



# Efforts to curb the proliferation of small arms and light weapons: from persistent crisis to norm failure?

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**Abstract** More than 20 years since its negotiation in 2001, the UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA) is failing to fulfill the expectations of states and civil society alike. Considering the absolute numbers of military and civilian possession, the aim of tackling the illicit proliferation of small arms and light weapons (SALW) in “all its aspects” is currently likely to fail. Studies show that civilian ownership has increased dramatically since 2006. The estimated stocks of SALW in sub-Saharan Africa are 11 million state-owned SALW and 40 million SALW in the hands of civilians. Legal arms exports between states remain another source. This article seeks to identify the different facets of the continuous crisis of SALW control by relying on a global governance perspective as well as on norm research in international relations. The sources of illicit SALW proliferation are manifold and often exceed the capabilities of arms control and disarmament. The present article focuses on the external and internal dimensions for the crisis of illicit SALW proliferation. However, when looking at the internal dimension of the SALW crisis, the UNPoA itself is also partly to blame for the inadequate and ineffective arms control and disarmament efforts. This gloomy picture is exacerbated by statistics indicating that the numbers of newly manufactured SALW are still growing more rapidly than worldwide disarmament efforts. It is more important than ever to ensure that prescriptive norms are translated into everyday practical political and social realities to meet the needs of people struggling with the dire consequences of illicit SALW proliferation.

**Keywords** UNPoA · Illicit proliferation · Arms control · Disarmament · Civilian ownership

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**Zusammenfassung** Mehr als 20 Jahre nach seiner Aushandlung im Jahr 2001 bleibt das UN-Aktionsprogramm zur Verhütung, Bekämpfung und Beseitigung des unerlaubten Handels mit Klein- und Leichtwaffen (UNPoA) hinter den Erwartungen von Staaten und Zivilgesellschaft zurück. In Anbetracht der steigenden Zahlen des militärischen und zivilen Waffenbesitzes rückt das Ziel, die illegale Verbreitung von Kleinwaffen und leichten Waffen (SALW) in „allen Aspekten“ zu bekämpfen und tatsächlich auch abzurüsten, in weite Ferne. Studien zeigen, dass der zivile Besitz seit 2006 drastisch zugenommen hat. Die geschätzten Bestände an Klein- und Leichtwaffen in den Staaten Sub-Sahara belaufen sich auf 11 Millionen Klein- und Leichtwaffen in staatlichem Besitz und 40 Millionen Kleinwaffen in Händen von Zivilisten. Eine weitere Quelle der unkontrollierten Weiterverbreitung dieser Waffen sind legale Waffenexporte zwischen Staaten. In diesem Artikel wird versucht, die verschiedenen Facetten der anhaltenden Krise der SALW-Kontrolle aufzuzeigen, indem er sich auf eine Global-Governance-Perspektive sowie auf die Normenforschung in den internationalen Beziehungen stützt. Die Ursachen für die illegale Verbreitung von SALW sind vielfältig und übersteigen oft die Möglichkeiten der Rüstungskontrolle und Abrüstung. Der vorliegende Artikel konzentriert sich auf die externe und die interne Dimension der Krise der unerlaubten Verbreitung von SALW. Betrachtet man die interne Dimension der SALW-Krise, so trägt auch die UNPoA aufgrund seiner strukturellen Defizite zumindest eine Teilschuld an der Krise. Dieses düstere Bild wird noch verstärkt durch Statistiken, die zeigen, dass die Zahl der neu hergestellten Kleinwaffen und leichten Waffen immer noch schneller wächst als die weltweiten Abrüstungsbemühungen. Es ist wichtiger denn je, dafür zu sorgen, dass vorhandene Normen in die praktische politische und soziale Alltagsrealität umgesetzt werden, um den Bedürfnissen der Menschen gerecht zu werden, die mit den schrecklichen Folgen der illegalen Verbreitung von SALW zu kämpfen haben.

**Schlüsselwörter** UNPoA · Illegale Proliferation · Rüstungskontrolle · Abrüstung · Ziviler Waffenbesitz

## 1 Introduction

More than 20 years since its negotiation in 2001, the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA) is failing to fulfill the expectations of states and civil society alike.<sup>1</sup> The UNPoA contains 83 measures ranging from stockpile control to nonproliferation measures to DDR (disarmament, demobilization, and reintegration of ex-combatants). However, negotiated in a UN setting where achieving consensus is paramount, the UNPoA suffered from serious normative gaps. The Program aims at tackling the illicit proliferation of small arms and light weapons

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<sup>1</sup> This article builds on research I undertook as part of a multiyear research project on “justice in multilateral negotiations” financed by the German Research Association. I would like to thank my colleague Matthias Schwarz and Jürgen Brandsch from the Bonn International Centre for Conflict Studies (BICC) for their helpful comments.

(SALW) in all its aspects. European, African, and Latin American states saw this as also encompassing aspects of legal trade. Some states from the Global South as well as the US, Russia, and China refused to agree to this broader scope. Civilian possession exacerbates the problem of illicit proliferation of SALW and is not regulated in the UNPoA. Nor does the UNPoA contain norms on regulating trade in SALW vis-à-vis non-state actors.

Considering the absolute numbers of military and civilian possession, the aim of tackling the illicit proliferation of SALW in “all its aspects” is currently likely to fail. Studies show that civilian ownership has increased dramatically since 2006, when there were estimated to be 650 million civilian-held firearms<sup>2</sup> in circulation. In 2017, approximately 857 million civilian-held firearms were estimated, which is an increase of 32% compared to 2006 (Karp 2018a). The estimated stocks of SALW in sub-Saharan Africa, one of the regions facing the most serious problems due to illicit SALW proliferation, are 11 million state-owned SALW and 40 million SALW in the hands of civilians (Machakanja and Shollah 2021, p. 993). While not every civilian-held firearm enters the illicit market, civilian possession is one of the main sources of the illicit proliferation of small arms. Legal arms exports between states remain another source—as Karp (2018a, p. 1) states: “With the world’s factories delivering millions of newly manufactured firearms annually and with far fewer being destroyed, civilian ownership appears to be growing globally.” It is common knowledge that legal SALW exports often end up as unaccounted for stocks and turn into illicit proliferation. Moreover, state-held weapons also frequently enter the illegal market. There are other causes of illicit proliferation, such as stockpiles of SALW that remain unaccounted for in post-conflict situations. In the power vacuum of post-war Libya, a large share of the enormous stockpiles of SALW held by Gaddafi’s army proliferated into neighboring countries. Tuareg mercenaries, among others, pursued a vast influx of weapons into Mali, which turned an existing conflict in the northern territories into a violent uprising (Marsh 2017).

