



Small Arms Proliferation and Misuse: Human Security Impact and Policy Actions in Southeast Asia

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ABSTRACT. Possession of weapons is not inherently a problem. However, once unregulated and misused by unaccountable individuals and groups, weapons contribute to the erosion of civilian protection and of the society as a whole. The article probes into the direct and indirect human security impact of small arms in the selected countries of Southeast Asia. The *direct* costs of unregulated small arms availability and misuse include fatal and nonfatal injuries, cost of treating and rehabilitating firearms casualties and the opportunity cost of long-term disability. Indirectly, small arms affects human security by increasing the intensity and duration of armed conflicts, displacing civilians, exploiting children as soldiers, obstructing humanitarian assistance in conflict and disaster areas and undermining the human rights and humanitarian law by threatening the lives and well-being of vulnerable sectors such as women and children, as well as humanitarian and development workers. The paper also delves into initiatives undertaken by the Association of Southeast Asian Nations (ASEAN) and selected member countries along the lines of global actions on small arms. To date, the human costs of small arms availability and misuse have yet to become a priority agenda in the region. Southeast Asian governments still largely view the problem and solutions to it in the context of cross-border crime. Finally, drawing from experiences in the region and current global actions, this paper puts forward some recommendations for both governments and non-governmental organizations.

KEYWORDS. small arms · internally displaced populations · refugees · child soldiers · human rights · weapons-for-development · disarmament

INTRODUCTION

This paper examines the human costs of small arms in Southeast Asia. It also discusses the initiatives undertaken by the Association of Southeast Asian Nations (ASEAN) and selected member countries along the lines of global actions on small arms, as well as provides some recommendations for policy action.

The terms *guns*, *firearms* and *small arms* are used interchangeably in this article to mean revolvers and self-loading pistols, rifles and

carbines, submachine guns, assault rifles and light machine guns. Light weapons include: heavy machine guns, hand-held underbarrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns and recoilless rifles, portable launchers of anti-tank missiles and rocket systems, portable launchers of anti-aircraft missile systems and mortars of calibres of less than 100mm calibre. Ammunition includes: cartridges (rounds) for small arms, shells and missiles for light weapons, mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems, antipersonnel and anti-tank grenades, landmines, and explosives (see Small Arms Survey 2001).

Possession of weapons is not inherently a problem. Rather, it is the unchecked spread of weapons and their misuse by unaccountable individuals and groups that contribute to the erosion of civilian protection and endangers the society as a whole. In Southeast Asia, the human costs of small arms availability and misuse have yet to be featured as a priority agenda. Regional governments still largely view the problem and its solutions in the context of crossborder crime.

From a human security perspective, the analysis herewith centers on the human costs of violent conflict (Small Arms Survey 2003). Essentially, human security refers to “safety for people from both violent and nonviolent threats.” It is a condition or state characterized by freedom from pervasive threats to people’s rights, their safety, or even their lives. As a conceptual lens, it takes people as the point of reference, rather than territory or government. Human security therefore involves “taking preventive measures to reduce vulnerability and minimize risk, and taking remedial action where prevention fails” (Axworthy 1999).

THE HUMAN COSTS OF SMALL ARMS

The *direct* costs of unregulated small arms availability and misuse include “fatal and nonfatal injuries,” cost of treating and rehabilitating firearms casualties and the opportunity cost of long-term disability.

Every year, some 300,000 people are wasted in violent conflict and war, in which small arms are weapons of choice (Small Arms Survey 2002). Another 200,000 to 270,000 more perish due to intentional violence, suicide and accidents involving small arms and several hundred thousands are left disabled from injuries (Small Arms Survey 2004). Gun violence also leaves deep personal, economic and psychological trauma on victims and their families who are left to care for the disabled, or to survive without their main provider or parent.

Table 1: Framework for assessing the humanitarian impact of small arms		
Broad effects	Humanitarian Impact	Primary indicators
<i>Impact on Civilian populations</i>	Mortality and injury	Firearm homicide rates Firearm suicide rates Unintentional firearm injury rates Intentional firearms injury rates Firearm-related disability rates Psychosocial and psychological trauma associated with armed violence
	Violence-induced displacement	Number of refugees and internally displaced persons (IDPs) Incidence of firearm-related death and injury among displaced people Incidence of armed intimidation and assault among displaced people Arms availability in refugee/IDP camps Child mortality rates (CMR) among displaced and relocated populations Social and physical welfare of refugees/IDPs (rape, child soldiers, etc)
	Collapsing access to basic needs and declining social capital	Social and physical welfare of women and children Household access to basic needs Community and customary cohesion Declining access to public goods Sexual violence
<i>Impact on Humanitarian and Development Personnel</i>	Targeting of humanitarian and development personnel	Mortality and injuries Psychological trauma Staff turnover
	Militarization of refugee/IDP camps	Incidence of armed violence Victim profiles Impacts on agency mandates
	Opportunity costs of programmes	Programmes impeded Decreasing investment Costs for transportation Communication Security logistics Monitoring and evaluation

Sources: Combined replication from Small Arms Survey 2002, 159; Muggah and Bergman 2001 and CHD 2004b.

The problem of small arms also *indirectly* affects human security by increasing the intensity and duration of armed conflicts, displacing civilians, exploiting children as soldiers, obstructing humanitarian assistance in conflict and disaster areas and undermining the human rights and humanitarian law by threatening the lives and well-being of

vulnerable sectors such as women and children, as well as humanitarian and development workers.

