

NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

DISRUPTING ILLICIT SMALL ARMS TRAFFICKING IN THE MIDDLE EAST

by

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December 2008

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REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.			
1. AGENCY USE ONLY ***(Leave blank)***	**2. REPORT DATE** December 2008	**3. REPORT TYPE AND DATES COVERED** Master's Thesis	
4. TITLE AND SUBTITLE Disrupting Illicit Small Arms Trafficking in the Middle East		**5. FUNDING NUMBERS**	
6. AUTHOR(S) Neil N. Snyder			
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000		**8. PERFORMING ORGANIZATION REPORT NUMBER**	
9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A		**10. SPONSORING/MONITORING AGENCY REPORT NUMBER**	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.			
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited		**12b. DISTRIBUTION CODE**	

13. ABSTRACT (maximum 200 words)

The illicit trade in small arms and light weapons delivers a global supply of weapons and ammunition to the demand of rogue state and non-state actors. While arms do not create conflict, they increase the intensity of violent conflict. The illicit trafficking of small arms contributes to irregular conflicts in the Middle East, a region of persistent conflict and instability. The international community has attempted to regulate the global supply of small arms through non-binding agreement and embargoes, but these efforts have been ineffective in achieving the goal of preventing the flow of weapons to criminal organizations, terrorists, and other de-stabilizing non-state actors. This thesis systematically examines the illicit small arms trade to identify points of vulnerability. This study identifies a strategy to disrupt the flow of arms to specific groups or states by countering arms brokers and the networks of actors that brokers coordinate.

14. SUBJECT TERMS Small Arms Proliferation, Arms Trafficking, Arms Brokers, Middle East			**15. NUMBER OF PAGES** 101
			16. PRICE CODE
17. SECURITY CLASSIFICATION OF REPORT Unclassified	**18. SECURITY CLASSIFICATION OF THIS PAGE** Unclassified	**19. SECURITY CLASSIFICATION OF ABSTRACT** Unclassified	**20. LIMITATION OF ABSTRACT** UU

NSN 7540-01-280-5500

Standard Form 298 (Rev. 2-89)
Prescribed by ANSI Std. 239-18

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DISRUPTING THE ILLICIT SMALL ARMS TRAFFICKING IN THE MIDDLE EAST

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Submitted in partial fulfillment of the
requirements for the degree of

MASTER OF SCIENCE IN DEFENSE ANALYSIS

from the

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The illicit trade in small arms and light weapons delivers a global supply of weapons and ammunition to the demand of rogue state and non-state actors. While arms do not create conflict, they increase the intensity of violent conflict. The illicit trafficking of small arms contributes to irregular conflicts in the Middle East, a region of persistent conflict and instability. The international community has attempted to regulate the global supply of small arms through non-binding agreement and embargoes, but these efforts have been ineffective in achieving the goal of preventing the flow of weapons to criminal organizations, terrorists, and other de-stabilizing non-state actors. This thesis systematically examines the illicit small arms trade to identify points of vulnerability. This study identifies a strategy to disrupt the flow of arms to specific groups or states by countering arms brokers and the networks of actors that brokers coordinate.

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TABLE OF CONTENTS

I. INTRODUCTION....1
A. BACKGROUND....1
1. The Strategic Relevance of the Illicit Small Arms Trade....2
2. The Strategic Relevance of the Middle East....5
3. Current Approaches....6
4. U.S. Policy....9
B. PURPOSE....11
C. METHODOLOGY....12

II. THE ILLICIT SMALL ARMS TRADE....13
A. BOUNDING THE PROBLEM....13
B. THE ILLICIT ARMS TRADE....14
1. Defining Legal and Illegal Trade....14
2. Gray and Black Markets....17
C. THE SUPPLY OF SMALL ARMS: GOING GLOBAL....20
D. SMALL ARMS DEMAND....22
1. Supply Chain Demand....23
E. BROKERING....25
1. Defining Brokering....25
2. Brokering Functions and Characteristics....26
3. The Broker's Role....28
F. THE BROKERS NETWORK....29
G. SUMMARY....33

III. SMALL ARMS IN THE MIDDLE EAST....35
A. INTRODUCTION....35
B. DEMAND CONDITIONS....35
1. Chronic Instability....35
2. Gun Culture in the Middle East....37
3. Small Arms Demand in Yemen....38
C. SUPPLY CONDITIONS....42
D. SUMMARY....43

IV. AVAILABLE DISRUPTION OPTIONS....45
A. INTRODUCTION....45
1. Tokugawa Japan....45
2. An Outline of the Options....47
B. MARKET-BASED STRATEGIES....48
1. The Supply Regulation Strategy....48
2. The Demand Reduction Strategy....52
C. A NETWORK-BASED STRATEGY: TARGETING THE BROKERS AND MIDDLEMEN....54
1. Network Disruption Strategies....54

D. SUMMARY 58
V. THE ANTI-BROKERING STRATEGY 59
A. INTRODUCTION 59
B. ENDS (OBJECTIVES) 59
C. WAYS (METHODS) 62
D. MEANS (RESOURCES) 66
E. CONSTRAINTS AND RISK 68
F. SUMMARY 72
VI. CONCLUSIONS 73
A. FINDINGS 73
B. RECOMMENDATIONS 74
C. IMPLICATIONS 76
D. REMARKS 77
LIST OF REFERENCES 79
INITIAL DISTRIBUTION LIST 87

LIST OF FIGURES

Figure 1. The Broker's Network 30
Figure 2. A Process for Disrupting Arms Trafficking.....64

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LIST OF TABLES

Table 1. International Law 16
Table 2. Small Arms Demand 24
Table 3. Counter Network Strategies 55
Table 4. Comparison of Disruption Strategies 58

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I. INTRODUCTION

A. BACKGROUND

There is a contemporary myopic focus on the strategies of insurgency, terrorism, and transnational non-state actors. Accompanying this focus is a general lack of interest in the relatively old instruments of violent conflict: small arms. Organized human violence is conducted with small arms and the old adage remains true "Guns don't kill people, people kill people." Nonetheless, the *intensity* of violent conflict relates to the instruments and strategies employed. Small arms are the instruments used by the U.S. adversaries in low intensity conflicts around the world.

Arms broker Viktor Bout has been arming the U.S.'s adversaries for almost twenty years. The U.S. Department of Treasury sanctioned Mr. Bout in 2005 for critical role in the arming of Charles Taylor's regime in Liberia and the Revolutionary Armed Front (RUF) in Sierra Leone.[1] In the 1990s, Mr. Bout coordinated delivery of arms to countries throughout Africa including Angola, the Democratic Republic of Congo, Liberia, Rwanda, Sierra Leone, and Sudan.[2] Mr. Bout successfully circumvented UN embargoes to each of these countries, and as a result was able to arm violent factions actively engaged in internal warfare. Mr. Bout profited by over $50 million for arms sales and deliveries to the Taliban in Afghanistan in the late 1990s.[3] Despite the fact that Mr. Bout armed the failed regime that harbored Al Qaeda before the deadly "9/11" attacks in 2001, the U.S. has failed to prevent Mr. Bout from continuing to operate and profit from illicit small arms sales. From 2003 to 2004, the U.S. Department of Defense unwittingly outsourced logistics contracts to Mr. Bout's companies in support of operations in Iraq.[4]

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1 "Treasury Designates Viktor Bout's International Arms Trafficking Network," U.S. Treasury Department Press Release, http://www.treas.gov/press/releases/js2406.htm (accessed July 22, 2007).

2 Ibid.

3 Matthew Brunwasser, "The Embargo Buster: Fueling Bloody Civil Wars," PBS Frontline -World, http://www.pbs.org/frontlineworld/stories/sierraleone/bout.html (accessed January 31, 2008).

4 Michael Isikoff, "Iraq: Government Deal with a 'Merchant of Death'?" *Newsweek*, http://www.msnbc.msn.com/id/6700301/site/ (accessed July 22, 2007).

Viktor Bout is the personification of Joseph Heller's character Milo Minderbinder, the illicit entrepreneur who armed both sides of the conflict to stir up business in Catch 22.[5] In 2007, Bout coordinated aerial delivery of weapons to Somalia's Union of Islamic Courts, another UN-embargoed failed state.[6]

Mr. Bout is a global entrepreneur that typifies the modern illicit arms broker.[7] Bout's market-maker activities, the suppliers that provided vast stocks of small arms and light weapons, and the end users who demanded the weapons constitute the economic system that is the illicit small arms trade. Moreover, Bout's case exemplifies the linkages between illicit markets (weapons, drugs, and financial) and internal conflicts. Eventually, in March 2008, Thai police arrested Mr. Bout in Bangkok on charges of attempted sales of small arms to the Revolutionary Armed Forces of Columbia (FARC).[8] Bout's FARC operation allegedly consisted of a drugs-for-guns arrangement – a typical illicit commodity transaction. The Thai police were able to track and arrest Bout because of U.S. Drug Enforcement Agency intelligence efforts.

Bout's extra-legal operations relied upon his ability to avoid detection, regulation, and prosecution. Bout's activities beg the question: why does the U.S. allow illicit arms brokers to arm our adversaries? What is the scope, structure, and impact of illicit arms sales? Why has the international community failed to disrupt this global network of arms traffickers? How can the U.S. prevent arms brokers from arming our adversaries?

1. The Strategic Relevance of the Illicit Small Arms Trade

Existing literature on the impact of small arms focuses on the human toll of violent crime and conflict. Ultimately, violent crime and internal conflict has limited strategic relevance to the U.S. when these irregular conflicts are viewed solely as human

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[5] Joseph Heller, *Catch 22* (New York: Simon and Schuster, 1996).

[6] Jon Swain and Brian Johnson-Thomas, "Exposed: The Somalia Arms Boycott Breaker," Times Online, http://www.timesonline.co.uk/tol/news/world/europe/article2076015.ece?print=yes## (accessed January 31, 2008).

[7] For a detailed narrative of Viktor Bout's activities see Douglas Farah and Stephen Braun, *Merchant of Death.* Hoboken: John Wiley and Sons, 2007.

[8] Seth Mydans and Raymond Bonner, "Major Arms Dealer Arrested in Thailand," *The New York Times*, March 6, 2008, http://www.nytimes.com (accessed March 6, 2008).

rights problems. The absence of U.S. intervention in violent internal conflicts in African states underscores the difference between our moral concern for human death and real national interest. However, for real security considerations, the illicit trade in small arms is a potential national security issue for the near future.

For a variety of reasons, the illicit small arms trade is a strategically relevant problem for the United States. The two primary reasons are the ability of illicit traffickers to arm our adversaries and the potentially destabilizing effects of violent internal conflicts. First, the trade has the capacity to rapidly create new power asymmetries. The existing global supply consists of over 500 million small arms and light weapons circulating in over 70 countries.[9] The annual small arms trade is valued at $4 billion, with the illicit small arms trade constituting between ten and twenty percent of the legal trade – thus amounting to a $1 billion illicit global industry.[10] Given the vast quantity of small arms in circulation and the ability to meet demand globally, the illicit trade has the capacity to alter the coercive capability of organized groups. Illicit arms transfers empower armed groups. For example, Viktor Bout's brokering and transport activities armed the Taliban prior to U.S. combat action in Afghanistan.

Secondly, because the illicit trade circumvents or breaks national laws, it is a challenge to state legitimacy where it occurs. Internal wars have become the predominant form of violent conflict since World War II and have produced five times more casualties than interstate war during this period.[11] Violent internal conflict of this type includes civil war, insurgency, sectarian conflict, ethnic conflict, terrorism, genocide, and irregular wars. These internal conflicts predominantly occur in developing countries where simple access and availability of small arms has an undeniably destabilizing effect.[12] The

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9 United Nations, *Small Arms* United Nations [1999]), http://daccessdds.un.org/doc/UNDOC/GEN/N99/242/48/PDF/N9924248.pdf?OpenElement (accessed January 31, 2008).

10 N. Marsh, "Two Sides of the Same Coin? The Legal and Illegal Trade in Small Arms," *The Brown Journal of World Affairs* IX, no. 1 (2002), 220.

11 James Fearon and David Laitin, "Ethnicity, Insurgency, and Civil War," *American Political Science Review* 97, no. 1 (2003), 75-90.

12 Ibid., 88.

availability and distribution of small arms affects the capacity of violent groups (terrorists, criminal organizations, and other non-state actors) to engage in violent conflict. Irregular forces and militias conduct internal conflicts, as opposed to well-organized and resource-enabled professional militaries. These forces have limited resources and structure, causing a dependence of cheap and ubiquitous small arms.[13]

From 1998 until 2005, over 66 percent of arms transfers went to developing countries.[14] The UN has already concluded that illicit small arms transfers directly contribute to increased incidence of internal violent conflict.[15] Small arms currently account for 90% of combat-related casualties.[16] These weapons provide individuals and organized groups of non-state actors the tools to increase the intensity of violent internal conflict. "Small arms and light weapons destabilize regions; spark, fuel and prolong conflicts; obstruct relief programmes [sic]; undermine peace initiatives; exacerbate human rights abuses; hamper development; and foster a 'culture of violence'".[17] In short, arms trafficking is associated with changing the power dynamics in developing countries or other fragile areas. U.S. foreign policy interests are frequently associated with developing nations, including access to resources such as oil or security conditions that facilitate trans-national terrorism. Thus, as the small arms trade affects our national interests abroad, the U.S. must fully understand the impacts of small arms and assess the nation's ability to disrupt the illicit small arms trade.

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[13] Jeffrey Boutwell and Michael Klare, "Introduction" In *Light Weapons and Civil Conflict: Controlling the Tools of Violence*, eds. Jeffrey Boutwell and Michael Klare (Lanham, MD: Rowman and Littlefield Publishers, 1999), 3.

[14] Richard Grimmett, *Conventional Arms Transfers to Developing Nations, 1998-2005*, Congressional Research Service [2006]), Naval Postgraduate School BOSUN Database (accessed July 22, 2007).

[15] United Nations, *Small Arms*, 7.

[16] Lora Lumpe, ed., *Running Guns: The Global Black Market in Small Arms* (London: Zed, 2000), vii.

[17] United Nations, "United Nations Small Arms and Light Weapons Website," United Nations, http://disarmament.un.org/cab/salw.html (accessed January 31, 2008).

2. The Strategic Relevance of the Middle East

At present, U.S. national interests depend to a very considerable degree on the conditions in of the Middle East. The Middle East, with the end of the cold war, is arguably the most tumultuous region on earth. The U.S. military is currently conducting operations in a variety of locations in the Middle East, most notably in Iraq and on the fringes in areas such as the Horn of Africa (HOA) and Afghanistan. Moreover, the U.S. has strategic interests throughout the region such as access to oil and security in Israel. In this light, protecting U.S. interests include regional stability and the stability of key Middle Eastern states. To the extent that the absence of violent internal conflict is an indicator of stability, focusing on the "tools" of violent conflict is clearly relevant to U.S. interests.

The current Global War on Terrorism (GWOT), the U.S. national security strategy relies upon defeating and preventing the spread of violent, radical Islamic ideology in the region.[18] There is a compelling argument that protecting U.S. interests requires addressing the root causes or conditions that result in the spread of terrorist ideologies. Biddle argues that pursuing internal stability in the Middle East is the best path to the mitigation of the root causes of terrorism[19]. In the Middle East, addressing these conditions implies promoting stability and good governance. This logic indicates that focusing on the root causes of terrorism or instability is more important than focusing on the instrumental aspects of violence (i.e., counter the tactics of terrorism or reducing availability of arms). The logic is shortsighted in that the very ubiquity and lethality of small arms are themselves at the root of the climate of violence. As Laurance points out, it is extremely difficult to address or fix the root causes of conflict.[20] Small arms are both essential instruments of conflict and symbols of conflict. "While it cannot be said that

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[18] United States Department of Defense, National Military Strategic Plan for the War on Terrorism, United States Department of Defense [2006].

[19] Stephen D. Biddle, American Grand Strategy After 9/11: An Assessment, [2003], http://www.carlisle.army.mil/ssi (accessed January 15, 2007).

[20] Edward Laurance, Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action (New York: Carnegie [1998]), http://www.wilsoncenter.org/subsites/ccpdc/pubs/weap/frame.htm (accessed January 15, 2007).

such weapons are a primary cause of conflict, their worldwide availability, low cost, and ease of operation make it relatively easy for potential belligerents of all kinds to initiate and sustain deadly conflicts."[21] Thus, addressing small arms as instrumental tools of internal instability may constitute an approach to pursuing the U.S. objective of regional stability – given an inability to mitigate effectively the root causes of instability in the short term.

The underlying concept or assumption of this study is recognition that the U.S. faces a broad variety of threats and operates with constrained resources - necessitating efficient allocation of national resources. As the U.S. assesses how to address the wars of globalization (such as transnational terrorism, the illicit arms trade, the drug trade, etc…),[22] a thorough understanding of the problems and potential for successful counter-actions is required before committing valuable resources. The U.S. is currently fighting the Global War on Terror and has been involved in the Drug War for approaching four decades, initiatives that consume immense resources. This study intends to shed light on the more efficient use of resources and to identify appropriate strategies.

3. Current Approaches

When framed as an instrumental problem of intra-state conflict, the study of the illicit small arms trade has resulted in proposals to strengthen market regulation. A review of current research identifies a consensus that the illicit arms market requires regulation by a "multilayered regime" of international (global), regional, national, and local market controls.[23] Boutwell and Klare identify seven key steps to regulating the arms trade to prevent illicit transfers: establish international norms against uncontrolled and destabilizing transfers, increase the "transparency" of the arms trade, increase government accountability for exports, increase international and regional oversight,

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[21] Jeffrey Boutwell and Michael Klare, "Light Weapons and Civil Conflict: Policy Options for the International Community" In Light Weapons and Civil Conflict: Controlling the Tools of Violence, eds. Jeffrey Boutwell and Michael Klare (Lanham, MD: Rowman and Littlefield Publishers, 1999), 217.