There are both external and internal causes for the crisis of unaccounted for SALW, which this article seeks to decipher. The dramatic increase in proliferation of SALW in the last 20 years has led many to refer to a crisis of SALW control at the global level (Wisotzki 2020).<sup>3</sup> The external causes of illicit SALW proliferation are supply- and demand-driven and are often beyond the reach of any measures of arms control and disarmament if the sources of proliferation are rooted in crisis in the public governance sector, corruption, porous borders, or other structural causes of conflict, such as poverty, deprivation, or unemployment. There are also more intrinsic causes of the SALW crisis, such as the problematic UNPoA. While the UNPoA was negotiated to tackle the diverse problems of illicit proliferation of SALW, it is still only politically binding and lacks mechanisms of compliance and

<sup>2</sup> The term “small arms and light weapons” (SALW) usually refers to military-grade weapons, while the term “firearms” is used to refer to civilian or commercial firearms. The Small Arms Survey uses SALW to refer to both military-style weapons and commercial firearms. The terms are thus used interchangeably throughout this article. See Parker and Wilson 2016, p. 14–16.

<sup>3</sup> Some authors, such as Mack (2014), describe various dimensions of the small arms control crisis, while others, such as McDonald (2011) and Greene and Marsh (2012), point to the severe institutional weaknesses of the UNPoA.

verification beyond self-reporting. Despite its broad approach, it suffers from serious normative gaps.

In order to grasp illicit trafficking of SALW and its regulations in terms of crisis, I draw on the two-fold understanding of crisis as an object and an instrument of observation. In this sense, crisis is being socially constructed by different stakeholders, but also serves as an instrument of observation in order to identify visible dimensions and mechanisms of crisis (Bösch et al. 2020, p. 5). The most visible sign of a continuing crisis of SALW proliferation and control is the vast production of this category of weapon, which outweighs any arms control and disarmament attempts. Different stakeholders, such as states, non-governmental organizations, and international organizations, as well as the UN frequently use the term “humanitarian crisis” when talking about SALW proliferation and lack of control (United Nations Security Council 2021; IANSA 2006). The crisis of SALW control contains both dimensions—the socially constructed, but also a visible and objectifiable dimension of growing SALW numbers and insufficient and ineffective arms control efforts.

In this article, I seek to identify the different facets of the continuous crisis of SALW control by relying on a global governance perspective as well as on norm research in international relations (IR). While the problem of illicit SALW proliferation is far from solved, the UNPoA has served as a framework for arms control efforts and has added legitimacy to state-led as well as civil society-driven action. Taking the perspective of norm contestation sheds light on principled disagreement between UN Member States on how to best control SALW proliferation at the global level. However, the failure of the system of SALW control so far and the normative gaps at the global level has opened spaces for other actors and led to the emergence of regional and sub-regional arms control activities. I therefore use the norm cluster perspective to illuminate the broad approach of SALW control at the national, regional, and global level. Understanding norms as an amalgam of discourse and practice where actors reproduce and also change normative orders helps us understand the dynamics in the field of SALW control. Global governance research provides additional tools to evaluate the effectiveness of existing norm clusters in the field of small arms control and disarmament.

The next section of the article (Sect. 2) elaborates on the theoretical approaches of norm contestation and global governance to put the arms control crisis related to SALW proliferation into perspective. Sect. 3 illuminates the nature of the crisis in terms of the uncontrolled and illicit global proliferation of SALW. Sect. 4 focuses on the initial negotiations of the UNPoA, the reasons for norm contestation, and the normative loopholes. Sect. 5 provides insights into the efforts that have been made as part of the UNPoA and the failure of the latter to implement norms. The section also discusses how regional and sub-regional small arms control efforts can help to achieve more tailored, problem-specific arms control solutions. Sect. 6 provides insights into some of these arms control efforts but also elaborates on specific problems and limitations.

## 2 Viewing the SALW control crisis through the lens of norms and global governance

Existing research on SALW control mostly concentrates on norm generation, its diffusion and localization, or on global governance approaches (Greene and Marsh 2012).<sup>4</sup> Garcia (2006) focuses on norm entrepreneurs and norm-building processes, Wisotzki (2013a) on norm dynamics. Capie (2008) explains the weak norm implementation in Southeast Asia by concentrating on states' localization efforts and how they attempted to limit arms control efforts by framing SALW proliferation as a problem exclusive to terrorism and transnational crime in order to make small arms norms congruent with the fundamental principles of state sovereignty and noninterference that guide security policy in the region.

I also make use of norm research in IR, but I take another approach by also drawing on the more practice-oriented understanding of norms in International Law. I start simply by following Krasner's (1983, p. 2) definition of norms as "standards of behavior defined in terms of rights and obligations." To understand the spatial diversity and complexity of SALW control, I refer to the term "norm clusters" which implies a collection of norms addressing the same issue.<sup>5</sup> Lantis and Wunderlich (2018, p. 576) perceive norm clusters as an "intervening layer, located between the intersection of norms (lowest layer) and normative structures (broadest layer)." Norm clusters include different norms that survive contestatory challenges due to their legalization, institutionalization, and cohesion. If we look at SALW control, we can see that the UNPoA already consists of clusters of multiple norms ranging from tackling illicit proliferation to simple disarmament by destroying the weapons themselves. At the global level, the UNPoA is accompanied by two more agreements—the Firearms Protocol agreed in 2002, which regulates criminal aspects of illicit trafficking of SALW, and the Arms Trade Treaty (ATT) agreed in 2014, which focuses on the regulation of the conventional arms trade. Moreover, the norm clusters in SALW control become most visible in the form of a myriad of regional and sub-regional arms control agreements and practices.

The academic debate on norm research in IR has gone through two waves, with norms ultimately emerging as concepts of multiple "meanings-in-use" (Wiener 2009) in order to reflect stakeholders' interpretations of the core values attached to a norm and their adaptation, e.g., to local needs. Rather than concentrating on passive processes of internalization and socialization, norms should be understood as social constructs, which experience continuous interpretation, contestation, and gradual fine-tuning throughout their life cycle (Hofferberth and Weber 2015; Krook and

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<sup>4</sup> Stavrianakis (2011, p. 194) relies on a critical perspective, describing small arms control as a form of reproduction of "imperial relations" where the South becomes a "site of intervention."

<sup>5</sup> A norm cluster differs from a regime insofar as a regime consists of more than just norms, instead comprising principles, norms, rules, and decision-making procedures. Keohane (1993, p. 28) adds, for example, that "regimes can be identified by the existence of explicit rules which are referred to in an affirmative manner by governments, even if they are not scrupulously observed." A norm cluster is less formal than a regime and does not consist of explicit rules and principles. Norm clusters also differ from an institution, which includes international and transnational organizations. However, Lantis and Wunderlich (2018, p. 577) state that norm clusters build on insights from norm contestation as well as on regime theory.

True 2012). Norms often remain vague as a result of multilateral negotiations governed by the rules of consensus—participating states have to agree to the lowest common denominator in order to reach agreement. Actors have to agree on what a norm actually implies and on the means that will be used to translate the norm into policy practices, e.g., in regular meetings of states (Betts and Orchard 2014, p. 3). The vagueness and elusiveness of norms mean they are subject to renewed struggles over meaning during the implementation phase (van Kersbergen and Verbeek 2007, p. 223ff.). Norm contestation can result in degeneration and erosion of norms (Panke and Petersohn 2016, 2012; McKeown 2009; Rosert and Schirmbeck 2007). However, norm contestation can also help norms gain legitimacy because their validity and meaning are more closely defined (Wiener 2008), or it can result in regional or subregional arrangements seeking to adapt and localize the “meaning-in-use.” Contestation may open up space for deliberation, which results in clearer specification and strengthening of the norms because actors develop a shared understanding of their meaning and implications (Deitelhoff and Zimmermann 2013). Only through such processes of interaction and conflict can norms evolve and become intersubjectively shared standards of appropriateness, which also encompass regional or local adaptations (Acharya 2009; Sandholtz 2009; Capie 2008).