Furthermore, insecure conditions, fuelled by arms, discourage economic investment and employment opportunities, perpetuate poverty and political instability, erode civilian protection and undermine sustainable development. Ultimately, an unstable state of affairs can create a cycle of desperation. Poor control to access to small arms can facilitate recourse to criminal, domestic and antistate violence, creating a culture of violence and social discord that may last for generations (Centre for Humanitarian Dialogue [CHD] 2003 and 2004b, Dorn 2000). An analysis of various direct and indirect consequences of small arms would provide a comprehensive understanding of the issue (see Table 1). The economic and long-term development impact of small arms is, however, not included in this paper due to lack of information.

Death toll from prolonged wars and increased criminal activities

As a result of the lack of recognition of the small arms problem in Southeast Asia, there is dearth of data shedding light on the impact of small arms on the lives of civilians and combatants alike. Table 2 shows the number of deaths related to armed conflicts in the region. Civilians are the prime casualty.

Table 2: Armed conflict-related deaths in Southeast Asia

Country	Estimated number of deaths	Years
<i>Cambodia</i>	60,000+	1978-1991
<i>Indonesia</i>		
East Timor	200,000 +	1975-2000
Aceh	12,000	1979-2003
Maluku	5,000-10,000	1999-2002
Kalimantan	1,000 +	1996-2000
Sulawesi	1,000-2,500	1998-2003
West Papua	From 5,000 to 100,000	1963-2003
<i>Myanmar</i>	10,000 and possibly tens of thousands have died in the fightings between the government and ethnic rebel forces	1998 (during the civic protests only)
<i>The Philippines</i>		
Communist vs. the Government	25,000+	1969-2003
Mindanao	100,000 to 150,000	1970-2003
<i>Thailand</i>		

Sources: Project Ploughshares 2003, Slack 2003

Statistics above could considerably increase if the number of deaths due to armed criminality is accounted for. Unfortunately, there is poor national reporting on this area and no regional aggregate that can be obtained. The relevant information can be extracted from the International Criminal Police Organization's (INTERPOL) claim that there are about 15,000 registered homicide cases every year in the region and many more unreported cases (Suksai et al. 2003). Presumably, small arms and knives are the most frequently used tools in these criminal acts.

More and more people in the region will be victimized, as conflicts in the region are becoming protracted, spiralling into new conflicts due to easy availability of and access to weapons. In Mindanao, the absence of effective disarmament following the 1996 Peace Agreement between the Philippine Government and the Moro National Liberation Front (MNLF) has contributed even more to the longevity and strength of other armed groups, including the Abu Sayyaf Group (ASG), the Moro Islamic Liberal Front (MILF) and the Pentagon Gang, and the level and intensity of violence they have inflicted.

The dynamics of Mindanao conflict is reflected on regional scale. The robust stockpile of weapons left by the protracted civil war in Cambodia has provided supplies to conflicts in Aceh, Mindanao, northeastern Sri Lanka, Myanmar and southern Thailand. In southern Thailand, the abundance of illegally trafficked arms from leakages in government arsenal and from other countries has allowed rebel and criminal groups to mount renewed security threats in the area.

The displacement of the population

Indirect consequences of small arms proliferation are also seen in the unspeakable human misery endured by the people who are forcibly displaced from their homes due to armed conflicts. Refugees and internally displaced persons (IDPs) are camped in isolated tracts of land where access to water and decent sanitation are limited and has become a cause of diseases. People's mobility and freedom to carry out basic chores and to earn a livelihood are restricted within these satellite communities. Armed groups also use these camps to forcibly recruit new members and commit various forms of material and sexual exploitation (Frey 2002).

Even when actual fighting has stopped, the persuasive power of small arms inhibits victims' return, repatriation and resettlement. Victims of displacement often fear returning to their homes due to the

large number of weapons that remain in circulation and in the possession of ex-combatants, local gangs, warlords, or militias.

The Southeast Asian region has extensive examples of displacement beginning from the wars of national liberation during the previous decades to present-day ethnic conflicts. Table 3 indicates the number of refugees and IDPs in and from the region.

Table 3: Internally displaced persons and refugees due to armed conflicts in Southeast Asia, 2003		
Host country	Number of displaced people and refugees	Ethnicity/Nationality
<i>Cambodia</i>	16,000 refugees 20 confirmed but an unknown number in hiding	Vietnamese Montagnards from Vietnam
<i>Indonesia</i>	700,000 internally displaced people	Include: 118,000 from Aceh; 202,783 Maluku; 34,166 North Maluku; 13,000 North Sulawesi; 129,919 East Java; 22,184 North Sumatra; 156,620 Central Sulawesi and 28,097 East Nusa Tenggara. (In addition there are 7,800 Indonesian refugees in Papua New Guinea, and 7,800 in the United States and Canada.)
	23,000 refugees in West Timor	East Timorese
<i>Malaysia</i>	85,000 refugees and asylum seekers	Include: 57,000 Filipino Muslims; 8,000 Indonesians, mostly of Acehnese origin; and 10,000 Myanmarese
<i>Myanmar</i>	1,000,000 internally displaced	Majority Karen, Karenni and Shan ethnic minorities
<i>Philippines</i>	150,000 internally displaced	Mostly Muslims
<i>Thailand</i>	2,000 refugees	Vietnamese
	420,000 refugees	Various ethnic groups from Myanmar (including 200,000 Shan, 140,000 Karen and Karenni and 50,000 other ethnicities)
	4,000 asylum seekers	Various ethnic groups from Myanmar
	40,000 "illegal migrants"	Various ethnic groups from Myanmar
	10,000 political activists	Various ethnic groups from Myanmar

Sources: US Committee for Refugees 2003a, b, c, d, e, f, 2004; Global IDP Project 2003 a, b, c.

