreement with the Burma Army were unacceptable (including complete submission to the BA),⁸⁵¹ other members of the group were said to be resettled in two villages, and provided with “food, clothing and shelter”.⁸⁵² Their weapons were reissued to them on the grounds that they should be allowed the means of self-defence, ostensibly against the SSA-S from which they defected,⁸⁵³ which also clearly worked to the government’s interests. The remaining members of the splinter group eventually also returned to the SPDC, the leader said to have become “an anti-insurgency militia commander”⁸⁵⁴ which means the splinter group essentially metamorphosed into a pro-government paramilitary.

Insurgency Centre, Jane’s online, Academy Library (UNSW@ADFA), Canberra, Australia, 2007, available at: <<http://jtic.janes.com/IDIC/JTIC/home.do>>. Accessed 2007, p. 3.

⁸⁵⁰ “DKBA: Never Surrender to SPDC.” *Kaowao News*, No. 78, 14 November 2004.

⁸⁵¹ “Prodigal Son Returns.” *SHAN*, 4 August 2006.

⁸⁵² “848 Members of Shan State Army-South (Ywet Sit) Group Return to Legal Fold.” *Myanmar News Agency*, 7 July 2006.

⁸⁵³ “Myanmar Leader Stresses National Reconsolidation.” *People’s Daily (Xinhua)*, 18 July 2006.

Figures of the total number of defectors, and their weapons, varied widely and were used as propaganda by both sides, from 60 to 30 men, to over 800.

⁸⁵⁴ “Prodigal Son Makes his Choice.” *SHAN*, 16 October 2006.

Other small “ceasefire” groups act as adjuncts to tatmadaw forces, although some are said to be completely disarmed.⁸⁵⁵ Two of the Karenni “ceasefire” groups are said to “conduct joint patrols” with the SPDC battalions in Karenni State.⁸⁵⁶ In Mon State, to counter remaining Mon and Karen revolutionary armies, paramilitaries composed of villagers were armed with AKs, M16s, G3s (probably Burmese produced), and M79s, and operate under the command of the local BA commander.⁸⁵⁷ Initially, village militias were told to rotate the weapons over a weekly basis, but while holding arms, individuals were told to consider themselves as under orders from the local Burma Army battalion; failure to comply results in heavy on-the-spot fines.⁸⁵⁸ More recently it transpires that firearms are no longer distributed, but that villagers are supposed to use knives.⁸⁵⁹ This latter move is probably a result of SPDC concern that arming the population at large could lead to armed groups getting these weapons, especially in the “brown” or “black” areas where armed groups operate near to or across the territory.⁸⁶⁰ Also, with the case of the UWSA and DKBA, the SPDC may be seeing it has nurtured Frankenstein monsters which it can no longer control.

⁸⁵⁵ “Myanmar Leader Stresses National Reconsolidation.” *People’s Daily (Xinhua)*, 18 July 2006.

⁸⁵⁶ Thailand Burma Border Consortium, *Internal Displacement in Eastern Burma*, p. 34.

⁸⁵⁷ “SPDC Forced Forming of Militia Forces in Village Tracts of Yebyu Township.” *The Mon Forum*, 31 August 2000, pp. 3-4. This report also lists a G-4 light machine gun being issued to the village militias.

⁸⁵⁸ “Forces Recruitment in Rural Areas.” *The Mon Forum*, March 31 2002, pp. 6-7. Villagers have to bear to the costs of the militias anyway, and have their land confiscated under the BA’s “self reliance” programme under which battalions grow and farm food. Forced labour, “taxes”, and looting by the Burma Army in these projects is also common. See pp. 8-11.

⁸⁵⁹ “Villagers Forced to Train as Militia for the Protection of the Country.” *The Human Rights Foundation of Monland*, 15 October 2006, available online at: < <http://www.rehmonnya.org/index.php> >. Accessed 1 December 2006.

⁸⁶⁰ The Burmese Army colour codes the regions according to the degree of control it has over the territory. “White” areas are under total government control, “brown” (sometimes also referred to as “grey”) areas are under partial control, and “black” areas are considered enemy territory, amounting to free-fire areas.

The SPDC stated in 2006 that the retention or reissuing of weapons to groups that had “made peace with the government” was done on the understanding that they would disarm once a new national Constitution under a democratic government is adopted.⁸⁶¹ However another statement issued around the same time implied there were two types of agreement. The first allowed groups which had capitulated to hold arms for self-defence and to assist economic development in the border regions. The second provided that under eventual democracy “the system will make them lay down their arms.”⁸⁶² Even so, by late 2008 global dismay remained over the abject lack of progress over Burma’s transition to democracy.

The creation of pro-government paramilitaries and adjunct combatants is but one consequence of the “ceasefires”. In 2004 the Karen National Union, the political body of the Karen National Liberation Army, one of the largest remaining active revolutionary armies in Burma, also reached an informal “ceasefire”, or what it termed “a gentleman’s agreement”⁸⁶³ with the government. However an increased military offensive in Karen State in 2006 reflects what the Karen Human Rights Group noted a year earlier:

The informal SPDC-KNU ceasefire has brought little change for villagers in Dooplaya District. Not only does fighting continue, with the attendant effects and reprisals on civilians, but people must still face forced labour, restrictions on their activities, and the possibility of being abused or killed at any time with complete

⁸⁶¹ “Myanmar Leader Stresses National Reconsolidation.” *People’s Daily (Xinhua)*, 18 July 2006.

⁸⁶² Government of the Union of Myanmar, Media Conference, 17 July 2006.

⁸⁶³ “KNU Statement on Topical Events.” *Shan-EU Group*, 13 August 2006.

impunity. The civilians are not considered parties to the ceasefire, and the increased freedom of movement it has created for SPDC forces has made civilians more vulnerable than ever to abuse. There is no sign that the ceasefire will impede or decrease the militarisation of the district; but as long as Dooplaya remains heavily populated by soldiers the lives and livelihoods of the civilian villagers will be in danger.⁸⁶⁴

The New Mon State Party also reached a “ceasefire” agreement with the SPDC on 29 June 1995, and the situation in Mon State since then reveals yet more variations on the theme. Its armed wing, the Mon National Liberation Army (MNLA) has not disarmed. The initial verbal ceasefire agreement eventually emerged as a written document, although it remains unsigned by the SPDC, indicating a lack of true commitment to its intent, if not its provisions. The agreement gives the MNLA the right to keep and bear arms, and allows specified areas of MNLA security operations in each township, although it does not permit any MNLA expansion.⁸⁶⁵ Shortly after the adoption of the agreement, several splinter groups from the MNLA returned to armed struggle. Although they remain small, their emergence indicates not so much a failure of reintegration, but more of a general dissatisfaction towards an aggressive and intrusive tatmadaw presence in spite of the ceasefire.⁸⁶⁶

⁸⁶⁴ “Continued Militarisation, Killings and Fear in Dooplaya District.” *Karen Human Rights Group*, 2 June 2005.

⁸⁶⁵ “The New Mon State Party (NMSP) – State Peace and Development Council (SPDC): Cease-Fire Agreement.” Unofficial translation by Banyar Honsgar, January 2007. Document in the possession of the author.

⁸⁶⁶ “Terror continues in Ye Township”, *The Mon Forum*, August 2005, p. 4. There are references to the Hongsawatoi Restoration Council, itself also splintered, in *The Mon Forum*, January 2005, p. 12, the Monland Restoration Army, in “Collective Human Rights Abuses in Ye Township...” *The Mon Forum*, January 2002, pp. 7-8; and the Nai Chain Dein and San She groups, “Terror continues in Ye Township.” *The Mon Forum*, August 2005, p. 4. “Collective Human Rights

Even given the unique scope and complexity of Burma’s internal arrangements, one would expect the 17-plus negotiated “ceasefires” to have curtailed Burma’s extensive conflicts. As with so much to do with Burma however, even assessing the status of a group as being “ceasefire” or “non-ceasefire”, active or dormant in conflict, and disarmed or not, is a convoluted and inexact exercise. A long-time Burma analyst rightly scoffs at the term “ceasefire”, instead calling them “verbal non-aggression pacts”,⁸⁶⁷ which more appropriately indicates the informal nature of these agreements. The “non-aggression” component is however also misleading in many cases; increased militarisation across Mon State and military offensives in Karen and Shan states decry the intent of a genuine cessation of hostilities. In numerous cases, negotiated agreement means revolutionary groups or their combatants resurface as pro-government paramilitaries. The fragile and ephemeral nature of these agreements reflects a failure to achieve long-term genuine political accommodation, with neither side either offering, or expecting, sincerity or commitment. Therefore demand factors for armed groups have not been removed, only modified.

Therefore there are at least four “disarmament” related trends that can be identified in Burma. First, there is the creation and nurturing of both small and large paramilitaries. Second, at least the DKBA and UWSA are too large and powerful to be forcibly disarmed, and may yet metamorphose fully into criminal armies, posing an economic and military threat to the regime which has nurtured them, and to neighbouring states. Third, there are increased military

Abuses in Ye Township After Military Deployment and New Armed Conflict." *The Mon Forum*, January 2002, p. 8.

⁸⁶⁷ Interview, Yeshua Moser-Puangsuwan, Non-State Actors Thematic Coordinator, International Campaign to Ban Landmines, New York, United States of America, 11 July 2005.

offensives in areas which have agreed to ceasefire. Fourth, revolutionary armed groups which remain armed have suffered either factionalisation due to dissatisfaction with the political arrangements or have been disempowered by an increased Burma Army presence. As such, their decades-old political grievances remain unaddressed or overrun, which is aggravating the groups rather than leading to their pacification.

The situation in Burma bears witness to a disturbing trend of paramilitarisation and militarisation operating behind a veneer of political progress that is commonly associated with disarmament and ceasefire agreements. This is disingenuous, yet thankfully rare.⁸⁶⁸ Even so, this, and the examples of disarmament from Aceh, Cambodia, East Timor and the Philippines reveal the many ways a single phenomenon – the weapons removal from non-state armed groups – can be implemented. While there are unanticipated and even sinister consequences, such as paramilitary creation, there are also a number of lessons that can be taken from developments in this region. First, weapons removal should not be considered total disarmament. Second, weapons destruction is a particularly sensitive issue for revolutionary groups. Third, that identifying armed groups using the typology of revolutionary, paramilitary and criminal, assists in weapons removal, as much as it assists with understanding how they obtain their weapons. The example of East Timor reveals how vital this can be. A final observation is that disarmament is enmeshed to the social fabric of the society it takes place within. Disarming groups in a country where there is an established loose weapons problem and lack of government control or trust is a

⁸⁶⁸ Although the armament of the secessionist armed group in Chechnya by outgoing Russian President Putin to obtain their loyalty may reflect that the creation of large paramilitaries is a broader trend. James Kilner, “Russia Rearms Former Rebels to Patrol Chechnya.” *Reuters AlertNet*, 19 March 2008.

wasted effort. Yet allowing groups to retain arms in an unstable political climate is also pointless. Although seemingly trite, Rana’s comment at the start of this chapter, that small arms control is about the state regaining the monopoly over the use of armed force, but only when that state has broad public support, in fact resonates comfortably with the findings in this chapter. The danger is that the small arms control processes have embraced state control of small arms irrespective of how that state may be the catalyst and ongoing reason, and therefore the demand factor, for politically-motivated armed resistance.

Conclusion

As in other regions, this chapter finds that the small arms control architecture in Southeast Asia contains a number of processes - political and legal, policy and practical - that seek to prevent weapons getting to armed groups, and particularly to remove weapons from them as and when preventative measures fail. These developments are proceeding, even though there is no articulation at the global level that armed groups should be targeted as illicit end users. In using a three part typology of supply reduction, demand reduction and arms removal, this study shows not only what the pillars of this architecture seek to achieve, but also shows how they have been undertaken in practice in a region not often considered in the broader literature. As such, it finds a number of weaknesses in the current small arms control architecture. These weaknesses are in the control architecture’s emphasis on external small arms supply reduction and on internal inadvertent leakage, in its uncomfortable relationship with small arms demand by conflict actors, and in its determination to pursue

disarmament without considering the political, practical and psychological context in which it is taking place.

These weaknesses reveal that the control mechanisms are not equipped to capture the full spectrum of small arms acquisition, retention and surrender by non-state armed groups in Southeast Asia for several reasons. First, small arms control’s emphasis on supply reduction will not necessarily prevent the region’s armed groups from obtaining weapons. This is partly due to the finding in chapter three that external sources are a largely outmoded means of illicit arms transfer in this region at this point in time. Internally sourced weapons from state stocks are acknowledged by small arms control advocates as being an additional source of arms for armed groups, however it is presumed that such leakage is inadvertent on behalf of the state. The current control mechanisms therefore also do not take account of deliberate state leakage – paramilitary creation.

The greatest point of agreement of small arms control, and indeed multilateral action, in Southeast Asia has been supply-side efforts on MANPADS and aviation security. Yet this focus misses an original rationale for small arms control, which was to prevent small arms transfers to, and remove weapons being used in, contemporary conflicts. Critics of Southeast Asia’s “inaction” over small arms control abound.⁸⁶⁹ However it is possible this inaction, which has a decided bias towards curbing external supplies and inadvertent leakage, may save states in the region effort if the weapons used by armed groups are

⁸⁶⁹ For example, Owen Greene, “Examining International Responses to Illicit Arms Trafficking,” and Edgardo P. Legaspi, “EastAsia InAction OnArms.”

significantly from internal sources. Where “inaction” is apparent, it is in understanding demand by non-state conflict actors.

Second, the “fetishization” of weapons in recent years has seen a general applauding of disarmament of armed groups without a full appreciation of the meaning and interpretation of it in practice. Particularly concerning are developments in Burma where making the weapons legal does not necessarily mean they are removed from the user, or from the conflict zone. In Aceh, the disarmament of the TNA shows the strong symbolic importance attached to weapons, and by extension to their decommissioning ceremonies. In East Timor, Falintil clearly saw itself as a legitimate military force protecting East Timorese from a brutal and illegal occupation, and equating it with the bandits and militias was clearly insulting and potentially destabilising to the intervention mission. The symbolism of revolutionary weaponry is echoed by the battle captures from Kopassus by Falintil. However in the Philippines, while trying to avoid a destabilising insult to the MNLF, the reintegration process did not incorporate full disarmament and unsurprisingly added to the large pool of weapons already available in Mindanao, including to other armed groups. Finally, prioritising democratisation over weapons removal from the Khmer Rouge resulted in one of the deepest legacies of Southeast Asian conflict; the transfer and retransfer of small arms from Cambodia over many years.

It is not at all surprising that small arms control has reached the point where weapons removal is seen as critical and with a remit to be comprehensive. Yet as Berdal reflects:

the basic premise on which proponents of arms control in the 1960s and 1970s challenged advocates of ‘general and complete disarmament’ remains valid to the contemporary challenge of conventional weaponry after civil wars – namely, that there is ‘no inherent relationship between the act of disarming and the solution to conflicts’.[reference to Windsor] Put differently, while the challenge of weapons is real, disarmament *per se* does not necessarily enhance security unless it is part of a broader political process that seeks to reconcile conflicting parties and enhance security by an admixture of confidence-building measures.⁸⁷⁰

Supply-side measures alone, which include disarmament, will fail if their goal is to reduce small arms related mortality and misery. For as long as demand remains strong, the persistence of determined armed groups in accessing re-used, leaked, fabricated and captured weaponry will keep the protracted armed conflicts of Southeast Asia raging quietly.

