

The illicit arms trade

Mark Phythian discusses the international failure to control the arms' trade.

President George Bush's 1991 proclamation of a 'new world order' has since given way to a world of increased regional, ethnic, and tribal conflict, as the Cold War permafrost which helped hold these tensions in suspension quickly melted. One response to this upsurge has been a proliferation of arms embargoes intended to restrict the flow of military equipment to affected areas. This combination has created the necessary pre-conditions for the illicit arms trade to thrive. Effectively barred from openly buying the arms they require, warring factions or states must instead rely on the black market in weapons, sometimes arranging for one of a growing number of arms brokers to supply them, usually channelling arms through third countries which do not enforce the embargo in question.

At the same time, the end of the Cold War also helped create the political space required to begin to tackle the trade (it is hard, for example, to imagine the Reagan administration playing any meaningful role in calling for an end to the illicit arms trade when the Reagan Doctrine virtually institutionalised it). The EU, G8 and OAS all began to address the issue. Since 1991, the UN has passed a number of Resolutions calling on governments to take measures to curb the trade. For example, Resolution 48175F from December 1993 noted the link between illicit arms transfers and threats to international peace and called on member states to 'give

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priority to eradicating the illicit arms traffic associated with destabilizing activities, such as terrorism, drug trafficking and common criminal acts.' The 1996 *Report of the Disarmament Commission* called on states to cooperate in combating illicit arms transfers, comply strictly with UN embargoes, and regulate private arms dealers. Since then a Panel of Governmental Experts on Small Arms has also reported.

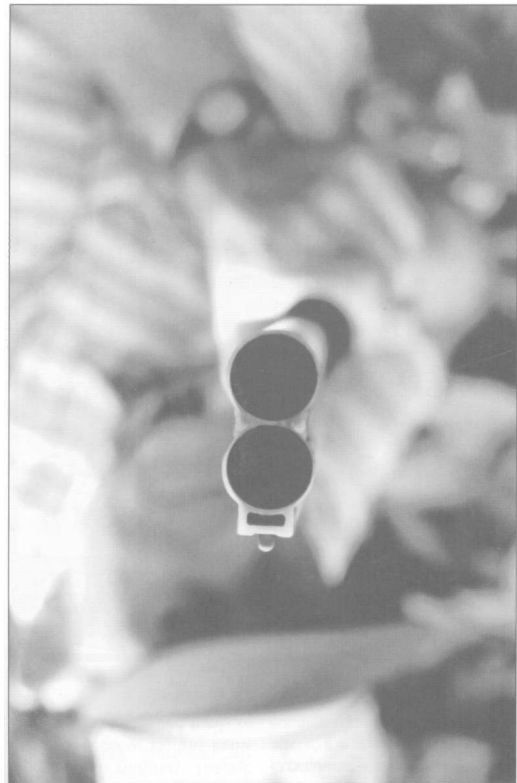
International enforcement failure

However, as the following examples suggest, gestures emanating from international fora are unlikely to result in effective control of a trade dominated by the transfer of small arms where: weapons are moved in quantities that can be housed in mis-labelled

freight containers, private aircraft, ships, or on trucks; end-user certificates can be bought over-the-counter; many states are too weak to enforce international agreements or resolutions on illicit arms; many have no interest in so doing because public and enforcement officials profit from them; and some have a political interest in undermining embargoes:

- In 1997 and 1998, Sandline International Ltd., a 'private military company' set up by former British Army officer Tim Spicer OBE, arranged and supplied arms, sourced in Bulgaria and flown in via Nigeria, to Sierra Leone in contravention of UN and UK arms embargoes. Rakesh Saxena, the financier who arranged Sandline's

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involvement in return for diamond concessions in Sierra Leone, was described by Foreign Secretary Robin Cook as ‘an Indian businessman, travelling on the passport of a dead Serb, awaiting extradition from Canada for alleged embezzlement from a bank in Thailand.’¹