The counter-insurgency campaign in ethnic minority areas in Myanmar has created one of the world's worst humanitarian crises. It has displaced over one million people, mostly members of the ethnic minorities in eastern Myanmar. The primary agent of displacement is the *Tadmaw*, the Burmese Army. Also involved are nonstate armed groups (Global IDP Project 2003b).

Half of those driven away from their homes live in government-run relocation centers, where the military exercise complete control over the populations. Those caught outside the designated areas could be arrested, tortured or shot on site. An estimated 300,000 live in hiding or on the run, moving as many as a dozen times a year to avoid being caught and punished by the military. Thirty percent of IDPs in these areas are children who have never seen a school, and child mortality is extremely high. Along the border refugee camps, the military periodically raid border camps, killing some inhabitants and burning thousands of homes. Hence, even if the situation in their original villages were unsafe, displaced peoples are forced to return home (US Committee for Refugees 2004). Neither Thailand nor Myanmar allows humanitarian organizations to provide emergency aid to these populations.

Additionally, at the end of 2003, there were some 600,000 Myanmarese refugees living in neighbouring countries, with over 400,000 in Thailand. The economic, political and social consequences of the displacement have prompted Thailand to return unilaterally the refugees back to the repressive regime of Myanmar (US Committee for Refugees 2004). More than 200,000 refugees are taking sanctuary in Bangladesh, Malaysia and India (see Table 2), and an unknown number of Kachins have fled to China (US Committee for Refugees 2004, Global IDP Project 2003b). The situation in Myanmar generates as many as 3,000 refugees per month.

In recent years, Indonesia was also a theater of dramatic displacement of communities of various ethnicities. The economic crisis in late 1990s has unleashed ethnic tensions that created thousands of internal refugees in Sulawesi, Maluku and Kalimantan. In May 2004, violence erupted again in Maluku, displacing 10,000 residents, in addition to an already existing large number of displaced people due to earlier conflicts (International Crisis Group [ICG] 2004b). In East Timor, immediately following the vote of independence in 1999, several hundred thousand people crossed to western side of the island, as militias backed by Indonesian forces ransacked homes and randomly killed civilians. Similarly, the people of Aceh have been subjected to horrendous atrocities while the government security forces attempt to

weed out the insurgents in the secessionist province. In 2003, there were more than 100,000 people displaced, and many of them avoided official government camps out of fear and went hiding either in forests or with their relatives. Those who fled to Malaysia were forcibly returned to Aceh, allegedly tortured, and killed (US Committee for Refugees 2004, Global IDP Project 2003a). It is believed that the Indonesian military has been using forced displacement to separate *Gerakan Aceh Merdeka* (GAM) from the rest of the population, allegedly for their “own safety.”

In 2003, the military campaign in the Muslim-dominated province of Mindanao uprooted some 400,000 civilians (mostly Muslims), 150,000 of which remain displaced either in evacuation centers or sheltering with relatives or friends. These displaced people were often the same people who were forced to flee when the military launched an offensive in 2000. While the displacements were due to the fighting between the Philippine Armed Forces (AFP) and the MILF, operations against the terrorist ASG and other bandit groups have also displaced people in the area. Many IDPs were reluctant or unable to return home because of trauma, the presence of rebel forces, forced recruitment, or landmines (US Committee for Refugees 2004).

Child soldiers

Although the issue of child soldiers is not directly a product of the small arms problem, it is widely documented that where there is an abundance of small arms in conflict-affected areas there is a growing number of child combatants. These children are both perpetrators and victims of firearms-related weapons. The portability of weapons also enables the recruited children to carry weapons.

Some 300,000 child soldiers are actively fighting in 41 countries and another 500,000 were recruited into paramilitary organizations, nonstate armed groups and civilian militias (Coalition to Stop the Use of Child Soldiers 2004). Within Southeast Asia, the Human Rights Watch identified Myanmar and the Philippines as countries where child soldiers were involved in recent and on-going armed conflicts (Human Rights Watch [HRW] 2004b). Globally, Myanmar, together with the Congo and Colombia, tops the list on the use of child combatants (HRW 2003a).

While some children join armed groups due to desperation, abject poverty and absence of access to education, majority of them are forcibly taken from their schools and separated from their families. Once inducted into an armed group, they are turned into combatants,

domestic laborers, or sexual slaves (HRW 2003a). At times, they are ordered to execute other children who try to desert the organization (HRW 2003a). Violent, traumatic experience impairs their physical, emotional and psychological well-being and presents long-term generational and developmental challenge to their communities.

In the Philippines, two armed groups, the MILF and the New People's Army (NPA), were identified with recruitment of children into their ranks. In 2002, the International Labor Organization (ILO) sponsored study of child soldiers in Mindanao. The study found that 10 to 30 percent of the household population in MILF areas were child soldiers. In Maguindanao, a province in Mindanao, this worked out to be approximately 4,500. These children are mainly used as auxiliary forces: with girl soldiers assigned as members of the medical team while boy soldiers engaged in actual soldiering and combat (Cagoco-Guiam 2002, Bengwayan 2002). The Philippine government also claims that the NPA recruits from ages 13 to 17 among urban students and out-of-school peasants. But statistics on this is not available, and the NPA denies such allegation.

In March 2000, in the lead up to the Winnipeg Conference on Children in Conflict, several government agencies including the AFP and the Philippine National Police (PNP) signed a Memorandum of Agreement (MOA) on the handling and treatment of children involved in armed conflict. The MOA specifies responsibilities for rescuing or facilitating the surrender of children involved in armed conflict, provision of physical and medical treatment, placement in protective custody and the protection from exposure to media. But the ILO study concludes that the MOA has been implemented more in the breach than as a matter of course (Cagoco-Guiam 2002). While the Philippine government ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on August 26, 2003, there are continued reports of government-backed paramilitary groups recruiting children for military training. As well, the government is unable to rein in the continued use of children especially by nonstate armed groups in Mindanao.