If there remains a lack of imagination over small arms demand factors, it at least seems clearly established that small arms demand can always be met by supply, as underscored by a strong perception of the ubiquity of small arms and light weapons. Small arms are the most appropriate weapon for armed groups in intra-state conflict, and are utilised as the most useful weapon under the circumstances; their demand by armed groups in the region is to seek a means to an end. Certainly the ideal is to have all states functioning as popular democracies, yet in the abject absence of this for so many of the world’s citizens, it is perhaps most helpful to see small arms as “a capital good...demanded not for their own sake...but for what they will accomplish. In all too many cases the

⁸⁷⁰ Mats R. Berdal, *Disarmament and Demobilisation after Civil Wars*, p. 38.

demand for weapons is ultimately a surrogate for the demand for social justice.”⁸⁷¹

Political impasses manifesting as armed conflicts typify the inter-state conflicts of Southeast Asia, and yet both the small arms control community and states appear paralysed in their response to this. In large part, this paralysis is due to the predisposition by states, humanitarian agencies and many scholars, towards seeing contemporary conflict as being driven by opportunistic, and therefore irrational and clearly illegitimate, non-state armed groups. Conflict resolution with such actors is unfeasible, even considered “Faustian pacts”,⁸⁷² as these groups are seen as having no political interests to negotiate over. In Southeast Asia however, where many of the armed groups, even in some cases the criminal armies, have a strong political or ideological goal, negotiated political agreement to end the conflict may be the sole means to reduce small arms demand. It no doubt remains true that armed groups can and do use ceasefire agreements to procure more weapons, yet so do state forces, and in Burma at least, agreement to a ceasefire is open to a myriad of interpretations by the armed groups and government forces. Yet in this region the agreement reached by the Indonesian government and the Free Aceh Movement in 2005, after 24 years of conflict, and even the eventual liberation of East Timor, shows that genuine cessation of hostility agreements can surpass expectations.

The most intrusive mechanisms are those which encourage Security Sector Reform, and where external mechanisms can impact on illicit small arms in-

⁸⁷¹ R.T. Naylor, “Gunsmoke and Mirrors: Financing the Illegal Trade.” in Lora Lumpe (ed.), *Running Guns: the Global Black Market in Small Arms*. London: Zed, 2000, p. 178.

⁸⁷² Henry F. Carey, “NGO Dilemmas in Peace Processes.” *International Peacekeeping*, Vol. 10, No. 1 (2003): p. 172.

country is in the disarmament of combatants as part of, or preceding, an end to a conflict. Both of these seek to reduce the demand factor in the small arms dynamic, and there is room to suggest engagement by exploring the role of NGOs in micro-disarmament. Yet both policy and practice are almost self-limiting by being framed purely within a rational framework that deals in absolutes, and in seeing needs, motives and means as only tangible elements of demand. Demand factors for armed groups overall remain underexplored, particularly in politically-motivated protracted conflicts. While the most convincing demand factor for weapons by non-state armed groups in Southeast Asia is the tangibility of armed conflict, when it comes to weapons removal, and weapons retention, intangible reasons may be hugely significant. There is therefore an opportunity for expanding the small arms control architecture to incorporate both different diffusion dynamics and the “intangible” elements of small arms disarmament and demand.

Chapter 6

Evaluating the Small Arms Control Architecture in Light of the Southeast Asian Experience: Suggestions for Extended Small Arms Control

Discontent is not a function of the discrepancy between what men want and what they have, but between what they want and what they believe they are capable of attaining...Men's resort to political violence is in part unreasoning, but it does not occur without reason. Ignorance is almost always among its causes; sometimes ignorance of its consequences by those who resort to it, more often ignorance by those who create and maintain the social conditions that inspire it. But political violence is comprehensible, which should make it neither necessary nor inevitable, but capable of resolution.⁸⁷³

Short-term measures such as reliance on ill-trained and poorly disciplined militias...will only undermine the long-term goal of building sustainable institutions.⁸⁷⁴

Findings, Purpose and Structure of the Chapter

This chapter makes a case for extending the current small arms control regime. It does this through qualifying the current prescriptions for control and disarmament that impact upon non-state armed groups in Southeast Asia. It finds that while a number of small arms control policies and practices inevitably have an impact on armed groups, Southeast Asian groups and the small arms market they utilise have distinguishing characteristics that diminish the effectiveness of these policies and practices at present. Close examination of the small arms dynamic as it is played out in this region also suggests that a broader

⁸⁷³ Ted Robert Gurr, *Why Men Rebel*. Princeton, NJ: Princeton University Press, 1970, p. 359.

⁸⁷⁴ International Crisis Group, "Countering Afghanistan's Insurgency: No Quick Fixes." Asia Report No. 123, 2 November 2006, p. i.

conceptualisation of demand and disarmament may prove helpful in understanding reasons why armed group members retain or surrender their weaponry.

It will be shown that the enduring themes of paramilitarisation and sufficiency continue to inform the proliferation and control processes and as such they also inform the extended conceptualisation of small arms control. Extended small arms control is also humanitarian arms control. While the humanitarianism behind small arms control has been an ongoing driver of the processes, it has not yet contributed to a clearly articulated control agenda. While humanitarianism may have been an obstacle to policy clarity in the past, the small arms control community, particularly NGOs, in fact have a central role in this extended paradigm. So too do the special interest groups, particularly with their expertise in weaponry. Humanitarianism carries an inherent risk of being a moral authority alone, however if those who advocate it can see the advantage of the control process advancing through the appropriate use of technical expertise, the current standoff between the two NGO blocs might be mitigated.

The suggestions made in this chapter range from the straightforward to the possibly heretical. Ultimately, it finds a case for both broadening and deepening the small arms control architecture. Broadening the mechanisms embrace not only a raft of political and practical factors behind disarmament and demand, but also intangible reasons that are largely psychological and symbolic. Broadening also involves making the existing and proposed control mechanisms more vigorous. Extended small arms control also involves a deepening of the control architecture, arguing for measures that are highly intrusive upon state sovereignty.

Prior to discussing the case for extended small arms control, this chapter briefly revisits the expectations posited in chapter one, and explains how the findings in this study marry with these propositions.

Expectations Upheld or Undermined? An Analysis

The expectations that formed the backbone for this enquiry were twofold. First, it was anticipated that the supply of arms to non-state armed groups mostly come from external sources, or from inadvertent internal sources. Second, it was thought that the controls that seek to prevent the supply of arms to non-state armed groups are based on this proliferation paradigm.

Although a complete picture is all too frequently obscured by lack of data and a lack of accountability or tracking, these expectations were based on observations of armed groups, black markets and arms suppliers in a number of regions. In turn, this has informed UN and other efforts to control the illicit proliferation of small arms and light weapons. Where these controls have been enacted, emphasis is on supply-side controls. In Southeast Asia however, analysis of the weapons actually involved, and their likely sources, reveals a much harder dilemma for the policy community to solve. This study suggests that many armed groups in Southeast Asia are often reusing very old weapons, making weapons, or obtaining them from state forces both within and beyond the conflict zone. Where new weapons are sourced by armed groups, an increasing trend is that these weapons are sourced from in-country government stockpiles and the recipients are members of paramilitary groups or private armies. The

strongest external dynamic in Southeast Asia in recent years appears to be the weapons purchases by paramilitary/criminal armies from Burma. While some revolutionary groups probably still do purchase weapons from abroad, the extent to which this is both true and significant, is questionable. By extension, a control architecture focussed on external, and inadvertent internal, supplies, is unlikely to be an appropriate framework for Southeast Asia.

The sources used by non-state entities to obtain small arms are diverse yet finite. In terms of sources of small arms for non-state armed groups, Southeast Asia would seem to have many of the characteristics of other in-conflict regions. The lasting legacy of cold war transfers appears to be a stronger feature of the region’s small arms black markets rather than a boost from the cold war’s end. Politically-motivated sales appear to be non-existent as the stronger motivation in the 2000s is financial, and the key players are not so much states and companies, but individuals including the security sector, the groups themselves, and to an unfathomable degree in this region, small scale trafficking cartels and brokers. The impacts of globalisation and decolonisation on Southeast Asia’s small arms black markets appear negligible, with relatively minimal indigenous state production and limited diaspora involvement.

As chapter three revealed, there is little direct evidence of Southeast Asian-manufactured arms being in the inventories of armed groups outside of their country of origin. This is true of each type of group; the paramilitaries and the revolutionary and criminal groups. This indicates again that the greater small arms phenomenon in these countries is leakage, not smuggling. Further, until verifiable and detailed weapons identification is possible, references to generic

weapons types are of little utility in determining where such weapons originated. Truths about weapons sources and points of diversion usually remain out of reach. In all, no doubt in common with other regions, the illicit small arms market in Southeast Asia has characteristics that present a “hall of mirrors” effect, in that weapons which appear to come from one source may in fact hail from a range of possible sources, or come from several of them in any one lifetime.

It could be argued that the region has less conflict, and fewer armed groups than before because states have won the war against them; ideologically, militarily and politically. In this sense, controls might seem to be needed less in Southeast Asia than in other regions where hot wars between armed groups and government forces rage more publicly. In many instances in Southeast Asia, current tactics can be seen as being ultimately successful. The outcomes however have been glacial, with timeframes often measured in decades. The principal tactic has simply been for the state to outlast the armed group. This laissez faire approach is discussed further below, and even if this were at the back of the minds of policymakers in the region, Southeast Asian governments have still vocalised support for both the UN small arms control process, and to tackling the problem as a transnational crime issue.

Transnational criminal organisations may link into the illicit small arms matrix in the region, but in terms of arms smuggling to armed groups, their activities are not greatly apparent. Further, by the 1990s many of the revolutionary groups in the region were impoverished and lacked strategic value, making them unattractive to external arms suppliers. Yet to a surprising extent, the

other groups, the paramilitary and the criminal, also access an internal arms market. The existence, and even growth, of the paramilitaries and criminal armies in the region should be a serious matter for concern for the states which host them, yet, at least at present, they too access arms from an internal market. For as long as these paramilitary and criminal groups remain manageable, how the state deals with this is essentially a matter of Security Sector Reform and law enforcement, and possibly domestic military action, not necessarily regional cooperation.

Many indications suggest that the Thai black market continues to be a major source of weapons for some of Burma’s eastern border-based armed groups. However just because this market is seemingly vibrant does not necessarily mean it is easy to access. For under-resourced groups, which cannot afford the prices asked for weapons, or to pay “sweeteners” to border police, buying off the supposed free-for-all Thai black market, it is not an easy task at all.⁸⁷⁵ Only better resourced groups, which in 2008 are the large “ceasefire” paramilitary-criminal hybrids, appear have the financial capacity to purchase modern, and larger, weapons from across their borders. These are ostensibly bought to fight anti-government armed groups, but for any state there remains a serious undercurrent that their paramilitaries could potentially turn on the host government.

As others have pointed out, the external supply-reduction focus of much of the control architecture has its limitations. This is certainly the case in Southeast Asia, which is why this study proposes an expanded control architecture.

⁸⁷⁵ Interview, anonymity requested, Canberra, Australia, 12 July 2006.

However, the “sovereignty enhancing” theme of small arms control has propelled the concept of state control and disarmament to the forefront of the debate. In so doing, concepts of democratic accountability and regime legitimacy are in danger of being sacrificed to sovereignty. This takes the debate beyond small arms control and into the issues of the rights and responsibilities of states and non-state entities both of which operate within the state-centric international system. Deepening the architecture to embrace these more intrusive measures is part of this expansion.

It remains unfulfilling that years into the small arms control process, two core components of the process remain unclarified. It is still unclear first, at which point a weapon becomes illicit, and second, whether a non-state armed group is always an illicit user. However the impetus for stronger controls is already in place. The result is a global small arms management process that has become overly preoccupied with controls in less divisive areas, such as the means of marking and tracing new weaponry and ammunition, in managing arms brokering better, and in excess stock destruction.⁸⁷⁶

Global data on this field of endeavour remains of questionable utility, and this is equally so of that from Southeast Asia. A default argument has emerged that rightly emphasises issues of proportionality as being of greater concern. This study refers to this as sufficiency. Sufficiency simply means is that in many instances there are not particularly large numbers of armed groups, nor, in most cases, are there large numbers of weapons. Even so, this should not mean that

⁸⁷⁶ See for example, “Resource Implications of States’ Commitments under the UN Programme of Action and International Tracing Instrument.” 3rd draft, Geneva: Small Arms Survey and United Nations Institute for Disarmament Research, 16 April 2008.

the issue of armed groups and small arms control in Southeast Asia is insignificant. Many conflicts simmer along, reflecting a continuing, and potentially indefinite, supply and demand dynamic.

There are some positive outcomes of small arms control from this region. Many armed groups have been disarmed, albeit often symbolically, and the Southeast Asian illicit small arms market is most likely much smaller than it was in the past. However the nurturing and arming of paramilitary groups, paramilitary-criminal army hybrids, and private armies is particularly worrying. Moreover, the traditional revolutionary armed group is still far from extinct. Unresolved grievances in Burma, the Philippines and southern Thailand and new issues in East Timor may generate a new demand for weapons that can only be sated by large-scale captures or external suppliers. Unchecked, the existence, and in some cases growth, of such groups may well be the catalyst for a renewed juvenile small arms market. The existing control efforts may yet prove to be useful to Southeast Asia should this scenario eventuate. Further, if the ongoing conflicts are not brought to a dignified end, which means addressing demand and disarmament in a more holistic manner, the humanitarian intent of small arms control will not be realised.

The paramilitary groups across the region are a particularly disquieting trend. In Burma, the United Wa State Army (UWSA) which was nurtured through much of its ceasefire period with the Burmese government (SPDC), is now at a point where it is tolerated uncomfortably. Its military function was, and remains as an adjunct force to suppress the mutual enemy of the UWSA and SPDC, the Shan State Army-South. It also has an economic function, filtering

profits from narcotics production and trafficking back into the mainstream Burmese economy. Politically, it was an astute move by the Burma Army to not try and force the disarmament of the UWSA at a time when the Burma Army was stretching itself to defeat the innumerable armed groups along its borders. Yet almost 20 years of ceasefires with armed groups has enabled some larger groups, like the UWSA, to expand militarily and financially. It would be suicidal for the Burma Army to try and defeat the UWSA, yet it also cannot persuade it to disarm. The UWSA's control of territory including border areas, and its military capability makes it the largest armed group that controls territory in the region. This Frankenstein's monster poses a major threat to any military, or new civilian, Burmese government should the current political processes produce either. On the Thai border, a UWSA protégé army, the Democratic Karen Buddhist Army (DKBA), might be making similar calculations. Should either paramilitary find its relationship with central government not to its liking, it could launch offensives against government troops, against strategic targets inside Burma, or join with the other disgruntled ethnic groups under arms or ceasefires, and drag the country into a new civil war. Neighbouring states, with territories contiguous to these groups, particularly China and Thailand, which now have financial interests at stake with both the SPDC and with the armed groups and the commodities they broker, will have new geo-strategic gambits to balance. ASEAN states are already perplexed by Burma, and the existence of large paramilitary groups inside its borders will dog the country's political progression further.