[22] M. Naim, "The Five Wars of Globalization," Foreign Policy 134 (2003), 29.

[23] Boutwell and Klare, Light Weapons and Civil Conflict: Policy Options for the International Community, 221.

reduce stockpiles, conduct post-conflict disarmament, and international "capacity building" (encouragement of new controls in weakly regulated states).[24] Laurance's Light Weapons and Intrastate Conflict reflects this approach: a legalistic attempt to prevent the transfer of small arms.[25] The core of the illicit small arms problem, which Chapter 2 of this thesis develops fully, is an uncontrolled and unreported transfer mechanism. The underlying assumption of the regulatory approach is that regulation will result in fully transparent small arms transfers and easy identification of illegal transfers when they occur. Regulations may have a limited ability to control markets when suppliers, brokers, and end-users collude in networked processes beyond regulatory control. Chapter 4 explores how effective regulatory measures can disrupt the illicit small arms trade.

When viewed as a traditional market, there are two basic approaches to addressing the illicit small arms trade: manipulation of demand or *regulation* of the supply. There are currently no systematic efforts to address demand for weapons, although a fledgling non-governmental organization exists with a stated purpose to reduce individual demand for weapons in Arab states.[26] Existing solutions to the illicit small arms trade primarily take the form of supply-side controls and attempts to regulate brokering activities. As stated previously, affecting the illicit small arms trade through policy or other means is instrumental in nature, as opposed to strategies aimed at addressing the root causes of conflicts.[27] Despite the existence of numerous non-governmental organizations (NGOs) and the frequent occurrence of international conferences on the small arms problem, there are currently "no legally binding

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[24] Boutwell and Klare, Light Weapons and Civil Conflict: Policy Options for the International Community, 222-228.

[25] Laurance, Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action, 62-62.

[26] American Friends Service Committee and Regional Human Center, Traditional Cultural Practices and Small Arms in the Middle East: Problems and Solutions (Amman, Jordan: The Regional Human Security Center at The Jordan Institute for Diplomacy, [2002]), http://www.smallarmssurvey.org/files/portal/spotlight/country/nafr_pdf/mideast-yem-leb-jor-eg-pal-2002.pdf (accessed August 28, 2008).

[27] Laurance, Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action, 10.

international treaties governing how legal arms transfers should be conducted."[28] As will be explored further, there are few legal measures prohibiting arms transfers. Efforts to control the international transfer of small arms are relatively new, largely a product of post-Cold War instability in the 1990s.

Laurance provides a typology of existing efforts to combat illicit arms trafficking, which primarily consist of international, regional, and national regulatory agreements. International measures, with the notable exception of UN embargoes, are typified by non-binding agreements that ultimately depend on national laws.[29] The dominant international framework for affecting the small arms problem is the "UN Programme of Action to Prevent, Combat and Eradicate the Illicit trade in Small Arms and Light Weapons In All Its Aspects (UNPOA), as agreed upon by the majority of UN member states in 2001.[30] This non-binding agreement seeks the development of national, regional, and global measures to prevent illicit trafficking of small arms.[31] The UNPOA relies upon member states to cooperate in order to establish and enforce regulations.[32] This mechanism is a "name and shame" strategy.[33] The UN and a variety associated NGOs constantly research occurrences of violent conflict that are attributed to illicit arms transfers. The UN identifies countries with failing national regulatory and enforcement practices and attempts to influence these states to strengthen national controls.

Most importantly, the UNPOA defines the problem and provides a forum for international cooperation. In this regard, note that this analysis utilizes the UN's well-recognized definitions for small arms, which defines small arms as weapons designed for

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[28] Marsh, Two Sides of the Same Coin? the Legal and Illegal Trade in Small Arms, 217.

[29] Ibid., 219.

[30] Reviewing Action on Small Arms 2006: Assessing the First Five Years of the UN Programme of Action, International Action Network on Small Arms,[2006]), http://www.international-alert.org/publications/249.php (accessed January 28, 2008).

[31] United Nations, Small Arms and Light Weapons: Selected United Nations Documents (Geneva: United Nations, [2005]), http://disarmament.un.org/cab/images/bookletsalw2005.PDF (accessed February 5, 2008).

[32] Ibid.

[33] Brunwasser, The Embargo Buster: Fueling Bloody Civil Wars.

personal use and light weapons as weapons designed for use by a crew. Small arms include revolvers, self-loading pistols, rifles, sub-machine guns, assault rifles, and light machine guns. Light weapons include machine-guns, mortars, hand grenades, grenade launchers, portable anti-aircraft guns, and portable missile launchers.[34] The UN's definition extends to associated ammunition and parts. Most importantly, the UN panel of experts designed the definition with intent to include weapons most commonly used in intra-state conflict.[35]

Beyond the UN's international efforts, there are similar regional regulatory frameworks that focus on regulating supply. It is important to note that the Middle East lacks any regional inter-government agreements or frameworks. However, Middle Eastern states' participation in the 2001 UN Conference on Small Arms indicated a coordinated policy against international regulation on arms transfers and brokering.[36] Non-governmental organizations in the Middle East have conducted regional conferences, but there are no actual coordinated efforts at the regional level.

4. U.S. Policy

Current U.S. policy is that "illicit trafficking in small arms and light weapons poses the greatest threat to regional security in less-developed areas of the word."[37] U.S. policy is primarily regulatory in nature and relies on diplomacy for implementation. The U.S. participates in multiple multi-lateral and bi-lateral international agreements that

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[34] United Nations, Report of the Panel of Governmental Experts on Small Arms, United Nations, [1997]), http://disarmament.un.org/CAB/smallarms/docs/rep52298.pdf (accessed April 11, 2008).

[35] Ibid. and Laurance, Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action, 17.

[36] Edward Laurance and Rachel Stohl, Making Global Public Policy: The Case of Small Arms and Light Weapons (Geneva: Small Arms Survey [2002]).

[37] Richard Grimmett, International Small Arms and Light Weapons Transfers: U.S. Policy, Congressional Research Service [2006]), Naval Postgraduate School BOSUN Database (accessed July 20, 2007).

encourage nation-states to strengthen and enforce existing national regulations on small arms. U.S. laws regarding the licensing and export of small arms are among the most restrictive in the world.[38]

The four-pronged U.S. policy is:

1. Attempt to curb black market transfers of small arms to zones of conflict, terrorists, criminal organizations, and drug traffickers
2. Attempt to raise the arms export standards of other nations to U.S. standards
3. Strengthen U.S. export procedures to improve accountability *without interfering with the legal trade in and transfer of arms* [emphasis added]
4. Support destruction of excess small arms.[39]

The U.S. policy focuses on the supply side of the arms trade and does not directly address weapons demand or brokering activities. Moreover, the U.S. is actively engaged in the legal arms trade - an enormously lucrative business for the United States. In 2005, the U.S. transferred arms valued at $6 billion to developing nations. These transfers constituted twenty percent of total global transfers to the developing world – a $30 billion industry.[40] In doing so, the U.S. is a willing partner in the illegal arms trade. As will be examined in Chapter II, legal arms trades often become illicit through secondary transfers or diversion to unintended users.[41] Thus, the U.S. may have competing interests between the U.S.' need to participate in the global small arms market as "foreign policy writ large," and the need to prevent the arms trade from empowering our adversaries. Lastly, the U.S. does not have a current region-specific policy for small arms in the Middle East. Thus, the illicit small arms trade requires a nuanced and careful U.S. policy and further examination for region-specific concerns.

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38 Grimmett, International Small Arms and Light Weapons Transfers: U.S. Policy.

39 Ibid.

40 Grimmett, Conventional Arms Transfers to Developing Nations, 1998-2005, 21.

41 Tamara Makarenko, "Tracing the Dynamics of the Illicit Arms Trade," Jane's Information Group, http://www8.janes.com/Search/documentView.do?Prod_Name=JIR&pageSelected=allJanes&keyword=tracing the dynamics of the illicit arms trade&docId=/content1/janesdata/mags/jir/history/jir2003/jir00705.htm@current (accessed July 23, 2007, 2007).

B. PURPOSE

The purpose of this study is to evaluate the illicit small arms trade and to identify conditions in which the U.S. could successfully disrupt the trade in the Middle East. The illicit arms trade, as an economic system, is one of the five wars of globalization: the illegal trades of arms, drugs, people, money, and intellectual property.[42] As the U.S. Department of Defense determines its role and strategy in countering these potential national security threats, a thorough feasibility assessment of disrupting the trade is necessary. A thorough understanding of these problems of globalization is essential to appropriately shaping defense and security policy for the future. Current U.S. policy on the illicit arms trade dates to the early 1990s and primarily relies on encouraging other nations to strengthen and enforce national small arms trafficking laws.[43] This thesis explores the range of options available to the U.S. and identifies conditions under which the U.S.'s can successfully disrupt the small arms trade in the Middle East. The conditions identified in this thesis will enhance the U.S.' ability to effectively disrupt the illicit small arms and light weapons trade in a limited geo-political area through a combination of policy, information operations, and special operations interdiction.

This research provides background and understanding that is essential to the development of operational methods for countering the illicit arms trade. The DOD identifies arms trafficking as a specific mission in joint, Army, and special operations doctrine. First, U.S. Army Field Manual 3-0, Operations, defines countering illicit arms trafficking as a peacetime mission for combatant commanders.[44] This represents a significant step forward from the previous version of FM 3-0, which merely places arms trafficking in the description of existing transnational threats.[45] Secondly, the Joint Operating Concept for Irregular Warfare includes illicit arms trafficking in a typology of

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[42] Naim, The Five Wars of Globalization, 29.

[43] Grimmett, International Small Arms and Light Weapons Transfers: U.S. Policy, 2-3.

[44] United States Department of Defense, United States Army Field Manual 3-0: Operations, [2008]), http://www.army.mil/fm3-0.pdf. (accessed March 4, 2008).

[45] United States Department of Defense, United States Army Field Manual 3-0: Operations, [2001]), www.dtic.mil/doctrine/jel/service_pubs/fm3_0a.pdf (accessed March 4, 2008).

irregular warfare activities. This joint concept, which intends to provide vision for future joint operations, clearly identifies a need for operational methods to counter arms trafficking.

C. METHODOLOGY

This research consists of several parts. Chapter II provides a systematic analysis of the illicit small arms trade: supply, demand, brokering, and Middle Eastern/Region-specific conditions. This section is a synthesis of the best contemporary analysis of the illicit small arms trade. I will present both the market and network characteristics of the arms trade. Chapter III examines demand and supply of small arms in the Middle East, identifying how these conditions affect potential disruption strategies. Chapter IV evaluates three different options for disrupting arms trafficking: regulation, counter-demand, and counter-brokering. This study also examines the conditions that lead to the success or failure of the disruption options. Chapter V develops the counter-brokering strategy by identifying appropriate ends, ways, and means for disrupting arms trafficking. Finally, in Chapter VI concludes this thesis with a set of recommendations for U.S. policy.

II. THE ILLICIT SMALL ARMS TRADE

A. BOUNDING THE PROBLEM

The arms trade is a lucrative and complicated business. The market functions to transfer enormous quantities of arms between suppliers and users around the globe. This chapter presents a simple model of how this illicit global trade functions, starting by presenting a typology of the arms trade (legal, gray, black, and unregulated transfers). Next, I evaluate the illicit small arms trade as a market with the key dimensions of supply, demand, and brokering. Last, I reveal the illicit arms market as a network – a perspective that expands upon the market view of the arms trade. There are numerous, lengthy publications that deconstruct the arms trade in detail – this chapter will not attempt that. The purpose of this chapter is to develop a broad picture of the illicit arms trade, as applicable to sub-state warfare and the Middle East.

Small or internal wars have risen in significance since World War II.[46] These internal wars are not fought in a vacuum: the international community influences these internal conflicts through strategies of support or isolation of the actors involved. Along with people and money, arms are an active ingredient in the recipe for violent conflict. Irregular forces such as guerrillas or insurgents typically fight internal wars as organized groups. The flow of arms to groups, particularly clandestine transfers, has the capacity to shift the military power balance in areas of interest. As a result, this analysis is concerned with disruption of arms flows to organized groups (state or non-state) – as opposed to removal of the source of supply. While there are arguments for limiting production and/or destruction of weapons supplies, the concern here is for the mechanisms that deliver arms from producer-suppliers to groups in conflict zones. Groups fight internal wars over political control of territory, which necessitates organizing and arming for the task. This

46 James Fearon and David Laitin, "Ethnicity, Insurgency, and Civil War," American Political Science Review 97, no. 1 (2003), 75.

work looks at group or collective demand for weapons, the aspect relevant to the arming of groups for internal conflict. These considerations, while limiting in nature, focus the following assessment of the illicit arms trade.

The illicit small arms trade is by necessity a clandestine activity. This research relies on open source information that is freely available in the public domain. Consequently, there is a significant gap between the information available and the information necessary for a complete model of the illicit arms trade. Several constraints limit possession of complete knowledge of the trade's structure. First, most available information will be somewhat "dated" and will only reveal portions of the trade. I accept available information as representative of the entire trade. Secondly, because most recent research focuses on the Cold War or the internecine conflicts of Africa, there is limited information available specific to other times and regions. To proceed, I make the assumption that the trade function (specifically, the role of arms brokers and the varied means of arms transfer) is not region-specific – i.e., illicit arms trades basically happen the same way in the Middle East as they do in Africa.

B. THE ILLICIT ARMS TRADE

This section presents the illicit small arms trade as a market consisting of supply, demand, and brokering. The purpose of this section is to distinguish between illegal and legal trade and to distinguish between transnational (or inter-state) transfers and intrastate transfers. This differentiation is essential to understanding the function of the illicit small arms market.

1. Defining Legal and Illegal Trade

The arms market consists of two broad categories: legal and illegal trade. The distinction is simple at the conceptual or policy-level.[47] Legal trades represent overt foreign policy: either empowering an ally through trade or denying capability to an adversary in the absence of trade. In contrast, illicit trades occur without state or

[47] Emanuela-Chiara Gillard, "What's Legal? What's Illegal?" In Running Guns: The Global Black Market in Small Arms, ed. Lora Lumpe (New York: Zed, 2000), 27.

international control - the defining characteristic of the illicit trade in small arms. International, regional, and national laws govern the arms trade. These legal restrictions drive the methods that arms traffickers use to move illicit small arms. Though the laws are complicated, a brief review suffices to demonstrate how the laws drive the methods of the arms trade. The system of laws, and the lack of uniformity across the international system, force arms traders to conduct fraud (e.g., document falsification), to use intermediaries, or to use a combination of these tactics, in order to hide the intent to transfer arms to banned end-users such as embargoed states or terrorists. In short, the system of laws necessitates the methods used to transfer weapons.[48]

International law pertaining to the arms trade consists of compliance-based and end use--based laws. Compliance-based laws reflect state obligations to signed international treaties or to binding UN embargoes. This category consists of prohibition of specific kinds of arms transfers, e.g., transfers to embargoed states or terrorist groups. Both treaties and UN embargoes still require national legislation and enforcement. Compliance-based laws generally take the form of licensing for individual transfers, thus enabling the state to validate individual transfers against explicit obligations. Ends-based laws reflect international norms for the use of weapons, such the prohibitions against arms sales for use in genocide, human rights violations, and terrorism.[49] This category also includes respect for state sovereignty under the UN Charter. UN members have an obligation not to transfer weapons for aggressive use by another state or to provide weapons that affects the internal security of sovereign states. Ends-based laws develop in the form of state review of the end-users. All international law is ultimately dependent upon individual states to enact and enforce regulatory laws.

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[48] Many sources substantiate the claim that laws necessitate the methods used to circumvent them. See BASIC, Controlling Arms Brokering and Transport Agents, [2001]), http://www.nisat.org (accessed January 15, 2008).

[49] Gillard, What's Legal? What's Illegal? 37-40.

International Law	Compliance Based	Ends-Based
Binding (Explicit)	Concluded Treaties UN-imposed Embargoes: UNSCRs under Chapter VII	Genocide Terrorism International Humanitarian Law
Non-Binding	UN General Assembly Resolutions International "Customary Law" International or Regional Agreements: UN Programme of Action ECOWAS Moratorium EU Code of Conduct	UN Charter - State's Sovereign Rights UN General Assembly Resolutions

Table 1. International Law

In response to the state-centric nature of these international laws, several international organizations and voluntary agreements have emerged to encourage state regulation of arms production and export. These include the Wassenaar Arrangement (a group of 33 arms exporting states that have agreed to a set of arms export standards to ensure transparency)[50] and the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit trade in Small Arms and Light Weapons, In All Its Aspects (UNPOA).[51] In addition to these international-global measures, there are several regional agreements – most of which are regional efforts to implement the UNPOA. The Middle East lacks any formal or informal regional control measures.[52] A subsequent section assesses the effectiveness of these regulations in detail.

National laws regulate production, import, and export of small arms. Generally, these laws take the form of licensing requirements: licensing of production, licensing for export or import, and licensing for brokering (for a small number of states). National laws, which reflect international norms for compliance and ends, represent an attempt to regulate the arms market.

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50 Laurance, Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action.

51 United Nations, Small Arms and Light Weapons: Selected United Nations Documents (Geneva: United Nations, [2005]), http://disarmament.un.org/cab/images/bookletsalw2005.PDF (accessed February 5, 2008).

52 Reviewing Action on Small Arms 2006: Assessing the First Five Years of the UN Programme of Action International Action Network on Small Arms,[2006]), http://www.international-alert.org/publications/249.php (accessed January 28, 2008). and Edward Laurance and Rachel Stohl, Making Global Public Policy: The Case of Small Arms and Light Weapons (Geneva: Small Arms Survey,[2002]).