In Myanmar, child soldiers have become a hallmark of decades of political and ethnic conflicts and the struggle against government repression. The hostage-taking situation in Ratchaburi hospital in Thailand in 2000 serves as a tragic reminder of the psychological trauma and physical misery caused to children dislocated by conflicts in Myanmar. The siege was led by a twin 12-year-old boys Johnny and Luther Htoo from the God's Army of the Karen ethnic group. Many

of their followers were also adolescents. When interviewed by the press, the boys said they had lost count of how many Burmese soldiers they had killed. Showing no sign of emotion, Luther said: "I have never cried. Why would a man cry?" He then let off a few rounds from his AK-47, as recounted by the press (Aglionby 2000). The tragic siege ended when Thai commandos stormed the hospital and killed the ten gunmen from the God's Army.

Almost all other nonstate armed groups in the country recruit and use children. The estimate of child soldiers with nonstate actors is about 6,000 to 7,000 under the age of 18. Some 2,000 of them are with the United Wa State Army. Other known groups using child soldiers include the Democratic Karen Buddhist Army, the Katchin Independence Army, the Karen National Liberation Army and the armed wing of the Karen National Union, the Karenni National Progressive Party (The Sunday Times 2003).

Moreover, children, as young as eleven, may account for 35 to 45 percent of new recruits into the Myanmar's national army, and 70,000 or more of the government's estimated 350,000 soldiers. In January 2003, the *Washington Post* reported that children are being kidnapped by soldiers while on their way home from school, at ports, bus terminals and train stations. They are brutally treated during training and are used in forced labor by the army and forced to participate in armed conflict. Children are also used to commit extrajudicial killings and human rights abuses against civilians and other child recruits (Coalition to Stop the Use of Child Soldiers 2003). Defiance has been the response of the Government of Myanmar to a persistent international pressure from the international community to put an end to this practice.

Violations of human rights and humanitarian law

Barbara Frey, the UN Commission on Human Rights Special Rapporteur, underscored small arms misuse, particularly by state forces, as a critical concern (Frey 2001). In countries where justice systems are corrupt and dysfunctional, guns are used by abusive forces to repress individuals and groups and deny them of their rights. In situations of armed conflict, they are also used indiscriminately against noncombatants such as humanitarian workers and journalists, and vulnerable groups such as women and children. Corrupt, unaccountable government forces exacerbate misuse when they equip undisciplined militias and paramilitary forces.

In the region, violations of human rights and humanitarian law are rife. Myanmar garnered international attention in 1988 when the military opened fire on peaceful prodemocracy supporters in Rangoon. Approximately 10,000 protestors were killed, but the military went on to hold elections in 1990. The military still holds more than 1,000 to 1,500 political prisoners in Rangoon (HRW 2002, Lintner 2002). In addition, in the areas along the Thai-Myanmar eastern provinces, killings and other forms of abuses such as torture, forced labor, forced relocation and rapes by the military continue to occur with impunity. The military is using rape to terrorize local population. Nearly 20 percent of rapes were committed in military bases. In nearly one-third of the cases, higher-ranking officers committed rapes, and in only two cases were any punishments given (Apple and Martin 2003). Among Karen women alone, there were 100 documented cases of rape in 2003 (US Committee for Refugees 2004). Rebel forces are also said to be responsible for some atrocities. But due to limits placed upon the media and international monitors, it is impossible to determine the number of casualties.

Discrimination and persecution against Muslim Rohingyas also take place in the western part of Myanmar. Some 6,000 Rohingyas fled to Bangladesh. They are denied ethnic Rohingya citizenship, taking away their right to own land and limiting travel outside their townships, access to education and jobs. They are subjected to forced labor, arbitrary arrest, extortion, rape, and summary execution (US Committee for Refugees 2004).

In other parts of Southeast Asia, while human rights violations by government security forces are not as ubiquitous compared with Myanmar's, incidences of abuses committed by the police and military remain prevalent. Extrajudicial killings, arbitrary arrests and forced relocations have been reported in Aceh, West Papua, and previously East Timor. The latter showed a glaring example of gross abuse of weapons by government authority in 1999. Indonesian paramilitaries supported by the military, armed with M-16, carried out a slaughter of East Timorese. In Aceh, when the Indonesian military launched an offensive in May 2003, following the collapse of the ceasefire agreement with GAM, "the army and rebels murdered, tortured, abducted, beat and raped civilians, and detained those they suspected of supporting their rivals" (US Committee for Refugees 2004). More than 1,000 people, including children, have been killed from May to November 2003, mostly by the military. A coalition of seven nongovernmental

organizations (NGOs) also reported in late August 2003 that more than 100 women had been raped (Balowski 2003, HRW 2002b, Coalition to Stop the Use of Child Soldiers 2003). Since the launching of the military offensive in Aceh, the government has sealed off the province from international scrutiny by severely restricting entry for foreigners and aid agencies and strictly controlling all information flows coming out of the secessionist province. Thus, investigations into alleged human rights violations by both state and nonstate forces have been close to impossible (HRW 2002b).

The human rights record of the current government in Thailand has been questioned due to unchecked extrajudicial killings committed by the police in pursuit of the government's "war on drugs." Some 2,200 suspected drug peddlers, including children, were shot (HRW 2003b). Without a sense of accountability for actions of the police, Thailand's Interior Minister bluntly said, "They [drug dealers] will be put behind the bars or even vanish without a trace. Who cares? They are destroying our country" (Adams 2003). Even the nation's Commission on Human Rights and the King expressed concern over these unlawful killings (Human Rights Features 2003, Macan-Markar 2003).