Constructivist approaches in International Law (IL) also call for a fluid understanding of international law-making (Brunnée and Toope 2013). New norms develop through legal processes of “interaction,” “interpretation,” and “internalization,” which take place between states, but also frequently include non-governmental organizations, representatives of international organizations, as well as the private sector (Koh 1997). The compliance pull of norms depends on the congruence of shared understandings between states parties and also on interactive practices of legality (Brunnée and Toope 2013, 2010). International law-making should be understood as a “world of practice” where actors reproduce and also change normative structures (Kratochwil 2014, p. 54, 67, 1989, p. 61). Following a logic of practice, IL and IR scholars stress that intersubjective realities are not just spoken into existence but are unequivocally also acted into existence (Glas et al. 2018; Neumann 2002; 2012). Part of the diplomatic routines of multilateral negotiations, but also of putting norms into practice are the processes of habituation and routinization (Wisotzki 2021; Lamp 2018; Hopf 2018).

Global governance research provides valuable tools for evaluating multilateral agreements or norm clusters. Abbott and Snidal (2000, p. 401), for example, provide three criteria of evaluation. Obligation refers to a “set of commitments” by which states are legally bound along the dimension of precision. Precision addresses the question of how concise or how broad the rules and norms actually are. Delegation concentrates on the role of third parties granted authority to implement, interpret, and apply the rules, resolve disputes, generate new rules, and monitor compliance. Research on global governance also provides criteria to evaluate effectiveness. The output, for example, comprises the (self)-commitments of states that they agreed on in the regulation. The aspect of outcome looks at the changes in behavior that are based on such commitments. Impact relates to the governance effort and how it contributes to problem solving (Wolf 2010, p. 4).

The combination of norm research and the global governance approach help to illuminate the different dimensions of crisis. While the perspective of norm clusters sketches the complexity of the arms control effort, global governance provides some instruments of evaluation.

### 3 The nature of SALW, the sources of proliferation, and technological innovations

This chapter seeks to portray the nature of the crisis resulting from the illicit proliferation of SALW and also from the very nature of this weapon category. In the 2005 motion picture *Lord of War*, the actor Nicholas Cage plays the role of an unscrupulous arms broker who at one point remarks: “If I do my job right, an arms embargo should be practically impossible to enforce.” This rather cynical but truthful description clearly illustrates the problem of the illicit trade of SALW, which by their very nature present an inconceivable challenge for governance efforts pursued at global, regional, sub-regional, national, and local levels (Wisotzki 2013b, p. 106). SALW are easy to transport and hide; modular weapons, where small arms can be trafficked in parts and components, add to the problem of illicit smuggling (Stohl/Schröder/Smith 2007). This chapter argues that SALW, by their very nature, pose a considerable problem for any measures of arms control. The following paragraphs seek to illuminate the different paths of legal, illicit, and illegal SALW trade, which already pose almost insurmountable challenges to governance efforts and lay the foundations for the permanent crisis of SALW control.

#### 3.1 The sources of illicit proliferation of SALW

The illicit trade of SALW is in itself not a direct cause of conflict but it does provide considerable potential for violent escalation of existing tension between people. The problem of illicit trafficking of SALW can be linked to particular demand- and supply-driven factors. On the supply side, the illicit proliferation of SALW often stems from legal trade where arms-producing countries export weapons to other states, and these then disperse into illicit trade when they are inadequately controlled or deliberately sold by state officials such as military personnel. According to Article 51 of the UN Charter, states have the right to individual or collective self-defense if an armed attack occurs on their territory, and many states interpret Article 51 as also encompassing the right to sell and buy arms.<sup>6</sup> As Bourne (2012, p. 30) states, the legal arms trade is a major source for the grey and black market, both of which are important sources for the illicit trafficking of SALW.

While legal SALW trade is one key source for proliferation, “secondhand” weapons resulting from new acquisition or military downsizing, e.g., in NATO and former Warsaw Pact states after the end of the Cold War, have also significantly

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<sup>6</sup> The ATT states “... respect for the legitimate interests of States to acquire conventional arms to exercise their right to self-defense and for peacekeeping operations; and to produce, export, import and transfer conventional arms.”

fueled the illicit SALW market (Wisotzki 2000, p. 223; Laurance 1998, p. 22). SALW have a long life expectancy of more than 30 years on average. The practice of covert military supply by the United States (US) and the former Soviet Union and other second-tier supplier states also increased the availability of SALW, particularly in sub-Saharan Africa, but also, for example, in Afghanistan, where so-called man-portable air-defense systems (MANPADS) were supplied by the CIA to the Mujahedin fighting the Soviet troops. Another source of proliferation of SALW are military-owned stockpiles. Karp (2018a, p. 10) estimates that there is a total of 133 million firearms owned by the military in 177 states worldwide.<sup>7</sup> A prominent example of state-owned SALW proliferating into illicit trade is Libya: With the toppling and death of former leader of Libya Muammar al-Gaddafi, because of the resulting power vacuum, considerable quantities of arms and ammunition were looted from military stockpiles and illicitly trafficked to nearby conflict areas such as Mali, Gaza, Sinai, and Syria (Marsh 2017, p. 79). What has been dubbed the “ant trade,” when civilian-owned firearms end up being traded illegally, as well as forms of craft production are other sources of proliferation (Small Arms Survey 2016).<sup>8</sup> Professional brokers as well as the private sale of firearms on the darknet provide yet more resources for illicit trafficking (Schulze 2019).

Much of the illicit proliferation of SALW is demand-driven. Some of the reasons that SALW are in demand include fragile statehood, economic deprivation, and personal insecurity, as well as conflicts over resources, terrorism, organized crime, and gang-related or individual criminality. In regions of fragile statehood, a correlation between state failure and large numbers of weapons can frequently be observed (Byman and van Evera 1998, p. 381–400). The inability of the security sector to protect citizens increases the demand for private gun ownership. Inadequate physical stockpile security management (PSSM) in the police and military provides ample opportunity for theft and illicit trade of state-owned arms and ammunition (Mandel 2018).

Demand for SALW also stems from ongoing civil wars. In the case of the renewed fighting during the civil war in South Sudan in December 2013, cross-border supplies from the country’s immediate neighbors provided weapons and ammunition. These SALW were often originally legal arms exports from the US, Europe, and Israel destined for neighboring countries. However, the conflict-related demand for SALW led to an increase in illicit trade to the South Sudanese conflict parties (Conflict Armament Research 2018). The rising numbers of jihadist groups in West Africa has also boosted the demand for SALW in this region, where the illicit market was already saturated with arms from conflict and post-conflict surroundings, including Burkina Faso, Côte d’Ivoire, Libya, Liberia, and Sierra Leone. This kind of social and political instability also fuels a vicious cycle of violence driving civilians as well

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<sup>7</sup> Karp (2018b) also provides estimates of the number of law enforcement firearms. The global total is estimated at 22.7 million. Law enforcement firearms make up 2.2% of all firearms worldwide.