In the global small arms market, there are key weaknesses to the current system of laws. First, international law is applicable to states and inapplicable to non-state actors (NSAs).[53] The international community has been slow to respond and adapt to the rise of power and influence of non-state actors and non-state actors can use this inadequate adaptation as a strategic opportunity.[54] In the absence of applicable national laws (either compliance or ends-based), there are no restrictions on private arms exporters. Secondly, national laws are not uniform across the international community. While a state may have strict national laws and enforcement mechanisms to thwart inappropriate transfers, many states lack national laws or enforcement mechanisms. These un-regulated or under-regulated countries can serve as key exporters or intermediaries in the arms transfer system.

2. Gray and Black Markets

The preceding distinctions between legal and illegal trade is the entry point to a more detailed model of illicit weapons flows. Legal trades occur with either the active or passive involvement of governments or their authorized agents, and in accordance with both national and international law.[55] The first category of illicit transfer is the gray market. This category has two practical meanings. First, gray transfers consist of states or non-state actors who exploit loopholes or intentionally circumvent laws – thus, these transfers are not explicitly illegal.[56] These trades include overt trades in circumvention of the law. Secondly, gray transfers consist of covert transfers from states to states or to non-state organizations. These transfers are gray by virtue of being covert and clandestine – hidden from public scrutiny. Government-sanctioned gray transfers are "not explicitly illegal," but covert transfer implies circumvention of established laws and norms for the

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53 Gillard, What's Legal? What's Illegal? 29.

54 Neil Pollard, "Globalization's Bastards: Illegitimate Non-State Actors in International Law." In *Networks, Terrorism, and Global Insurgency*, edited by Robert Bunker, 40-68. New York: Routledge, 2005.

55 Small Arms Survey, Small Arms Survey 2001 (Oxford: Oxford University Press, 2001), 167.

56 Ibid., 167.

manufacture, sale, and transport of these weapons.[57] Gray-covert transfers dominated the Cold War era arms trade, as exemplified by the U.S. or the former Soviet Union secretly arming surrogate states or revolutionary forces.[58] This type of transfer continues to be a significant force and delivers the weapons "most likely to be used in conflict."[59] Gray transfers are transnational trades and generally require brokering – a means of providing clandestine "cover" for governments or groups involved in the trade.[60]

Black market transfers are explicitly illegal: in clear violation of national and/or international laws and without official government consent or control. Examples of this type of trade include transfer to UN embargoed states or to transfer to groups banned by national laws, such as terrorists organizations. These transfers may involve corrupt government officials acting on their own for personal gain. Black transfer can be transnational or intra-state (e.g., sales between sub-national groups), although the scale or volume of weapons transfers depends on the mode of sale. As will be explored later, brokered (black) transfers connect the end-user to a larger potential supply of weapons than simple "retail" black market purchases.

This simple typology of arms transfers (legal, gray, black) is essential to understanding the illicit arms trade. First, all three transfer mechanisms deliver weapons to state and non-state actors. Secondly, this typology identifies the actors involved (producer-suppliers, intermediaries such as brokers, and end-users). There are broad distinctions between types of suppliers, the required involvement of brokers and intermediaries, and the distinctions between types of end-user demand. A brief example suffices to highlight the differences. Legal government-to-government transfers consist of moving state-controlled supplies with minimal intermediate brokering to state recipients,

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[57] Laurance, Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action, 24-25.

[58] Green provides several historical anecdotes of Cold-War era gray market transfers. Owen Greene, "Examining International Responses to Illicit Arms Trafficking," Crime, Law, and Social Change 33 (2000), 151-190.

[59] Aaron Karp, "The Rise of Black and Gray Markets," *Annals of the American Academy of Political and Social Sciences* 135, (1994): 175-189.

[60] Lucy Mathiak and Lora Lumpe, "Government Gun-Running to Guerillas" In *Running Guns: The Global Black Market in Small Arms* (New York: Zed, 2000), 55.

whereas brokering is an operative necessity of gray and black transfers. All inter-state transfers require international transport (via sea, air, or ground), whereas intra-state black transfers often have lesser transport requirements. State stocks differ from private manufacturer stocks and from weapons "in circulation," both in degree of control (security and accountability) and scale (available volume of weaponry).

The legal-gray-black typology, while widely used in small arms research, neglects an important category of the arms trade that is relevant to internal conflict. This last category of arms transfer is transfer in completely unregulated markets. These transfers differ from the black market in that they are legal (absence of law vs. against the law) and they differ from legal transfers because there is an absence of governance to provide intent for control and use of weapons. This type of transfer occurs as intra-systemic flow – weapons in circulation in an ungoverned or under-governed political space, such as internal flows inside a collapsed or failing state. While transfers in unregulated markets can be considered a subset of black transfers, the distinction will be more relevant when disruption strategies are considered later.

The key elements of the arms trade are the actors, the transfer mechanisms, and the arms themselves. The actors include suppliers, brokers, enablers such as transport agents, and the end users – all of which can be governmental or non-state actors. The transfer mechanism includes acquisition of a supply (locating and gaining access to stock or new production), required brokering activities (coordinating suppliers, financiers, transporters, and buyers), and the physical transport (air, land, sea, inter-state, and intra-state). The quantity and value of the arms is the scale of the illicit trade. In addition to the more general problem of detecting and measuring illegal activities, measuring the scale of the arms trade is further complicated when traffickers create a "flow" of arms by using multiple transfers and a mix of weapons and ammunition. Arms traffickers may rely on multiple small transfers to move arms, rather than singe large transfer "events." Moreover, traffickers often move a mix of materials over time - a broad selection of different weapons and associated parts, ammunition, and equipment. These goods are not easily identifiable through distribution and use due to the broad "basket" of goods and lack of uniform marking standards on the weapons, parts, and ammunition.

The primary problem or concern of illicit arms transfers is the capacity to create new power asymmetries in a political space. A large influx of new weaponry creates significant problems for the fragile security environment of the typical developing country. Transnational or inter-state black and gray transfers provide the primary means for delivery of large quantities of weapons. In contrast, internal black markets function to circulate or redistribute arms within the state and primarily to individuals.[61] While in-country or intra-system circulation may be significant in volume, this flow of weapons transfers, such as the clichéd black market or arms bazaar, is less relevant to the creation of new instabilities. Thus, the primary concern is the operative functioning of transnational or inter-state illicit arms transfers (black, gray, or unregulated). Moreover, we will establish that transnational arms transfers have a different structure than intra-systemic or intra-state flows.

C. THE SUPPLY OF SMALL ARMS: GOING GLOBAL

The vast majority of small arms moved through gray and black transfers enter the supply chain as legal weapons.[62] Weapons "become" illicit after production. As such, the global legal production of weapons is highly relevant to the illicit trade. The vast majority of weapons are manufactured legally with state authorization. At virtually any point in the supply chain, a legally produced weapon can become "gray" or "black" through theft, fraudulent sale, or transfer through or to inappropriate actors (unlicensed brokers or unapproved end users).

The supply of small arms and light weapons has been globalizing since the early 1990s and the end of the Cold War. Laurance identifies two key effects of the Cold War that are enabling the scale of the arms trade today: establishment of manufacturing capability to fuel Cold War-related arms races and production of a substantial surplus

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61 Laurance, Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action, 25-26.

62 Pete Abel, "Manufacturing Trends: Globalising the Source" In Running Guns: The Global Black Market in Small Arms, ed. Lora Lumpe (New York: Zed, 2000), 81.

stock of weapons.[63] The fall of the Soviet Union resulted in a flood of surplus weapons from former Soviet States eager to sell them. The end of the Cold War resulted in a "loosening" of state control over the arms trade. Cold War tensions resulted in significant super-power control over the arms trade because of concern for the implications of the arms trade on interstate war. The post-Cold War shift to smaller wars coincided with a proliferation of the tools of small conflicts: small arms.

The arms industry has been globalizing more generally for the past forty years. In the 1960s, 69 firms in 30 states produced small arms. By the 1990s, over 300 companies produced arms in 64 states.[64] While some portion of this growth is attributable to privatization in the wake of the dissolution of Soviet Union (56 manufacturers in nine countries), the growth in manufactures and manufacturing states was relatively uniform from the 1960s. A significant force in the spread of production is the export of production licenses. Licenses allow manufacturers to produce weapons in other countries, are often concluded in secret (a matter of protection of producers' proprietary information), and enable export. Over three-quarters of licensed producers in developing nations export small arms.[65] The spread of production capability indicates increasing global access to small arms – as evidenced by an approximate 550 million small arms in circulation.[66] Increased access is apparent in the Middle East, as arms-producing firms have increased six-fold during the past forty years.

The international small arms trade benefits from globalization (increased economic interdependence) just like all other international commerce. Burrows argues that globalization has been a "gift" to the arms trade.[67] Globalization, through proliferation of information technology and the reduction in barriers to free trade, enables actors in the arms trade to more easily sell and deliver weapons around the world.

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63 Laurance, Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action.

64 Abel, Manufacturing Trends: Globalising the Source, 82-83.

65 Ibid., 88.

66 Gideon Burrows, The no-Nonsense Guide to the Small Arms Trade (Oxford: New Internationalist Publications, 2002), 27.

67 Ibid., 72.

International air travel, modern telecommunications, and international financial networks connect producers, brokers, and buyers globally. Improvements in international shipping capacity (air, land, and sea) facilitate the movement of cargo globally. As such, globalization is instrumental to the arms trade.

Muggah provides a succinct analysis of the relationship between globalization and the illicit small arms trade: states are losing their monopoly over the tools of violence.[68] Globalization has reduced restrictions to movement of goods, while states have simultaneously reduced their oversight of commerce. Globalization has both increased access to and reduced control of small arms. This phenomenon is particularly germane to developing states because their relative wealth is declining with globalization and their security is declining with the increasing prevalence of internal wars.

D. SMALL ARMS DEMAND

The demand for weapons is a complex human phenomenon with cultural, psychological, and contextual dimensions. Human demand for weapons extends through history. Several authors argue that the acquisition of arms is an inherently human characteristic - a fact that is born out in the long history of violent human conflict.[69] This section provides a systematic analysis of the demand for small arms and light weapons.

The essential characteristic of weapons is their capacity to produce violence. As such, demand results from a need to conduct expressive or instrumental violence or to possess a capability of violence. Expressive violence has a goal of directly changing the power of an adversary (killing to reduce his capability) and has direct informational, psychological, and physical results. Instrumental violence serves to enable other objectives – i.e., political goals. Instrumental violence supports a purpose, whereas expressive violence uses violence as the purpose.[70] From the perspective of small arms in

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[68] Robert Muggah, "Globalization and Insecurity: The Direct and Indirect Effects of Small Arms Availability," IDS Bulletin 32, no. 2 (2001), 71.

[69] Robert O'Connell, Soul of the Sword (New York: Free Press, 2002).

[70] Kimberly Tobin, Gangs: An Individual and Group Perspective (New Jersey: Pearson/Prentice Hall, 2007), 93-94.

internal conflicts, the primary mode of violence for armed groups is instrumental violence in support of political or military goals.

1. Supply Chain Demand

In the flow of weapons from manufacturers, through brokers and transporters, to users, each step in the pathway generates demand. "Supply and demand for weapons should be viewed as interrelated variables, along the full continuum that stretches from their original production to their end use."[71] User demand is the initial step that generates intermediate demand from the brokers, transporters, and other intermediaries.[72] This supply-chain model of demand results in several key considerations. First, users (whether individuals or groups) are globally distributed and demand varies greatly. Demand is distributed among the many users and intermediaries and along the many pathways between sources of supply and end users. Second, multiple intermediaries deliver a variety of products to globally distributed users. Lastly, there are multiple sources of supply.

Brauer and Muggah provide an economic model of small arms that identifies demand as a function of motivation and means.[73] Motivation provides the reasons for demand, whereas means enable weapons acquisition – overcoming cost to acquire and possess weapons. Motivation varies substantially between "consumers" (self-defense, recreation, or the symbolism of gun possession) and "producers" who acquire weapons as essential instruments for security, crime, coercion, etc…. Producers work in the "industry of armed violence."[74] Demand also differs between acquirers and possessors. Acquirers own weapons individually, whereas possessors take possession of arms temporarily for specific activities (e.g., soldiers using the militia's arms).

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[71] David Atwood, Anne-Katherin Glatz, and Robert Muggah, Demanding Attention: Addressing the Dynamics of Small Arms Demand (Geneva: Small Arms Survey [2006]).

[72] Jurgen Brauer and Robert Muggah, "Completing the Circle: Building a Theory of Small Arms Demand," Contemporary Security Policy 27, no. 1 (2006), 143.

[73] Ibid., 141.

[74] Ibid., 142.

Demand for Small Arms	Producer	Consumer
Possessor	Instrumental Groups Examples: Militia, Guerillas	Non-instrumental Individual Examples: Borrower for Recreation
Acquirer	Instrumental Individual Example: Criminals	Non-Instrumental Individual Example: Recreational Owner, Self-Defense Owner

Table 2. Small Arms Demand

Brauer's typology yields the distinction between consumer-acquirers and producer-possessors – groups that differ by relative motivations and means. Instrumental need motivates producer-possessor demand and producer-possessors may have substantially larger means of acquisition. Consumer-acquirer demand lacks instrumental need and may have lesser means of acquisition. This demand is inherently individual – even to the extent that broad social or cultural conditions result in common motivations amongst many individuals (e.g., common security concern yields individual need for weapons of self-defense). *Producer-possessors are clearly the actors most relevant to armed conflict.* Producer-possessor demand is inherently group demand. Groups or organizations provide collective motivation and means for group demand. Group operative objectives determine the demand for small arms. For example, the size and missions of militia forces dictate demand.

This typology enables analysis of methods to reduce demand through manipulation of motivation (changing mode of production) and manipulation of means (raising costs through reduced access or availability to supply). Atwood offers that effective regulation and enforcement effects both motivation and means by raising the effective cost of arms.[75] Moreover, Atwood illuminates the relationship between state

[75] Atwood, Glatz, and Muggah, Demanding Attention: Addressing the Dynamics of Small Arms Demand, 9.

legitimacy and weapons demand: states that effectively provide security reduce the motivation to arm and states that effectively regulate arms control price.

E. BROKERING

This chapter previously stated that the arms trade is a system consisting of supply, demand, and brokering, and that the key elements of the arms trade typology are the actors, the transfer mechanisms, and the arms (scale). Informed by this model and the legal-gray-black typology, this section explores the role of brokering. Brokering is both a set of functions and a group of actors in the arms trade. Arms brokers, as will be developed in this section, serve as essential coordinators of arms trades by managing the transfer mechanism and coordinating/connecting all of the actors in the network. Entire books and numerous articles are devoted to detailed explanation of brokers' methods, underscoring the complexity of brokering.[76] Wood and Peleman offer the following "typical" anecdote of a broker's work: "A Belgian resident, acting from a hotel room in Paris, brokers a deal between an arms sales agent in Lithuania, who is selling Russian weapons stocks, to a recipient in a war zone in Central Africa."[77] This section distills the critical aspects of brokering in order to complete the model of illicit arms trades.

1. Defining Brokering

Like definitions for small arms themselves, brokering has both practical and legal definitions. The Small Arms Survey (SAS) defines brokering by the "essence" of the activity: "the facilitation and organization of transactions on a relatively autonomous basis, and for some form of compensation or material reward (e.g. financial commission

[76] See Lora Lumpe, ed., Running Guns: The Global Black Market in Small Arms (London: Zed, 2000)., Johan Pelemann and Brian Wood, The Arms Fixers: Controlling Brokers and Shipping AgentsJoint Report of BASIC, NISAT, and PRIO,[1999]), http://www.nisat.org/publications/armsfixers/ (accessed January 28, 2008)., BASIC, Controlling Arms Brokering and Transport Agents and Amnesty International, Dead on Time: Arms Transportation, Brokering and the Threat to Human RightsAmnesty International,[2006]), http://web.amnesty.org (accessed January 15, 2008).

[77] Wood, 132.

on the deal)."[78] From a practical or operational perspective, brokers organize arms transfers between two or more parties. Legal definitions of brokering vary dramatically. Regulatory regimes will be addressed later, but definitions vary from narrow categories of activities (e.g., differentiating each intermediary actor's role such as broker or shipper) to all-encompassing definitions that include the entire range of activities that constitute the transfer mechanism.[79] The variety of difference in how brokering is legally defined contributes to the "loophole" problem that allows brokers to function internationally. For the purpose of analysis, I define brokering broadly to encompass the coordination of all activities, by all of the actors, in a variety of locations. Brokering is distinguishable from retail sales of weapons: sellers take possession of arms and deliver them directly to end-users, whereas brokers are intermediaries that need not come into direct physical contact with either the weapons or the other relevant actors. This definition is consistent with the established model of the arms trade (supply, demand, and brokering with transfer mechanism, actors, and scale) and is supported by the tasks performed by brokers.

U.S. law provides a broad definition of arms brokering:

> *..any person who acts as an agent for others in negotiating or arranging contracts, purchases, sales or transfers of defense articles or defense services in return for a fee, commission or other consideration…[and] brokering activities include the financing, transportation, freight forwarding, or taking of any other action that facilitates the manufacture, export, or import of a defense article or defense service, irrespective of its origin…. This includes, but is not limited to, activities by U.S. persons who are located outside the United States or foreign persons subject to U.S. jurisdiction involving defense articles or defense services of U.S. or foreign origin which are located inside or outside the United States[80].*

2. Brokering Functions and Characteristics

The SAS identifies seven functions provided by brokers to buyers and sellers: prospecting, consultation, sourcing, negotiation, financing, gaining authorization, and

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[78] Small Arms Survey, Small Arms Survey 2001, 98.

[79] Small Arms Survey, Small Arms Survey 2004, 143.