Further disappointing developments were the renunciation of ceasefire talks between the government of the Philippines and the Moro Islamic Liberation

Front in September 2008, and the ongoing armed crisis in southern Thailand. In both cases, paramilitarisation is an unsatisfactory response, and in both cases the numbers of weapons and paramilitaries show that this is the growth area of armed groups in Southeast Asia.

At the other end of the scale, in East Timor, numbers do not reveal the depth of the problems created by paramilitary groups. In 2006, following the collapse of the government, a number of problems with the government, as well as the armed and police forces, became apparent. Paramilitary and private army creation, such as the creation of the “Fretilin Secret Service Team” strikes directly at the heart of accountable and legitimate government. Weaponry has now also appeared in the hands of street gangs in East Timor,⁸⁷⁷ known as martial arts groups, some of which have political affiliations. Weapons purchased for legitimate state purposes have been re-distributed irresponsibly. This action, among others, brought the country closer to civil war than when it was in-conflict for over 20 years. The extant small arms control measures cannot however deal with this deliberate internal diffusion of weapons; to do so it must become more intrusive.

The politicisation and weaponisation of the martial arts gangs forewarns of an East Timor that has all the characteristics of a politically-affiliated, armed, criminalised society; a fit for Kaldor’s new war hypothesis. Although this study proposes that the region has evolved in a different manner to other regions where the new war hypothesis seems more plausible, East Timor’s armed gangs

⁸⁷⁷ James Scambary, “A Survey of Gangs and Youth Groups in Dili, Timor -Leste.” A Report Commissioned by Australia’s Agency for International Development, AusAID, 15 September 2006, notably pp. 2, 15, 31.

and weak democracy suggest that weaponised and criminalised violence can take hold in what looks like a mature arms market if the internal institutions of state are not transparent and robust across the executive, the legislature and the judiciary.

There are therefore compelling short term and long term reasons to address illicit small arms proliferation to armed groups in Southeast Asia. How this might be done is discussed in the following section.

Suggestions for Extended Small Arms Control

The belated attention paid to the “orphan” of arms control since the mid 1990s by scholars, diplomats and motivated coalitions of citizens alike is a welcome addition to understanding contemporary security issues. This has given the proliferation of illicit small arms the serious attention it deserves. Consideration is now rightly paid to small arms’ central role in contemporary conflicts, in debates about human and national security, and in commensurate developments in international and regional small arms control architectures. The small arms control process also continues to draw inspiration from a similar successful disarmament campaign, the campaign to ban landmines (ICBL). In these respects, the small arms control architecture would appear to be on a trajectory towards success.

However in this instance, the campaigning and resultant control architecture has faltered badly. This can partly be attributed to a number of endemic problems in the small arms control campaign discussed in chapter four.

Nonetheless, the control processes continue to be resuscitated, and the UN PoA and even the ASEAN Programme of Action both proceed with the more comfortable elements of their agendas. Where these existing controls may prove most relevant is in a future Southeast Asia that experiences influxes of weapons from suppliers that are external to the region. Such a scenario should not be discarded, and one possibility of how and why a new external supply dynamic might emerge was forecast in chapter one.

At this point, this study makes a number of suggestions. The first set of suggestions address the issues of armed groups and small arms acquisition, retention and removal from two unconventional and almost opposing standpoints. There is first, always an option to do nothing at all and let these conflicts reach a more traditional ending; military victory for one side. There is also an option, at the other extreme, to send in more weapons. After considering these unorthodox options, the second set of suggestions examines improvements that could be made to the current control efforts. A third set of suggestions list a number of admittedly both intrusive and controversial options. A number of these go beyond existing small arms control.

Unorthodox Suggestions

Luttwak, in his controversial essay “Give War a Chance”, argued against the established wisdom of the international community of states to intervene in the issues of another state.⁸⁷⁸ Interventions usually involve coalitions of states and

⁸⁷⁸ Edward N. Luttwak, “Give War a Chance.” *Foreign Affairs*, Vol. 78, No. 4 (1999): pp. 36-44.

non- and inter-governmental organisations getting involved in a situation to resolve issues peaceably. He argues that interventions to end conflicts instead create an artificial, and therefore deeply unsatisfactory, hiatus. The claims that such issues are resolved by intervention, whose aim is to serve a greater good of stopping people living in misery or dying in unacceptable numbers, are refuted by Luttwak. Instead he argues that interventions result in decades of unresolved limbo. He cites the example of “refugee nations.” By this he argues that intervention designed to help people instead resulted in their being trapped as “nations of refugees” who cannot return home, and yet have nowhere further to go. A greater good is to let war do its job, which he claims is to reach a clear end with a victor and a vanquished. Such an approach served the world well for millennia he argues. By extension, Luttwak would see small arms control and disarmament measures as removing the means by which wars reach this more natural end.

Luttwak’s approach appears to be playing out in many cases in Southeast Asia anyway. A good number of revolutionary groups over recent decades have not received external assistance. Neither external weapons nor humanitarian intervention come easily or quickly to armed groups in Southeast Asia. Indeed non-intervention, which must be a hallmark of the Karen revolution, has resulted in a perpetually miserable outcome for the Karen people.

It could also be argued that Southeast Asian governments are mostly quite happy with the manner in which they deal with issues relating to small arms and armed groups. Major interstate wars and communist insurgencies have largely left the region, and longstanding internal wars in Burma, Indonesia and

the Philippines have on the face of it been dealt with by military defeat or negotiation. Prosperity and democracy and a preference for non-interference in each others internal affairs, all proceed, albeit haltingly.

Yet pockets of resistance still simmer on inside Burma, the Philippines and Indonesia. Paramilitaries are not a solution, nor are military offensives on their own. Criminal armies are a ominous development, and resurgent Islamist militancy in southern Thailand, shows that grievances there, and therefore a demand for weapons, remain unaddressed.

It is convenient and often politically expedient to continue to lay the blame for many of the region’s lingering armed conflicts on regional black markets, particularly that in Thailand. Comments such as “Munitions have always been on open sale in Thailand...and almost anything can be bought, barring bombers and tanks”⁸⁷⁹ give a distorted view of small arms supplies and armed conflict. While these weapons may well be available, paying for them is another matter. For beleaguered groups, most usually revolutionary groups without a benefactor or the means to raise funds, the most feasible arms “market” is self-generated or looting from in-country sources. It is also convenient for governments to blame other governments, and accuse them of poor border control, or of deliberately fuelling the flames of rebellion in other states. This bypasses their own serious problem of the domestic security sector being the source for many of the arms used by armed groups, surprisingly including both criminal and revolutionary groups.

⁸⁷⁹ Bo Yang, *Golden Triangle: Frontier and Wilderness* (translation by Clive Gulliver). Hong Kong: Joint Publishing, 1987, p. 128.

Further, in leaving conflicts to run their natural course, it is questionable what natural means. It usually means the side with more resources prevails, which is usually the state, yet the tactics of guerrilla warfare are attrition and ensuring the state does not win. The dribble of weapons and ammunition that come from many groups’ self-help tactics, namely captured, purchased and fabricated, drag these conflicts out interminably. This is generally seen as unacceptably costly in all respects, and clearly in violation of the international community’s pledge “to save succeeding generations from the scourge of war”.⁸⁸⁰ Thus, the balance of opinion comes down in favour of some sort of intervention that accommodates negotiated settlement. The issues under debate are usually not whether to intervene but how to intervene most effectively.

Such effectiveness could be through sending in more weapons to a side that the supplier wants to see win, or at least to allow a stalemate.⁸⁸¹ The US’ agonising over the arms embargo on Bosnia in the early to mid-1990s, particularly in the light of the massacre at Srebrenica, can be seen as a case where such an unorthodox option becomes somewhat understandable. “Adding arms to a war, in the appropriate circumstances, might end it” Sislin and Pearson propose.⁸⁸² This is likely the thinking of armed groups in many cases, and the likely thinking of governments arming against any aggressor. However, this option can not seriously be considered by suppliers for one centrally compelling reason; the nature of small arms. If it is acknowledged that small arms and light weapons have the enduring characteristics of affordability, recyclability,

⁸⁸⁰ Preamble, Charter of the United Nations, available at:

<http://www.un.org/aboutun/charter/>. Accessed 15 October 2008.

⁸⁸¹ A suggestion explored by John Sislin and Frederic S. Pearson, *Arms and Ethnic Conflict*. Lanham: Rowman and Littlefield, 2001, pp. 15, 18.

⁸⁸² John Sislin and Frederic S. Pearson, *Arms and Ethnic Conflict*, p. 18.

concealment, simplicity, and transportability, it seems likely that such weapons stand a strong chance of moving from a desired end user, to another, undesired or simply unintended, end user. There is no means whereby the supplier can reconcile both the “short- term and long-term consequences”⁸⁸³ of a small arms transfer, which can ultimately work against each other. In too many cases an expedient shipment may turn out to foster much larger problems later on. US arms sales to the mujahedeen to counter the USSR, reappearing in the hands of the Taliban which the US-led intervention is now fighting against, is an obvious case in point.

These two suggestions are therefore unorthodox for valid reasons. It seems that on balance, there are stronger reasons for external intervention that works within a small arms control framework, towards supply reduction, demand reduction and weapons removal. If the governments of Southeast Asia, and indeed the broader small arms control community, are serious about controlling small arms and light weapons to armed groups, this study makes the following suggestions.

Improving Small Arms Control Instruments

First among improving the current mechanisms must be the option of stronger adherence to the UN PoA. Although this paper argues that external arms are not a major source of arms for armed groups in Southeast Asia at present, if states are serious about progressing the control process one immediate way is to

⁸⁸³ John Sislin and Frederic S. Pearson, *Arms and Ethnic Conflict*, p. 4.

make supply-side measures more straightforward. It seems prudent to look at how this might fit in with the current concerns of the UN PoA.

One low-cost suggestion is to involve technical experts more effectively. Technical expertise is detailed knowledge of how small arms and their ammunition are currently produced and transferred, including legally. For example, in marking weapons, knowledge of which markings are currently used in practice, what unique codes on ammunition and weaponry cost, what detail is in them, and what the markings reveal about the exact source of the weapon or ammunition, are details that require expertise in small arms and ammunition production and transfers. In addition, arms brokering is a legitimate activity if conducted legally and professionally. Expertise in marking and brokering often resides in the special interest groups, such as the small arms industry or sporting shooter associations, as these are people who have an interest in firearms, ammunition, and other light weaponry. They own and use arms and ammunition, and are therefore well-versed in standards and trends in markings and what this reveals about a weapons' heritage. A number of sporting shooters often also deal in arms as a business or sideline activity. These interest groups have been marginalised by the small arms control organisations. Although sporting shooter associations from Southeast Asia have not been vocal in the small arms control processes, groups from Australia and New Zealand have been very active in promoting the interests of Asia-Pacific sporting shooters. These organisations, while tainted by the extremism of some of their members, can provide immediate technical and operational advice to the small arms control process. As such, they should be incorporated into the mainstream of the control processes. Where this may not be seen as

appropriate, expertise can also come from within other areas of the government. For example, the Australian government made a sensible decision to include a firearms expert from the Australian Crime Commission on the official delegation to the Marking and Tracing session of the UN preparatory meeting in New York in May-June 2008. The Commission made a presentation on the establishment of a low-cost firearms database and tracing mechanism.⁸⁸⁴

Further, although this study has found that the UN PoA has limited relevance to the current illicit small arms diffusion dynamic in Southeast Asia, there are two areas of the UN PoA which could give it relevance to address problems in the future. The first is the UN PoA’s concern with marking, tracing and brokering. The second is the UN PoA’s recommendations on excess stock destruction.

While the weapons currently used by revolutionary groups are mostly very old, marking weapons so they can be traced should lead to greater knowledge about weapons movements in conflicts, which could lead to greater accountability. If however weapons continue to be recycled many times over, and if a large number of state-origin weapons can be plausibly attributed to accidental leakage, marking weapons will only have an academic value.

Even so, ensuring weapons and ammunition are marked and traceable, and therefore suppliers or points of diversion made accountable, might prevent new transfers to groups in the region. Unless the dynamic changes markedly, recipients are still most likely to be the larger paramilitaries or criminal armies.

⁸⁸⁴ The firearms database and tracing mechanism cost only \$800 (Australian dollars) to set up. “Talks Conclude on Marking, Tracing, Illegal Small Arms, Light Weapons as Biennial Meeting of States Seeks to Strengthen Politically-binding Instrument.” United Nations Department of Public Information, 17 July 2008.

It would be particularly foolhardy for armed groups to retain weapons that could be easily traced to their supplier, and most combatants would remove or deface such marking. Ammunition might be harder to deface, but headstamping each bullet casing to make it traceable is seen as an excessive expense, and debate continues over how to best mark and trace ammunition.

Where the UN PoA might be most useful in Southeast Asia is in a future where a major weapons upgrade by a country in the region takes place without a parallel destruction of surplus weapons. If surplus state stocks are not destroyed, it becomes tempting for both governments and individuals to sell the surplus weapons, either legally or unofficially. A legal retransfer can be a source of cash for a developing or post-conflict country, yet used weapons are even harder to trace than new weapons should they go missing.⁸⁸⁵ Under UN PoA guidelines, surplus weapons should be destroyed. Regional Asia-Pacific donor countries such as Japan and Australia could fund, or at least offer technical advice, on stockpile destruction. If stocks are not destroyed, thefts of surplus weapons could flood the Southeast Asian illicit small arms market at a time when it has been shrinking. The groups with finances to purchase such illicit weapons would be the large paramilitaries in Burma, or crime groups, or re-arming revolutionary groups across the region and beyond it. The weapons would go where the demand and the capacity to pay is strongest. Cheap legal weapons may be a temptation for poorer governments in the region, such as East Timor. While the East Timorese government is at liberty to buy such arms, the problems of ongoing leakage from East Timor’s armouries is cause for concern.

⁸⁸⁵ A good example of such a debate is in “Internationals Dispute Destiny of Bosnia’s Deadly Arsenal.” Balkan Investigative Reporting Network, 28 October 2005.

Other mechanisms might also be considered, such as stronger adherence to the UN Register of Conventional Arms (UN RoCA), the Wassenaar Arrangement and the proposed Arms Trade Treaty. The UN RoCA however is a transparency mechanism. Although it amended its data collection in 2003 to allow states to report on mortars, MANPADS and other small arms,⁸⁸⁶ and a 2006 review invited states to report on small arms transfers,⁸⁸⁷ it has no bearing on transfers to non-state armed groups. The register is a mechanism for publicising a transfer to another state, after it has taken place, in the understanding that such transparency is security-enhancing. As such, it has no utility for stopping transfers to armed groups. Until agreement is reached over the legitimacy, or not, of some armed groups as end users, the UN RoCA will add limited value to the small arms control architecture. Similarly, the Wassenaar Arrangement (WA) is also a state-centric transparency mechanism. Its “de facto ban” on transfers of MANPADS is a breakthrough in many respects, but is also merely a reflection of current concerns over aviation security. Ultimately, as the United States is a member of the WA, there is no reason whatsoever to expect the WA to be the forum to restrict small arms supplies to armed groups.