Yet, not long after demarches and criticisms from foreign governments and international and national human rights groups, the military and police forces used excessive lethal force once again to respond to the violence in southern Thailand. The result: death of more than 100 poorly armed teenagers (mostly aged 15-20), believed by governments as Muslim separatists trying to launch attack on government outposts. While government forces have the right to defend themselves when challenged, such high level of force was not proportionate to the threat posed by the mostly machete-armed rebels (HRW 2004a). Along the Thai-Myanmar border, Thai authorities were reportedly harassing and intimidating NGO workers, who try to investigate the Myanmar situation and assist displaced Myanmarese (US Committee for Refugees 2003f).

In the Philippines, cases of summary execution and the use of force to extract evidence from suspects are still practiced. A nationwide survey and focus group discussion among police officers point to the lack of trust and aversion to the law and the legal system contribute to the violations of the rights of suspected criminals. Questioning what really constitute human rights, some police officers claimed that human rights law and the criminal justice system constrain them from performing their duties efficiently (Pattugalan and Puyat 1999, Sicam

2001). Some police officers were also held responsible for politically motivated killings. Incidences of this sort were reported leading to the national elections in May 2004. Meanwhile, in southern Philippines, “some citizen groups complain that the military...have illegally detained citizens, torched houses, displaced residents and shelled villages suspected of being strongholds of suspected terrorists” (US State Department 2004).

While Cambodia’s political situation has improved dramatically since the 1990s, its human rights records remain poor. Politically motivated killings are still carried out by government security forces. “Some members of the security forces tortured, beat and otherwise abused persons in custody, often to extract confessions” according to the 2003 United States’s human rights report on Cambodia (US State Department 2000). Also, armed security, the military in particular, is increasingly involved in intimidating and grabbing lands from rural folks. About 74 percent of land grabbing cases was attributed to the provincial and military authorities (ICG 2000).

Nonstate armed groups are also very much responsible for abuses of human rights and humanitarian law. A briefing paper released by the Centre for Humanitarian Dialogue succinctly captures the impact of weapons misuse by nonstate armed groups:

Armed groups also use small arms to commit egregious violations of human rights and humanitarian law. The nature of contemporary conflict blurs the distinction between civilians and combatants as armed groups use populations for resources, recruitment and as a base from which to attack their rivals. Small arms are used to terrorise and to commit crimes such as rape, torture, enslavement and plunder. (Capie 2004)

Because nonstate groups are often loosely organized with only weak links between commanders and soldiers, fighters often lack proper discipline and training, and most groups are ignorant of their obligations under international law. Others intentionally disregard humanitarian laws by shooting prisoners, committing torture, rape and mutilation. Those who acknowledge international law in principle sometimes do not abide by it in practice.

In Southeast Asia, a whole range of nonstate groups exists: rebel forces, militias, civil defense units, mercenaries or vigilantes and private security companies (CHD 2004). In Mindanao, there exist at least a dozen armed groups fighting against or with the Philippine military, in addition to well-armed clans and families (ICG 2004a). Nationally, there are 154 armed groups in the Philippines. Meanwhile, in Indonesia, in addition to long-standing armed movements, there has been a

disconcerting increase of nonstate armed groups, either backed by the military or pursuing ethnic/minority causes (ICG 2003a). In Thailand, the armed groups are beginning to reassert their presence in southern provinces after many years of being relatively dormant. In Myanmar, there are more than three dozens armed groups fighting or in ceasefire agreement with the government forces. Atrocities committed by many of these groups commonly characterize news reporting in the region. Nonetheless, while evidence of atrocities they have committed is abundant, figures on this remain anecdotal.

CIRCULATION OF WEAPONS IN THE REGION

The inability of the state to provide effective security for the population, liberal gun laws and the lack of effective institutions and mechanisms in monitoring and curbing arms acquisition and transfer, the porosity of the national borders, leakages in government arsenal and protracted armed conflicts serve as primary factors to the widespread availability of licit and illicit weapons in many Southeast Asian states.

It is impossible to determine the number of weapons circulating in Southeast Asia given the lack of transparency on production and the difficulty of gathering data on gun possession and transfer. Nevertheless, it is helpful to give national estimates to indicate the level of proliferation in the region:

Cambodia

The number of weapons is placed between 500,000 and 1 million (Capie 2001). This large supply makes Cambodia a major source of weapons for conflict areas of Indonesia, Myanmar and Sri Lanka.

The Philippines

In 2003, there were 814,562 registered and 284,100 loose small arms. The latter classification includes those unregistered weapons bought from legal dealers but excludes illegally manufactured or transferred weapons. But, in 2001, Small Arms Survey estimated the total number of weapons at 4.2 million, mostly in the hands of civilians. The police and military stockpiles have some 100,000 weapons (Philippine Mission to the United Nations 2003; Small Arms Survey 2001, 43-45, 55). A substantial portion is also held by private security companies and other nonstate group. To date, there are 330,000 private guards in the Philippines (Panganiban 2004). A military source reveals that

in addition to the number of weapons allowed by government regulation, private security agencies allegedly equip their workforce with illegally acquired weapons (Benavidez and Vinoya 2004).

In addition, the Philippines has a large private arms industry, including 45 legal manufacturers of small arms, 522 authorized dealers and 133 gun repair shops. In Danao (Cebu Province) alone, there are some 3,000 gunsmiths and as many as 25,000 people believed to rely on gun manufacturing for living. In addition to the legal industry, it is commonly known that there is no lack of illegal manufacturers for use of civilians and armed groups. In Mindanao alone, the estimate of licensed and unlicensed weapons is placed at 2.2 to 2.3 million with an estimated population of 16 million. This number excludes *paltik* or home-made guns. Mindanao can be considered as one of the most heavily armed regions in Southeast Asia and, indeed, in the world.