[80] Title 22, US Code of Federal Regulations, Section 129.2, quoted in Wood p. 133.

organizing transport.[81] Prospecting is the process of connecting buyers and sellers. Consultation is providing advice or technical information to buyers. Sourcing is identifying suppliers/dealers and procuring weapons. Negotiation is the brokers' arranging of contracts with the buyer and seller. Financing is the transfer of money between the buyer, seller, and payment of other actors to facilitate the transfer (dealer, shipper, financial agents, paying for documentation, etc…, possibly including bribes). Gaining authorization is to obtain transfer licenses, end-user certificates, and required transport/shipment documentation. Lastly, organizing transport is contracting shipment of the weapons from the source to the user, often through multiple locations by air, land, and sea. The most externally identifiable functions are physical transport, financial transactions, and the document trail. These functions have physical characteristics, while the other functions are primarily informational. As will be explored later, these physical functions are commonly used to map out the "anatomy" of arms trades.[82]

Brokers possess certain characteristics. First, brokers are skilled entrepreneurs.[83] Brokers maintain large networks of clients and supporting facilitators and rely on their competence to defeat regulatory controls and to avoid law enforcement. Brokers require significant expertise – they are specialists who navigate the legal obstructions to moving arms internationally. Unlike governmental foreign military sales motivated by political ends, private arms brokers operate for profit. Brokers operate autonomously and free of cultural, political, or other ideological links to the buyers and sellers that they coordinate.[84] In this sense, they are free from constraint when choosing their clients. Second, brokers operate globally and operate away from the physical locations of the weapons and other actors. Modern communications, financial networks, and a mature international shipping industry allow brokers to operate globally. Geographically

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[81] Small Arms Survey, Small Arms Survey 2001, 99-100.

[82] See Brian Johnson-Thomas, "Anatomy of a Shady Deal" In Running Guns: The Global Black Market in Small Arms, ed. Lora Lumpe (New York: Zed, 2000), 13-26.

[83] Small Arms Survey, Small Arms Survey 2001, 98.

[84] Brian Wood and Johan Peleman, "Making the Deal and Moving the Goods - the Role of Brokers and Shippers" In Running Guns: The Global Black Market in Small Arms, ed. Lora Lumpe (New York: Zed, 2000), 129, and Small Arms Survey, Small Arms Survey 2001, 98.

dispersed operations and the use of intermediaries (i.e., indirect transfers of weapons or money through multiple locations between the source and end user) increase the difficulty of identifying and regulating brokering. SAS describes this trait as a broker's invisibility: by not taking possession of weapons or collocating with other actors, the brokers remain invisible.[85] Third, brokers operate in both legitimate and illegitimate realms.[86] This happens both generally and for specific transactions. For example, a broker may operate to service fully legitimate state-to-state transfers because of government outsourcing. Alternatively, a specific transaction may start as a legitimate transfer – and then become illicit once the weapons divert to/through intermediaries that lead to an illegal end user such as an embargoed state or terrorist group.

3. The Broker's Role

This section details the essential role of brokers in illicit small arms trade:

> *Without brokers, the illicit weapons market would be far less accessible to buyers who, for example, may find themselves caught in the chaos of far-flung conflicts or blacklisted by the international community. Without brokers, private individuals and companies seeking access to diamond and oil 'war economies' would lose their most basic bargaining chip—the steady flow of weapons. Most importantly, without brokers, the illicit arms market would lose its form and structure: the networks that sustain and channel the interactions of all involved. Without brokers, illicit arms transfers would also be far more difficult and risky. Brokers' ability to use networks of contacts and intermediaries to facilitate a given weapons deal goes far beyond the mere provision of consultation. It is what gives their intangible activities such significance.*[87]

Brokers are involved in every aspect of the illicit arms trade and are equally involved in international black and gray trades. They are far less essential to legal/traditions government-government sales ("foreign military sales") and to intra-

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85 Wood and Peleman, Making the Deal and Moving the Goods, 98.

86 Ibid., 129.

87 Small Arms Survey, Small Arms Survey 2001, 105-106.

systemic flows (i.e., all intrastate transfers, black, gray, legal, or un-regulated), because their functions simply are not necessary in those cases. The broker's task is specific to transnational black and gray trades

Most evidence on the role of brokers derives from synthesis of newspaper reporting with criminal proceedings and other open-source media. The Small Arms Survey (SAS) and a variety of researcher organizations specialize in uncovering the methods used by specific notorious brokers or in detailing the methods used to deliver weapons to particular conflict zones such as West Africa in the 1990s.[88] Review of the applicable literature on illicit brokering yields several generalization useful for this analysis. First, while research indicates that there are large numbers of arms brokers, brokering nonetheless requires a unique skill set. Specifically, brokers must gain competency at avoiding the existing rules targeted against their business. Second, brokers are essential to the transnational movement of large quantities of weapons. Brokers are less essential to intra-state flows – brokers are not resellers, but market coordinators. Lastly, brokers are illicit entrepreneurs. Brokers operate because of the profit potential that regulation provides. By their willingness to avoid and violate law to deliver weapons, they have a competitive advantage. As will be examined in a subsequent chapter, these characteristics have greatly inhibited the effectiveness of regulatory regimes.

F. THE BROKER'S NETWORK

The majority of existing small arms-related research focuses on market structure, but brokers make the market. Their importance rests in their ability to coordinate buyers, sellers, physical transport agents, and to avoid detection. In the information age, brokers need not take physical possession of arms to facilitate the trade, but brokers are essential managers of the information flow required to make the deals. While the physical flow of

[88] See Pelemann and Wood, The Arms Fixers: Controlling Brokers and Shipping Agents; Wood and Peleman, Making the Deal and Moving the Goods - the Role of Brokers and Shippers; BASIC, Controlling Arms Brokering and Transport Agents; Matthew Brunwasser , "The Embargo Buster: Fueling Bloody Civil Wars," PBS Frontline-World, http://www.pbs.org/frontlineworld/stories/sierraleone/bout.html (accessed January 31, 2008).; Amnesty International, Dead on Time: Arms Transportation, Brokering and the Threat to Human Rights; Johnson-Thomas, Anatomy of a Shady Deal, 13-26; Lumpe, Running Guns: The Global Black Market in Small Arms.

arms takes a path from suppliers, to transports, and then to the end user, the information flow that enables the illicit arms trade is more complex. This section identifies that brokers operate a social network to enables the illicit arms trade – a network that is essential to the illicit trafficking of small arms.

The broker's network is a social network consisting of the actors in the trade: suppliers, brokers, end-users, financiers, and transport agents.[89] The arms trade actors are the network nodes and their relationships are the links that connect the network. The network relies on highly connected actors or hubs that are essential to network function because most information flows through hubs.[90]

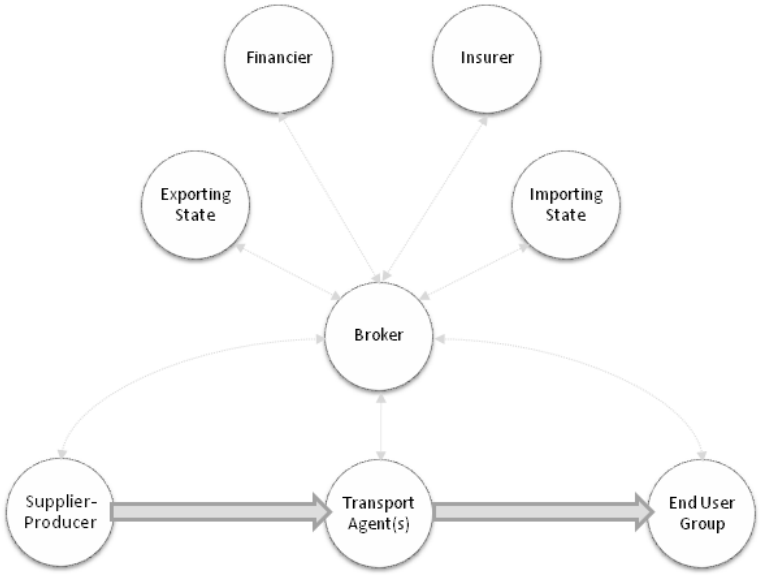


Figure 1. The Broker's Network

The concept of a broker's network is supported by anecdotal evidence of illicit arms brokering and recent empirical research that uses the tools of social network analysis. While there is limited empirical evidence available, this research indicates that brokers actively manage networks to facilitate the arms trade. First, Curwen analyzes the

[89] A social network is a complex communicative network that creates "shared worlds of meaning and feelings, which in turn shape identify, perceptions, and preference. Marc Sageman, Understanding Terror Networks (Philadelphia: University of Pennsylvania Press, 2004), 158.

[90] Ibid., 141.

roles of specific arms trade actors in selected illicit arms transfers to Africa.[91] Curwen examines four well-document arms transfers using anecdotal data provided by the UN. These cases occurred between 1999 and 2002 and involved embargo-busting delivery of weapons into Africa. Curwen maps the structure of the arms trade as a social network by identifying the relationships between different actors in the trade (suppliers, brokers, financiers, and transport agents). Curwen concludes that brokers and shippers were the most *central* or essential actors in the delivery of small arms.[92] The brokers act as critical connectors or hubs between all agents of the trade. Curwen concludes that the brokers' centrality reflects their relative power or essential role in the trade. The brokers and transport agents formed a core group and that the relationship between brokers and transport agents was the critical social link in the trade.[93]

In a similar manner, Kinsella uses social network analysis techniques to assess all transfers to Africa by state (location) for the period 1990 to 2002.[94] Kinsella maps the arms trade in Africa by location and this method identifies the centrality of specific locations (sources and intermediaries) to the overall flow of arms in Africa. Kinsella identifies brokering "locales" involved in the trade and assesses the relative importance of supplier locales, recipient locales, and intermediary/trans-shipment locales. Kinsella identifies which African states were most central to the trade and, critically, that a limited number of state locales served as key "outflow hubs" – states that served as intermediaries for the Africa trade.[95]

The conceptual basis for Kinsella's analysis is of great significance to a broader understanding of brokering. Kinsella begins by defining market transactions as discrete financial transactions to maximize short-term profit and by defining network transactions

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[91] Philip A. Curwen, "The Social Networks of Small Arms Proliferation: Mapping an Aviation Enabled Supply Chain" (M.S., The U.S. Naval Postgraduate School, Monterey, CA).

[92] Ibid., 106.

[93] Curwen, 108-109.

[94] David Kinsella, "The Black Market in Small Arms: Examining a Social Network," Contemporary Security Policy 27, no. 1 (2006), 100-117, http://dx.doi.org/10.1080/13523260600603105 (accessed October 24, 2007).

[95] Ibid., 110-111.

as a sequence of events part of an "overall pattern of enduring interaction."[96] Kinsella argues that networks require maintenance based on shared interests and ongoing relationships and hypothesizes that covert-illegal arms trading requires a common commitment by arms trade actors to protect their methods. The centrality of specific brokering locales over a long period and for a large data set indicates that that the illicit trade does function as a network with established relationships or pathways. Not only are arms brokers essential actors, but they actively maintain the pathways that route arms around the world.

Milward and Raab's model of dark networks supports this concept of a sustained, clandestine network. The configuration of the brokering network "results from resources, actors, and the linkages between them … that allow dark networks to balance and rebalance capacity for action with the need to survive and persist."[97] Empirical studies of the illicit arms trade identify the key actors in the broker network: brokers, financiers, transport agents, suppliers, and end users. Common interest in successful arms trafficking binds the actors together - end-users need weapons and the others seek profit. Moreover, they are linked by trust: "linkages between the nodes in a network are facilitated by trust between the actors based on reciprocity and the ability to reward cooperation by transferring resources to the complying party or in a dark network by fear of the consequences of non-compliance."[98] The illicit nature of the trade drives covert methods and functional differentiation among the actors: to spread risk for all, distinct functions are distributed amongst the actors.[99] Brokers are not pilots, pilots are not financiers, financiers are not brokers, etc…. The actors are integrated through modern information technology – thus facilitating a global market.

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96 Kinsella, "The Black Market in Small Arms," 103-105.

97 H. Brinton Milward and Jörg Raab, "Dark Networks as Organizational Problems: Elements of a Theory," International Public Management Journal 9, no. 3 (2006), 349.

98 Ibid., 349.

99 Ibid., 351.

G. SUMMARY

The arms market consists of legal, gray, black, and unregulated trade. Transnational illicit trades are the primary concern because they occur beyond state control and because they clandestinely introduce new military capability (power) to users that would otherwise be isolated from the global supply of arms. While intra-state black transfers are problematic, they are generally not on the scale of transnational flows. This typology allows *refinement of the "small arms problem" to the disruption of transnational illicit flows to specified states or regions.*

The global supply of small arms is sufficient to deliver vast quantities of weapons and sufficient global trade infrastructure enables transfer anywhere in the world. Group demand is primarily of the producer-possessor type: arms demand stems from the instrumental use of the weapons in violent conflict. Demand, a function of motivation and means, derives (primarily) from achievement of a group's purpose. This kind of demand is strongly tied to the root causes of violent conflict – thus presenting a tough problem for arms trade policy.

In the last section, I examined how the physical flow of arms in the transnational illicit market is dependent on the functioning of the social network. The broker is the central figure and coordinator of the illicit network that enables delivery of arms from producer-suppliers to end users.

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III. SMALL ARMS IN THE MIDDLE EAST

A. INTRODUCTION

This chapter examines the supply and demand conditions for small arms in the Middle East.[100] Demand for arms in the Middle East (ME) is a function of persistent conflict, weak states, and the prevalence of armed non-state groups. Additionally, there is a deeply embedded cultural component to the demand for arms in the Arab states of the ME. Overall, I argue that these conditions created chronic regional instability and support high demand for arms. The supply conditions are more complicated. There are few producers of arms in the ME. Both states and non-state groups rely on the global market to satisfy their strong demand for arms. I conclude by arguing that while demand for arms may be an "intractable" problem, the supply conditions provide the U.S. with an opportunity to influence the region by addressing the flow of arms to the region.

B. DEMAND CONDITIONS

1. Chronic Instability

The ME is the largest arms market in the developing world. Legal sales to the region account for nearly half of all sales to developing states, with the U.S. providing nearly two-thirds of the arms for the region.[101] The sheer scale of arms sales to the region (upwards of US $ 40 billion annually for legal sales) is a symptom of the region's problems. Instability in the region is a product of conflict at the international, regional, and (intra) state levels.[102] The states of the region are relatively new, with most have

[100] As in previous sections, the term "Middle East" is used loosely to denote the states of Mediterranean North Africa, the Persian Gulf, and the Arabian Peninsula; generally, the area is the area of responsibility for the United States Central Command (USSCENTCOM).

[101] Richard Grimmett, Conventional Arms Transfers to Developing Nations, 1998-2005Congressional Research Service, [2006]), Naval Postgraduate School BOSUN Database (accessed July 22, 2007).

[102] Mujeed Khan, "Cauldron of Conflict: The Structural-Ideational Basis of Systemic War and Authoritarianism in the Modern Middle East" (Presentation, Naval Postgraduate School, Monterey, CA, 2008) (accessed April 11, 2008).

been formed in the aftermath of the World Wars. At the international level, the region's chronic instability includes a long pattern of external involvement in the region's conflicts. This external involvement occurs for a variety of reasons, including conflict over access to the region's oil. At the regional level, several persistent conflicts transcend state borders and have frequently produced violence (the Arab-Israeli conflict, Kurdish separatism, and conflict between Sunni and Shia states). At the state level and below, chronic state instability (and the weaknesses of Middle Eastern state governments) produced forty-five internal wars between 1945 and 2000. Internal wars relate to the prevalence of weak states and armed non-state groups throughout the region, such as tribal, ethnic, and religious groups. Globally, this relatively small region produces nearly twenty percent of all internal wars.[103]

The region's chronic instability results from the intersection or interaction of these three forms of conflict (international, regional, and state). States and non-state groups increasingly demand arms to gain and maintain power. States seek arms (power) to protect themselves from external state and internal non-state threats, whereas non-state actors seek arms to maintain their power vis-à-vis the state. Some of the many root causes of instability are religious conflict, ethnic conflict, and resource scarcity. These are complex, persistent problems and are likely to continue to drive the demand for arms by both state and non-state actors.

Moreover, the rise of OPEC and the general enrichment of the region's economy over the past thirty years through foreign trade gave both states and non-state actors increasing financial means with which to acquire arms. Klare argues that the arming of ME states relates directly to the strength of oil exports from the region.[104] The increased wealth of ME states increases demand for legitimate or legal arms sales, whereas the prevalence of non-state actors in the region (terrorists, ethnic insurgent groups, and

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[103] United States Marine Corps, "Small Wars Center of Excellence: Small Wars Since 1600," http://www.smallwars.mcwl.usmc.mil/Small%20Wars1600toPresent1.pdf (accessed April 22, 2008).

[104] Michael Klare, "The Arms Trade in the 1990's: Changing Patterns, Rising Dangers," Third World Quarterly 17, no. 5 (1996), 864.

religious groups) creates demand for illicit flows of arms. Illegitimate non-state groups such as terrorists cannot rely on legal arms sales; instead, they turn to the black and gray markets to meet their needs.

2. Gun Culture in the Middle East

In the Middle East, the socio-cultural context heavily influences small arms demand.[105] Cultural and region specific conditions shape individual and group demand for small arms through values, norms, and practices. In 2006, The Middle East and North Africa Action Network on Small Arms (MENAANSA) studied public perceptions of arms in the Palestinian Authority, Lebanon, and Sudan – states with ongoing violent conflicts.[106] Arabs perception sharply distinguished possession of arms for sport from use in conflict or security. MENAANSA attributed widespread gun ownership to the inability of states or governments to provide security, i.e., chronic instability.

In 2002, the Jordan Institute of Diplomacy hosted a workshop for leading small arms researchers in the region. The workshop published the following conclusions:

1. Weapons possession (public display) expresses cultural identity and honor.
2. Small arms are symbols of power, confidence, authority, and manhood.
3. Weapon firing serves as cultural expressions of celebration or happiness.
4. Bedouin or tribal culture is a continuing source of small arms demand (a value).[107]

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[105] Jurgen Brauer and Robert Muggah, "Completing the Circle: Building a Theory of Small Arms Demand," Contemporary Security Policy 27, no. 1 (2006), 139.