The proposed Arms Trade Treaty (ATT) goes beyond transparency and has a broad remit seeking to regulate all conventional arms. There is no current draft of the treaty available which would allow an honest discussion of its relevance to this study. Non-governmental organisations which have instigated and

⁸⁸⁶ See United Nations, “Continuing Operation of the United Nations Register of Conventional Arms and its Further Development.” UN Document A/58/274, 2003, paragraphs 107, 108 and 112 (b).

⁸⁸⁷ “Experts Report Significant Progress on United Nations Conventional Arms Register.” United Nations Media Release, DC/3040, 1 August 2006.

support the process of the treaty’s drafting have produced papers on what principles the treaty should adhere to.⁸⁸⁸ However the process has since been adopted by states, and proceeds under UN auspices, therefore it remains uncertain how much of the NGO contribution will remain in the final documents.⁸⁸⁹ Discussions over the treaty’s scope also grapple with the issue of transfers to non-state armed groups,⁸⁹⁰ but in the absence of these appearing in a document at the time of writing, evaluating how the treaty impacts on small arms control to armed groups will need to be undertaken once, perhaps if, the final document becomes international law. The draft treaty seeks to inculcate strong humanitarian principles into legal arms transfers. This means exporting states should take account of the importing state’s capacity to pay for the transfer, and that the importer should uphold strong principles of human rights. In the meantime, it can be argued that such a treaty is unlikely to reach markedly different outcomes to the other mechanisms noted above; the UN PoA, the UN RoCA and the Wassenaar Arrangement. This is particularly so as it is being promulgated through the foremost multi-lateral state-centric fora, the UN, and as it will be legally-binding not just politically prudent, its wording is likely to be very cautious and reflect considerable compromise. It will also be dependent on states being both willing and able to implement their obligations to it. Further, both arms control campaigners and states will have learned from

⁸⁸⁸ Amnesty International, et. al., “Towards an Arms Trade Treaty: Next Steps for the UN Programme of Action.” Control Arms Briefing Paper, June 2005.

⁸⁸⁹ Agreement over the development of the treaty was reached in the United Nations General Assembly on 18 December 2006 (UNGA A/Res/61/89), with a Group of Government Experts to examine the feasibility and scope of such a treaty established in early 2008. It was due to report to the UN General Assembly in October 2008.

⁸⁹⁰ A particularly interesting discussion over when and how armed groups might be affected by the Treaty is in Paul Cornish, “An International Arms Trade Treaty: Building Consensus and Making It Work.” Royal College of Defence Studies, Seaford House, London, 5 June 2007, pp. 16–18.

the experience of the UN PoA what each is willing to concede, and will have identified issues over which there will be no agreement. Therefore it is likely to do little more than benchmark current best practice. The most likely outcome is confirmation that the preference is for states to sell arms to other states that behave in concert with global norms. There is not likely to be any provision precluding transfers to non-state armed groups, irrespective of how they might behave.

Should the ATT gain traction and enforce the humanitarian principles proposed by the NGOs, it may provide the foundations for a robust and intrusive control regime. Should this eventuate, it ought to be the crowning glory of humanitarian arms control. It will not, however impact on armed groups unless it explicitly names them as illicit end users, which is highly unlikely, or unless it clearly articulates that states cannot arm paramilitaries which is also unlikely. This is because the evolution of the small arms control architecture has so far avoided naming armed groups as illicit end users and it sanctions arms transfers to paramilitaries.

Both the UN PoA and the ATT reflect a control agenda strongly influenced by humanitarian civil society disarmament groups. Humanitarian arms control has a place in the arms control architecture, however in the small arms control process the role of NGOs has not been particularly progressive. As shown through the campaigns to ban landmines and cluster munitions, NGOs can deliver innovative policy and influence outcomes beyond all reasoned expectations. However the runaway success of these other campaigns appears to have cast an idealistic pall over civil society disarmament campaigns. The

umbrella NGO agency, IANSA, needs to be the whetstone for small arms control but it is not providing this service to its members nor to the states which fund it. Even with modest progress, the UN PoA is caught in a limbo. In part this is due to its agenda which remains ill-defined, but it is also due to IANSA disappointingly failing to deliver options that are practical and affordable for donor as well as developing countries. The propositions that follow might provide some initial ideas to develop and promote.

Intrusion and Engagement

Moving beyond an arms control approach to armed groups yet still within a spectrum of humanitarian responses, one means around the small arms control impasse may be for states to accept the doctrine embraced in the “Responsibility to Protect” (R2P). Highly humanitarian and highly intrusive, this human-security centric proposal seeks an international commitment to protect, prevent and react. This can result in states taking “coercive...action, against another state for the purpose of protecting people at risk in that other state.”⁸⁹¹ For groups at risk from predation by their own governments or where their government cannot protect them, a guaranteed umbrella of protection held by the international community might be welcomed. This protection, at least in theory, would also negate a core small arms demand factor for armed groups, which is a resort to armed violence. A guarantee of protection would also, in theory, negate supply to armed groups, and there would therefore be no need for their disarmament.

⁸⁹¹ “The Responsibility to Protect.” International Commission on Intervention and State Sovereignty, December 2001, p. vii.

Admittedly, not all armed groups arm in response to state practices. Even so, the groups that operate for profit, the criminal armies, or at the behest of the state, the private armies and paramilitaries might find themselves affected by intrusive international action if intervention occurs. Further, Thakur advocates for the R2P doctrine to be expanded to have a right to prosecute those guilty of massive atrocities.⁸⁹² This universal vow to action would be a solid step towards an international policing presence. Should it ever be put into practice, it may well mitigate the worst excesses or neglect perpetrated by governments or their paramilitaries, negate armed responses by political groupings, and undermine criminal groups which currently exploit the situation. Yet it is not progressing as rapidly as its originators had hoped.⁸⁹³ It is not progressing precisely because national interests continue to override internationalist action.⁸⁹⁴

This being said, two of the most stringent supporters of non-interference, China and ASEAN, have set encouraging precedents over recent months. For example, China despatched an envoy and peacekeeping troops to Sudan in early 2008, after being heavily supportive of the Sudanese government and its sovereignty in the past. In July, in an unprecedented move, ASEAN governments issued a statement that criticised one of its own members, Burma,

⁸⁹² Ramesh Thakur, “Future Global Governance: The Responsibility to Protect – And Prosecute?” Paper presented to the Kokoda Foundation, Federal Golf Club, Canberra, Australia, 14 September 2007.

⁸⁹³ A core test for the Responsibility to Protect occurred in May 2008 when Cyclone Nargis hit southern Burma. The SPDC’s reluctance to allow in international assistance, and its slow response to the devastation caused by the cyclone, led many to argue that this was a prime case where the international community should violate Burma’s sovereignty to assist the people of the country. It did not happen.

⁸⁹⁴ In a similar vein, getting states to commit forces to a standing UN Peacekeeping force under international command remains difficult to put into practice. States have armed forces to protect their national interests, and these can coincide with regional or global concerns, but the risk is that there may be times when it is not. No state is willing to commit troops to such a situation.

over the continuing house arrest of opposition leader Daw Aung San Suu Kyi.⁸⁹⁵ These two recent instances demonstrate that non-interference may not be as sacred as it is generally perceived to be.

The Responsibility to Protect however is highly intrusive, and it continues to prove too contentious for states unwilling to sacrifice their sovereign rights. The manner in which Southeast Asian states already operate through ASEAN may prove helpful in this instance. It has been argued that in contrast to the formal, institutionalised multilateral approach that is commonly used to deal with security concerns (such as the UN), ASEAN’s approach “particularly its emphasis on personal contacts, informality and consensus-building” might prove to be a useful model.⁸⁹⁶ As these norms, particularly the importance of personal contacts and informal discussions, already exist in Southeast Asia, ASEAN might be encouraged to develop a mechanism that informally engages with armed groups. Such a mechanism would be revolutionary for a state-based institution, but ASEAN’s informality and preference for “quiet diplomacy”, and its ongoing frustration with Burma, suggest that this idea may not be as heretical as it first appears, and is expanded upon later in this chapter.

Further, engagement need not be undertaken by states. Diplomatic and political mechanisms, or legal frameworks, which accord armed groups certain rights and equalities have already been initiated by NGOs. This furthers such groups’ humanitarianism, yet it currently takes place outside of the mainstream small arms control frameworks. Engagement can be to intervene as mediators in a

⁸⁹⁵ See for example “ASEAN Strongly Rebukes Myanmar.” *CNN*, 20 July 2008.

⁸⁹⁶ Dalia Dassa Kaye, *Talking to the Enemy: Track Two Diplomacy in the Middle East and South Asia*, Santa Monica: The RAND Corporation, 2007, p. 13.

conflict, as with the European NGO Crisis Management Initiative (CMI) in Aceh in 2005, or as communicators, developing legal and practical steps towards disarmament or ceasefire arrangements. There has begun to be articulation of the methods and purpose of, and articulation of the difficulties inherent in, mediation involving the disarmament of non state armed groups.⁸⁹⁷

Admittedly, engaging with armed groups in this region has had its failures. The Henri Dunant Centre (HD Centre) in Geneva helped to broker a Cessation of Hostilities Agreement (CoHA) between the Free Aceh Movement and the Indonesian government in 2002. This broke down in 2003, resulting in renewed and major hostilities. While the HD Centre reflected on what it saw as the importance of disarmament,⁸⁹⁸ the Indonesian military used the CoHA period to increase its combat troop numbers.⁸⁹⁹ While there is no doubt that issues of honest intent, trust and demilitarisation are central to reaching genuine end of hostility agreements, engagement in this instance appears to have emphasised the importance of disarmament without addressing demand.

Engagement might be forthcoming through the mechanisms offered by other NGOs. Pioneered by the landmine campaign, novel means of engagement continue through the Non-State Armed Group thematic coordinators with the ICBL and its sister NGO, Geneva Call. An emergent group is the South-South Network. Each of these groups work to bring armed groups into international

⁸⁹⁷ See Julian Thomas Hottinger, “Engaging Non-state Armed Groups in Disarmament.” *Disarmament Forum*, United Nations Institute for Disarmament Research, Vol. 1 (2008): pp. 27-35.

⁸⁹⁸ David Gorman, “Demilitarisation in Aceh: Lessons Learned.” Geneva: Centre for Humanitarian Dialogue, undated.

⁸⁹⁹ Anthony L. Smith, “Aid Efforts in Aceh Encourage Peace Talks.” *Jane’s Intelligence Review*, March 2005, p. 41.

legal or political platforms, which such groups have previously been denied. The role these NGOs have is two pronged. First, they incorporate non state armed groups into processes that promote humanitarian outcomes in armed conflict; less landmine casualties for example. Second, they promote political outcomes; identifying mechanisms to redress ceasefire violations for example.

The ICBLs’ coordinators for non-state armed groups meet with, obtain data and information from, and negotiate with armed groups over landmine use, and work to convince the groups to stop laying mines. Geneva Call creates a forum whereby non state armed groups can accede to the principles of the Ottawa Treaty through a Deed of Commitment. Established in 2000, Geneva Call’s 2005 Annual Report noted:

Five years ago, the ideas of offering armed rebel groups the possibility of voluntarily altering their conduct in accordance with humanitarian norms appeared utopian: only the well-trodden route of repression and exclusion seemed realistic. Nonetheless, today Geneva Call is recognized as a mechanism able to facilitate just such ends.⁹⁰⁰

Launched publicly in 2006, the South-South Network (SSN) broadens this approach. By working with all non-state armed groups that have political objectives and are armed against the state – revolutionary groups in the typology of this study – the SSN seeks a generalised change in behaviour from such groups that goes beyond ending landmine use. The SSN sees its role is “to positively influence NSAGs [non state armed groups] in so far as their

⁹⁰⁰ “A Message from the President.” Geneva Call Annual Report 2005, Geneva: 2005, p. 1.

operations affect the lives of people and communities.”⁹⁰¹ It does this through exchanging information with these groups on topics such as human rights and international humanitarian law, conflict resolution and democratisation and advises on issues including ceasefire agreements, disarmament, demobilisation and reintegration, and over armed group transformation into political entities such as political parties.⁹⁰²

Through creating political and legal platforms for armed groups whereby they have alternate means of furthering their goals, both Geneva Call and SSN reduce the need for the groups to retain weaponry; either particular weapons such as landmines or a wider range of armaments. It is in this way that engagement can reduce, or remove, demand. Further, if such engagement can develop additional mechanisms that adapt to what this study sees as the intangible components of demand, and by extension disarmament, engagement with armed groups could play a pivotal role in small arms control.

It could be argued that engaging with armed groups, and facilitating their engagement into political processes could result in their being elected to government or parliament, and could lead to dire consequences. Having been brought onto the international arena, and given political, diplomatic and military resources, the politicisation of armed groups that have an extremist ideology could result in a worst case scenario of a proliferation of rogue states. This is unlikely however, as most states that have emerged out of armed

⁹⁰¹ The South-South Network for Armed Group Engagement website, available at: <http://www.southnetwork.org/>. Accessed 4 May 2008.

⁹⁰² The South-South Network website.

liberation movements realise and enjoy the privileges of international engagement.

The argument for engagement with armed non-state actors is actually gaining traction. The International Crisis Group points out that the isolation and sanctions against Gaza, in protest at its government, Hamas, resulted in a situation where Hamas could in essence continue to behave in a violent and renegade manner, essentially because it “has nothing to lose.”⁹⁰³ The paper argues that although “Engaging Hamas may provide the Islamists with greater international recognition,” the critical lesson is that “The absence of international involvement has meant the absence of leverage.”⁹⁰⁴ When armed groups are disengaged, it risks “weaken[ing] moderates and strengthening hardliners...the group may then feel less compelled to respect international humanitarian law (IHL) and human rights norms and more prepared to risk embarking on escalating cycles of violence.”⁹⁰⁵

Acknowledging the indisputable role of non-state armed groups as crucial actors in conflict and post-conflict situations, and in their political solutions, is already in evidence elsewhere in the Middle East. In 2007, representatives from UN forces were said to have met with Hezbollah in secret to seek the group’s undertaking to help protect the international troops in Lebanon. The group is

⁹⁰³ Gareth Evans, “Punishing Hamas Has Backfired.” International Crisis Group, 27 March 2008. Available at <<http://www.crisisgroup.org>>. Accessed 24 April 2008.

⁹⁰⁴ Gareth Evans, “Punishing Hamas Has Backfired.”

⁹⁰⁵ Nicholas Florquin and Elisabeth Decrey Warner, “Engaging Non-state Armed Groups or Listing Terrorists? Implications for the Arms Control Community.” *Disarmament Forum*, United Nations Institute for Disarmament Research, Vol. 1 (2008): p. 20.

said to have agreed to “do their best” to protect the troops, although it warned it could not control the operations of other more extremist groups.⁹⁰⁶

Engaging with armed groups has a threefold benefit for small arms control. First, it is a conflict resolution measure, therefore it can remove a catalyst for demand. Second, it is a way of making intangible components of demand more tangible; listening to what combatants want – such as an education or to keep their weapon - may prove more beneficial than giving them what external agencies think they should get. Third, engagement of this type has less distorting political and economic dimensions. This arena of engagement may be an area that more non-governmental agencies could expand into. Engagement with non-state armed groups along the lines suggested above, takes the categories of multi-track diplomacy in a slightly different direction, and could be considered as Track Four, or possibly Track Two and a half, diplomacy.⁹⁰⁷

It is important to stress that engagement is best left to neutral and informed parties that do not have a significant stake in the situation. In 2003 Thailand is said to have engaged in negotiations with a United Wa State Army commander based near the Thai border. The alleged deal, which involved the UWSA commander working for the Thais inside Burma, may even have involved

⁹⁰⁶ Robert Fisk, “Peacekeepers Killed in Blast: Militants Raise Stakes in Lebanon.” *The Canberra Times*, 26 June 2007, p. 8.