<sup>8</sup> The study conducted by the Small Arms Survey in 2016 shows that arms trafficking from the US goes well beyond gunrunning to Mexico. In the 159 recorded cases, traffickers shipped arms as well as parts and components to at least 49 countries and foreign territories on three continents. The study stresses the relevance of particular parts and components to the proliferation of SALW. See Small Arms Survey (2016).

as self-defense militias and vigilante groups to procure arms for protection purposes (International Centre for Counter-Terrorism 2020, p. 5; Mangan and Nowak 2019, p. 12). Lack of physical and human security is another reason for individuals to seek arms. While the African armed forces and law enforcement agencies have less than 11 million small arms in their possession, around 40 million firearms are estimated to be in the hands of civilians and non-state actors, further illustrating the easy availability of these weapons (Machakanja and Shollah 2021, p. 993).<sup>9</sup> This brief overview already illuminates the many different sources of illicit proliferation. It also shows how difficult it is to negotiate and institutionalize adequate, comprehensive, and regionally tailored arms control regulations.

### 3.2 Technological innovation: an additional challenge

Technological innovations also impact arms control and disarmament efforts, as other articles in this special issue will demonstrate. New trends in the manufacture of firearms include the use of improved materials such as polymer frames, modular weapons, or the possibilities of additive manufacturing (three-dimensional [3D] printing) of parts or complete small arms (King and McDonald 2015). For SALW arms control, these technological innovations pose additional challenges that exacerbate the problem of illicit trade in this weapon category. The UNPoA does not address these technological challenges and is, in general, too weak and inflexible to cope with such challenges. These technological innovations also affect the international instrument to enable States to identify and trace, in a timely and reliable manner, illicit SALW (ITI instrument), which was negotiated in 2005 as part of the UNPoA (United Nations 2014; McDonald 2011). At the Biennial Meeting of States (BMS 5) in 2014, states concentrated on the challenges posed by new technologies in small arms manufacturing, but only proposed some general recommendations in the final declaration of the conference (United Nations 2014).

Plastics are increasingly being used in the production of firearm frames and receivers to reduce the weight and cost of the weapons. The disadvantage of polymer or plastic materials for arms control is that any marking can be erased more easily. Indeed, this was exactly what happened when in 2011: G-36 assault rifles, which had been exported from Germany to Egypt and illicitly trafficked to the Gaddafi forces, were seized by rebel groups from the Libyan military.<sup>10</sup> However, the marking of the G-36 had been removed from the polymer frames. Arms are increasingly manufactured in modular forms. This modularity allows for immediate changes to a weapon's caliber, a fundamental characteristic for its identification. The same serial number, if marked only on the receiver or on another component, can then be associated with different calibers. Consequently, modular weapons increase the risk of misidentification and facilitate illicit proliferation (United Nations 2016, p. 14).

It took only a small technological step from manufacturing arms made of plastic to 3D printing. Additive manufacturing now provides civilian gun owners and other

<sup>9</sup> For an overview of the relationship between state-owned and civilian SALW, see <https://www.smallarmssurvey.org/sites/default/files/resources/SAS-Infographics-global-firearms-holdings.pdf>.

<sup>10</sup> <https://www.n-tv.de/politik/Ermittlungen-gegen-H-K-article4596881.html>.

non-state actors with methods of making weapons outside industrial production. In general, craft production of SALW has always been an enormous challenge to SALW control. Craft production can include the manufacture of pistols, submachine guns, single launch rockets, grenade launchers, and rocket-propelled grenades, as well as the reloading of cartridges. 3D printing adds another layer to the diverse forms of craft production (King and McDonald 2015). Another relevant source of illicit proliferation is what is known as the darknet. The attacker responsible for the Munich shooting in 2016 acquired his weapons from vendors and cryptomarkets on the dark web market (Persi Paoli et al. 2017).<sup>11</sup> These new technological improvements and innovations pose an additional challenge to current arms control efforts. The existing norms of SALW control are insufficient and ill-equipped to cope with these challenges, which have emerged over the 20 years since the UNPoA came into existence, providing another source of crisis stress.

#### 4 The UNPoA: negotiated according to the rules of consensus

The UNPoA was concluded in July 2001.<sup>12</sup> Other global governance regulations, such as the 1997 Mine Ban Treaty and the 2008 Clusters Munition Convention, set precedents or followed a similar approach to humanitarian arms control, where the ban of a weapon category is an important norm, as is victim assistance (Wisotzki 2013b, 2010). Non-governmental organizations, the transnational NGO network IANSA, in particular, were inspired by NGOs achievements regarding the conclusion of the Mine Ban Treaty and managed to frame SALW control as a humanitarian issue (Garcia 2006, p. 50). In contrast to its predecessors in humanitarian arms control, a complete ban on SALW was never considered due to the legitimate security interests of states enshrined in Article 51 of the UN Charter.<sup>13</sup> The UNPoA seeks to tackle the problem of illicit trade of SALW through a variety of measures and strategies. First of all, it is an overarching framework of multilevel governance, including measures of arms control at the local, national, sub-regional, and regional, as well as at the global level. From a norm clusters perspective, it contains crucial norms such as SALW stockpile security or identification and destruction of state-owned surplus stocks. Illegal SALW production, possession, trade, and transfer should be made punishable. Regional cooperation should be improved. National legislation governing the transfer of SALW should be coordinated and harmonized under regional

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<sup>11</sup> In the 2016 shooting in Munich, an 18-year-old man with right-wing views killed nine people, mostly with immigrant background. See <https://www.dw.com/en/germany-2016-munich-attack-had-radical-right-wing-motives-say-police/a-50991641>.

<sup>12</sup> <http://unrcpd.org/conventional-weapons/poa/>.

<sup>13</sup> Some other norms preceded or followed the UNPoA regulating other aspects of conventional arms control, such as the UN Register of Conventional Arms (UNROCA), which was extended in 2016 to the 7+1 principle to include SALW in states' annual reporting. Another instrument for SALW control is the Firearms Protocol of 2001, which was added to the Convention against Transnational Organized Crime (CTOC) as part of the fight against organized crime. The Arms Trade Treaty (ATT) of 2014 seeks to regulate global arms transfers along commonly established criteria such as humanitarian law and human rights law.

arms control agreements. At the global level, the PoA calls on all states to comply with arms embargos. However, the UNPoA is a “politically binding and relatively weak agreement with commitments that are mostly vague or unelaborated” (Greene and Marsh 2012, p. 176).

#### 4.1 Norm contestation during the UNPoA negotiations

Several UNPoA norms were contested during the initial negotiations. Part of the SALW crisis results from inadequate regulation of this weapon category. As this section demonstrates, the omission of ammunition, the lack of a ban on arms transfers to non-state actors, as well as the absence of the regulation of civilian possession of SALW resulted in loopholes in the UNPoA that weakened the global governance effort. The contestation of these three norms has accompanied the 20-year implementation process particularly at the global level at BMS and review conferences at the United Nations in New York.