[106] "Middle East and North Africa Action Network on Small Arms." www.mena-small-arms.org (accessed March 13, 2008), and Public Perceptions of Small Arms and Light Weapons and Community Security in the Middle East (Amman, Jordan: Middle East Action Network on Small Arms,[2006]), www.mena-small-arms.org (accessed February 12, 2008).

[107] American Friends Service Committee and Regional Human Center, Traditional Cultural Practices and Small Arms in the Middle East: Problems and Solutions (Amman, Jordan: The Regional Human Security Center at The Jordan Institute for Diplomacy, [2002]), http://www.smallarmssurvey.org/files/portal/spotlight/country/nafr_pdf/mideast-yem-leb-jor-eg-pal-2002.pdf (accessed August 28, 2008).

The workshop, which led to the creation of MENAANSA, focused on identifying measures to reduce small arms demand in the Arab region. The workshop resulted in a consensus view of Arab small arms demand from the assembled scholars. The experts concluded that culture and tradition drive individual and group demand in the region.

3. Small Arms Demand in Yemen

There is very little detailed research on the demand for small arms and the impact of small arms in the ME, but there is a sufficient body of research on the impact of arms in Yemen. Yemen provides a particularly appealing country study for small arms. First, Yemen is a predominantly underdeveloped, rural, tribal, and Sunni Islamic state.[108] These conditions are representative of many ME states. Next, Yemen is a highly armed state with a long history of small arms possession across the society. The Small Arms Survey (SAS) estimates Yemen possesses between six and nine million small arms for a total population of fewer than nineteen million.[109] Small arms have a significant role in Yemeni life, enabling a full assessment of small arms demand conditions. Lastly, the central government is weak, lacking control over large portions of the Yemeni territory.[110] Conditions in governed areas as well as un-governed areas of Yemen have application to other parts of the Arab region. Yemen's history of insurgency, Islamic terrorism, and civil war are indicative of internal stability problems. Furthermore, these are conditions found throughout the ME.

Small arms demand in Yemen is primarily a function of tradition and custom. Furthermore, the Small Arms Survey (SAS) assesses that security concerns have not motivated gun possession.[111] This assertion is limited to post-Civil War Yemen and ignores the fact that internal security problems drove demand for small arms during

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[108] Derek B. Miller, Demand, Stockpiles, and Social Controls: Small Arms in Yemen (Geneva: Small Arms Survey, [2003]), http://www.smallarmssurvey.org/files/sas/publications/o_papers_pdf/2003-op09-yemen.pdf (accessed January 27, 2008).

[109] Ibid., 25-28.

[110] Ibid., 46.

[111] Miller, 46.

Yemen's long period of decolonization and civil war. Current demand may reflect tradition and custom, but the guns are present in Yemen because of war-related demand. Yemen's long history of internal conflict, insurgency, and civil war resulted in widespread arming of Yemenis during the virtually continuous period of internal war from the 1960s to the 1990s. Both the SAS report and expert statements from the 2001 Arab Small Arms workshop attest to the role of internal conflicts as the source for large-scale proliferation of small arms in Yemen.[112] Militant groups, separatist forces, tribes, and individuals sought arms during this period. SAS historical account of large-scale transfers of weapons into Yemen demonstrates a rough correlation between new sources of weaponry and Yemeni internal wars.[113]

SAS's analysis demonstrates that non-governmental demand derives from tribal (group) sources as well as from individuals. Tribes generate group demand for weapons, as evidenced by tribes' common possession of large stocks of weapons and ammunition.[114] Tribes utilize arms as instruments for land management and defense. Tribal traditions and customs provide values that motivate individual demand as well. SAS points to relatively low crime statistics (relative to population density and gun ownership statistics) and identifies that strong (possibly increasing) demand for weapons stems from the guns status as a social symbol. Yemeni males gain possession of arms as a symbol of manhood and "tribesman" status, rather than as instruments for action. This symbolic demand is relatively uniform across Yemen with the exception of certain areas.

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[112] Mohamed Yahya Al-Dailami, "Small Arms and Light Weapons in Yemen" In Small Arms and Light Weapons in the Arab Region: National and Regional Measures, eds. Gali Oda Tealakh, Atef Odibat and Maha Al Shaer (Amman, Jordan: The Regional Human Security Center at The Jordan Institute of Diplomacy, 2002), 100-101, http://www.smallarmssurvey.org/files/portal/issueareas/measures/Measur_pdf/RHSC%20book.pdf (accessed March 25, 2008). and Miller, Demand, Stockpiles, and Social Controls: Small Arms in Yemen, 6-13.

[113] Ibid., 10-11.

[114] Al-Dailami, "Small Arms and Light Weapons in Yemen," and Said Al-Asbahy, Izz Al-Din, "Weapons in Yemen between the Danger of Proliferation and National Traditions" In Small Arms and Light Weapons in the Arab Region: National and Regional Measures, eds. Gali Oda Tealakh, Atef Odibat and Maha Al Shaer (Amman, Jordan: The Regional Human Security Center at The Jordan Institute of Diplomacy, 2002), 138, http://www.smallarmssurvey.org/files/portal/issueareas/measures/Measur_pdf/RHSC%20book.pdf (accessed March 25, 2008).

Specifically, the Yemeni government has been able to impose strict controls to reduce public display of weapons in the capital Sana'a. Additionally, well-educated Yemenis and non-tribally affiliated individuals do not possess or publically display guns.[115]

Even individual demand ultimately derives from Yemen's tribal society to the extent that tribalism informs Yemeni values and culture, i.e., the tribe provides individuals the motivation for symbolic possession of arms. Eight values are the core of Yemeni tribalism and each relates to demand/possession of arms: piety, honor, generosity (or hospitality), courage, self-control, autonomy, land, and ideologies of descent.[116] The highest value (honor or sharaf) is associated with the individual, family, and tribe, and weapons symbolize honor – both guns and daggers. The value hospitality requires protection of guests – implying a necessary practical capacity to defend with a weapon. Courage and self-control are also symbolized by public display of weapons, with the latter symbolized by not employing a weapon unless necessary. Yemenis perceive that autonomy, land, and ideology of descent (valuing family lineage) require protection through possession of arms. Clearly, tribal tradition and custom provide motivation and social meaning for small arms demand. "Weapons here are part of the national character and are linked to heritage, tradition, and norms, rather than to violence and killing."[117]

Just as tribes generate weapons demand, they also generate effective social controls for the use of weapons in Yemen. The tribal structure is the source of legitimacy in Yemen for several reasons, including the observation that armed tribes present a strong barrier to government control of tribal areas.[118] Yemen's long period of internal war and insurgency, with its attendant proliferation of weapons, presaged a resurgence of tribal identity in Yemen in the 1990s. The rise in tribal identification may partially explain Yemen's comparatively low crime rate. There are effectively three forms of social

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115 Miller, Demand, Stockpiles, and Social Controls: Small Arms in Yemen, 41.

116 Ibid., 41.

117 Said Al-Asbahy, Izz Al-Din, Weapons in Yemen between the Danger of Proliferation and National Traditions, 137

118 Miller, Demand, Stockpiles, and Social Controls: Small Arms in Yemen, 39.

control in Yemen: norms, custom, and law.[119] Tribes provide norms and custom and, due to weak a central government, tribes remain the primary source of social control. The basis of tribal law is a set of seventy rules (al-Qawa'id as-Sab'een) agreed upon by all of Yemen's tribes, which regulate social behavior – including appropriate possession and use of weapons. One interesting aspect of Yemen is tribal regulation of violent acts of revenge (e.g., honor retribution). There are effectively three options of remediation after an honor killing: the killer's tribe can offer the killer to the victim's tribe for judgment, the killer's tribe can offer financial compensation to the victim's family, or the tribes can offer a mediated settlement (an exchange of money or weapons in compensation for loss).

Conditions in Yemen present several important implications relevant to small arms demand in the region. First, Yemen's high density of arms reflects strong demand for weapons at the individual, group/tribal, and state levels. Second, demand conditions are region-specific. Yemeni weapons demand has both individual-cultural and group-tribal components. In both cases, tribal honor and social status interrelate with the weapons' practical utility. "All Yemenis consider daggers as a social heritage and part of the local costume…they are not considered weapons."[120] Third, weapons in Yemen currently yield a tenuous internal balance of power between armed non-state groups (tribes, terrorists, and organized crime) and the state. SAS estimates that the tribes actually posses a superior arsenal to that of the state and that ownership (state or non-state) is increasing.

Individual demand stems from the gun as a symbol of honor, social standing, and manhood. Gun possession in the region is clearly an intrinsically male attribute.[121] However, there are multiple visible symbols of honor or prestige (wealth, property, etc…). Group demand extends from the tribe-based structure of Arab society. Here the

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[119] Miller, Demand, Stockpiles, and Social Controls: Small Arms in Yemen,, 35.

[120] Said Al-Asbahy, Izz Al-Din, *Weapons in Yemen between the Danger of Proliferation and National Traditions*, 137.

[121] American Friends Service Committee and Regional Human Center, *Traditional Cultural Practices and Small Arms in the Middle East: Problems and Solutions*, 6.

primary or traditional provider of defense and security is the tribe-family.[122] The state bears secondary responsibility. Tribal identity is a function of land and livestock and control of property requires possession of arms. Furthermore, arms are instruments of conflict resolution for inter-tribe and inter-clan dispute. In short, both individual and group demand for arms in the ME is deeply embedded in the culture and values of the region. *Small arms demand by non-state groups is likely to be an enduring factor in the region.*

C. SUPPLY CONDITIONS

Despite strong demand and the steady global proliferation of arms production capacity, the Middle East has relatively little arms production capability. Only one ME state (Israel) has companies represented in the top one hundred arms producing/exporting companies, contributing less than $5 billion to global legal arms sales (under two percent).[123] In contrast, the Stockholm International Peace Research Institute (SIPRI) database reveals sixteen ME countries are in the top 100 arms importing countries.[124] Generally, arms constitute $10-20 billion or close to fifteen percent of the regions imports (annually), whereas weapons exports make a negligible contribution to the ME's total exports.[125] The region is frequently the top arms-importing region of the world. Furthermore, Israel's arms exports constitute most of the regions exports – another sign of the weak capacity of the region.[126] Only thirteen firms in six countries (Israel, Iran,

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[122] American Friends Service Committee and Regional Human Center, *Traditional Cultural Practices and Small Arms in the Middle East: Problems and Solutions*, 6.

[123] This figure is for all conventional arms transfers, not limited to small arms and light weapons. Stockholm International Peace Research Institute, "SIPRI Top 100 Arms Producing Companies," Stockholm International Peace Research Institute, http://www.sipri.org/contents/milap/milex/aprod/sipridata.html (accessed August 21, 2008).

[124] Stockholm International Peace Research Institute, SIPRI Arms Transfer Database, http://armstrade.sipri.org/ (accessed August 21, 2008).

[125] "World Bank Statistics on States' Arms Imports and Exports," http://www.fas.org/asmp/profiles/WBarmsexports2.htm (accessed August 21, 2008).

[126] United States Department of State, Bureau of Verification and Compliance, World Military Expenditures and Arms Transfers, 1999-2000 (Washington, D.C.: U.S. Government Printing Office, [2002]), http://www.fas.org/asmp/profiles/wmeat/WMEAT99-00/01-Introduction.pdf (accessed August 21, 2008).

Egypt, Pakistan, Turkey, and Saudi Arabia) produce small arms in the Middle East and these firms are not capable of satisfying the demand.[127] While these statistics reflect the import/export imbalance in the legal arms market, they clearly indicate that the ME relies on the global-external supply of arms to satisfy demand.

The scale of legal imports to ME is significant for several reasons. First, the limited regional production capacity forces ME states and non-state actors to rely on the global market for arms. Regional production just cannot meet demand. For illicit actors, this means reliance upon transnational arms trafficking networks and brokers to gain access to extra-regional supplies of arms. Second, legal weapons are often diverted to the black and gray markets in conflict zones. States' weapons are often stolen or seized in conflicts, thus legal state imports become a source of supply for non-state groups and illicit actors. While it is impossible to identify how much of the legal flow is exploited, these imports are nonetheless an opportunity to acquire arms. Third, the region's persistent state of conflict and states' continuing need to acquire arms provide a reason for ME states' aversion to regulating the arms market. ME states have generally failed to adopt UN provisions for regulating the arms market, largely because they want to maintain their freedom to import arms without restrictions. In short, the region's instability drives the region's inability to regulate arms inflows.

D. SUMMARY

The demand for small arms in the Middle East is derived from the region's persistent state of conflict and cultural preference for arms. International, regional, and state instability drive the import of arms for both states and non-state actors. Individuals and groups in the region regard small arms as a symbol of power, a product of the tribal culture that dominates the region. The demand for arms is likely to endure with the region's values and instability. The region's arms imports vastly exceed arms exports, representing both the strength of small arms demand and the dependence on the international arms market. As a result of these conditions, non-state actors such as terrorists and insurgents rely on illicit arms trafficking

[127] Pete Abel, "Manufacturing Trends: Globalising the Source" In Running Guns: The Global Black Market in Small Arms, ed. Lora Lumpe (New York: Zed, 2000).

networks to satisfy their need for arms. The next chapter examines potential strategies to disrupt the currently un-controlled flow of arms to the region.

IV. AVAILABLE DISRUPTION OPTIONS

A. INTRODUCTION

The illicit small arms trade is a tough problem. The trade is global, clandestine, dynamic, and involves small numbers of decentralized actors. Significantly, very few cases offer insight, solutions, or strategies to disrupt the trade. Perhaps the most intriguing historical case is the remarkable and nearly complete disarming of Japanese society during the Tokugawa shogunate from 1607 until 1879.[128] Japan's "reversion" to the samurai sword, though far removed from today's global arms industry, provides a starting point for identifying the potential strategies to counter the illicit arms trade. Japan is a rare case of a state that successfully controlled arms flows. The shogunate used several methods to control the arms market and the case serves to introduce the three strategies presented in this chapter.

1. Tokugawa Japan

From 1543 until 1879, Japan radically changed their military capabilities after the Chinese introduced the matchlock gun. They rapidly mastered their use and production of guns and then employed them for nearly a century.[129] Then from the mid 1600s until 1879, the Japanese society survived almost entirely gun-free. Japan successfully removed modern guns from the state and the population by effectively controlling the small arms supply and demand within the country. While this historical case has limited applicability to the contemporary illicit small arms trade, Japan's experience provides an interesting guide to potential disruption strategies.[130]

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[128] Noel Perrin, Giving Up the Gun: Japan's Reversion to the Sword, 1543-1879 (Boston: David R. Godine Publisher, Inc., 1979).

[129] Ibid., 3-5.

[130] Specifically, the Tokugawa case is unique because the Japanese controlled all arms – legal and otherwise. There is a limit to apply lessons from complete disarment to the disruption of only the illicit trade. Moreover, Japan's geographic and security situation is unique and unlikely to applicable to modern states.

Perrin provides a detailed analysis on why and how Tokugawa Japan was able to remove guns from society.[131] First, the supply-side strategy was to nationalize gun production. In 1603, fifty-seven years after introduction of the matchlock to Japan, the first Tokugawa shogun seized control of feudal Japan. Shortly thereafter, the Tokugawa began incremental steps to gain control over small arms and gunpowder production. The central government first required licensing for all production. Next, all production was consolidated at Nagahama by 1607. Moreover, the government incentivized the gunsmiths' cooperation with the Tokugawa regime. The state continued to pay annual salaries to gunsmiths (and even promoted some gunsmiths to samurai class), even if they produced nothing. Lastly, gunsmiths were encouraged to resume sword making. This last change provided a substitute for both producers and consumers.

The counter demand strategy involved the substitution of the samurai sword for guns. First, there was a cultural preference for the sword. The warrior class was a sizeable dominant class in Japan, constituting upwards of ten percent of the population.[132] Despite the established military utility of the gun and its efficient killing capability, the samurai preferred the sword to the gun because of the sword's symbolic value to their class. Reverting to traditional weapons was fully acceptable in the context of Japanese martial culture and the samurai accepted the sword as an honorable substitute for the matchlock gun.[133] Second, the symbolic value of the sword surpassed the killing power and utility of the gun. The sword was "the visible form of one's honor."[134] The sword possessed artistic, cultural, and social (status/prestige) value that offset the utility of guns.

The final strategy, controlling commerce, again consisted of nationalizing the arms industry. The state retained approval authority over any request to produce, import, or export arms.[135] In this sense, the state controlled commerce by directly controlling

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[131] Perrin, Giving Up the Gun: Japan's Reversion to the Sword, 1543-1879, 33-42, 58-62.

[132] Ibid., 33.

[133] Ibid., 9.

[134] Ibid., 36.

[135] Ibid., 62, 64.

arms trade actors. Japan is in a position of geographical isolation and given the state of international shipping during the period, they were able to effectively monitor and control imports and exports. Geopolitical considerations also allowed the Japanese to abandon guns without creating vulnerability to invasion. Japan's regional and global reputation as a military power deterred both European and regional threats from attacking the Japanese islands. Japan had a credible capability to defend the main territory. Japan avoided all external military conflicts for the entire Tokugawa period.[136] Moreover, the removal of guns began as part of a general reaction against foreign ideas from Europe. The state declared a policy of isolation in 1636, primarily as a reaction to Christian missionaries.[137]

2. An Outline of the Options

This chapter presents the disruption strategies that follow from the Tokugawa case and the two models of arms trade presented previously. Each model of the arms trade yields different options for disrupting illicit arms transfers. First, the illicit small arms trade is a transnational *market* enabling exchange through the buying and selling of arms. Secondly, the trade is a *network* – brokers coordinate the functions of the actors to sustain their entrepreneurial endeavor. This chapter presents the disruption options that relate to these two models of the trade. The available disruption mechanisms are then evaluated for their logic and, when available, empirical efficacy.[138]

In the market view of the arms trade, states control the trade by regulating either supply or demand. Conceptually, the goal of regulation is to reduce the available supply of arms or to reduce the demand for arms. The key issue is whether regulation succeeds at preventing arms trade with banned states or groups – a strategy of access denial or exclusion of certain actors from an otherwise free market.

