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The Arms Trade Treaty: Implications for Southeast Asia

By Pau Khan Khup Hangzo

Synopsis

The global Arms Trade Treaty, signed this month, offers an opportunity for countries in Southeast Asia to collectively address the longstanding issue of small arms and light weapons proliferation. The treaty could in the long run help reduce gun violence and improve prospects for negotiated settlements in protracted internal armed conflicts in the region.

Commentary

GLOBAL EFFORTS to regulate conventional arms trade received another boost with 67 states signing the world's first-ever Arms Trade Treaty on 3 June 2013. The Treaty will enter into force 90 days after 50 states have signed and ratified it. This follows the approval of the Treaty by the UN General Assembly on 2 April 2013 – by an overwhelming 154 votes against three, and 23 abstentions.

The Arms Trade Treaty sets standards for cross-border transfers of conventional weapons ranging from small arms and light weapons (SALWs) to tanks, combat aircraft and missiles. States would be legally bound to review cross-border arms contracts to ensure that the weapons will not be used for human rights abuses, terrorism, violations of humanitarian law or organised crime. For Southeast Asia, stricter regulation of SALWs in particular could potentially have far-reaching consequences.

The “real WMDs” in Southeast Asia

SALWs include arms used by individuals - pistols, light machine guns, assault rifles, grenades - as well as portable arms designed for use by several persons working together in a team, such as heavy machine guns, anti-aircraft guns and missile systems, anti-tank guns and missile systems.

Although these weapons do not by themselves cause the conflicts in which they are used, they exacerbate and prolong them. In all, SALWs are responsible for the deaths of more than 500,000 people each year, in direct conflict situations such as civil wars as well as in non-conflict situations such as homicides. SALWs have therefore been called the “real WMDs”, with commentators arguing that they warrant the same, if not more, attention as nuclear, chemical and biological weapons.

Southeast Asia has long been a major source, transit and destination for trafficked SALWs. Large stocks of surplus weapons in countries such as Cambodia, a legacy of the civil war in the country, have resulted in the country becoming an important source of illicit weapons. Despite an extensive weapons collection and

confiscation programme, an estimated 273,000 to 600,000 weapons are still held by civilians. These weapons have proliferated to anti-government armed groups in Indonesia, the Philippines, Thailand, Myanmar, Sri Lanka and India, and they often transit through a number of countries both in the region and beyond. The proliferation of SALWs to anti-government armed groups represents legitimate security concerns as they threaten both state and regional stability. Measures against arms proliferation have therefore tended to target arms trafficking by such groups.

Equally important, yet often ignored, is the proliferation of SALWs to pro-government armed groups (PGAGs) who are allied with the government but are not part of the regular armed forces. A number of such groups currently operate in Southeast Asia, including the Border Guard Forces in Myanmar; the Village Defence Volunteers, Volunteer Defence Corps and Village Protection Force in Thailand; and the Civilian Volunteer Organization and Citizen Armed Force Geographical Unit as well as private armies in the Philippines.

For governments, PGAGs are important strategic assets and valuable force multipliers. However, these groups are generally poorly trained in military matters and human rights and humanitarian law, and they potentially pose far greater danger to civilians than regular forces. Despite this, governments continue to divert legally acquired weapons to them. States have also been known to turn a blind eye to illegal practices by insurgent groups that they have co-opted such as arms smuggling.

Establishing regional and national standards

By requiring states to review cross-border arms contracts, the Arms Trade Treaty addresses both licit and illicit acquisition of SALWs by both pro- and anti-government armed groups alike. Responses to the treaty from Southeast Asia have been largely positive, as most countries in the region have voted for it. The way forward therefore is to also institute regional standards to further enhance compliance. To this end, ASEAN is well-placed to take the lead and establish regional standards on the arms trade.

Southeast Asia currently has no regional standards on arms trade although the 1997 ASEAN Declaration on Transnational Crime did stress the need for sustained cooperation in addressing transnational concerns including illicit arms. In the absence of regional standards, it is not surprising that countries in Southeast Asia have varying degrees of gun control measures, from total control (Brunei, Cambodia, Vietnam) to restrictive control (Indonesia, Malaysia, Singapore, Timor-Leste) to highly permissive (Laos, Myanmar, Philippines, Thailand).

This is reflected in the rates of civilian gun possession in the region, which ranges from 0.3 per 100 people in Timor-Leste and 0.5 in Indonesia and Singapore; to 1.2 in Laos, 1.4 in Brunei, 1.7 in Vietnam, 4.0 in Myanmar, 4.3 in Cambodia; 4.7 in the Philippines and 15.6 in Thailand.

Curbing proliferation in ASEAN

The lack of regional standards coupled with uneven domestic arms control efforts has played an important role in the continued proliferation of SALWs in Southeast Asia. Experiences of other sub-regional groupings like the Economic Community of West African States (ECOWAS) could be instructive. ECOWAS instituted in 2006 a Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials aimed at preventing and combating the excessive and destabilising accumulation of SALWs within the grouping.

It has since undertaken measures such as collection and destruction of surplus and obsolete weapons and has aided member states in reviewing domestic firearms legislation. More recently, member states have collectively voted in favour of the Arms Trade Treaty.

In light of the generally positive support from ASEAN member states for the Arms Trade Treaty, it is important that both regional and national efforts be stepped up. A first step would be for member states to sign the Treaty, which they are yet to do, and then to ratify it. This should be followed by the establishment of regional standards aimed at regulating the licit and illicit trade in SALWs. Finally, states should be pressed to implement stricter domestic gun control laws to prevent proliferation and misuse of weapons within their borders. Such efforts could in the long run help reduce gun violence and improve prospects for negotiated settlements in protracted internal armed conflicts in the region.

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