- In 1996 it was revealed that Mil-Tec Corporation Ltd., a British company registered in the Isle of Man, with a correspondence address in Hove, links to a travel agency in north London, and whose directors operated from the Channel Island of Sark, supplied over US\$5.5m worth of arms to the former Rwandan Government during and after the 1994 genocide. In May 1994 the UN imposed an embargo on arms sales to Rwanda, but both before and after this Mil-Tec was delivering arms flown in from Israel and Albania (having sourced the arms in Bulgaria and the former Yugoslavia) via Goma in neighbouring Zaire, with Zairois end-user certificates.² (Mil-Tec officials were never prosecuted, as the UK Government had failed to extend the UN embargo to crown dependencies such as the Channel Islands and Isle of Man.)
- Despite a September 1991 UN embargo on arms sales to the belligerents in the former Yugoslavia, arms continued to flood in by air, sea and road. As the Bosnian Ambassador to Washington, Sven Alkalaj, put it: ‘There’s no problem acquiring arms. There are lots of arms sellers in the world who have access to any kind of weaponry you wish to buy.’ The existence of an embargo

merely raised the price, making it “three or four times higher” than if openly available.³ In addition, geopolitical interests led to states involving themselves in or acquiescing in the serial breaches of the embargo. The Clinton administration tacitly approved Iranian arms shipments to Bosnia. Arms or financing were also provided by a range of other states, including Saudi Arabia, Malaysia, Brunei, Turkey, and Pakistan. The ease with which Serbian forces acquired Russian arms suggests tacit support from Moscow. The scale of smuggling and range of actors involved rendered the embargo meaningless.

- There have been numerous cases involving the illicit transfer of Russian arms in recent years, where ‘the collapse of the old order and discipline, the disintegration of the armed forces, and the sudden arrival of the spiviest end of western business, have produced an explosive cocktail.’⁴ In one case, in late 1996, Russian General Vladimir Semyonov, the third-highest general in the Russian armed forces, was suspended over allegations that he sold arms to the Chechen forces he was leading the fight.⁵
- In 1994 the South African Cameron Commission provided an insight into the milieu of the illicit arms trade while investigating the circumstances surrounding a consignment of South African arms, supposedly destined for Lebanon, but instead bound for prohibited Yemen, then in the midst of a civil war. It found ‘a world of freewheeling and idiosyncratic

characters; of intrigue, *Sciences, University of* deception and subterfuge; of *Wolverhampton.* lucrative and often extravagant commissions and of high living; of deliberately disguised conversations; of communications shrouded in complex documentation and cryptic notes; of deals structured to conceal their true nature; a world with its own rules and code of conduct, in which intimidation, threats and actual peril are ever present; a world, also, of unpredictable allegiances and loyalties: the world, in short, of arms dealers.’⁶ Although it was a description that Eric Ambler would have been proud of, it described a real rather than a fictional world.

- 1 See Foreign Affairs Committee, *Sierra Leone*, 2nd Report, Session 1998-99, HC 116-1 & 116-11. Quote at para. 26.
 - 2 The story was first broken in *The Times*, 18.11.96.
 - 3 Quoted in Michael T. Klare, ‘The Guns of Bosnia’, *The Nation*, 22.1.96., p.23.
 - 4 *The Guardian*, 27.11.93.
 - 5 *Sunday Times*, 8.12.96.
 - 6 *Commission of Inquiry into Alleged Arms Transactions Between Armscor and One Eli Wazan and Other Related Matters*, First Report, 15 June 1995, p.23.
- *Argentinian arms* (which also surfaced in Croatia in the early 1990s) found their way to Ecuador during the 1995 border war with Peru, despite the fact that Argentina was one of the four guarantors of an earlier Peru-Ecuador peace deal. The arms were notionally intended for Venezuela, and President Menem claimed they must have been diverted illegally by private arms traffickers.

Hence, the post-Cold War era has seen two parallel developments in respect of the illicit arms trade. Firstly, a combination of increased conflict matched by increased application of embargoes, fuelling the illicit arms trade. Secondly, the end of the Cold War helped create the political space required to attempt to tackle the problem. However, the omens are not encouraging. What emerges from a study of the illicit arms trade is a picture of a diverse trade, operating at various levels, often with tacit governmental support. The illicit arms trade remains a highly lucrative business, and despite the end of the Cold War there will still be occasions where governments or officials have reason to connive or acquiesce in the breach of international embargoes. Controlling the supply seems unfeasible, suggesting that solutions must instead address the root causes of the demand.

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