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136 "Japan" http://encarta.msn.com/encyclopedia_761566679_17/Japan.html#p291 (accessed January 5, 2008).

137 Perrin, 41.

138 Disruption is defined here as effort to prevent or reduce the illicit transnational transfer of arms to particular groups, states, or regions.

In the network view of the arms trade, the brokers' network of intermediaries enables the illicit transfer of arms. Banned users are limited to black or gray trades to acquire their arms and rely on brokers' networks to deliver the necessary arms. The network enables transnational flows of arms – the source of new power asymmetries to a state or region. In the absence of new influx of weaponry, the illicit user is isolated from sources of arms beyond the existing supply of arms in the state/region.

This chapter identifies three strategies for disrupting the illicit small arms trade that follow from structure of the arms trade. I evaluate the first two options (attempts to affect the supply or demand conditions in the arms market) and conclude that these strategies are not viable. I will argue that these strategies are impractical and ineffective. The third approach, disrupting the network of illicit brokering, has the best potential in fighting the illicit arms trade. Although this last approach has not previously been used against the arms trade, it has been successful against analogous or related problems such as terrorism and organized crime.

Disruption Strategies:

1. Supply Regulation: deny illicit actors access to arms.
2. Demand Manipulation: reduce demand for small arms.
3. Countering the Brokering Network: prevent the brokering network from functioning to deliver arms.

B. MARKET-BASED STRATEGIES

1. The Supply Regulation Strategy

Supply regulation is the current and prevailing policy choice for the international community and the U.S.[139] This approach consists of establishing laws and legal enforcement mechanisms to prevent producers, brokers, and transportation agents from transferring arms to designated users. *The objective of supply regulation is to reduce (or*

[139] Richard Grimmett, International Small Arms and Light Weapons Transfers: U.S. Policy. Congressional Research Service,[2006]), Naval Postgraduate School BOSUN Database (accessed July 2002, 2007).

ideally to eliminate) access to the arms market by "banned" end-users – specified states or groups. International and national laws and international agreements all reflect the supply-side regulation approach, even to the extent that they regulate brokering.[140] This approach has two parts: establishing laws and enforcing laws. This section argues that both establishing and enforcing regulation is impractical and has been empirically ineffective.

Supply-side regulation, while necessary to control the overall global arms market, is unlikely to affect the arms trade in the short-term. The purpose of supply regulation is to restrict the flow of arms to specific users. Supply regulation functions to reduce the availability of weapons in the illicit market, thereby raising the relative price of arms because of scarcity, and then prevent market transactions because of higher prices. Ideal regulation would limit weapons access for all illicit actors (brokers, re-sellers, buyers, etc…). Supply regulation does not seek to decrease the overall production or supply of weapons or to increase the cost of weapons through taxes.

Several factors make the regulation strategy insufficient. The illicit trade (the actors and the methods) *exists* to circumvent legal controls and to deliver arms to banned end users. Brokers move arms internationally and navigate around regulatory obstacles to enable illicit transactions. Contemporary research indicates that illicit networks adapt to governmental control efforts and are resilient in the face of regulatory control.[141] In a global market with many sources of supply and global means of supply distribution, isolating the illicit trade from the global supply of arms is not practical.

Effective regulation requires uniform international laws and enforcement – global supply requires global control, otherwise brokers can continue to circumvent well-regulated states by using unregulated states as intermediaries. This requirement is unlikely to be met due to the extreme difficulty of enacting national legislation globally. Empirically, nearly thirty percent of UN member states lack the regulatory framework

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[140] Small Arms Survey gives a good overview of anti-brokering regulations. Small Arms Survey, Small Arms Survey 2004 (Oxford: Oxford University Press, 2004), 147.

[141] Lora Lumpe, ed., Running Guns: The Global Black Market in Small Arms (London: Zed, 2000), 143-146.

recommended by the UN. [142] Only 37 of 191 member states have established laws to regulate brokering. This is the most significant regulatory gap or deficiency, since the sin qua non of brokering is the deliberate avoidance of laws through careful "routing" of weapons transfers to circumvent detection and regulation. Every state that lacks illicit trafficking regulation offers brokers a conduit or route to banned users. The point is that establishing uniform international regulation is an unachievable requirement for effective supply regulation (at least in the current global political environment). Moreover, regulation must function to reduce supply available to unstable states or conflict zones. These are the places where state control is least likely to be effective and where the illicit trade is likely to flourish.

Research on the regional prices of weapons underscores the importance of uniform international laws. Empirically, regulation of the arms market successfully increased the price of small arms in regions where regulation has been enacted (notably Europe and the Americas). Killicoat tracks trade by region (Asia, the Middle East and Africa, Eastern Europe, Western Europe and the Americas) and identifies a steady increase in the market price of AK-47 assault rifles in Western Europe from the early 1990s until 2005.[143] Western Europe has the strongest regional and national measures against illicit arms trafficking.[144] In contrast, the most conflict-ridden regions (Eastern Europe and the Middle East) show little change in small arms prices during the period. Killicoat also shows how prices have actually dropped in states with ongoing (or recent) civil wars.[145] This empirical observation yields several insights. The Middle East and North Africa showed steady prices, despite ongoing conflicts and lack of substantial

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142 Reviewing Action on Small Arms 2006: Assessing the First Five Years of the UN Programme of ActionInternational Action Network on Small Arms [2006]), http://www.international-alert.org/publications/249.php (accessed January 28, 2008).

143 Phillip Killicoat, Weaponomics: The Global Market for Assault Rifles World Bank [2007]), http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2007/04/13/000016406_20070413145045/Rendered/PDF/wps4202.pdf (accessed January 15, 2007).

144 Reviewing Action on Small Arms 2006: Assessing the First Five Years of the UN Programme of Action, 101.

145 Killicoat, Weaponomics: The Global Market for Assault Rifles, 23.

intra-regional weapons production. The implication is that regulation is a regional problem. Regulation of the largest arms producing regions (Western Europe and North America) works in those regions, but fails to impact market conditions in conflict-ridden regions such as the ME (weapons still flowed to these regions, hence the small arms problem).

A strong form of supply regulation is an enforced international arms embargo. Despite the problem of detecting and measuring embargo violations, a recent report by the Stockholm International Peace Research Institute (SIPRI) evaluating the effectiveness of UN arms embargoes shows that embargoes are frequently violated and frequently fail to meet embargo objectives (policy change by the targeted state or group).[146] Embargo success depends on the strength of enforcement (introduction of UN peacekeepers into the embargoed states and resolute support by the permanent members of the UN Security Council improved embargo effectiveness) and on broad support for the embargo. States frequently ignore UN embargoes when state or regional interests prevail over state commitments to the UN.[147] The point is that embargoes have been ineffective for a variety of reasons and it may not be practical to pursue the embargo as an arms disruption strategy - despite their potential for success. Embargoes may actually function to create an illegal market by providing a business opportunity for illicit brokering.

International efforts to regulate the arms trade are relatively new, dating to the early 1990s. Thus far, the process of establishing uniform laws has been slow and uneven. However, because effective regulation requires uniform international law and enforcement, *regulation is unlikely to be an effective strategy in the short term*. While the Japanese may have been able to regulate the supply-side of the market in the seventeenth to nineteenth centuries, their success is was likely a result of the unique conditions of their arms market at the time – an island market, with limited import/export of arms, that could apparently be isolated fairly efficiently. These same conditions are unlikely to be

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146 Damien Fruchart and others, United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behavior (Stockholm: Stockholm Institute for Peace Research [2007], www.sipri.org (accessed January 29, 2008).

147 Ibid.

reproduced in today's globalizing economy. International regulation is necessary to control the arms market generally, but regulation alone is not likely a sufficient condition for disrupting the illicit arms trade. The U.S. should continue the current policy (an attempt to strengthen international regulation), but should look to other options for the short term and for specific cases.

2. The Demand Reduction Strategy

The second market-based strategy for disrupting the arms market is to reduce demand for small arms. This strategy entails attacking either the motivation or the means that constitute group demand for arms. The small arms literature virtually ignores the concept of reducing demand for arms, perhaps because reducing demand for arms appears to be a costly and complicated fool's errand. Human demand for weapons has existed throughout the existence of humanity. War, conflict, and arming appear to be a persistent human characteristic. Consequently, it is unlikely that any effort will reduce demand for weapons. However, this section is concerned with strategies to reduce specific groups' demand for weapons.

The demand for arms consists of means and motivation – the ability to overcome price and the reason or need for arms.[148] Reducing the "means" component of arms demand requires either increasing arms prices or somehow removing groups' financial support or sources of income to buy arms (so-called threat financing). The very nature of small arms confronts the possibility of making weapons too expensive for armed groups. Small arms are inexpensive and plentiful, with over 550 million small arms in circulation globally and more in production every day. In the absence of a unified global effort to raise weapon prices artificially, it is unlikely that any effort will succeed to raise arms prices. Moreover, there is no clear evidence that attacking the financial support (the means for arms) is likely to be effective. First, while small amounts of money can only purchase small quantities of arms and ammunition, even a tight-budgeted terrorist or insurgent can yield disproportionately large effects with a small quantity of arms and

[148] Jurgen Brauer and Robert Muggah, "Completing the Circle: Building a Theory of Small Arms Demand," Contemporary Security Policy 27, no. 1 (2006), 139.

ammunition. Second, countering threat financing is a relatively new and unproven concept – we do not yet have a thorough understanding of the real effectiveness of financial "attacks."[149] While countering threat financing may be a necessary and useful method for attacking small arms demand, inevitably the low prices and asymmetric effects of light weapons make the "motivation" for arms a more significant part of the small arms demand problem.

Reducing the "motivation" component of arms demand is even more problematic. Many creative methods could potentially be used to reduce demand for arms. For example, gun users (groups) could be convinced that certain guns were dangerous to use by covertly introducing faulty ammunition or guns – effectively deterring use of specific weapons out of physical fear. Returning to the case of the Tokugawa regime the unique cultural preference for the sword prevailed over the utility of the gun. Culture, group, or weapon-specific methods could be used to dissuade groups from the possession and use of guns. The demand approach requires specific methods – and conditions may or may not exist for them to work. For example, there is an apparent cultural preference for public display of arms as a symbol of power among Arabs in the Middle East[150]. It may be extremely challenging to find and implement/substitute a "stronger" symbol of power in that context.

Ultimately, reducing "motivation" means getting groups to substitute non-violent political action for violence, alleviating the underlying causes of conflict, or changing group norms (creating a normative aversion to the use of arms). These methods are all unlikely to be successful in the short term. First, non-state groups that need arms for political purposes likely do not have viable non-violent options – particularly in unstable or poorly governed states. Second, addressing the root causes of conflict is a complicated long-term process – not a practical strategy that would be useful for reducing arms

[149] Nikos Passas, "Terrorism Financing Mechanisms and Policy Dilemmas" In Terrorism Financing and State Responses, eds. Jeanne K. Giraldo and Harold A. Trinkunas (Stanford, California: Stanford University Press, 2007), 34.

[150] See previous section on the demand for small arms in the Middle East.

demand and the need for illicit weapons in the short term. Lastly, changing norms and values is (again) a complicated long-term process. *Reducing the "motivation" for arms is not likely to be a feasible strategy.*

C. A NETWORK-BASED STRATEGY: TARGETING THE BROKERS AND MIDDLEMEN

1. Network Disruption Strategies

In the network view of the arms trade, the brokers' network enables the illicit transfer of arms. Illicit users are limited to black or gray trades to supply their arms and rely on brokers' networks to deliver the necessary arms. The purpose of this strategy is to disrupt the transfer of arms by disrupting the network of actors that facilitate the trade. While the concept of regulating supply and demand is old, network disruption is a relatively new field of study. Networks, not unlike hierarchies, markets, and states, require a structure-specific set of strategies to disrupt network function. This section identifies the ways to attack the brokering network. These methods have been successfully applied to other illicit networks such as terrorist organizations and organized crime and provide a potential guide for disrupting the illicit flow of small arms.

A network is a set of actors linked by their relationships. The first problem is defining success in combating a network: the goal of network attack is to reduce the network's ability to "fulfill" the group's purpose. The key operative elements of the network include the actors, their relationships, and the organizing principle of the network (e.g., the collective purpose of the actors). With each element is an increasing degree of complexity. The actor is a simple binary variable – the actor exists or not. From an observation standpoint, the actor is observed (identified) or not. The relationships are complex and multivariate because they involve influence: does the relationship involve authority, what is the direction of influence between any two actors, is there a hierarchy, etc…. More complicated still is the complexity of the purpose or organizing principle of

the network.[151] The network purpose greatly affects the "resilience" of the network to attack: when ideology provides the purpose for a set of networked actors, decentralized action can still support the overall goal. In contrast, networks characterized by greater centralization rely upon central direction to ensure actors' activities support the overall goal. Thus, the strength of the network purpose relates to network resilience.

Four strategies (to reduce the network function) follow from basic elements of a network: attack the nodes, attack the links or relationships, attack the purpose (i.e., prevent action by somehow undermining the logic or purpose of the network), and isolate the network (i.e., prevent mobilization of new actors or adaptation of the network):

Strategy	Counter-Node	Counter-Link	Counter-Purpose	Isolation
Target	Attack the Nodes	Attack the Relationships (Undermine influence and trust or disrupt communications flow)	Attack the networks purpose: remove or delegitimize the actor's reason for organizing to act	Isolate the network from essential inputs that allow the network to produce their desired outcome
Application to the Illicit Brokering Network	Capture or Kill Key Trade Actors: Brokers and Transport Agents	Breed distrust between illicit trade actors	Remove the profit potential of illicit arms trading.	Isolate the arms trade from sources of weapons, transport capabilities, or banking institutions.

Table 3. Counter Network Strategies

The first strategy, nodal attack, requires direct attack against key figures, such capturing or killing the central actors.[152] This strategy is most effective on networks containing a degree of centralized authority, because removing core actors isolates

[151] Milward and Raab have a good discussion on the relationship between network resilience and what they call the "problem" that produces dark network. H. Brinton Milward and Jorg Raab, "Dark Networks as Organizational Problems: Elements of a Theory," International Public Management Journal 9, no. 3 (2006), 343-344.

[152] Joel Garreau, "Disconnect the Dots (Washingtonpost.Com)," The Washington Post September 17, 2001, 2001, http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=nation/specials/attacked&contentId=A41015-2001Sep16&notFound=true (accessed May 7, 2008).

peripheral actors from necessary operative control or direction. Nodal attack has less utility against decentralized networks. Carley and Tsvetovat use simulations to show that attacking the key actors in a decentralized network results in maximum short term damage to the network, but that networks are built to adapt and will "heal" themselves" in the long run.[153] If isolating key nodes (capturing, arresting, killing terrorist leaders) does not undermine the network's underlying principle or ideology, the ideology will still promote the terrorist action that counter-nodal targeting seeks to prevent. "If enough hubs are destroyed, the network breaks down into isolated, non-communicating islands of nodes."[154] The counter-nodal strategy is likely to be very effective against illicit arms networks. First, there is significant functional differentiation between actors – each actor (broker, transporter, financier, etc…) has a unique function and skill set. Arresting, capturing, or killing a central actor such as a broker is likely to debilitate arms networks. The counter-nodal strategy has been effective against other illicit networks such as criminal organizations, drug cartels, and terrorist groups. Typically, the arguments *against* a counter-nodal strategy include direct attacks against key individuals further decentralize networks, direct attacks are counter-productive other efforts to de-legitimize a networks purpose, and that attacking individuals fails to disrupt the function of networks with "redundant" structures. These arguments fall short when the structure/nature of illicit arms trafficking is considered. Arms trade actors perform specialized tasks, act in small/non-redundant networks, and operate for profit. Removing key actors through direct attack can debilitate a trafficking network by removing a key capability and by destroying profit potential (e.g., attacking a broker removes his essential skill, prevents coordination of the "deal," and disrupts future work by associated actors).

Attacking the relationships means reducing the network's ability to communicate or reducing the effective influence between actors. Dark networks organize by trust: ruining the trust that links terrorists undermines the ability of the network to function.

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153 Maksim Tsvetovat and Kathleen Carley, "Structural Knowledge and Success of Anti-Terrorist Activity: The Downside of Structural Equivalence," *Journal of Social Structure* 6 (2005), http://www.cmu.edu/joss/content/articles/volume6/TsvetovatCarley/index.html.

154 Sageman, *Understanding Terror Networks*, 140.

This strategy, like the counter-nodal strategy, requires identification of the nodes. This strategy truly reflects the term "undermining a network," because the purpose here is to undermine the trust that allows dark networks to function. In the context of arms networks, this strategy means "disconnecting" the actors by breeding distrust (actions that discredit certain actors) or disrupting their communications. If transport agents can be convinced that a broker is unreliable (will fail to pay their commissions) or that dealing with a particular broker will result in an arrest, then the network will have been undermined. This strategy has potential for use against illicit brokering, but is likely more difficult than the counter-nodal strategy. While nodal-attack just requires identifying and locating key trade actors, breeding distrust requires actively collecting intelligence and "engaging" the actors – a significantly larger resource commitment than nodal attack. While this is a useful strategy, it may not be appropriate in a resource-constrained context.