Thailand

In 2003, the Thai government put the number of the country's licensed weapons at 1,084,394, but there was no official figure on illegal weapons in circulation (Permanent Mission of Thailand to the United Nations 2003). However, the *Bangkok Post* claims that there are about 3.7 million licensed firearms (Ngamkham 2003a) and some 10 million illegal weapons currently circulating in the country (Bangkok Post 2003). Thailand maintains a thriving black market for arms and is regarded as a major transit point for illegal arms transfers in South and Southeast Asia (Maritime Forces Pacific 2004, Associated Press 2003, Phongpaichit, Piriyaangsan and Treerat 1998). Business people selling arms to the police and the military are also involved in supplying arms to nonstate groups within Thailand and the region (Phongpaichit, Piriyaangsan, and Treerat 1998).

Indonesia

The Indonesian government prohibits civilians from possessing weapons. However, there is a growing civilian demand, believed as illegally supplied by underground gun trade run by some military personnel (Yamin 2000). Likewise, the upsurge in the number of armed groups, including auxiliaries and private security organizations taking over police functions (ICG 2003b), is a worrying indication of the level of the weapon possession in Indonesia.

Myanmar

Despite economic crisis and social unrest, Myanmar's military continued to purchase and produce more arms and ammunition over the years. The arsenals of the numerous armed opposition groups are also well stocked. Myanmar is a major supplier of weapons to insurgent groups in Southeast and Central Asia. Some illicit trade also take place along the Myanmar-Bangladesh border (Ahmed 2001). With the current state of affairs in the country, it is impossible to estimate the number of arms owned and distributed within and through Myanmar.

NATIONAL AND REGIONAL ACTIONS ON SMALL ARMS

Several reasons explain the lack of tangible action on the human security dimension of small arms in Southeast Asia. Policy on small arms control is largely considered as a sensitive issue that is confined within domestic concerns. Thus, measures to control civilian ownership, domestic production, or licit transfers of weapons can be construed as an infringement to a well-preserved ASEAN doctrine of noninterference. The lack of shared perceptions among Southeast Asian states of the threats posed by small arms availability also contributes to the conspicuous absence of genuine efforts towards addressing the problem. Finally, many Southeast Asian governments continue to face armed challenges from secessionist, as well as terrorists, groups. Nonstate armed groups are not only responsible for the illegal possession and transfer of weapons across borders; they also present a persistent justification for government's resort to force in resolving long-standing ethnic conflicts.

National interest in issues of transnational crime is primarily the driving force behind regional states' willingness to understand and curb the movement and spread of illegal arms in Southeast Asia. ASEAN members have focused primarily on the relationship of arms dealing with drug trafficking, human trafficking, and more recently, with terrorism. Such national perspectives are echoed in the regional level as seen from the 1999 ASEAN Plan of Action to Combat Transnational Crime that incorporates a small arms work program. The low priority attached to small arms can also be surmised by the lack of any institutional support in the ASEAN Secretariat.

The work program covers information exchange, harmonization of marking system of ammunition (weapons and their components in line with the 2001 UN Program of Action on Small Arms), border and customs intelligence exchange and cooperation in ASEAN and with

the European Law Enforcement Organization (EUROPOL) and INTERPOL, law enforcement capacity-building cooperation and training, institutional capacity-building such as the establishment of a regional database of information on illicit weapons and procedures for destruction of surplus weapons, and cooperation with non-ASEAN states (Association of Southeast Asian Nations 2002). The work program also refers to the commitment of ASEAN members to the UN Program of Action on Small Arms.

While the agreement on the adoption of the work program is a major step for ASEAN members who have shown persistent reluctance to deal collectively with security matters, the actual implementation is not moving forward due to several reasons. First, while ASEAN member countries in principle see arms smuggling as a human security issue, their priorities are curbing the problems of piracy, human trafficking and terrorism. Second, the idea of harmonizing national laws on small arms and light weapons is inhibited by the absence of such laws in some countries. Third, neither human resources nor financial support is allocated for the implementation of the work program. There are only three personnel dealing with issues of transnational crime in the ASEAN Secretariat. Finally and most importantly, member states are not obliged to report to the ASEAN any progress on domestic small arms control.

NATIONAL INITIATIVES

This section examines the current small arms initiatives undertaken by Cambodia, Philippines and Thailand (see Pattugalan 2003). Discussion of measures by other ASEAN countries where weapon proliferation and misuse are widespread is constrained by the lack of available information, or simply, lack of any group tackling the issue.

Cambodia

The control of small arms has been integrated in Cambodia's postwar reconstruction effort. Hence, to date, it is the only ASEAN member country that has adopted a comprehensive approach to small arms control. Starting with laws, the postwar government adopted in 1992 a law that prohibits civilian possession of weapons. This law was later reviewed and in May 2002 the Council Ministers approved a stricter bill on small arms. The bill maintains a ban on civilian possession, with higher penalties for violations, restricts the right to privately bear arms

to senior ranks of the security forces and government, and imposes standards on production, export, import and stockpiles of small arms. In addition to legal reform and improvement in stockpile management, an interagency National Commission for Weapons Management and Reform (NCWMR) was created in June 2001.

The Commission has collected 120,000 weapons, including some from militias from 22 provinces since 1999. Of this number, 111,000 were destroyed by burning and crushing in 32 public ceremonies known as “Flames of Peace.” This is in addition to the collection and destruction campaign conducted by the Municipality of Phnom Penh in 1999 whereby it collected and destroyed 3,855 weapons (Working Group on Weapons Reduction [WGWR] 2004b). While it is generally believed that there remains at least one weapon for every Cambodian household, the public collection and destruction campaign has elevated the people’s awareness of the danger of weapons. The collection campaign has forced Cambodians to keep their weapons from conspicuous circulation, which helps prevent the immediate use of guns from resolving personal or community disputes. This in itself could be considered as a measure of limited success.