One of the first instances where states’ positions diverged was on the issue of definition and what types of SALW should be regulated by arms control. While the majority and, in particular, the countries affected in Latin America, the Caribbean, sub-Saharan Africa, and Southeast Asia sought a comprehensive definition and the inclusion of ammunition, the US was especially opposed to such a definition. This norm conflict was solved by refraining from including any definition of SALW in the UNPoA and leaving out ammunition (Atwood and Greene 2002, p. 221).

Among the most highly contested norms during the Preparatory Committee for an Arms Trade Treaty (PrepComs) and the July 2001 negotiations on the UNPoA was the issue of transparency and the possible inclusion of global standards of SALW transfer control.<sup>14</sup> Throughout the deliberations of the July 2001 UNPoA Conference, states such as China, Russia, and the G-77 states resisted any measures that would restrict their ability to import, export, or re-export SALW. This position was “consistent with long-standing differences between arms suppliers like the US and the European Union (EU) and recipient countries that have historically resisted any restrictions on their ability to acquire military equipment” (Atwood and Greene 2002, p. 223). This is also in line with traditional G-77 positions emphasizing their sovereign right of self-defense, which, in their view also entails the right to acquire arms. During the negotiations, a compromise was reached that referred to export controls as a matter of national concern, but it also referred to existing states’ responsibilities under international law. The Member States of the European Union had strongly lobbied for stricter norms on aspects of legal trade, but were unable

<sup>14</sup> In the aftermath of the Iraqi conflict, on 6 December 1991, the UNGA adopted Resolution 46/36L “Transparency in Armaments” and requested that the UNSG establish and maintain a universal Register of Conventional Arms (UNRoCA), which did not include SALW as a category in its initial wording. States were asked to provide annual data on their arms transfers on a voluntary basis. Another transparency initiative has been the Wassenaar Agreement on Export Control for Conventional Arms and Dual-Use Goods and Technologies of 1996. Small arms and light weapons was added as a category in December 2002. See Garcia 2006, p. 146.

to reach a consensus.<sup>15</sup> The lack of global, binding norms regulating the legal trade of SALW is probably the greatest weakness of the current UNPoA. In December 2014, the Arms Trade Treaty entered into force, which seeks to resolve this lack of precision in the UNPoA (Lustgarten 2015). However, so far, the implementation of global standards for regulating the global conventional arms trade along commonly agreed criteria have failed to hinder states from exporting conventional arms to warring states (Wisotzki 2018a). While the outcome of the ATT is laudable, it has not led to any real change in output, at least of some of the major conventional arms exporting countries.

The attempt to include a strong norm only restricting SALW exports and transfers to governments also generated conflict among states. African states in particular asked for the inclusion of such a norm, as they saw the arming of non-state actors as a relevant source of illicit trafficking. While US resistance was the most pronounced, their exposed position allowed other opposing states to hide behind the superpower. African states insisted on the inclusion of the norm, but the US refused any compromise so that in the end any reference to banning SALW transfers to non-state actors was omitted from the UNPoA (Atwood and Greene 2002, p. 220).

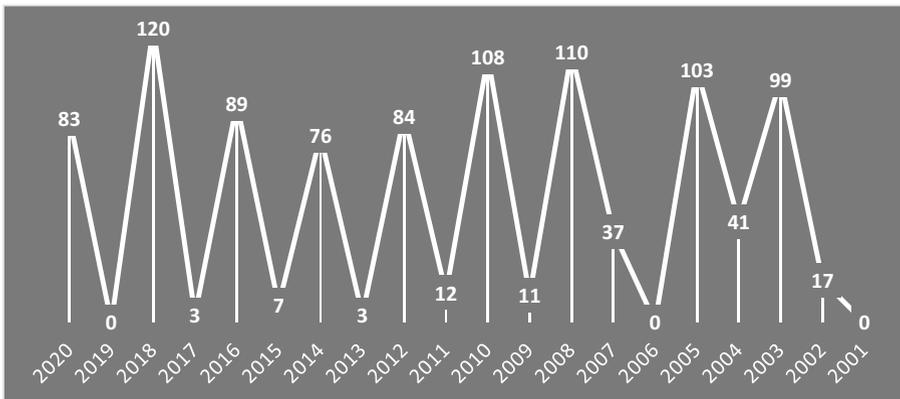
The issue of including reference to civilian possession in the UNPoA became another contested issue during the final negotiations in July 2001. African states emphasized the necessity to include a norm regulating civilian possession on a global scale. At the very beginning of the final negotiations, the US Under Secretary of State John Bolton immediately made it clear that the US delegation would not “join consensus on a final document that contains measures abrogating the [US] constitutional right to bear arms” (Bolton 2001, p. 3). The US position was the result of the strong political influence of the pro-gun lobby represented by the National Rifle Association (NRA). Due to the consensus principle, any reference to civilian possession and how it might relate to the illicit trafficking of SALW was removed from the final document of the UNPoA.<sup>16</sup>

These examples of norm contestation illustrate that in the case of UNPoA negotiations, the UN system of consensus-based decision-making often led to a weaker outcome. Important obligations that would have effectively tackled the illicit proliferation of SALW were diluted or even omitted entirely due to the need to achieve consensus. Powerful states such as the US, China, and Russia often used their say to block negotiations from achieving any compromise. However, as Sect. 5 will show, more tailored forms of regional governance for tackling the illicit trade of SALW successfully manage to include the norms that remain contested and omitted from agreements at the global level.

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<sup>15</sup> The EU presidencies of Germany and Finland invested significant diplomatic effort into gaining support from Latin American and African states to transfer some of the norms of the Joint Action into the PoA. These states also voiced their concern that any attempts to restrict legal trade would interfere with their legitimate security needs and their statist sovereignty rights. Germany attempted to differentiate between the terms “legitimate security needs” and “destabilizing accumulation” of SALW. Personal communication with German diplomat, October 1999.

<sup>16</sup> The failure to include such a norm in the UNPoA, even in its weakest form, must also be related to the effective lobbying of the NRA, which, together with Congressman Bob Barr, had been part of the US delegation to the UNPoA and successive implementation conferences (Bob 2012).



**Fig. 1** National Reports on the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA)

## 5 Problems of implementing the UNPoA: renewed norm contestation

In contrast to other arms control treaties, the UNPoA lacks effective mechanisms of verification and compliance. Implementation is only secured through states' reports, regular Review Conferences, and the Biennial Meeting of States. Despite its normative deficits, the UNPoA has fostered a general awareness of the complex and multiple challenges caused by the illicit proliferation of SALW. However, the results of more than 20 years of implementation remain mixed. The key to effective SALW control lies with national governments: they have to enact national laws and regulations to clearly define legal aspects of SALW trade and separate such practices from illicit trafficking (Greene and Marsh 2012, p. 175). For example, the PoA asks states to define and identify surplus SALW and refrain from selling old stocks retired from military or police use to other states or non-state entities. Germany, for example, destroyed more than two million small arms between 1990 and 2009. Part of the disposal was related to German unification, the dissolution of the armed forces of the former German Democratic Republic, the NVA, and the downsizing of the Bundeswehr. However, Germany also changed its practices after the UNPoA was concluded. It became official policy to destroy firearms stock retired from military and police use rather than sell the weapons to third-party states (Karp 2018a, p. 10; Germany 2010). The UNPoA led to a change in policy practice—or to put it in global governance terms—to a change in outcome.