The third strategy, attacking the purpose, is a degree more complex. In short, this strategy aims to remove actors' reason for action. The strategy, by logical necessity, will be specific to the network purpose and there are as many strategies as there are dark network purposes. Arms networks are based purely on entrepreneurial spirit and aim operate for profit; hence, brokers like Viktor Bout provide arms for all sides in a conflict. Removing the profit potential of the arms trade equates to increasing the brokers' expected cost for a transaction, e.g., increasing the risk of compromise or arrest. This strategy, effectively, is the same as the counter-nodal strategy by targeting key actors for interdiction.

The last strategy, isolation, involves reducing network function by removing key inputs and outputs of the network such as human resources, money, and communications. Networks, like any system, require certain essential inputs to produce their desired outcome. The isolation strategy entails limiting a networks access to essential inputs. Isolating arms network from key inputs means reducing availability of weapons, financial systems, and transport vehicles. Given that the arms trade is global and clandestine, this strategy may be difficult and is unlikely to be effective against small arms networks.

D. SUMMARY

	Disruption of the Illicit Small Arms Trade	
Strategy	**Successful Disruption**	**Unsuccessful Disruption**
Regulatory Controls		Imperfect system of laws and enforcement.
Demand-Manipulation		Persistent group demand for weapons.
Network Disruption	Countering the illicit brokering network.	

Table 4. Comparison of Disruption Strategies

The illicit trade in small arms is a market facilitated by a network of brokers and intermediaries. In this chapter, I presented and evaluated three potential strategies for disruption of the illicit trade in small arms (summarized in the table above). The first strategy (supply regulation) is impractical because the process of encouraging states to enact legislation is slow and not uniform. Moreover, enforcement remains problematic – as evidenced by the weakness of UN arms embargoes. While continued effort to regulate the arms market may be useful and effective in the long term, this strategy is inappropriate for targeting the trade in a specific region or for disrupting trade to a specific state or group. The second strategy (demand manipulation) is problematic due to the very nature of small arms – group demand for small arms is persistent and directly relates to more complex political and security problems. As long as groups require a coercive or violent option, small arms demand will persist. The third option (countering the brokering network) is an untested approach, but does offer an appropriate method for disrupting the function of the illicit trade for a specific region, state, or group. I conclude that market-based strategies (supply regulation or efforts to reduce demand for arms) are unlikely to be effective in the short term. In contrast, network-based strategies are likely to be effective against specific brokering networks and regions. The potential effectiveness of these strategies demands further development and is the subject of the next chapter.

V. THE ANTI-BROKERING STRATEGY

A. INTRODUCTION

> *When Charles Taylor invaded Liberia, he unleashed the most deadly combat system of the current epoch – the adolescent human male equipped with an AK-47 assault rifle.*[155]

Having established that the illicit small arms trade is a global challenge, the last chapter examined three potential strategies for dealing with the problem. I determined that attempts to control supply or demand (alone) are unlikely to be effective strategies, but that the unique way that the illicit arms trade functions provides an opportunity. In this chapter, I propose a strategy for countering the illicit brokering network as means to affect the illicit arms trade. In *Towards a Theory of Strategy: Art Lykke and the Army War College Strategy Model*, Yarger presents Art Lykke's "three-legged stool" model for strategy.[156] This simple method shows that sound strategy consists of well-balanced ends, ways, and means.

This chapter employs Lykke's model to developed strategy for countering the illicit small arms trade by identifying ends, ways, means, and constraints. I argue that the U.S. can successfully disrupt the illicit arms trade, in specific areas, by adopting limited objectives, using proven counter-network methods, and by employing U.S. Special Operations Forces (SOF).

B. ENDS (OBJECTIVES)

At the outset, any U.S. policy on the illicit trade in small arms must focus on real security interests. The U.S.' primary interests are national security and maintenance of

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155 Michael Klare, "The Kalashnikov Age," Bulletin of the Atomic Scientists 55, no. 1 (1999), 18.

156 Richard H. Yarger, "Towards a Theory of Strategy: Art Lykke and the Army War College Strategy Model," http://dde.carlisle.army.mil/authors/stratpap.htm (accessed May 1, 2007).

the U.S.' relative military power, political system, and economic strengths.[157] Disrupting the illicit trade in small arms serves U.S. national interests by preventing or reducing the effects that arms have on the security of the U.S. or critical allies. Unfortunately, small arms are ubiquitous and the trade is global. Consequently, full control of the small arms trade is probably an unattainable objective. The nature of the small arms problem demands the adoption of limited objectives. Objectives must be consistent with U.S. interests, but also recognize the unique challenges or difficulties of countering a global problem like small arms. Several U.S. strategies have been relative failures because of overly broad ("global") objectives, such as the War on Drugs or (arguably) the Global War on Terrorism.

Given the understanding of the arms trade developed in Chapter II, it is unreasonable to think that the U.S. can unilaterally stop the illicit trade in small arms. With the number of arms producing states, the number of small arms in circulation, the relative size of the illicit arms trade, and the robust global transportation infrastructure, countering the entire illicit trade system is an overly ambitious objective. In contrast, the U.S. should focus on preventing and reducing the flow of arms to specific groups, states, or a region. This approach focuses the objective on the root problem: the illicit flow of arms has the potential to change the power of the U.S.' adversaries. For example, the flow of arms to anti-U.S. insurgents, terrorists, and militias threatens U.S. interests by empowering our adversaries in combat zones such as Iraq, Afghanistan, and the Philippines. *The limited objective of the U.S. should be to disrupt the illicit flow of small arms to specific groups, states, or regions.*

This objective is part of a preventative approach to managing the national security interests abroad. The current strategic environment is complex. Intra-state wars have been on the rise since 1945 and are the dominant form of conflict, dwarfing inter-state war in frequency and duration. Non-state actors, such as trans-national terrorists, present an asymmetric threat to U.S. security domestically and abroad. At the same time, the U.S. must be judicious in the application of power to deal with these problems. It is

[157] Stephen D. Biddle, American Grand Strategy After 9/11: An Assessment [2003]), http://www.carlisle.army.mil/ssi (accessed January 15, 2007).

extraordinarily expensive for the U.S. to intervene in or participate in intra-state conflicts abroad, so the U.S. must carefully choose when to commit resources to these problems. The economic cost of the U.S. wars in Iraq and Afghanistan exemplifies the importance of this strategic choice. Contemporary intra-state and sub-state conflicts rely on critical inputs such as people (popular support), arms, and money. Countering the illicit trade in small arms would serve to reduce one critical "input" to a specific conflict, potentially shaping the conflict's outcome without requiring direct U.S. involvement.

This objective is completely consistent with current U.S. policy objectives on the arms trade.[158] The U.S. has a stated policy and clear interest in reducing the illicit arms trade globally, whereas the disruption strategy proposed here focuses on specific groups, states, or regions. The primary difference between current policy and this proposed strategy is the set of methods used and the limited goals. A disruption strategy is an available tool for use against specific conflicts or threats, as opposed to an attempt to control a global problem. For example, an appropriate objective is to prevent the flow of arms to a specific terrorist group such as al-Qaeda in Iraq (AQI), as opposed to prevent arms sales to terrorists globally.

This concept (arms trade disruption) is consistent with current military operational concepts and doctrine. Military doctrine is useful for demonstrating how the arms disruption strategy fits into the overall national security strategy. The Department of Defense' Joint Publication 3-0, Joint Operations, identifies fighting arms trafficking primarily as a non-conflict role for the military. This publication assigns regional responsibility for arms trafficking disruption to the Geographic Combatant Commands as part of a broader strategy to maintain U.S. interests and manage/prevent conflict. "[Combatant Commanders] and subordinate JFCs conduct a wide range of military engagement, security cooperation, and deterrence activities in support of [other government agencies] OGAs and intergovernmental agencies to prevent unstable

[158] Richard Grimmett, International Small Arms and Light Weapons Transfers: U.S. Policy, Congressional Research Service [2006]), Naval Postgraduate School BOSUN Database (accessed July 2002, 2007).

situations from escalating into larger conflicts."[159] The U.S. Special Operations Command (USSOCOM) further identifies illicit arms trafficking as a component of irregular warfare.[160] USSOCOM, the proponent for irregular warfare and the irregular warfare joint operating concept, acknowledges a need to counter arms trafficking as part of a broader strategy for specific irregular conflicts.

At the service level, the U.S. Army clearly identifies the illicit arms trade as a threat to U.S. interests and identifies the arms disruption strategy as an operational requirement. "Transnational groups conduct a range of activities that threaten US interests and citizens at home and abroad. Such activities include terrorism, illegal drug trading, illicit arms and strategic material trafficking, international organized crime, piracy, and deliberate environmental damage."[161] Army doctrine nests with joint doctrine and identifies that military forces have a responsibility to combat illegal arms trafficking. "Combatant commanders support multinational arms control agreements concerning prohibited weapons and illegal arms trafficking. They also provide forces and control means to block the sale or transfer of arms to terrorists or other criminals as the Secretary of Defense directs. Such actions may be unilateral or multinational."[162]

C. WAYS (METHODS)

The objective (*disrupt illicit arms trafficking*) is well established in U.S. policy and military operational concepts, but the methods or "ways" are lacking. As stated previously, the U.S. currently relies on regulation. This method may be necessary to control the arms trade generally, but is unlikely to have timely effects against a specific

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159 United States Department of Defense, Joint Publication 3-0: Joint Operations [2006]), http://www.dtic.mil/doctrine/jpoperationsseriespubs.htm (accessed March 4, 2008).

160 United States Department of Defense, Irregular Warfare Joint Operating Concept [2007]), http://www.dtic.mil/futurejointwarfare/joc.htm (accessed March 4, 2008).

161 United States Department of Defense, United States Army Field Manual 3-0: Operations [2001]), www.dtic.mil/doctrine/jel/service_pubs/fm3_0a.pdf (accessed March 4, 2008).

162 United States Department of Defense, United States Army Field Manual 3-0: Operations [2008]), http://www.army.mil/fm3-0.pdf. (accessed March 4, 2008).

target. Despite this legalistic focus, the U.S. does take limited action against arms brokering – efforts that are a good start, but still inadequate.

Two cases highlight these efforts. First, U.S. law enforcement agencies target illicit arms brokers for arrest when relevant to other criminal activities such as drug trafficking and terrorism. These efforts are opportunistic and do not represent a concerted or deliberate strategic effort to disrupt arms trafficking by targeting brokers; rather, they are efforts to target arms brokers to solve other problems. Nonetheless, these efforts show that the U.S. has the capability to target brokers and that the effort is feasible. We can return to the case of Russian arms dealer Viktor Bout and note that foreign police arrested Bout as a benefit of intelligence collected in a U.S. Drug Enforcement Agency counter-drug operation.[163] Second, the U.S. operates against analogous arms networks at the tactical level in Iraq – primarily to counter the movement of improvised explosive devices (IEDs) and associated materials. Here, U.S. military forces are operating at the tactical level against an existing problem. This effort is reactionary, as opposed to preventative efforts to reduce the flow of new arms and materials into an operational area.[164] A deliberate effort to disrupt the illicit arms trade lies between our current opportunistic strategic efforts and our reactionary tactical efforts.

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[163] Seth Mydans and Raymond Bonner, "Major Arms Dealer Arrested in Thailand," *The New York Times,* March 6, 2008, 2008, http://www.nytimes.com (accessed March 6, 2008).

[164] Some may argue that sufficient IED material existed inside Iraq prior to the U.S. invasion and that the Iraq IED problem does not require the transfer of equipment from beyond Iraq. The point is that some external material is a critical requirement to complete IEDs, such as initiating devices (detonation cord, blasting caps) and remote controls. These items are critical external inputs to the IED problem.

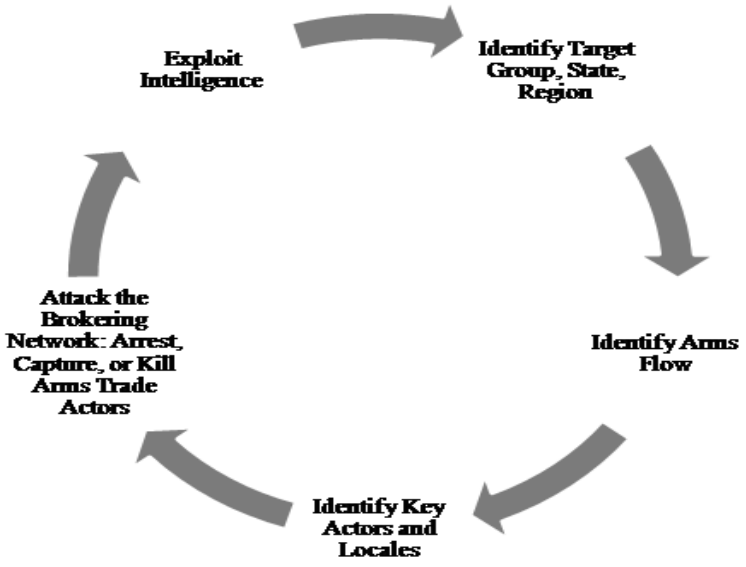


Figure 2. A Process for Disrupting Arms Trafficking

Meeting the limited objective of arms trade disruption requires a familiar process of intelligence collection and operations (See figure above). First, identify a group, state, or region, which is critical to U.S. interest and susceptible to violent conflict. There are many such cases that are critical to U.S. interests, but that do not warrant direct U.S. intervention or action for a variety of political, economic, or other constraints. Examples include isolating the insurgency in Iraq or al-Qaeda terrorists in Afghanistan from arms and ammunition. The key is to identify a specific strategic or operational problem that can be mitigated or minimized by reducing the flow of arms. Second, identify the flow or potential flow of arms to the target. This step requires group or region-specific expertise, a set of arms-flow indicators, and an ability to monitor or collect intelligence on the indicators. Laurance proposes a set of arms flow indicators that precede arms flows ("early warning indicators") that include monitoring the black market price of specific weapons, public displays of weapons, and involvement/support by known arms-providing states.[165] Furthermore, a variety of ingenious methods have been developed to indirectly

[165] Edward Laurance, Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action (New York: Carnegie [1998]), http://www.wilsoncenter.org/subsites/ccpdc/pubs/weap/frame.htm (accessed January 15, 2007).

detect illegal arms flows, such as analyzing the economic performance of firms in the arms industry.[166] The U.S. can develop and monitor a set of indicators for specific group or state.

Third, gather intelligence and conduct intelligence operations to identify the key actors, locales, and pathways for an influx of arms. These operations must identify key seaports, airports, or other transportation/shipping pathways that support the group, state, or region. Further, these operations must identify and gain access to key actors such as transportation personnel (pilots, cargo handlers, financiers, customs officials, etc…). These actors may be located at the destination, the source, or intermediate locations – requiring a geographically dispersed collection effort. The intelligence collection step is the most demanding task of countering illicit brokering. At present, the U.S. may have limited resources to devote to intelligence collection and analysis on the arms trade problem, given the priority of resources and effort given to counterterrorism. Consequently, the U.S. may need to consider leveraging relationships with partner nations' intelligence and law enforcement organizations.

Next, attack the brokering network. In the preceding chapter I identified several strategies for network attack (attack the nodes, attack the links, attack the purpose, or isolate the network). The appropriate strategy will depend on several considerations including (but not limited to) the available intelligence, the operational context or environment, and the potential impact. Anti-brokering operations depend on the amount and quality of information that is collected on a given brokering network - how well we can "see" the brokering network. For example, collection efforts may only identify cargo handlers, and not brokers. Attacking (arrest, capture, kill) cargo handlers is likely to have less effect than attacking brokers. Legal and geographic constraints will limit who and how the network can be attacked. For example, arms trade actors operating in a conflict environment such as Iraq or Afghanistan would be subject to action by military forces, whereas brokers operating from "third party" or intermediary sovereign states might best be addressed in conjunction with the law enforcement agencies of a partner nation.

[166] Stefano DellaVigna and Eliana LaFerrara, *Detecting Illegal Arms Trade*, National Bureau of Economic Research, 2007, http://www.nber.org/papers/w13355 (accessed January 15, 2008).

Consequently, a U.S. organization responsible for countering the illicit arms trade must have the capacity for operations in multiple environments, including existing combat zones, un-governed areas, sovereign territory of partner states, and "denied" areas (e.g., the sovereign territory of states that reject cooperation with the U.S.). This consideration will be addressed in the "means" portion of this chapter.

There may be a necessary balance between the urgency of "attacks" on the brokering network with the operational need to collect more intelligence on the network. More information may improve the effectiveness of a network attack, by allowing better targeting of network actors. The goal of an operation should be to prevent any further weapons transfers – not just to seize or interdict specific shipments. Effectively disrupting the brokering network requires a flexible approach that balances these considerations.

Lastly, exploit the information gained to target arms trade actors for further intelligence operations or direct action. Each step in this process/ method invokes informational and resource requirements – the means of the strategy.

D. MEANS (RESOURCES)

The process of disrupting the arms brokering network requires specific resources. The "ends" and "ways" reveal the following critical resource requirements:

Basic Resource Requirements for Anti-Brokering:

1. Intelligence collection and analysis
2. Operational capability (Military, Law Enforcement, or other)
3. Planning and coordination: inter-agency and inter-governmental

The nature of trans-national arms trafficking requires the ability to collect intelligence, conduct "counter-network" operations, and plan and coordinate operations internationally. The process for attacking the brokering network, as outlined above, requires close "interagency" coordination between supporting intelligence agencies, law enforcement agencies (LEAs), the Department of Defense (if U.S. military forces or combat zones are involved), the State Department (if international coordination is

required), and partner nations (intelligence, military, and LEAs). The potential organizational complexity of the anti-brokering operations presents a significant challenge, a constraint that would be exacerbated if the U.S. attempted to re-organize, "re-invent," or invent new governmental capacity to handle the problem. Consequently, *this section considers the use of existing U.S. capabilities and argues that the Special Operations Forces (SOF) and the U.S. Special Operations Command (USSOCOM) are uniquely positioned to meet the resource requirements to conduct an anti-brokering strategy*.