Supported by the European Union, a “Weapons for Development (WfD)” program also offers small community development projects to encourage Cambodian villagers to give up their weapons to the police. The idea is that civilians should develop trust in the police and other security forces. WfD therefore seeks to enhance capacity of the police to respond to the needs of the community, by providing them with training and basic equipment. The project has already resulted in the collection of more than 3,000 weapons, and has expanded to more provinces. However, this project maybe difficult to sustain given that it depends largely on a substantial financial support, which neither the EU nor the Cambodian government is able to guarantee for a long-term.

As leakage from the government arsenals is a major source of trafficking with Cambodia, as well as in the region, there has been an emphasis on securing government stockpile. Also funded by EU, the stockpile management includes a computerised registry and safe storage facilities for military weapons, in particular, the arms held by the army. By the end of 2002, three of the six military regions and eight depots in Phnom Penh had their weapons registered and securely stored. It has also been adopted as a policy that any surplus weapons after the completion of the registration in each military region will be

destroyed. In 2004, the project will be implemented in two other military regions. The goal is to register and safely store all military weapons by 2006. Similarly, the security of police weapons is being upgraded with the installation of lockable racks and computerized registration. This has been undertaken in three provinces (de Beer 2004).

A three-year (2000-2003) demobilization, disarmament and reintegration (DDR) program is another facet of Cambodia's small arms control. Of the 31,500 soldiers from the armed forces earmarked for DDR, the Council for Demobilization of the Armed Forces (CDAF) has demobilized 1,500 soldiers in July 2000 and another 15,000 in October to December 2001. The numbers indicate that this World Bank funded project has shown poor performance. The Working Group on Weapons Reduction (WGWR) noted that irregularities occurred during the demobilization phase such that the names of dead soldiers were registered for demobilization and were taken by substitute soldiers to be eligible for the financial compensation. The program has been on hold.

Moreover, in a survey interview of the demobilized soldiers conducted by the WGWR, 97 percent of the respondents claimed that they have turned in the weapons issued to them. But 67 percent believed that explosives and guns were still being kept or circulating among criminals and other members of the community. Sixty percent indicated their lack of understanding of the current regulations on weapons. A substantial 24 percent also expressed a feeling of insecurity once reintegrated into civilian life. Some also expressed lack of confidence in the ability of the local authorities or security forces to provide adequate security and safety in their communities (WGWR 2002, 2004c). Hence, many of the ex-soldiers still desire to keep weapons. The absence of viable livelihoods as alternatives to soldiering or criminal activities and the lack of trust on state institutions to provide security are not unlikely to undermine the already poorly administered DDR program in Cambodia.

While Cambodia demonstrates an example of a country that addresses the problems of small arms availability and misuse, guns are still the fourth most common cause of accidental injuries and deaths, surpassing landmines incidents in frequency. Thirteen to fifteen people are injured or killed each day as a result of gun injuries, in addition to the already 19,000 people disabled from gun violence. There remains an easy and inexpensive access to weapons in the country parallel to illegal trafficking to and from other countries.

Future success of governmental efforts in controlling small arms depends on various factors: sustainability of donors' interest, substantive progress on security and justice sector reform (SJSR), and successful demobilization and integration of ex-combatants. There is a need to define the size of the military and police forces and reduce their weapons accordingly, to address corruption, to eliminate the misuse of weapons by the military, the police and state officials; and to end the impunity of state officials engaging in unlawful acts. Development and economic programs are still required to encourage demobilized soldiers away from militias and criminal activities.

The Philippines

The Philippines is touted as a trigger-happy society, given the astonishing proliferation of weapons and the value its people attach to weapons. This is indeed a worrying phenomenon, and a time bomb waiting to explode unless strictly regulated.

The Philippines does not lack laws and regulations governing the possession of weapons, with 15 more pending bills in the Senate as of this writing. Republic Act 8294 rules that any Filipino from age 21 years, who passes the neuro-psychiatric test, and pays the prescribed fee can possess a maximum of two weapons. RA 8294 also mandates the renewal of licenses every two years, unlike the earlier decree that guaranteed lifetime license. Gun holders, with proof of real threat against them, can secure a Permit to Carry Firearms Outside of Residence (PCTFOR). Only 3,900 have this permit (Panganiban 2004). There are also laws governing importation by arms dealers and ownership of guns by private security agencies. The Firearms and Explosives Division (FED) of the PNP is mainly responsible in enforcing the different firearms laws.

In reality, laws are ineffectively enforced in the Philippines. Institutions are corrupt, highly politicized and weak. Indeed, it is not uncommon to have politicians forming their own mercenaries at times under the protection of the police with other police ignoring the presence of such groups. Corruption and irresponsibility can also be witnessed at the lowest member of government security institutions and government-backed civil defense and paramilitary forces. In Mindanao, there are frequent reports of government weapons sold to armed groups or to civilians. Through illegal sale, theft or capture, the government has become the major source of weapons for armed groups.

The weakness of Philippine institutions dealing with arms regulations also stems from the lack of resources and capacity to monitor and register increasing supply and movement of weapons. In terms of crossborder smuggling, FED and the military admit the lack of resources to determine the sources of weapons and to patrol coastal borders where much of the trade in illegal weapons takes place. The situation has already shaped an entrenched pessimism among military and police personnel in curbing arms flow in and out of the country (Benavidez and Vinoya 2004, Panganiban 2004).