⁹⁰⁷ According to Capie and Evans: Track One diplomacy is dialogue between government representatives; Track Two is “unofficial” between non-governmental individuals, such as journalists and academics, and members of the government or its agencies; Track Three is NGOs, usually not directly seeking to influence policy or practices through diplomacy but through their public activities and networking with each other. See David Capie and Paul Evans, “Track One.” “Track One-and-a-Half.” “Track Two.” Track Three.” *The Asia-Pacific Security Lexicon*, 2nd edition, Singapore: Institute for South East Asian Studies Publishing, 2007, pp. 229–240.

weaponry, as it is said to have included “an economic and military lifeline from Thailand.”⁹⁰⁸ This is an attempt at manipulating a situation in a neighbouring country through extending Thailand’s paramilitary reach on the border area, which is already heavily populated with armed groups as well as regular troops. While Thailand no doubt struggles with the best means of resolving the destabilising spillover effects of Burma’s armed groups, making proxy armies out of other state’s armed groups is not engagement.

Further, the perception remains that considering armed groups to have legal status, and that they can be made accountable under international law is a “legal fiction”.⁹⁰⁹ It must also be acknowledged that unarmed civilian NGOs engaging violent armed actors is an intensely dangerous exercise. There are risks of individuals being kidnapped or held to ransom by armed combatants,⁹¹⁰ the deliberate or accidental killing of individuals or destruction of their property, and surveillance by intelligence agencies on both sides, are all dangers which must be considered seriously. However the successes and progress of the NGOs already involving themselves with armed groups gives hope for furthering this idea.

If international agencies such as Geneva Call and the SS-N, and the success of the CMI in Aceh, can build on diplomatic successes in engagement, adherence to international law and disarmament, there is little reason why a similar

⁹⁰⁸ Don Pathan, “Promotion of Drug Kingpin Looms Large over Wa Army’s Outside Relations.” *The Nation* (Bangkok), (via email, Shan EU Group), 22 July 2008.

⁹⁰⁹ Robbie Sabel, “Weapons to Non-state Armed Groups – Back to Westphalia?” *Disarmament Forum*, United Nations Institute for Disarmament Research, Vol. 1, (2008): p. 12.

⁹¹⁰ A high-profile example being the Archbishop of Canterbury’s peace envoy, Terry Waite, taken hostage by Islamic Jihad in Lebanon in 1987. Waite was released in 1991.

grouping within IANSA cannot begin to do the same. Indeed, for IANSA to maintain its relevance to the process, this may be one of its few remaining options. Although Capie and Policzer were referring to the international community of states, their comment that “not only are non-state actors recognized as key players in armed conflicts” but that the existing “policy toolkit has not kept pace with the changing times”⁹¹¹ is highly pertinent here, for it would seem more than timely for IANSA to reflect on its ageing policy toolkit.

To date, however, the small arms control campaign instead has moved away from broadening the scope for engagement, and arguably has reversed it by directly and indirectly supporting calls for controls to apply to armed groups. By so doing, it is sending the message to states and armed groups that it considers states, and only states, to be the legitimate repositories and recipients of weaponry. This arguably reverses the humanitarianism and even the human security agenda, which has been promoted through other disarmament campaigns, one in which engagement is seen as critical.⁹¹²

Accountability?

Clearly, reversing gains made in human security is not the intention of the small arms control process, as a number of small arms control advocates see small arms control as advancing human security. Further, the control process promotes both good government and the upholding of international humanitarian standards. Central to the draft Arms Trade Treaty, for example,

⁹¹¹ David Capie and Pablo Policzer, “Keeping the Promise of Protection: Holding Armed Groups to the Same Standard as States.” The Armed Groups Project, 15 January 2004, pp. 1–2.

⁹¹² See this argument in Stephanie Koorey, “The UN Small Arms Control Process: What if This is as Good as it Gets?” *Security Challenges*, Vol. 2, No. 2 (2006): pp. 5–6.

are arguments in favour of the importing state being able to pay for an arms import without negative financial or development impacts, and an emphasis on a good human rights record by the importing government. However there is no precondition that a state should be a democracy before being a recipient of an arms transfer. The draft ATT principles include that states should adhere to international humanitarian benchmarks, but as noted above, plausibly deniable paramilitaries remain a repressive state’s standby. Where democratisation, or at least transparency, is hinted at in assisting small arms control is in Security Sector Reform, which calls for greater accountability from a state’s armed forces.

Unfortunately, Huxley’s considered assessment concluded that the outlook for Security Sector Reform in Southeast Asia was quite dismal: “Reform is not in prospect for the security sectors of every Southeast Asian state”.⁹¹³ Even though in 2001 there was civilian control over the security forces in all countries except Burma, there were other endemic problems. In other countries in the region he noted that “the military remains politically strong and assertive” making key reforms such as accountability, transparency, and promoting peaceful solutions to conflicts “unrealistic”.⁹¹⁴

In such a situation, it may be more prudent to return to an arms control agenda. Intruding into sovereign interests, and no doubt corporate responsibility, a more robust arms control agenda might do well to pay closer attention to post-conflict battlefields. To the author’s knowledge, the United States is the only country to undertake a comprehensive post-conflict weapons,

⁹¹³ Tim Huxley, “Reforming Southeast Asia’s Security Sectors.” London: The Conflict, Security and Development Group, Centre for Defence Studies, Kings College, 2001, p. 71.

⁹¹⁴ Tim Huxley, “Reforming Southeast Asia’s Security Sectors.” London: The Conflict, Security and Development Group, Centre for Defence Studies, Kings College, 2001, p. 7.

ammunition and explosives identification programme. Few details of this are accessible, and its findings are not made public. This programme, known by its slang term “Chuckwagon” is a classified programme and details of its operations remain unobtainable outside government circles.⁹¹⁵ At the time of writing, the information available indicates that it involves United States Marines, and members of allies’ armed forces, who visit theatres of war, and gather data on the battlefield arms and ammunition which remain. While it is understandable that the US government would be reluctant to reveal the data it obtains through “Chuckwagon”, as it has the potential to cause great embarrassment as well as the potential to undermine security interests, it is unfortunate that vital data such as this is not publicly available, as it has the potential to reveal much about weapons sources in contemporary conflicts.

The implications of this last point may alarm governments in Southeast Asia. However, the embarrassment would be not so much to external suppliers – the weapons and ammunition from these are mostly extremely dated, and any embarrassing finds implying home government or a neighbouring government’s weaponry could be plausibly denied and attributed to renegade security sector personnel, to thefts or battle-captures.

Admittedly, the view that there is official Thai complicity in permitting the transfer of weapons to Burma’s armed groups, and the more opportunistic involvement of members of the security sector, especially over many decades, spans the spectrum of plausible deniability. There has not been any suggestion

⁹¹⁵ Interview, anonymity requested, Canberra, Australia, 27 February 2006. Repeated requests from the author to relevant US government representatives and departments have not been replied to.

or proof of Southeast Asian governments (as a deliberate policy, as opposed to business operations of members of the military) selling weapons to armed groups in the region, either overtly or covertly, in the 2000s.⁹¹⁶ But if an implausibly large amount of the weapons used by armed groups come from in-country government stocks, this would be an even greater unwanted disclosure. The risk of such a revelation may well be why neither states, nor those involved in weapons collection, do not reveal details of surrendered or captured armouries. A further embarrassment that states would wish to avoid is any revelation that capitulating armed groups were in fact poorly-armed, yet held their own against the state’s expensive professional forces.

These observations lead this study to advocate an extended small arms control framework. This framework would broaden the current approach by incorporating specialist advisors into the existing processes, and take intangible elements of disarmament and demand into account. It also calls for a deeper approach to small arms control, one that considers options that penetrate sovereignty, and particularly options that violate the norm of not negotiating with violent non-state actors. How such an extended framework could be made applicable to armed groups in Southeast Asia is described below.

The Context of Extended Small Arms Control in Southeast Asia

The point made above reveals that the tell-tale signs of small arms diffusion to armed groups in the region touch on a particularly acute nerve for any state, let alone those consolidating statehood, guarding sovereignty, developing

⁹¹⁶ See chapters two and three.

democratic values and keen to be seen as responsible members of the international community. Even for Burma, where the latter is not a concern, the bulbous paramilitary-criminal hybrid armies on its northern and eastern borders must be seen as one of the region’s incubating security problems. Not only might these groups pose a credible military threat to any new government, their embedded self-interest in holding territory is a constitutional threat to the integrity of the Union of Burma, and their intricate links to black economies make it highly unlikely that they will surrender their interests easily. Violent or even window-dressed political change in Burma⁹¹⁷ could see these paramilitaries, plus the remaining revolutionary groups and ceasefire groups which have not disarmed, tip the country again into nation-wide conflict. Spill-over effects would be destabilising for Thailand and southwestern China in particular. Regional hegemon India and China, as well as ASEAN, would be likely to do all they can to keep Burma in a status-quo mode for some time to come. The ceasefires and disarmament that are said to have ended Burma’s civil war are largely a façade from a small arms control point of view. These changes have altered but not eradicated the demand for small arms, which appears to have shrunk, but certainly not entirely disappeared within the country. The current short-term gains will not translate into long-term ones in Burma; they betray a house of cards that support regime survival not state-wide stability. It will likely remain in a suspended state of being deeply insecure, but tenuously stable.

⁹¹⁷ *The Economist* projects that any changed Burmese government by 2010 will comprise of the military, their supporters, and with “a handful of token opposition politicians”. See “Spring Postponed.” *The Economist*, 12 April 2008, p. 29.

The genuine disarmament of armed groups inside Burma, which will need to accompany democratisation, will be a security challenge that will require monumental resources. More importantly, it will require a deep understanding of the context of the conflicts and armed groups there, including how they are intertwined with local and regional economic and political realities. This is true of all disarmament; not just that in Southeast Asia. In particular, this means that a combination of political, personal and social considerations need to be taken into account when taking people’s weapons away and enabling their move away from being a non-state combatant.

Contextualisation is also apparent in the other cases evaluated in this study. In East Timor, Aceh and the Philippines, weapons removal needs to appreciate the tone of the situation. In East Timor, the importance of seeing a difference between the revolutionary group and the militias, and disarming only the latter, but cantoning the former, saved the international intervention. In Aceh, the symbolism of weaponry became particularly apparent. In the Philippines, the political context has been one of large numbers of civilian held and loose weapons, paramilitary-private army hybrids, a number of armed groups most with clan or religious loyalties, and a government that did not have full control of all territory at the time of the disarmament. Weapons removal from the MNLF, while seemingly considerate to the group, was in essence a shuffling of weapons, not weapons removal.

It is also worth considering that there may be occasions where existing local institutions could be utilised, either as a guarantor of neutrality or as an initial weapons-collection point. These would have to be organisations or individuals

that survived the conflict intact and which have the respect and trust of most of the population. For example, the Catholic Church in East Timor was a dependable ally for the population throughout the Indonesian occupation. A similar programme has been promoted in the Republic of Somaliland. Acknowledging reluctance of the people to hand weapons over, it was recommended that weapons' be made less vulnerable to spontaneous theft, misuse or misfire, by installing "household gun cabinets and community armouries".⁹¹⁸ Although many post-conflict societies are cleft by internecine belligerency, chronic lack of trust and societal norms, and where local warlordism and politicisation is usually rife, there may be occasions where such institutions exist and provide options for safer forms of weapons retention. These are worth considering.

Disarmament must be seen as an intensely more complex undertaking than taking away the weapons of war and assisting combatants with post-conflict work. Several considered suggestions are made at this point which might assist in making disarmament a more lasting weapons-removal undertaking. These include considering the intangible elements of disarmament. Additional suggestions are made that argue a case for the importance of the intangible components of demand. These arguments are an integral part of what this study promotes as the broadening of small arms control. The extended small arms control framework is one means of addressing the proliferation dynamic in Southeast Asia at the present time, and it may preclude a return to a more vigorous juvenile small arms diffusion pattern.

⁹¹⁸ Nicholas Florquin and Elisabeth Decrey Warner, "Engaging Non-state Armed Groups or Listing Terrorists?" p. 22.

A Case for Broadening and Deepening Small Arms Control

Extended small arms control requires both a broadening and a deepening of the small arms control architecture. Broadening small arms control is considered first. Broadening involves both tangible and intangible factors; seeing the context of weapons acquisition, retention and surrender as having political, practical and psychological components.

As a first step, a precondition for the broadening of small arms control is to move away from the mindset which has “demonised” small arms and light weapons, and results in an urgency to focus on the destruction of weapons. This can be unproductive if the weapons are seen as comrades who had a heroic role in a just war and have a profound symbolic value, as suggested in chapters four and five. Many combatants will not want to hand over a weapon they revere and trust. Their personal firearm will likely have saved them on many occasions, and surrendering it into a process which reflects only the tangible side of disarmament does not capture or respect the psychological and symbolic rationale for retaining such a weapon. These symbolic reasons for retaining personal weaponry are what this study sees as symbolic demand. There are numerous references in the literature to tangible demand that have generated tangible responses; suggestions that try to reconcile notions of disenfranchisement, identity, and financial or personal security. However they universally want to change the preference for keeping a weapon into a preference for surrendering it. This cannot work if the combatant wants the weapon not for what it can do, but more for what it is and what it means to them.

Disabling the weapons, rather than destroying them, might go some way towards reconciling the intangible reason for weapons retention. Such weapons could then be returned to their owners, or be surrendered to a firearms museum. This idea was suggested in jest in by a member of the Aceh Monitoring Mission in 2005, who is said to have commented “if ever Aceh wanted to open a museum of antique guns, it now had some choice items for display.”⁹¹⁹ However the idea has considerable merit. It might be a more considerate means of encouraging the disarmament of former combatants who have a genuine, if curious, preference for keeping their weapon, and in turn might prove more successful as a form of weapons collection, albeit without being weapons removal.

Returned weapons will have to be visibly disabled, or physically secured. This might mitigate some of the danger in not destroying weapons that have been surrendered, but ultimately it hinges on trust. Admittedly, this is also in short supply in post-conflict environments. For example, it may be difficult to prove that a weapon has been disabled, and no doubt false information would begin to circulate as a form of propaganda, and could feed into a reignited conflict. However if the owner was much more likely to hand over a weapon for it to be disabled and returned, rather than removed and destroyed, there may be situations in which this symbolic demand factor may be reconciled with the objectives of control.

⁹¹⁹ International Crisis Group, “Aceh: So Far, So Good.” Asia Briefing No. 44, Jakarta/Brussels, 13 December 2005, pp. 1-2.