On the other hand, there are numerous examples that clearly show the limits of the effectiveness of the UNPoA. One possible indicator to assess this is the revision of national laws or the reporting obligations of all UN Member States. By approving the UNPoA, national governments made politically binding commitments to implement a series of norms at the national, regional, and global levels, such as national legislation to criminalize illegal manufacture, possession, stockpiling, and trade of SALW or laws and administrative procedures to ensure effective control over the export and transit of SALW. When reviewing states' implementation efforts, Parker and Green (2012) found mixed results: While, for example, a majority of states had

enacted national laws establishing illegal production as a criminal offence, less than 10% of states complied with marking imported SALW entering their borders. In order to ensure implementation, the verification scheme of the UNPoA also relies on regular national reporting. The UN Office of Disarmament evaluated these reports for the 2018 3rd Review Conference and also came to a mixed conclusion. While 93 states had established national coordination agencies, they often failed to include the entities relevant for effective SALW control (UNODA 2018). At BMS 2010, a report indicated that of 151 national points of contact, only 51 could be verified (Parker 2011). Many states affected by illicit SALW proliferation indicate a need for assistance, e.g., in order to improve stockpile management or cross-border transit controls. However, after more than 20 years of implementation practice, it still seems difficult to match the needs of affected states with the resources of donor countries. Over the course of all this time, the frequency and intensity of reporting varied considerably (Fig. 1).<sup>17</sup>

Problems of effectiveness are also the result of difficulties in strengthening and improving the existing norms of the UNPoA. By 2020, six BMS had been held and three Review Conferences were convened in 2006, 2012, and 2018. While the Review Conferences generally achieved a consensual outcome document, the Review Conference in 2006 failed to achieve unanimous agreement among the participating states, necessitating a vote at BMS 3 in 2008.<sup>18</sup> While the UNPoA called on states to assess export licenses according to strict national regulations and “consistent with the existing responsibilities of States under relevant international law,” revisions at the RevCon1 in 2006 attempted to highlight the relevance of national export provisions, while diminishing the role of international obligations, such as those deriving from international law. In the end, consensus on the outcome document could not be achieved (McDonald 2007, p. 118).

The issue of ammunition and its inclusion in the UNPoA also became a renewed source of norm conflict. At the Review Conference in 2018, the US once again emphasized that there had been “no consensus on ammunition for the last 20 years” between states negotiating on the UNPoA. Nevertheless, this time the majority of Latin American and African states refused to be held hostage to consensus, and asked for a vote on this specific paragraph to be included in the outcome document. Since the 1970s, it has become standard diplomatic practice that decisions at UN multilateral conferences be taken by consensus (Akande 2013). Although the exact meaning of consensus has not been defined, in practice some states frequently block or threaten to block the consensus while others agree to maintain “neutrality,” albeit not completely in line with a specific rule. In the case of the UNPoA, the states at the BMS and Review Conferences mostly sought to achieve consensus. However, over the years, the states became increasingly frustrated as important norms such as

<sup>17</sup> To alleviate the burden of annual reporting, at BMS 4 in 2010, the states agreed to a biennial reporting scheme.

<sup>18</sup> In 2006, the US delegation was opposed in principle to the UNPoA. Led by Under Secretary John Bolton, the US opposed any effort to include contested issues, such as a norm on civilian possession of SALW or a norm on refraining from selling SALW to non-state actors. Nevertheless, the whole review process also suffered from procedural failings, such as lack of leadership from the chairman and unsuccessful facilitation.

the inclusion of ammunition failed to materialize. At the third Review Conference in 2018, states from the Global South succeeded in achieving the inclusion of this norm through a vote (Wisotzki 2018b). Norm conflicts on civilian possession and the inclusion of provisions to limit SALW transfers to non-state actors became a recurring issue at virtually all BMS and, in particular, at the Review Conferences of the UNPoA. In 2006, the inclusion of non-state actors became a “red line” for the US delegation and the same applied to the norm on civilian possession. This resulted in failure to produce an outcome document (McDonald 2007, p. 123).

## 6 SALW norm clusters from a regional perspective: much effort, less impact

Other norm-building initiatives and their associated practices became increasingly important as regional and sub-regional initiatives targeted the specific problems of each region, and as a result the states in that region were able to agree on contested norms more easily. The scope and diversity of regional and sub-regional arrangements and practices on SALW control can be best visualized using the norm clusters approach and a process of international law-making as a “world of practice” (Kratochwil 2014, p. 54, 67). SALW control measures have been initiated in all regions but differ in scope, rigidity, and practice. The regions that have probably been the least active when it comes to regional norm-building initiatives are South Asia and the Middle East and North Africa (MENA) region. However, even in Southeast Asia, for example, SALW destruction projects, funded by external stakeholders, took place in Cambodia, Aceh/Indonesia, and the Philippines (Capie 2008, p. 645).<sup>19</sup>

Measuring effectiveness in the realm of SALW control is problematic. The drafting of new norms might just be “cheap talk” if the norms do not result in actual arms control and disarmament practice. On the other hand, this section focuses on ways of resolving the continuous contestation of norms at the global level. Do the aforementioned initiatives manage to close the remaining gaps in the UNPoA at global level? In this section, the regional initiatives are mainly evaluated in respect to the level of obligation, delegation, and precision.

Among the first were the measures introduced in Southern Africa, which started as a trilateral initiative between South Africa and its neighboring states. In cooperation with Mozambique, which still had to deal with the residual effects of the civil war that ended in 1992, South Africa undertook a series of joint weapons destruction operations called “Operations Rachel” aimed at hidden weapon caches.<sup>20</sup> Negotiations led to the Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and other Related Materials, which

<sup>19</sup> Greene and Marsh (2012, p. 179) stress that based on the negotiation of regional agreements, technical and financial assistance, arrangement of expert meetings, or publishing best practice guidelines for SALW control, it is clear that regional organizations in East and South Asia have been less active in addressing the small arms issue.

<sup>20</sup> Between October 1995 and June 1996, Operations Rachel were conducted and 12,000 firearms, 6350 antipersonnel mines, 7000 mortars, 300 launchers and cannons, 1260 hand grenades, and more than 3,300,000 pieces of ammunition were destroyed. See Greene (2000, p. 163).

was concluded in 2001.<sup>21</sup> Twenty years later, the SADC countries managed to negotiate a new protocol on the basis of the African Union (AU) “Silencing the Guns” initiative.<sup>22</sup> The new protocol closed important loopholes and took into account new regional and global norms, such as the 2010 Kinshasa Convention, the 2014 Arms Trade Treaty, and Sustainable Development Goal target 16.4, which aims to significantly reduce illicit flows of arms by 2030.<sup>23</sup> The challenge clearly lies in effective implementation practice—the SADC Secretariat is establishing an implementation task team in order to develop a regional action plan.