Using SOF for anti-brokering is compelling because it uses existing U.S. capacity, rather than requiring creation of a new capability. Also, several distinct characteristics of U.S. SOF make USSOCOM the appropriate lead agency for disrupting the illicit arms trade through a strategy of attacking the brokering network. First, there is a precedent for global SOF operations against illicit networks. SOF has been employed to counter the drug trade in South America and terrorist networks in the Middle East and East Asia. Through these operations, SOF has gained the necessary experience and capability to conduct globally distributed operations including intelligence collection and analysis, direct action, and indirect efforts. In the conduct of these precedent-setting counter-drug and counter-terrorist operations, SOF demonstrated the capability to operate successfully in complex conflict and non-conflict environments that required detailed inter-agency coordination. Moreover, SOF are trained and organized to conduct operations in conjunction with partner nation governmental agencies (military and non-military) and surrogate forces. SOF meets the organizational requirements of a counter-brokering strategy through its unique combination of functional capabilities, liaison and coordination capacity, and experience. SOF possesses these capabilities precisely because of the unique requirements of special operations.

Second, a critical component of the SOF's existing strategy purpose is conflict prevention through the indirect approach. SOF conducts a series of activities in concert with partner nations to reduce the threat and impact of conflict, notably the use of U.S. Army Special Forces to prepare partner nations security forces against internal threats ("foreign internal defense"). The anti-brokering strategy is wholly consistent with the

concept of conflict shaping or prevention, by isolating groups or states from the source of arms that enables and intensifies conflict.

Lastly, SOF is the nation's force of choice for irregular conflict. Today's irregular threat to U.S. security is generally non-hierarchical networked organizations that are free of geographic or political boundaries and affiliations. These groups transcend of traditional concepts of law and national sovereignty that restrict effective governmental responses.[167] The glaring implication of this definition of the strategic threat is that traditional methods, to include conventional military responses, are wholly inadequate. We need to employ U.S. capabilities that can successfully "operate in the world as it exists."[168] The strategic context requires a new or alternative approach, a condition that uniquely favors SOF as the strategic alternative. USSOCOM, in the Irregular Warfare Joint Operating Concept, identifies the illicit arms trade as a key supporting activity of terrorism and irregular warfare. USSOCOM is the primary agency responsible for managing the threat presented by irregular warfare. The illicit arms trade fuels intra-state and irregular war, and SOF is the military proponent for protecting U.S. interests in these conflicts. The point is that SOF is appropriate for arms disruption based on its capabilities and for the fact that USSOCOM has named itself as the responsible agency for this strategy.

E. CONSTRAINTS AND RISK

The use of U.S. power to execute a new strategy (countering the illicit arms trade) invokes risk and involves overcoming constraints. This section identifies the primary risks and constraints, but does not attempt comprehensive identification of all factors affecting such a new strategy. Barnett provides a systematic analysis of the constraint of

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[167] Laurance, Light Weapons and Intrastate Conflict: Early Warning Factors and Preventative Action, 35.

[168] Hammes, *The Sling and the Stone: On War in the 21st Century*, 290.

U.S. power in the contemporary strategic environment and provides a framework for types of constraints: operational, organizational, legal, and moral limitations to use of U.S. military power.[169]

From a broad perspective, the primary constraint holding back an arms disruption strategy is the general failure of the U.S. to develop and implement strategies to confront the set of transnational/non-state threats that characterize the the post-Cold War, post-"9/11" strategic environment. This general failure frames the absence or incoherence of efforts to counter arms trafficking. The ambiguity of trans-national and non-state threats constrains the U.S. because of traditional legal conditions for use of military power.[170] Even at a superficial level of analysis, the nature of these irregular threats necessitates innovative and nuanced strategic responses. To act against irregular threats by employing SOF, the U.S. may need to adopt a new set of considerations for employing U.S. forces – when, how, and why combating irregular threats by SOF is appropriate. The U.S. should be able to develop innovative methods of employing SOF that do not violate traditional constraints. For example, transnational threats strain our state-based system by making it hard to act without violating a state's sovereignty. SOF operate efficiently by developing habitual relationships with international partners, enabling action against transnational or non-state actors inside a partner's sovereign territory.

Operational risks of an arms disruption strategy include establishing lofty objectives and resource management. First, there is a great risk associated with attempts to pursue new or overly ambitious objectives. The current U.S. policy on illicit arms trafficking is certainly the result of multiple influences, such as domestic-politics, domestic interest groups (e.g., the arms industry), U.S. governmental bureaucracy, international politics, and related foreign policy. It is important the approach recommended here is both consistent with current policy and intended to be applied to specific conflict areas or states – both for the purpose of avoiding the barriers that might rise up in from of more aggressive policy recommendations. Furthermore, it is unlikely

169 R. Barnett, *Asymmetrical Warfare: Today's Challenge to U.S. Military Power* (Washington, D.C.: Brassey, 2003).

170 Ibid., 64-65.

that any U.S. effort will unilaterally stop the arms trade (just as U.S. efforts to encourage international regulation of the arms market have had shortfalls). Pursuing global objectives against complex global problems, such as "ending" the illicit arms trade through U.S. policy and action, is likely to produce exorbitant costs and is unlikely to meet expectations. However, the U.S. can judiciously choose limited objectives and expect to impact specific parts of the arms trade.

Second, tasking SOF to counter illicit arms brokering risks the misuse or overuse of a precious strategic resource. The risk is the "opportunity cost" of employing a relatively scarce asset, which becomes unavailable for other strategic purposes when committed to a strategic/operational task. U.S. SOF is currently central to the U.S.'s Global War on Terrorism (GWOT), actively involved in supporting U.S. objectives in Iraq, Afghanistan, and other conflict environs. The GWOT consumes much of the U.S. strategic resources and is the central focus of the nation's current security strategy. Unfortunately, the GWOT only addresses a few of the many irregular threats posed to the United States. The D.O.D.'s current Capstone Concept for Joint Operations identifies three potential threats to U.S. security and interests: transnational threats, regional threats (or near-peer, emerging state), and failed/failing state threats.[171] Keeping SOF focused solely on the GWOT neglects the remaining suite of threats and activities (including the countering illicit arms trade) that SOF is responsible for under the IWJOC. While use of SOF against illicit brokering does mean adding another task to the already large mission of USSOCOM, there is a compelling logic for using SOF against irregular threats such as illicit brokering – a role that is the purpose and strategic responsibility of SOF/USSOCOM.

An additional constraint is the well-established U.S. aversion to employing SOF to the full extent of their capabilities. This institutional reluctance presents a significant organizational constraint to employing a counter-brokering strategy by SOF. Schultz

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171 United States Department of Defense, *Capstone Concept for Joint Operations Version 2.0*, [2005]), http://www.dtic.mil/futurejointwarfare/concepts/approved_ccjov2.pdf (accessed January 21, 2008).

identifies nine impediments to use SOF in the current strategic context.[172] Schultz' assessment reveals that the organizational culture of the DOD is sufficient to prevent use of SOF. First, the distinction between conflict and non-conflict problems constrains military leaders from developing military solutions to non-conflict problems. As transnational and non-state threats often occur in the non-conflict category, DOD strategists and leaders are reluctant to use military force for these problems. The pre-GWOT definition of terrorism as a law enforcement problem exemplifies the issue: by identifying terrorism as a police problem, the military avoided its role in countering terrorism. A similar problem may arise if the DOD views the arms trade as a police or regulation problem: while law enforcement agencies are useful and effective against arms trafficking, military force has an appropriate role through the employment of SOF. Secondly, legal boundaries often affect SOF-appropriate problems in the current environment. While SOF provides the DOD a military capability for clandestine and covert operations, the conventionally oriented DOD is reluctant to make the appropriate adjustments to overcome the authority problem presented by U.S. Code.[173] These constraints can be overcome, but require strategic vision for SOF employment in the current environment. The point is that the internal bureaucratic barriers will likely continue to constrain the use of SOF against arms brokering networks.

Legal and moral concerns may be the lowest hurdles to conducting an anti-brokering strategy with SOF. While legal concerns are primarily about jurisdiction and sovereignty, moral reservations are generally concerned with how force is used. First, there are clear moral and legal precedents for use of force in combat zones and ungoverned areas. This basis justifies the use of SOF against arms brokers in these areas. Second, in non-conflict environments or within the territory of sovereign states, the U.S. can work in conjunction with partner-nation intelligence and law enforcement agencies to act against arms brokers – and would be required to act in accordance with laws and

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172 R. Shultz, "Showstoppers," *The Weekly Standard* 9, no. 19 (2004), http://www.weeklystandard.com/Content/Public/Articles/000/000/003/613twavk.asp (accessed January 15, 2008).

173 Ibid..

norms of the host nation, thus alleviating the moral concern of extra-legal activities by the U.S. in a foreign state. Collaborating with other nations to counter the illicit arms trade alleviates the legal and moral restrictions that normally prevent operations by U.S. forces in these states.

F. SUMMARY

This chapter presents a "way" to satisfy U.S. interests and policy, given the resources available today and the model of the illicit arms trade presented earlier. The illicit arms trade "problem" is global and poorly understood, with little empirical "evidence" available to guide strategy. While fighting the a global illicit trade is probably not feasible, this chapter recommends a limited objective to disrupt the trade as it affects specific states, groups, or regions, that are relevant to U.S. security interests. To meet that objective, a process of intelligence collection and counter-network operations is appropriate. The chapter recommends the employment of Special Operations Forces (SOF) to counter the illicit trafficking of small arms. The U.S.' existing SOF capabilities are sufficient to handle the task and alleviate the need to invent or re-organize national security assets to handle the small arms problem. SOF, as a strategic resource, balances the objective (a policy recommendation) and the ways required to disrupt the arms trade.

VI. CONCLUSIONS

The purpose of this thesis was to evaluate the illicit small arms trade and to identify strategies for the U.S. to successfully disrupt the trade in the Middle East. Arms trafficking is a significant problem that is likely to increase in relevance as the U.S.' adversaries turn to asymmetric forms of conflict. Terrorists and insurgents, non-state groups who rely on illicit arms markets to satisfy their demand for arms, prosecute irregular wars and internal conflicts. This demand for arms is likely to persist with the root causes or motivations for war and conflict.

Illicit arms trafficking networks feed irregular wars with arms. The flow of arms to specific countries, regions, or groups generally requires external or transnational arms transfers coordinated by arms brokers. The external flow of arms is particularly important to the Middle East, a region that lacks sufficient internal arms production capacity to satisfy the demand generated by the region's chronic instability and near constant state of armed conflict. Arms brokers coordinate arms deals and operate "brokering networks" that consist of a small numbers of actors with specialized skills, such as financiers and transport agents. These networks are motivated by profit, rely on trust, and operate specifically to avoid governmental regulation of their activities. As such, brokers are the central and decisive figures in arms trafficking.

A. FINDINGS

This thesis evaluated three potential U.S. strategies for disrupting the flow of arms to specific groups, states, or regions. Chapter IV compares the available options, including regulating the supply of arms, countering the demand for arms, and countering the brokering network that delivers arms. This thesis argues that regulation is necessary, but insufficient to reduce arms trafficking. Countering the demand for arms is not likely to be feasible. First, small arms are cheap and ubiquitous – making violence a cheap option for non-state actors. Second, the demand for arms reflects the role of arms as essential instruments in conflict. As long as the root causes of conflict persist, so will the demand for this "necessary ingredient" of conflict. In contrast to regulation or counter-

demand, countering arms brokers provides an opportunity to disrupt arms trafficking. Brokers are a nearly ideal target as profit-motivated central actors with a specialized skill sets. Brokers are essential to the trade and the coordinate actors who (in the absence of the brokers' specialized skills) are otherwise incapable of arms trafficking. The arrest or death of active arms brokers is likely to be a significant blow to the groups and states reliant upon brokers' services.

This thesis develops a strategy consisting of ends, ways, and means for disruption of arms trafficking by countering arms brokers. First, the limited objective of the U.S. should be to disrupt the illicit flow of small arms to specific groups, states, or regions. Adopting a limited objective recognizes the potential resource strain associated with global problems like arms trafficking. Combating arms trafficking is consistent with current U.S. policy and military doctrinal concepts, but specific and effective methods are currently lacking – hence the current reliance on policy and diplomacy for arms trafficking that feeds violent conflict. Second, the "ways" include an intelligence-driven process of targeting arms brokers. Arms brokering is an international, geographically-disperse problem. The U.S. must be prepared to devote intelligence and operational resources to the task and to match the problem with an international network, often working with partner nations. Third, U.S. special operations forces (SOF) offer an appropriate "means" for conducting counter-brokering operations. SOF have a demonstrated capability to lead combined (international) and interagency operations with global reach. SOF including existing U.S. organizations with capabilities that are well suited to countering arms trafficking. In the counter-brokering role, SOF offer a "way" for the U.S. to counter the flow of arms to groups or areas of interest.

B. RECOMMENDATIONS

The essence of this thesis is that countering arms trafficking offers a way for the U.S. to shape or influence current and future conflicts. The root causes of state and non-state warfare are complex and the resultant wars are extremely costly and dangerous. Targeting arms brokers offers the U.S. a way to reduce the strategic burden of Middle Eastern conflicts by reducing the supply of arms – the instruments that intensify conflict.

Unfortunately, scant research and open-source intelligence explores the complex relationships between brokers, weapons, and conflict. The small arms problem should be further researched for greater understanding of these relationships, but in the absence of more information, I can make the following recommendations.

Recommendation 1. Continue the current U.S. policy on arms trafficking by promoting national and international regulation of the arms trade. The U.S. should continue to encourage partner nations and the international community to regulate the production and sale of arms as a necessary control in the arms market. This pro-regulation stance is the diplomatic component of a strategy to counter arms trafficking. Current regulation is incomplete, with enormous disparities between states that leave some regions (the Middle East) nearly completely unregulated. The lack of uniform international regulation leaves opportunities for illicit arms traffickers to operate. While a pro-regulation policy is generally useful in the long-term effort against arms trafficking, it is unlikely to be useful as a tool against specific groups and states.

Recommendation 2. Target arms brokers and their networks. In order to reduce the flow of arms to adversaries and conflict zones, the U.S. must look beyond the conflict and target the external support mechanisms that feed wars. Countering arms brokering is an external (non-occupational) or indirect method of managing conflict. Targeting arms brokers (and the networks they coordinate) offers a "way" for the U.S. to isolate adversaries from these critical external resources. This strategy cannot be accomplished by simple embargoes and border controls, but must include intelligence operations and special operations to identify, find, and interdict brokers wherever they operate. Arms trafficking is part of a broad set of global-irregular problems including transnational crime, terrorism, and insurgency. Just as the U.S. has expanded the role of special operations forces (SOF) to counter drug traffickers in South American and transnational terrorists in the Middle East, SOF can be employed strategically to counter arms trafficking.

C. IMPLICATIONS

Countering illicit arms trafficking and brokering is important to U.S. security interests, but there are certainly broader implications of this strategy. First, the U.S. should consider the relationship between the enormous U.S. defense industry and black markets for arms. The U.S. is a leading producer and exporter of arms globally and to the Middle East specifically. The nation relied on gray and black markets to support our allies (and counter our adversaries) during the Cold War and there are certainly rational reasons to covertly arm allies. Although this consideration has been beyond the scope of the analysis presented in this thesis, the U.S. must consider the policy implications of new anti-trafficking efforts on the U.S.'s freedom of action (ability to use covert/gray arms transfers in support of national interests). As the largest arms exporter, the U.S. may be supporting the arms trade "infrastructure" that arms traffickers exploit. This thesis recommends targeting the brokers/networks supporting *specific* groups/states, but our adversaries' arms brokers are likely to be connected to (or at least part of) a larger arms market that the U.S. relies on for private commerce and foreign policy.

Secondly, the U.S. should consider the relationship between small arms trafficking and weapons proliferation more generally. Among the nation's highest priorities is countering the proliferation of weapons of mass destruction (WMD) and associated materials or technology. While there is no obvious connection between small arms traffickers and the WMD, arms traffickers may offer their capacity to coordinate sales and transport to groups seeking WMD. In fact, traffickers may be able to "scale-up" their operations for the higher profit that WMD-trafficking would undoubtedly offer. There may be a single system of illicit arms trafficking that moves all forms of weaponry from small arms to nuclear weapons. U.S. counter-proliferation efforts focus on WMD materials, and in doing so may ignore the connections between small arms traffickers and the movement of much more lethal weapons. Consider that recent media reporting has described the potential ease of WMD movement from former Soviet states to the Middle

East by a seemingly low-level network of traders, smugglers, and criminals.[174] The U.S. should evaluate the potential gains or losses in effectiveness in adopting a broader counter-proliferation strategy that potentially includes all forms of weaponry.

In additions to these political and strategic implications, the small arms problem offers numerous areas for future research. On the supply side, emerging technologies may play a role in combating arms trafficking in the future, such as proposals to tag weapons with traceable electronic devices. These measures would greatly enhance the ability to gather intelligence and track arms transfers. Furthermore, this analysis largely discounts the usefulness of counter-demand strategies (i.e., how to get groups to not seek arms). Technological developments may enable the production of arms or ammunition that "deny" or "deter" weapons use by specific groups. For example, ammunition designed to fail (destroying the weapon or injuring the user) could be covertly introduced into conflict areas to deter use of specific weapons. Technological developments may offer many innovative solutions to the small arms problem.

D. REMARKS

To conclude, the illicit trafficking of small arms affects U.S. interests profoundly by introducing weapons to conflict zones and to groups seeking violent solutions. One strategy to combat arms trafficking is to target arms brokers and the networks that brokers operate. The complexity and lack of understanding of the small arms problem contrasts with the simplicity of small arms – cheap, ubiquitous instruments of war. This thesis offers a way forward for reducing the flow of arms to specific groups and states, but further research is needed to better understand this problem.

[174] William Langweische, "How to Get a Nuclear Bomb," *The Atlantic Monthly* (2006), http://www.theatlantic.com (accessed August 20, 2007).

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