Second, more successful disarmament might occur if intervention groups combatants according to type. The three part typology of armed groups suggested in this study – revolutionary, paramilitary and criminal – has proven useful as a starting point, and further refinement will no doubt prove beneficial. As the case of East Timor demonstrates, General Cosgrove took a gamble in not enforcing the disarmament of Falintil, a gamble which paid off. The key to this success was in recognising the psychology of the situation – Falintil saw themselves as pedigree revolutionaries, as liberators and ultimately as victors. Falintil also had what Rees called a “moral legitimacy”⁹²⁰ in the broader political context of East Timor’s struggle. Militia members on the other hand were more opportunistic; Gusmão called them “bandits”. There will be situations where this typology must adapt however – as with the criminal-paramilitary hybrids in Burma.

Ultimately, understanding the symbolism of demand, and using a typology of armed groups, throws light on disarmament. The importance of disarmament also lies in the symbolism of the process, and a stronger cognizance of the psychology of disarmament might be highly rewarding. It would involve a move away from weapons destruction, to understanding the differences in self-perception by armed groups, and to seeing disarmament as a political gesture not a military one. In essence, these are intangible elements of disarmament. From the studies of disarmament across the region, taking this into account may assist in achieving a more lasting genuine disarmament of armed groups.

⁹²⁰ See chapter four.

Related to this idea is one which also respects the combatant as a warrior. Integration of former revolutionary fighters into state forces recognises this, but the cultural differences between a guerrilla and a national army may prove extremely difficult to overcome. Yet not all former combatants want to be carpenters or farmers, although admittedly job options are severely limited in post-conflict economies.

One way around this might be to offer former combatants a scholarship.⁹²¹ This offers them a chance for a future career that would be markedly different to their past. Education may not necessarily be the end goal, but for combatants who are serious about disarming, it offers a tangible opportunity. One way in which this idea could be developed is to make the scholarship provisional on the recipient working in another region of the country for a set number of years before being allowed to return to the area which was or remains a conflict zone. Being physically separated from the area of conflict might make integration into the broader social structure of the country easier, may engender a sense of nationalism rather than clan loyalty, and if the recipient were to work in an economically underdeveloped or remote area, they would be contributing to broader national development. Some combatants may not want such a change of lifestyle – life as a combatant can be a deliberate choice, and some people like the excitement of it. In such cases, rather than offer a scholarship the offer could be of a business start up loan. Innovation here is likely to come from the combatants themselves. It will be important to assist them with jobs that they find fulfilling rather than those which civil intervention agencies see as worthwhile, or even jobs which external or government funders find most

⁹²¹ This idea was suggested to the author by Fred Lubang, Nonviolence International Southeast Asia, email received, 15 July 2008.

acceptable. Reorienting former combatants’ preferences in this manner removes the demand for weapons, but possibly in a manner they find more acceptable. Disarmament without demand reduction does not in itself change the preference of the combatant. Broader tangible and intangible reasons must be taken into account.

These sorts of schemes do carry a risk of further isolating those who felt marginalised in the first place, and still runs the risk of favouring former combatants over others who have been displaced, disabled or bankrupted by the conflict. Support mechanisms would need to be sensitive, appropriate, accessible, and part of a broader approach to post-conflict reconstruction. These schemes might also reduce the perception of non-state combatants that they lost the battle and the war.

It is instructive in this regard to look to the example of the Good Friday Agreement between the Irish Republican Army and the British Government. The symbolism of the weapons hand over, the confidential manner in which delicate negotiations over weapons took place, and the political compromise that resulted from the agreement,⁹²² illustrate the potential for seemingly modest changes to the character of a disarmament process to deliver significant benefits.

Political compromise with an armed group it has fought against is deeply uncomfortable and largely unpalatable for any government. The other options

⁹²² An excellent dissection of the IRA’s “decommissioning” of arms – itself a term used to avoid the implication of surrender by using the nonetheless accurate “disarmament” - is in Colin McInnes, “A Farewell to Arms? Decommissioning and the Peace Process.” in Michael Cox et. al. (eds.), *A Farewell to Arms? Beyond the Good Friday Agreement*. Manchester: Manchester University Press, 2006, pp. 154-169.

however, to keep fighting until a future government wins, or to arm paramilitaries, rarely turn out to be more successful. Yet these tactics continue to be exercised in cases across Southeast Asia.

Disarmament provides the greatest potential through which to interrupt the small arms diffusion cycle. Enacted in the context of the group and the conflict, and taking account of the political, practical and psychological context, it may also be a powerful means by which to remove demand. If demand for weapons, and the weapons themselves are removed, supply becomes unnecessary. This may generate genuine and manageable political change. It will still be a gargantuan task.

Deepening the small arms control architecture involves applying two concepts introduced earlier, which essentially reduce to notions of intrusion and engagement. These concepts are already in circulation, yet they have not yet been conceptualised as small arms control measures. They are concepts such as the Responsibility to Protect, a robust Arms Trade Treaty, the collection and analysis of weapons and ammunition used in intra-state conflicts with such information being made public, and engagement with armed groups.

Before considering how extended small arms control might manifest in Southeast Asia, it is worth stressing that there are indications that the findings and arguments in this dissertation may be more broadly applicable. For example, even well-funded and well-organised groups like the Liberation Tigers of Tamil Eelam (LTTE) still only used external sources of weapons as adjuncts to domestic sources. An astounding 60–70% of the LTTE’s estimated 14,000

weapons were said to be sourced from the Sri Lankan security sector, with weapons smuggled from Cambodia providing only 5–10%, or 700–1,400 weapons in total.⁹²³ Further, an increasing awareness of the significance of craft-production is emerging. Of almost 14,000 “illicit” firearms collected by the government of Colombia in July 2007, approximately 6,500 were said to be craft-produced.⁹²⁴ These revelations underscore how an internal proliferation dynamic may be more significant than currently assumed. Therefore this study’s reorientation of the way small arms proliferation and controls are conceptualised may be applicable to other regions and conflicts beyond that which inspired it.

An extended small arms control framework can be seen to have three core components. As such, this study suggests an architecture that might look something like the following.

First, to address supply reduction, the framework needs a deepening of both existing and potential instruments to make them more robust and relevant. This needs to be in addition to acting upon the most relevant strands of the UN PoA, which in Southeast Asia would be stockpile destruction. Deepening the UN PoA can be done through ensuring that the UN PoA gives a stronger role to the technical expertise from the firearms community. The UN PoA also needs to make suggestions that are affordable and minimally bureaucratic so that states

⁹²³ Christina Wille, *How Many Weapons Are There in Cambodia?* Working Paper No. 4. Geneva: Small Arms Survey, 2006, pp. 27–28. Gunaratne concurs with this figure. See Rohan Gunaratne, “Illicit Transfer of Conventional Weapons: South Asia.” in Jayantha Dhanapala et. al. (eds.), *Small Arms Control: Old Weapons New Issues*. Aldershot: Ashgate [for UNIDIR], 1999, p. 262.

⁹²⁴ “UN and Colombian Officials Set to Destroy Almost 14,000 Firearms.” United Nations Office of Drugs and Crime, Media Release, 9 July 2007.

can implement them easily, such as the Australian firearms marking and tracing mechanism. Although much less likely, if the USA was able to publicly share its expertise in, and findings from, “Chuckwagon” a great deal of speculation would be put to rest. Further, if the Arms Trade Treaty is to be a truly humanitarian arms control instrument, it must take into account paramilitary activity in the importing country.

Second, to address demand reduction, the framework needs broadening to incorporate the intangible dimensions of weapons demand, and it needs a deepening of intrusive global policing, such as enactment of the Responsibility to Protect and engaging with armed groups to resolve the conflict. The latter can be done through local or external non-governmental organizations. Key intangible elements of demand include the psychological relationship of a combatant to their weapon, the iconic value of the weapon for that combatant, as much as its practical use or value, and a broader environment of trust and social mores that inhibit weapons use.

Third, to address disarmament, the framework needs to work within the political, practical and psychological context of demobilizing combatants which can also include understanding the intangible dimensions of weapons retention. Utilising a typology of armed groups appears to be helpful in understanding what might motivate combatants to disarm, and it may help contextualize the disarmament, whereupon decisions can be made as to what balance of tangible and intangible factors needs to be taken into account. There will be occasions when education incentives or “weapons-free zones” are attractive options, but there may also be times when it can be more rewarding to look into allowing the

combatant to retain the weapon, but disabling it or storing it safely to restrict the possibility of its misuse.

Both reason and practice imply that disarmament can only occur once the source of conflict has been both addressed and resolved. Genuine resolution is critical to address demand, otherwise the cycle of arms acquisition recommences, or was never sufficiently addressed in the first instance. In this way the reasons behind demand and disarmament are intertwined, and therefore suggest that a more genuine resolution to arms retention is to consider the range of tangible and intangible reasons combatants may have for keeping their weaponry. The intangible reasons may have a genuine resonance for the combatants, and therefore need to be taken seriously.

In all, extended small arms control offers a range of options to be considered under different circumstances. In Southeast Asia it might evolve along the following lines.

As a general principal, it could involve ASEAN states being much stronger on illicit brokering and marking and tracing and embracing greater technical expertise in the development of the UN PoA. Further, a region-wide norm of surplus weapons destruction should be encouraged. Approaching small arms proliferation as a transnational crime issue in this region will not greatly affect the diffusion dynamic to conflict actors as there is little evidence of transnational crime group involvement in arms supplies to these groups. In some cases, the criminal groups are the armed groups themselves, but these groups too seem to obtain weaponry from in-country, not transnational, sources.

In instances across the region, an intrusive Arms Trade Treaty would need to take into account the role of the government or military forces in paramilitarisation. In Burma, stronger small arms control measures could involve invoking the Responsibility to Protect and utilizing an ASEAN mechanism or NGOs to begin engagement with the armed groups. In these instances, it would be prudent to consider the symbolism and the political context of any disarmament. An additional context is the deep economic links the paramilitary-criminal armies have with the illicit economy in Burma, and in leakage being entrenched in the economies of armies in Burma, Indonesia and the Philippines at least. In many instances, even those involving the quasi-criminal and paramilitary armies, appealing to these groups' espoused political interests may be a way forward. In many cases, a “moral legitimacy” may exist for the group and the community it operates in almost irrespective of how an intervening actor may see the situation. Scholarships for disarming combatants and “weapons-free zones” may be tangible values that could entice disarmament but these are often not comprehensive on their own. At best, they might be a first step, and could be pursued in the Philippines and as part of democratizing Burma. Values and symbolism are important components of disarmament, which may be why indigenous conflict resolution may provide more permanent solutions. It may be harder for external parties to see the benefits of symbolic weapons retention, especially so as weapons collection and destruction has become the norm, but there may well be advantages to such schemes under appropriate circumstances. In the especially drawn-out conflicts in Burma this is worth bearing in mind.

It is disappointing that the government of the Philippines broke off talks with the MILF in September 2008. Engagement should be pursued, perhaps with ASEAN or NGOs offering mediation facilities. The nationwide culture of weapons possession however presents a particular challenge to disarming armed groups, but engagement that involves actively listening to revolutionary group combatants may offer insights into how disarmament might evolve in the Philippines. It seems likely that a first step would be in simultaneously disarming the CAFGUs at least, and a removal, or even disabling of weapons, rather than their redistribution. The diminishing size of the splinter extremist Islamic groups such as the ASG might appear to show that government offensives are working, but as the case of southern Thailand shows, new groups spring up, which means that neither the initial grievance nor demand for arms has been mollified. Security Sector Reform to end the epidemic of leakage in the Philippines is also long overdue. While efforts such as legalizing “paltik” production may reduce the number of illicit weapons produced, it does not address the societal predilection towards weapons ownership, or the links that many armed groups have to the clan structures in the Philippines, both of which generate demand.

In many ways Indonesia offers the success stories of the region, having genuinely resolved generational conflicts at both ends of the archipelago over the past nine years. Resolving the region’s remaining conflicts is a vital small arms control measure. The self-reliance tactics of both Falintil and the TNA show how the Indonesian maritime blockades were successful as supply-reduction measures, only to be let down by weapons being leaked to the groups from the military inside Indonesia. These examples also show how

paramilitarisation was not a successful tactic whereas political compromise has been. The genuine attachment of the combatants to their weapons in both conflicts underscores how disarmament that disables rather than destroys weapons might be beneficial. Falintil weapons curiously re-appearing in East Timor seemingly not from hidden caches but from out of the East Timor Defence Force stocks in 2006 shows how this might have lessened the number of weapons that became loose in that period. Again however it was generalised leakage across the security sector and the arming of a private army that became a more worrying problem in East Timor, and such developments can be dealt with through more intrusive mechanisms. An Arms Trade Treaty that takes into account the history of paramilitaries or private army creation in an importing country might impact on such outcomes, and Security Sector Reform must be seen as an urgent priority in East Timor. A positive note however is that the legal system did hold Rogerio Lobato accountable for his role in arming the “Fretilin Secret Service Team”, and enforcement of national laws in many cases may be the best possible outcome.

Efforts by Cambodia to collect and destroy remaindered war weapons and criminalise possession indicate a sincere desire to move on from that country’s particularly brutal past. It will only be successful if it has also genuinely addressed demand, and economic development and continued democratization will assist with this. In this country the “weapons-free zones” concepts appear to be making moderate progress.

The small numbers of weapons in many cases shows that there is a sufficiency of weapons even when external supplies are extremely limited or unnecessary.

This might make small arms control seem more manageable in Southeast Asia, however the trends reflective of the mature small arms market show it to be a particularly difficult market to control. This is why extended small arms control involves both broader unconventional means, and deeper more intrusive means. Neither are panaceas, but there is scope to be optimistic about both becoming part of a progressive, and more comprehensive, small arms control architecture.

The New ASEAN Charter: A Means of Institutionalising Small Arms Control?

In many respects, the discussions above point to opportunities for the new ASEAN Charter. Promulgated in November 2007, the Charter gave ASEAN legal status as an intergovernmental body, and codified the existing norms that have evolved over the organisation’s 40 year history. While there is a danger that this innovation is little more than another step in “Asean’s track record of lofty targets and pedestrian achievements”⁹²⁵ it is worth exploring this development as an existing regional institution which could rise to the challenge of pursuing the extended small arms control measures discussed above. For example, the Charter already contains means by which the suggestions in the preceding section could be introduced, including measures for Dispute Resolution.⁹²⁶ While clearly intended to be a means by which member states resolve differences peaceably, Chapter 8 of the Charter offers a means by which a mechanism for engaging with armed groups could be developed. Obviously,

⁹²⁵ Wayne Arnold, “Historic Asean Charter Reveals Divisions.” *International Herald Tribune*, 20 November 2007.

⁹²⁶ The ASEAN Charter, Jakarta: ASEAN Secretariat, January 2008, Chapter 8, Articles 22-28, pp. 23-25.

this would need to be done with the agreement of the host state, and only furthered through the region’s preferred means of consultation and consensus. Further, by more actively promoting democracy and human rights,⁹²⁷ the Charter may preclude pressures for intrusive actions guided by objectives such as the Responsibility to Protect. Genuine moves towards democracy and human rights would also lessen the likelihood of states in the region being unable to obtain newer conventional weapons that in future might be regulated by an Arms Trade Treaty.