In West Africa, the practical disarmament measures that were taken in Mali were also extended to the sub-regional level, and the politically binding Economic Community of West African States (ECOWAS) Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons was declared in October 1998. The Moratorium convinced arms supplying countries to change their arms export practices and notify the ECOWAS Secretariat about this and ask whether they have been granted an exemption, which led to consultations among the states of the sub-regional community (Greene 2000, p. 160). In 2006, Member States of ECOWAS signed a Convention on SALW, which entered into force in 2009. In contrast to the UNPoA, the ECOWAS Convention is legally binding. It is also far reaching as it prohibits SALW transfers within the sub-region unless a Member State obtains an exemption from the ECOWAS Secretariat. It also includes, for example, measures on civilian possession of firearms as well as ammunition, which was explicitly excluded from the UNPoA. Implementation practice includes regular cooperation with international donors, such as the European Union (Bankale and Chukwuzitara 2021, p. 920).

The Nairobi Declaration on the Problem of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, which was concluded in March 2000, and the subsequent Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (Nairobi Protocol), which entered into force in 2005, functioned as a precedent and model for negotiating a global agreement on SALW.<sup>24</sup> Contrary to the other regional and sub-regional agreements, the implementation of the Nairobi Protocol is supported by a Regional Centre on Small Arms and Light Weapons (RECSA), which serves as a specific implementation unit.<sup>25</sup> From a delegation perspective, the

<sup>21</sup> In 1998, political practices were brought together under the auspices of the Southern African Development Community (SADC), as well as under the Southern African Regional Police Chiefs Cooperation Organization (SARPPCO). A year later, the SARPPCO initiative became the main institutional framework for SADC countries to cooperate and coordinate their activities.

<sup>22</sup> The “Silencing the Guns” initiative was established by the AU in 2013. For an account of the initiative’s concrete results see <https://issafrica.s3.amazonaws.com/site/uploads/pb152.pdf>.

<sup>23</sup> The new SADC protocol of 2020 was created in close cooperation with civil society. Also see <https://issafrica.org/impact/sadc-strengthens-strategy-to-silence-the-guns>.

<sup>24</sup> Two of my interview partners also emphasized the role and relevance of the Nairobi Declaration (Ernie Regehr, Interview Waterloo/Canada on April 3, 2019 and Kenneth Epps, on April 2, 2019).

<sup>25</sup> The Regional Centre on Small Arms in the Great Lakes Region, Horn of Africa and Bordering States (RECSA) is an intergovernmental organization, established in June 2005, which is mandated to coordinate the implementation of the Nairobi Protocol. See <https://recsasec.org/>.

Nairobi Protocol grants RECSA with considerable authority to interpret, implement, and apply the norms states have agreed upon.

The Organization of American States (OAS) also took the initiative in attempts to curb the illicit arms trafficking that exists in the region, closely related to organized crime and the drug business. In September 1997, one of the OAS Commissions—the Inter-American Drug Abuse Control Commission (CICAD)—established a Model Regulation for the Control of the International Movement of Firearms, their Parts, Components and Ammunition.<sup>26</sup> The legally binding Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and their Component Parts (OAS Convention) was adopted in 1998 and entered into force in October 1999 (Greene 2000, p. 176). These regional and sub-regional initiatives were decisive as they reduced norm-building initiatives to the specific problems of the regions affected by the illicit trafficking of SALW. The link to crime governance became particularly prominent in the OAS region. However, also on the international level, negotiations on restricting criminal activities related to firearms trafficking were only enacted when the Firearms Protocol was concluded in 2000 (Laurance 2014, p. 23; Wisotzki 2013b, p. 108).<sup>27</sup>

Success stories of sub-regional small arms control can also be found in the Balkan region. One of the reasons for this success is that several institutions have joined forces to implement new provisions and regulations, including the EU, the Organization for Security and Co-operation in Europe (OSCE), and SEESAC.<sup>28</sup> The breakup of the Socialist Federal Republic of Yugoslavia and the armed conflicts that followed in the 1990s led to an enormous accumulation of SALW in the hands of state forces and civilians. While in the aftermath of the Bosnian conflict, several rounds of SALW disarmament and disposal initiatives took place, many weapons remained unmonitored in the hands of civilians. These surplus and sometimes also illicit arms pose a threat to the safety and security of civilians in the West Balkans, and also fuel organized crime and terrorism in the EU (Duquet and Goris 2018; Prezelj 2010). A large number of illicit SALW were smuggled from the region into conflict-affected areas. SALW from Serbia and Bosnia-Herzegovina were shipped to Liberia and Congo in 2006, fueling the ongoing conflicts there (Arsovska and Kostakos 2008, p. 365). The Small Arms Survey estimates that more than 6.8 million firearms can be traced to the countries of the West Balkans (Carapic and Gassmann 2018, p. 5). With the West Balkan Small Arms and Light Weapons Control Roadmap,

<sup>26</sup> The US had resumed their membership in the OAS in 1994 after 25 years of absence. At the regional level, the US accepted the inclusion of ammunition in the efforts to control SALW. In November 2000, the OSCE adopted its Document on Small Arms and Light Weapons, which also addressed legal trade. Once again, the US accepted the very general principles. Both issues were contested and ultimately no agreement was reached on them in the UNPoA negotiations.

<sup>27</sup> The official title of the Firearms Protocol is the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. See <http://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>, last accessed on November 17, 2020.

<sup>28</sup> The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) was established in 2002 to implement the UNPoA in Southeastern and Eastern Europe. Illicit SALW proliferation has fueled crime and insecurity, exacerbated conflict in the region, and undermined post-conflict peace-building.

Member States of the EU and other international organizations, such as the United Nations Development Programme (UNDP) and United Nations Office on Drugs and Crime (UNODC), have intensified their efforts to clear the vast surplus and illicit stockpiles of SALW and ammunition from six West Balkan states by 2024.<sup>29</sup> In cooperation with their partners, each of the six West Balkan partners (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia) initiate national action plans to identify their specific priorities for national SALW control. In cooperation with SEESAC, seven goals in the areas of legislation, export control, collection, as well as physical destruction and stockpile management have been identified and put into practice (Newton 2020).<sup>30</sup> In contrast to the previous approach of concentrating solely on physical security and stockpile management, this initiative pursues a comprehensive approach focusing on the life-cycle management of SALW, addressing the need to strengthen border cooperation to prevent the illegal proliferation of SALW, and also to enhance the criminal justice framework for illicit trafficking and possession. The SEESAC serves as an important hub of coordination and delegation. The West Balkan SALW Control Roadmap served as a role model for similar efforts in the Caribbean and will also serve as a model for future projects, in the ECOWAS region, for instance. It is exemplary as it addresses a whole sub-region and also focuses on the root causes of supply and demand of SALW. The perspective on regional arms control shows how useful it is to think of norms as clusters and as a world of practice where actors reproduce and also change normative structures in order to adapt them to regional and sub-regional needs and challenges.

## 7 Conclusion

The sources of illicit SALW proliferation are manifold and often exceed the capabilities of arms control and disarmament. This article focuses on the external and internal dimensions for the crisis of illicit SALW proliferation. The external causes of the small arms crisis can be traced to the supply and demand side, they result from failures of public and security sector governance, porous borders, organized crime, or structural causes of conflict. SALW control is per se insufficient to tackle these driving factors of illicit proliferation, precisely because these challenges often lie beyond the scope of arms control. The control of SALW remains a complex and long-term undertaking and has to be linked to other issues such as security sector reform and governance accountability. Moreover, disarmament and development are intricately linked, something which has been officially recognized by the 2030 Agenda for Sustainable Development and Goal target 16.4.<sup>31</sup> These aims have all been recognized by the numerous Biennial Meetings of States and the three Review

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<sup>29</sup> Financial contributions for the West Balkan SALW Control Roadmap came from France, Germany, Norway, Sweden, The Netherlands and UK. See <https://www.seesac.org/UN-Multi-Partner-Trust-Fund/>.

<sup>30</sup> See [https://www.unodc.org/documents/southeasterneurope/Wester\\_Balkans\\_SALW\\_Control\\_Roadmap\\_MPTF\\_2020\\_Annual\\_Report.pdf](https://www.unodc.org/documents/southeasterneurope/Wester_Balkans_SALW_Control_Roadmap_MPTF_2020_Annual_Report.pdf).

<sup>31</sup> Target 16.4 aims at significantly reducing illicit financial and arms flows by 2030.

Conferences held since 2001 but often remain at the declaratory level and have not been put into efficient policy practices.

In fairness, the challenge of effectively combatting the illicit trade in SALW is enormous. Technological innovations such as 3D printing or modular weapons pose yet another challenge to any arms control effort, and the UNPoA in its current status is ill-equipped for such additional challenges arising from new technologies of this kind. However, despite more than 20 years of gaining knowledge about the complex facets of the legal/illicit/illegal SALW trade, civilian ownership of firearms as well as the overall number of SALW worldwide still seems to be growing. States continue to supply state and non-state conflict parties with SALW and ammunition, as the civil war in Libya demonstrates.<sup>32</sup> Libya continues to have a bad track record when it comes to illicit trafficking of SALW because state-owned stocks proliferated into the region and fueled the eruption of violence in northern Mali. In the 1990s, Mali had been a role model of SALW control, initiating the ECOWAS Moratorium in the region. Now, however, the country is awash with SALW, which has led to various conflict experts predicting that Mali will be the “next Afghanistan” (Conflict Armament Research 2013).

However, when looking at the internal dimension of the SALW crisis, the UNPoA itself is also partly to blame for the inadequate and ineffective arms control and disarmament efforts. To use the language of arms control, the UNPoA lacks a system of systematic monitoring and compliance. The implementation of the UNPoA is mostly assured through a process of biennial self-reporting by states. While the willingness of the international community to self-report is visibly diminishing, the discrepancy between the polished rhetoric of the reports and arms control efforts on the ground is unmistakable. The UN Office for Disarmament Affairs, which functions as a quasi-secretariat but lacks effective authority and delegation, has, for example, established a Modular Small-arms-control Implementation Compendium (MOSAIC), which seeks to translate the broad norms of the UNPoA into implementable policy practices.<sup>33</sup> Such standards are decisive, but UN Member States often lack the political will to implement them. Moreover, the internal crisis of SALW control is exacerbated by the continuous norm contestation within the UNPoA framework.

In the more than 20 years of implementing the UNPoA, the output of the Biennial Meetings of States and Review Conference in terms of elaborated outcome documents have been impressive. All these documents have established a comprehensive body of knowledge about the complexity of SALW proliferation, but only partially led to a change in the behavior of states—from a global governance perspective, the output has in fact been sparse. Norm contestation at the states’ conferences has, at best, only partially led to a refinement and adaptation of norms. New agreements, such as the International Tracing Instrument, have also failed to provide an effective solution to tackle the illicit proliferation of arms. At meetings of states, different participants have repeatedly blocked the consensus, such as China, Russia, and the

<sup>32</sup> <https://www.theguardian.com/world/2020/mar/11/suspected-military-supplies-libya-un-cargo>.

<sup>33</sup> See <https://www.un.org/disarmament/convarms/mosaic/>. There are also other standards, e.g., the International Ammunition Technical Guidelines (IATG). For an overview of these different standards, see <https://www.un.org/disarmament/convarms/salw/>.

US, but also some G77 states, such as India, Pakistan, or Arab states. The UN negotiation system, governed by the rules of consensus, has also exacerbated the internal dimension of the UNPoA crisis. In order to prevent the global arms control effort from becoming completely meaningless, the voting on individual norms, such as the vote on ammunition during the Review Conference in 2018, might help the UNPoA to regain some legitimacy and establish ways out of crisis.

On the more positive side, more than 20 years of implementation efforts have led to the creation of an enormous volume of research and knowledge about the complexities of SALW proliferation. Arms control and disarmament efforts alone do not suffice but have to be integrated into more holistic approaches of security sector reform and stabilization of fragile statehood. In post-conflict situations, SALW control needs to be an integral part of disarmament, demobilization, reintegration, and rehabilitation. The empirical example of the West Balkan Roadmap also demonstrates that small arms control and disarmament efforts have to be repeated or even sustained in order to be effective. In insecure post-conflict situations, former combatants do not surrender their SALW as they see them as guaranteeing their physical security. Research has also shown the close nexus between levels of violence, the existence of SALW in societies, and lack of development. Therefore, SALW control should—if tailored carefully—also be part of donor countries' development aid programs.<sup>34</sup> Last but not least, the ineffectiveness of SALW control is also related to continuous legal arms exports, global military spending, and a dominant militarist policy pursued by states and the arms industry (Stavrianakis 2019). In this regard, critical feminist peace research approaches also point to the problematic state–human security nexus, which fails to take into account the structural and gendered causes of violence (Yadav and Horn 2021; Bernarding/Lunz/Wisotzki 2020).

This gloomy picture is exacerbated by statistics indicating that the numbers of newly manufactured SALW are still growing more rapidly than worldwide disarmament efforts. While controlling the legal SALW trade remains crucial, the control and limitation of civilian possession, as well as disarming non-state actors, are truly decisive. The African statistics of 11 million state-owned SALW stocks and 40 million SALW in the hands of civilians/non-state actors are more than illustrative in this respect. Taking a norm clusters approach in this field directs the perspective to important and often more tailored initiatives at the regional and sub-regional level, such as the Balkan Roadmap, which can be adapted to other regions.

All SALW control efforts should be guided by understanding norms not only as standards of behavior, but also as a set of political, military, police, and civilian practices. It is more important than ever to ensure that prescriptive norms are translated into everyday practical political and social realities to meet the needs of people struggling with the dire consequences of illicit SALW proliferation.

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<sup>34</sup> <http://www.smallarmssurvey.org/armed-violence/social-and-economic-costs/impact-on-development.html>.

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