Ultimately, perhaps a challenge could be made to ASEAN members to aim for making the region free of armed groups by 2018, a ten year time frame. Initial steps would involve governments moving away from arming paramilitaries, militias and private armies and moving towards means of engaging with armed groups. This would expose the criminal armies, and leave them vulnerable to concerted action by national governments, bilateral arrangements or regional cooperation. Southeast Asia is already a nuclear-free zone, and aspiring to being also free of armed groups would reflect a genuine intention to reach its stated goals of creating peace, security and prosperity across the region.⁹²⁸

Conclusion

This chapter suggests that leaving conflicts to run their course, or to gamble on a winner by sending in more weapons are ideas that both reason and experience

⁹²⁷ The ASEAN Charter, Jakarta: ASEAN Secretariat, January 2008, Chapter 1, Article 2; Chapter 4, Article 14, pp. 6, 19.

⁹²⁸ The ASEAN Charter, Chapter 1, Article 1, pp. 3-5.

would suggest are poor strategies. They both carry unacceptable risk, and come hindered with impracticality. As such it has explored options for more comprehensive small arms control. It conceptualises this as an extended small arms control framework. This extended framework resulted from evaluating existing supply reduction, demand reduction and weapons removal processes at global level, and in marrying these findings with the information the study uncovered from Southeast Asia. Extended small arms control therefore benefits from a broader and deeper “toolkit” of options that address the three pillars of small arms control and are responsive to the particular characteristics of the illicit small arms diffusion dynamic in Southeast Asia.

Small arms control as it is being progressed at international and regional levels has laudable aspirations. It is at a point where it must be more broadly applicable; its noble ideals, which include mitigating violent armed conflict within states, can be realised. This chapter has sought to identify how this might be achieved, and contributes a handful of modest ideas to the process. Some of these ideas could be taken up through the provisions in the ASEAN Charter.

One of the limitations of the current small arms control architecture comes from the dominant assumptions about where weapons for armed groups come from, the drivers of their demand, and the purpose and practice of disarmament. These assumptions have been drawn from data and experiences largely drawn from Africa, Europe, South and Central Asia, and the Americas. This study of Southeast Asia suggests that these extant controls carry biases from these

regions, and that the controls that have emerged from these studies are not always relevant to the dynamic that appears to be at work in Southeast Asia.

There are other processes at play in this region that may be enablers for extended small arms control. These proposed alternative suggestions mostly go beyond small arms control and disarmament, and some are admittedly contentious. A manageable first step might be to include small arms technical experts on all diplomatic delegations to small arms control fora. This could be followed by a vigorously applied UN Programme of Action that can trace marked weapons and ammunition to end users, that can identify illicit arms brokers and which progresses the destruction of surplus government stocks. These might help prevent the possibility of a reinvigorated market. A robust Arms Trade Treaty that addresses arming paramilitaries, an intrusive human security-led interventionist plan of action, endorsing engagement with armed groups all chafe with the concept sovereignty. They are not necessarily new ideas in themselves, but it is important to incorporate them into the small arms control debate. They are self-consciously sovereignty-, if not regime-, diminishing, and therefore a practical challenge to the sovereign state system. Unfortunately, the nation-state is the only body capable of enacting them.

The state's desire to monopolise the threat or use of armed force is understandable, and for much of the 20th Century, it was achievable. This monopoly is however to only be used responsibly, and raises the question whether this is a monopoly that only democracies should have. This is not to say that non-state armed groups have no role in this system. Such an approach that effectively excommunicates groups with political goals from any political or

diplomatic system leaves them with no options other than to capitulate or fight on. This approach has failed to bring about the end to protracted conflicts. It is in this realm of engaging with armed groups that the humanitarian NGO community has the most to offer. The small arms control community's involvement in the arms control process has been dogged by policy incoherence and an ongoing inability to offer states any new ideas on small arms control. This is partly reflective of the small arms control NGOs being in a privileged role in the process, where they can criticise states for failing to do enough, but have little to offer as to how this can be achieved. The small arms control process is therefore trapped in a foggy cauldron of state-centric fora, national interests, humanitarianism and a huge category of weapons types. This cumbersome process proceeds haltingly yet without any clear definition of its core goals. This control process is further hindered by an inherent difference of opinion over what an illicit transfer. Paradoxically, it can only proceed if it fails to articulate this.

Current small arms control would have stood a chance of success in the Southeast Asia of the mid to late twentieth century, when it was a region imbued with major transfers of weapons to a range of state and non-state conflict actors from external suppliers, when leakage was major and inadvertent, and when disarmament was overshadowed by broader political gambits. Yet what has changed little is that demand in this region is essentially caused by conflict and insecurity. In what was a hot zone of cold war politicking, demand factors for weapons by non state armed groups was to outgun those with competing ideologies. The hangovers from this dynamic are those who never gave up, and the reasons for their continued struggle. In this

sense the generations of combatants and their aged weapons are fellow travellers. It is of small wonder that forcibly separating the weapon from the revolutionary should be so difficult.

Although demand factors are beginning to be addressed, they remain reflective of the broader literature’s predilection towards the “greed” and “opportunity” theories, resulting in programmes that want to take weapons away usually by giving weapons a market value, or more latterly offering communal benefits, like ‘weapons-free zones’. However, there can be an intensely psychological relationship between combatant and weapon. Therefore this study endorses the notion that weapons removal is best seen as symbolic, and it argues that the demand factor is the inverse of the symbolism of disarmament. This means that in some cases there is a symbolic retention of arms.

The crux of the small arms control issue as identified herein is in the subtlety of difference between mature and juvenile small arms diffusion patterns, and in coming to terms with intangible reasons for weapons retention and surrender. This includes a better understanding of how armed groups obtain weaponry over extended periods of time, and a fuller understanding of the current controls over and the disarmament of a number of these groups in Southeast Asia.

The suggestions made in this chapter hope to generate a more rigorous discussion about the intention and outcome of small arms control. In particular, solutions to small arms diffusion in intra-state conflict may lie in acknowledging that even though there are a range of types of armed non-state groups, the host

state’s role as a source of weapons for each type of group is significant and serious. It almost seems tautological to suggest that conflict itself is the central demand factor, but conflict is interlaced with political, economic and psychological hues which mean that disarmament must be undertaken with an appreciation of these in the broader context of that conflict. This context can range from weapons abstinence to an armed populace, to groups’ roles in illicit or even licit economies, as well as the capability and genuine intentions of the host state. The suggestions also support more meaningful methods of disarmament and call for a greater understanding of demand factors; a broadening and deepening of the control architecture. They ultimately suggest that progress may need to come from admittedly unorthodox alternatives beyond state-based, sovereignty-enhancing, frameworks. In this respect, non-governmental organisations may yet have a vital role to play in invigorating the small arms control process.

Chapter 7

Conclusion: Beyond Conventional Arms Control

I thought about what you said and I got rid of all the weapons. Except one Kalashnikov.

*Everyone needs one Kalashnikov.*⁹²⁹

Getting states to agree to conventional arms control measures through multilateral fora has only been possible since the end of the cold war. In quick succession, the Conventional Forces in Europe Treaty, the United Nations Register of Conventional Arms and the Ottawa Treaty banning anti-personnel landmines revealed that the global community of states was both willing and able to monitor and regulate the circumstances under which certain conventional weapons could be transferred and used. This era also brought new voices into the debate through giving non-governmental organisations a role in raising and guiding the international debate on conventional arms controls. This is particularly so regarding the smaller weapons types; landmines, small arms, and most recently, cluster munitions, but such groups have been the catalyst for an Arms Trade Treaty that will likely set the global standard for conventional weapons transfers.

Through coalitions of such groups working with mostly middle-power states, a new disarmament diplomacy emerged, referred to in this study as

⁹²⁹ Comment made to an Australian journalist from a former combatant in Bosnia Herzegovina, and confirmed in an email to the author. Email received, anonymity requested, 4 April 2006.

“humanitarian arms control.” This working relationship between humanitarian agencies and governments serves to influence the state-centric system, and on matters that lie at the long untouchable core of national security – defence with conventional weapons - in ways never imagined two decades ago. It breathed life into the campaign to ban landmines of the 1990s, and was resurrected to see an equivalently successful campaign to ban cluster munitions concluded in 2008.

Small arms control became a matter for United Nations interest when member states came to the realisation that unfettered small arms proliferation appeared to have created deeply destabilising situations within their own borders. Thus, states saw tackling illicit small arms proliferation as a means of regaining sovereign control of territory. At the same time, supplying arms to non-state groups is a right some states feel they should retain. While most are unlikely ever to do so, many are uncomfortable with the idea of surrendering the option. Small arms control advocates however, have been at the forefront of mechanisms to restrict weapons movements, and have worked with like-minded liberal states to try and achieve agreement and control over illicit small arms movements. Small arms control however is not proceeding with the zest of other conventional arms control processes.

It could be argued that this is because the small arms control process has become captive to UN processes and procedures where consensus stymies progress. It could also be argued that the sheer breadth and depth of weapons types that are considered under the lexicon of small arms control evades a singular response. The number of users of small arms complicates the issue more; such weapons do not only have legitimate military users, but also police,

paramilitary, customs and prison guards, and in some countries, also civilians. And the enduring characteristic of most small arms is their recyclability. Landmines, and cluster munitions which fail to detonate, on the other hand are victim activated, and each such munition can only be used once. On the other hand, firearms, mortar launchers and rocket propelled grenades can be used and reused many times over, provided of course, there is a supply of ammunition. Small arms and light weapons can be lost, stolen or transferred across users and state boundaries with little in the way of detection or culpability. While such activity is inherently clandestine, it is not necessarily illegal.

It is the lack of discrimination between creating a combatant or civilian casualty, long after the conflicts have ended, that has been a moral imperative for both landmine and cluster munition campaigning. The difficulty for small arms control in the context of these other seemingly successful campaigns is also that small arms are highly accurate, the lack of discrimination comes from the user, not necessarily the weapon. Indeed, small arms are neither inherently disproportionate nor excessively injurious in their effects, which are key rationales behind the bans on landmines and cluster munitions. Thus, in trying to find agreement over who is the legitimate user of small arms, the control process has become derailed, because there is neither custom nor practice that this should only be the state security forces.

Ultimately, small arms control is an exercise in circumstantial arms control. What this means is that there is not any singular weapon that is being targeted for control, but an identification of circumstances where the transfers or user are

problematic. This has evolved because the control mechanisms do not target a particular weapon, yet neither are small arms illicit in all circumstances. Small arms are illicit in only particular, inevitably subjective, circumstances. This can be in situations as distinct as domestic violence and intra-state conflict. However in both situations, the commonality is the circumstance in which the weapon is being used, not the weapon itself. In trying to reach agreement on making transfers to armed groups illicit, there is an additional complication in there being no common agreement on what that circumstance should be. It could be a group being an egregious violator of human rights for example. More broadly, a state could have an uncompromising position that all groups within their borders should be considered illicit. Blanket bans have not proven popular, but nor have explorations of when an exception might be legal. For example, it is illegal in all instances for states party to the Ottawa Treaty to produce, transfer, stockpile or use antipersonnel landmines. In small arms control however, there is an inherent dependency on social conditions that are both fluid and circumstantial. The entire process can be seen as an escape clause.

It is therefore in spite of itself that there is an evolving small arms control architecture, and one which inevitably impacts on non-state armed groups. This architecture appears holistic as it tackles small arms proliferation from three mutually-reinforcing angles; supply reduction, demand reduction and weapons removal. As such, this study evaluated the extent to which this architecture affects how armed groups in Southeast Asia procure, retain and surrender their weaponry. In this respect, the study is intended as a supplement to the existing literature on the subject of small arms control. In many respects, it reinforces

key principles and assumptions in the literature. There are a finite number of ways in which small arms and light weapons proliferate to armed groups for example, commonalities in the means of proliferation, and often agreement over their control through supply reduction, demand reduction and weapons removal. In these respects, the expectations about how small arms proliferate and should be controlled appear to hold true. Yet this study also identifies a number of significant points of discrepancy, where what might be expected is not necessarily the case. This reveals a situation that is more labyrinthine and politically-charged than the current paradigm can comfortably embrace, and which led to the broader suggestions for a wider range of responses, summarised below.

The final evaluation therefore suggests that the current controls have a number of limitations when applied to the situation in Southeast Asia. This is partly because the architecture has evolved with a particular small arms diffusion dynamic in mind that seems typical of other regions; that of external benefactors whether state-operatives or dealers and brokers, of globalised and spawning black markets, and of weak states with poor stockpile management. These assumptions have contextualised a control response which ultimately only addresses a more vibrant dynamic, a juvenile market, where armed groups easily access newer and older weapons, transfers are direct and recycled, where illicit users come and go just as conflicts come and go, where the “new wars” and “greed” and “opportunity” theories make more sense. It has limited utility in what this study terms the mature illicit small arms market dynamic in Southeast Asia. The hallmarks of this market are less the transfer of extra-regional weapons, and weapons lost inadvertently from official stocks, and

more that internal, and deliberate, sources of weapons are of much greater significance for armed groups than may be the case elsewhere.

This mature market, and how the current template of supply-reduction controls fails to capture this mostly internal dynamic, is identified in this study as a defining characteristic of the Southeast Asian illicit small arms market as accessed by armed groups. This dynamic reflects the duration of the conflicts; many conflicts in the region are, or were, multi-generational, and many are well past their apogee. Rather than becoming inevitably bigger and better over time, many revolutionary groups in this region struggle on in defiant self-reliance, their benefactors or allies having retired from the arms transfer business many years ago. In some cases, external support was non-existent from the start. Either way, their weapons are often extremely old. Critically, these weapons while likely obtained from an external source originally, have now been reused, and recycled within the conflict zone over many decades. Other internal sources appear to be highly significant as well; purchased, captured and craft-manufactured weapons and ammunition. The persistence of demand within these conflict zones has ensured that these weapons have been recycled among the same group, or other groups within that conflict zone, over generations.

In the case of paramilitaries, or militias, weapons are not from an external source, but deliberately reissued from government stocks. It is this typical typology of procurement for non-state armed groups; recycled, battle captured, craft produced, and deliberately leaked weapons that set the tone of the mature small arms diffusion dynamic in the recent and ongoing Southeast Asian intrastate conflicts. Further, this internal dynamic is as true for revolutionary

groups as it is for paramilitaries and criminal armies. Where this might catalyse and regenerate into a juvenile market is if the paramilitary groups lose the backing or tolerance of their host state, and look externally for more weaponry, or if external situations or benefactors allow for revolutionary groups to re-arm.

This decidedly internal dynamic of arms sources and diversion may not necessarily be unique to Southeast Asia. Alpers’ most recent work on the Pacific is also supportive of a strong internal dynamic. In particular, a comment from Papua New Guinea Defence Intelligence that “It is easier for criminals to acquire service weapons from the Defence Force than to smuggle them in from overseas”.⁹³⁰ finds strong resonance with the findings in this study. In such instances, it is difficult to pinpoint complicity, or attribute such leakage purely to inadequacies, either in armoury security or poor professional standards. Deliberate leakage has undercurrents that question the state’s accountability over its armouries and in the professional, legal and transparent use of those arms. The slippage of these weapons to unprofessional paramilitaries is considered by this study as an underhand means whereby a state avoids both scrutiny and accountability for its actions in intrastate conflicts. Sovereignty, the International Crisis Group argues, is not a “licence to kill”,⁹³¹ yet it is precisely behind the closed doors of sovereignty, and beyond the scope of small arms control, that states can do this, in part through paramilitary organisations.

⁹³⁰ Philip Alpers, “Papua New Guinea: Small Numbers, Big Fuss, Real Results.” Unpublished paper, April 2008, p. 5.

⁹³¹ Gareth Evans, “The Responsibility to Protect: Creating and Implementing a New International Norm.” Paper presented to the Human Rights Law Resource Centre, Melbourne, Australia 13 August 2007 and Community Legal Centres and Lawyers for Human Rights, Sydney, Australia, 28 August 2007.

A further defining feature of this region’s small arms proliferation and control dynamic is apparent in the disarmament of its armed groups and in the nature of their demand for weapons. The examples of micro-disarmament in this study suggest that disarmament is subject to a myriad of interpretations. What these interpretations reveal is that disarmament includes tangible reasons, such as an understanding of the difference between revolutionary and paramilitary groups, but also intangible reasons, such as appreciating the symbolism of sufficient numbers of weapons.

These intangible reasons become more apparent in understanding demand, or more appropriately retention, by armed groups. This study finds that there are intangible imperatives, such as psychological and emotional attachment to weaponry that may inhibit combatants disarming. This has led this study to suggest that demand can also have a highly significant symbolic component. This feature is particularly apparent in Southeast Asian cases and reflects the duration and revolutionary zeal of the conflicts in the region. There is no reason to presume however, that it may not be applicable to other cases where combatants have been engaged in generational wars.

Rational reasons for weapons retention have tangible explanations; in addition to having a “cause”, combatants retain weapons for personal security, for hunting or because it is the most valuable possession they have. Intangible reasons rest on the emotional attachment combatants in protracted revolutionary wars have to their weapons. Combatants whose weapon is a trophy from a glorious battle, a memento of a righteous struggle, a “friend” as much as a useful tool, may be understandably reluctant to submit that weapon

to an undignified cutting, crushing or burning ceremony. Disarmament schemes that are sensitive to these considerations still allow state forces to regain the monopoly over the use of armed force, but this is a subtle victory, not one of overt capitulation or enforced surrender of the group. It is therefore one which may have longer lasting benefit to the combatants on both sides of the conflict.

There are therefore clear distinguishing features of the Southeast Asian proliferation and control dynamic. These features are that this is largely an internal illicit small arms market, and one that nurtures paramilitaries and even private armies. Further, the duration of the conflicts reveal the potential significance of intangible components of disarmament and demand. These features are bolstered by an unwavering constant theme of sufficiency; sufficiency in numbers of weapons, in armed groups and in combatants. It is a significant theme because of the absence of verifiable or plausibly consistent data on weapons, on armed groups and combatants. The bottom line is that there are simply just enough weapons to keep determined revolutionary groups active in this region. More so, this concept of sufficiency is significant in disarmament, where what is most important is the symbolism of the gesture that indicates a political accord, not a military solution.

It is noteworthy that the small arms control architecture reflects a strong humanitarian intent twinned with the renewed enthusiasm for a mechanism that enhances state sovereignty. The humanitarian intent results from a distinct trend in multilateral disarmament diplomacy, particularly those catalysed and guided by humanitarian non-governmental organisations, that seeks to enhance

human security, and uphold human rights and international humanitarian law through better arms control. While a number of states have supported such campaigns, as part of being a responsible international citizen, in the case of small arms control there is a distinct sub-text of sovereignty that is not so apparent in other humanitarian arms control instruments. This is because small arms control is not about banning particular weapons. Instead, it is about bringing the means to threaten or use deadly armed force back under the control of the state. This reconfirms the saliency of state sovereignty, which governments support, especially so when it is their own. This process is therefore supported by states because it bolsters a core tenet of statehood; sovereignty. There is a critical fracture in this sovereignty-enhancing process however. It is over the right of one state to arm a non-state armed group inside the sovereign territory of another country.

This creates an inherent tension in the control process, particularly at global level, and underscores the overall lack of progress in small arms control. The right of states to arm non-state armed groups is of considerable saliency for this study as it looks to how groups obtain their arms, and under what circumstances they surrender them. This leads to understanding the sources of supply, and the dynamics of supply, demand and disarmament, or what this study calls supply reduction, demand reduction and weapons removal. In response to the question posed in chapter one, “to what extent will the current small arms control architecture affect how armed groups in Southeast Asia obtain, retain and surrender their weapons?” the findings of this study suggest it is to some extent, but not to the extent that it could. The existing control

architecture requires extending, incorporating a broadening and a deepening of approaches to small arms proliferation and disarmament.

This dissertation identified one very disturbing trend which demeans the humanitarian sentiment that is such a strong driver of better small arms control. One of the features of the internal diffusion dynamic, and one which has become entrenched due to the enduring nature of the conflicts in Southeast Asia, is the tendency of states to nurture and arm paramilitary groups. This demeans the process because it does not reduce the number of weapons in the hands of non-state groups, which is debatably the intent of small arms control. This has serious implications for the humanitarian imperative of small arms control, and implications for sovereignty. What this means is that non-state armed group violations of human rights are carried out with, if not the complicity of the government, at least with the government turning a blind eye, and able to plausibly deny culpability. It reveals that small arms control does not, or cannot, address internal and deliberate arming of paramilitaries. Further, what paramilitarisation reveals is that the state is in fact seconding the right to use armed force, a core tenet of sovereignty, to armed entities which it may not be able to fully control. The case of Burma shows that very large groups are arguably at a point where the government is incapable or disarming them, and through taxes, trade and territory the groups have a financial interest in maintaining the status quo. This will remain a monumental issue for the country as and when the military junta cede power to civilian government, or should the country collapse back into civil war.

The observations lead to the conclusion that the current small arms control architecture is a model that would benefit from expansion. This can be done through a broadening and a deepening of the current control and disarmament framework. This extended small arms control captures both the dynamics of the mature small arms market and the intangible components of disarmament and demand. Understanding the intangible components of demand is vital because in Southeast Asia’s long internal wars, the continuity has been in the demand, not so much the supply, of small arms. In that respect, it is also not so surprising to find that internal sources have become steadily more dominant.

This study portrays the procurement methods of armed groups as being an internal activity within the confines of state boundaries, thereby revealing a weakness in an architecture that was developed to redress a quite different set of circumstances. The study has not found new sources of weapons, but rather argues that the subtlety of difference lies in identifying a greater predilection towards internal, not external, sources of arms. It also acknowledges that demand and disarmament can have a dimension that defies rational, political or economic responses. This dimension is comprised of psychological factors that defy the reasoning of absolute disarmament, and buck the trend that sees destruction as a preferred means of controlling small arms.

These observations have led this study to make suggestions for an expanded small arms control regime that are intrusive, that require considerable introspection by small arms control advocates, yet hopefully are also pragmatic. To do nothing, or to send in more arms, are not feasible options to ending intra-state conflict. Therefore this study advocates for more robust intervention. It

makes suggestions that would make the UN Programme of Action more relevant, both globally and to Southeast Asia. It makes a case for questioning the inviolability of state sovereignty arguing in favour of the Responsibility to Protect and the argument in favour of engaging with armed groups.

A grand strategy of control will falter if its tactics are unachievable or unenforceable. The diversity of interest groups in the small arms control community, and its nemesis in the special interest groups, have to date not helped the control process to achieve conceptual coherence. States are struggling to achieve this, but the circumstantial nature of small arms control dogs progress. Nonetheless, diversity can and should be harnessed as a strength of this process. As such, the suggestions made in this study are to stimulate interest in taking small arms control in new directions; in broadening and deepening the architecture in ways that make it more relevant and more robust.

Realigning the manner in which the multilateral system of states responds more effectively to both non-state armed groups and non-state arms control advocates will require an evolution in the norms that underpin current state practices. This is not necessarily unachievable.

Annexe 1

Armed Groups Used in this Study.

Country or Region	Armed Group	Date began armed group activity	Estimated number of combatants as at 2007	As at July 2008
Burma	All Burma Students Democratic Front (ABSDF)	November 1988	100	Mostly dispersed among other groups and many surrenders. Become more of a political entity since 2000.
	Democratic Buddhist Karen Army (DKBA)	Split from KNLA in December 1994.	3,000	Uneasy ceasefire with the Burma Army. Remains armed, rearming, numbers stable.
	Kachin Independence Army (KIA)	1961	4,000	Only group to have a written ceasefire agreement with the SPDC.
	Karen National Liberation Army (KNLA)	1947 (originally the Karen National Defence Organisation; the KNLA established 1986).	2,500	Ceasefire violated by Burma Army since 2006. Not disarming. Small scale defections and small scale disarmament.
	Mong Tai Army	Emerged out of various Shan armies and paramilitaries, of the 1960s, 1970s and 1980s.	15,000 (1996)	Ceased to exist with ceasefire and disarmament in 1996. Non-capitulating members ended up in the Shan State Army – South.

	Mon National Liberation Army (MNLA), although name changed	1949	1,000	Ceasefire, not disarmed. Increased militarisation in Mon State. Several breakaway groups.
	Shan State Army – South (SSA-S). Initially Shan United Revolutionary Army)	1996	5,000	Not disarming. Defections to and from other Shan groups and to BA.
	United Wa State Army (UWSA).	Emerged out of the Burma Communist Party in 1989.	20,000	Largest and first of the 1989 “ceasefire” paramilitaries, with an uneasy alliance with the SPDC. Rearming.
East Timor	Armed Forces for an Independent East Timor. (Forças Armadas De Libertação Nacionale de Timor Leste, Falintil)	1975	1,300-1,500 (1999).	Many older veterans probably returned to family areas. Some veterans, but mainly younger and newer combatants, integrated into new national army (in 2001.
	Pro-Indonesian paramilitaries, from 1999 included Thorn (Aitarak), Team Alpha (Tim Alfa), and the United Front for East Timor.	1980s	10s of 1,000s	Dormant, small scale activity near the border with West Timor in 2005.
	Pro-Fretilin paramilitary, and politicised gangs	2000s	1,000s	Extension of existing “self-defence” groups with both political and criminal links. Includes the Fretilin Secret Service Team.

Indonesia	Acehnese National Army (Tentara Nasional Aceh, TNA)	1976 (then known as the Angkatan Gerakan Aceh Merdeka), 2002 renamed TNA.	Agreed number of combatants at disarmament 3,000.	Helsinki Accords agreed to in August 2005 holding.
The Philippines	Civilian Armed Forces Geographical Units (CAFGUs)	1988	52,000	Private army-paramilitary hybrids. Command structure to a military officer.
	Communist Party of The Philippines - New People's Army (CPP-NPA)	1969	8,000	Ceasefire with government ended in 2005, group active, even resurgent.
	Moro National Liberation Army, the Bangsamoro Army (BIA)	1973 (officially, unofficially in the late 1960s).	2,500	The Moro National Liberation Front partially disarmed in 1996.
	Moro Islamic Liberation Front, Bangsamoro Islamic Armed Forces (BIAF)	1984 (officially, but had split from the MNLF in 1977)	15,000	Talks between the government and the Moro Islamic Liberation Front broken off in September 2008.
	Bearer of the Sword (Abu Sayyaf Group, ASG)	Early 1990s (but had grown out of an earlier movement).	250-350	Criminal army, heavy losses in major army offensives.

Southern Thailand	Islamic separatist groups include New – Patani Liberation Army (New PULO), National Revolutionary Force, (Barisan Revolusi Nasional or BRN), Patani Islami Mujahedeen Movement (Gerakan Mujahedeen Islam Patani, GMI) and Patani State Restoration Unit, (Runda Kumpulan Kecil, RKK).	Late 1980s	Up to 5,000	No single group claiming ownership of the insurgency in the southern provinces activated in 2004.
	Various paramilitaries, including the Volunteer Defence Corps (Or Sor) and Village Self-Defence Volunteers.	1970s (in response to communist insurgency).	10s of 1,000s	Growing. Vary from military type groups, with uniform and command structure such as the Or Sor to the civilian self-defence village forces.

Annexe 2

Main Sources of Small Arms for Armed Groups Used in this Study

Country or Region	Armed Group	WWII-1989	1990-2008
Burma	All Burma Students Democratic Front (ABSDF)	N/A	Burma-based armed groups, Thai black market, recycled.
	Democratic Buddhist Karen Army (DKBA)	N/A.	Leakage, KNLA, Thai black market
	Kachin Independence Army (KIA)	Captures, Thai black market? Other Burma-based groups? China?	N/A
	Karen National Liberation Army (KNLA)	Original captures and leakage, battle captures, Thai black market, other Thai sources, Cambodian black market, recycled, craft-production	Recycled, battle captures, craft production
	Mong Tai Army	Thai black market, other Thai sources, Cambodia, craft production, recycled.	Thai black market, craft production, recycled.
	Mon National Liberation Army (MNLA), although name changed	Original captures, Thai black market, Cambodian black market, recycled.	Recycled.
	Shan State Army – South (SSA-S). Initially Shan United Revolutionary Army	Original leakage, other Burma-based armed groups, Thai black market, Laotian black market, recycled.	Battle captures, recycled.
	United Wa State Army (UWSA). Originally largest grouping of Burma Communist Party.	China.	BCP, leakage, recycled, craft production.

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East Timor	Armed Forces for an Independent East Timor. (Forças Armadas De Libertação Nacional de Timor Leste, Falintil)	Leakage, battle captures, recycled.	Leakage, battle captures, recycled.
	Pro-Indonesian paramilitaries, from 1999 included Thorn (Aitarak), Team Alpha (Tim Alfa), and the United Front for East Timor.	Mostly non-firearms.	Leakage, craft production.
	Pro-Fretilin paramilitary, and politicised gangs.	N/A	Leakage.
Indonesia	Acehnese National Army (Tentara Nasional Aceh, TNA)	Cambodian and Thai black markets, leakage, recycled.	Cambodian and Thai black markets, leakage, craft production, recycled.
The Philippines	Civilian Armed Forces Geographical Units (CAFGUs)	Leakage.	Leakage.
	Communist Party of The Philippines -New People’s Army (CPP-NPA)	Captures, other Filipino armed groups, leakage, Cambodia/Vietnam black market, Filipino black market?	Captures, recycled, other Filipino armed groups, Filipino black market?
	Moro National Liberation Army, the Bangsamoro Army (BIA)	Libya? Captures, leakage, Filipino black market?	
	Moro Islamic Liberation Front, Bangsamoro Islamic Armed Forces (BIAF)	BIA, recycled, leakage, Filipino black market, other Filipino armed groups?	Leakage, recycled, Filipino black market?
	Bearer of the Sword (Abu Sayyaf Group, ASG)	N/A	Leakage, recycled, other Filipino armed groups, Filipino black market?

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Southern Thailand	Islamic separatist groups.	Captures, Thai black market Cambodia? Leakage?	Leakage, captures.
	Various paramilitaries.	Leakage.	Leakage.

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Asian Defence Journal

The Asian Wall Street Journal

The Australian

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The Bangkok Post

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