Therefore, it is not surprising that the country's collection and destruction program has shown poor performance. FED has collected some 45,000 weapons only by December 2002 (Philippine Mission to the United Nations 2003). However, there is no indication when the collection period began.

In an attempt to recover or license more weapons, a weapon amnesty came into effect from March 2003. The amnesty allowed owners to register handguns, shotguns, rifle calibres .22, or other low-powered firearms including the *paltik*. High-powered firearms are dealt on case-to-case basis (Executive Order 171). The effectiveness of the amnesty has yet to be evaluated.

Furthermore, there was a suspension of the issuance of PCFTORs from February 2003 until shortly after the May 2004 national elections. The suspension of the issuance of permits ended on June 9, 2004. Yet, some 2,000 permits were issued during the suspension period. There was also an increase in the number of gun clubs whose members maintain the right to carry their guns from their homes to the sporting arena (Panganiban 2004). In addition, politicians also formed strong opposition to the ruling, which only shows the lack of common perspective on the impact of arms in the society (Palangchao, Balaoro, Dancel and Antiporda 2003, Martin, Ager, Torres and Cruz 2003, Burgonio 2003).

In terms of DDR, the Philippine government missed the opportunity afforded by the signing of the 1996 Peace Agreement with the MILF to embark on disarmament. For fear of breaking the peace process, the government negotiators excluded disarmament as a component of the Agreement.

There was, however, a Balik-BARIL (Bring your Rifle and Improve your Livelihood) Program offered to MNLF fighters as well as to NPA and MILF rebels. While the Balik-BARIL was good in theory, the implementation suffered from shortcomings. Public information and

outreach campaign was limited, uneven and was perceived as a counter-insurgency tactic. Many combatants were also unwilling to hand in their weapons due to the consequences of surrendering their weapons and being subjected to the authentication process. Moreover, many of the weapons surrendered were unserviceable and rusty while benefits accrued from surrendering them were used to buy better weapons (Lucero 2004). The low valuation of weapons also prevented owners to turn in their high-powered guns. Once surrendered, weapons were recycled by the armed forces personnel back to armed groups or to the community in general due to the lack of adequate supervision and accountability and destruction mechanisms. Finally, the government has not undertaken any evaluation of the process, outcome and impact of the Balik-BARIL program, which will serve very useful for future related activities especially in the context of a prospective peace agreement between the MILF and the government.

Thailand

Like in the Philippines, small arms policy, as a human security issue, is yet to become a priority for the Thai government despite its membership to the Human Security Network that also deals with small arms proliferation and misuse. The country's National Security Council takes up arms control as one of its many concerns but it focuses mainly on arms smuggling. The following are some small but positive actions designed to cope with high weapons demand and circulation in the country.

1. Surplus weapons are destroyed every year, although the government report to the UN in 2003 First Biennial Meeting of States on small arms in New York did not provide any information on the number of guns destroyed (Permanent Mission of Thailand to the United Nations 2003).
2. A review of existing regulations on small arms is being undertaken.
3. Prime Minister Thaksin Shinawatra has adopted gun control as part of his anticrime agenda in 2003. He declared that the government will transform Thailand into a gun-free society in the next five to six years. This ambitious goal has sparked debate and opposition

among various sectors of the society including the police.

4. In line with Thaksin's anticrime agenda, the Ministry of Interior, in the late 2003, has ordered gun shops to temporarily suspend firearm sales to the public unless they have prior permission (Thip-osod 2003). A new regulation also limits possession to one gun per owner.
5. A gun amnesty bill has been tabled for immediate parliamentary approval. Under this bill, owners of illegal firearms will have up to 60 days to surrender their weapons without facing legal action. Failure to do so will be punishable by a 10-year jail term and a 20,000 baht (USD 500) fine (Treerutkuarkul 2003). The government has offered gun amnesties six times from 1948 to 2000.
6. The Ministry of Interior has begun developing an online centralized database weapons system, to be updated as new possession or transfer permits are authorized. It also has temporarily suspended issuing of permit licenses for all types of rifles. Since 1999, the Ministry has also stopped granting licenses to carry guns in tourist provinces starting with Phuket. Such policy could be extended to other provinces if proven successful. The Ministry of Defense is also in the process of creating a system to synchronize the marking of government stockpiles across the country (Permanent Mission of Thailand to the United Nations 2003).

While many Thai people generally agree with PM Thaksin's drive to crackdown on weapons (Ngamkham 2003b), his government has become unpopular in terms of misuse of weapons. Human rights activists and humanitarian workers believe that the focus of small arms control in Thailand should be the accountability of the police and the military in the use and transfer of weapons.

RECOMMENDATIONS FOR POLICY ACTION

Since the adoption of the UN Program of Action on Small Arms in 2001, governments in Southeast Asia have shown limited progress in

controlling the high demand for both legal and illegal weapons. In fact, only four ASEAN states have reported at the July 2003 Biennial Meeting of States (BMS) on Small Arms. The next occasion for ASEAN states to report on their progress on the issue is the July 2005 Second BMS and the 2006 UN Conference on small arms. While time is short in the lead up to these important meetings of states, ASEAN member countries can still demonstrate their commitment to global action by urgently implementing serious initiatives designed to abate the human costs of easy access to weapons and their misuse. The following are some recommendations which regional governments could take:

1. ASEAN states can undertake a legislative review with a goal towards reforming laws to include stricter regulations not only on possession and transfer but also on misuse, export policy and brokering/arms dealership. The lessons learned from Cambodia can provide some leads to other states in the region on how to proceed in this aspect.
2. Laws can only be effective if enforced properly. Thus, institutional and capacity building of relevant government agencies and justice sector, including police and the court system, must be simultaneously pursued. When power abusers are stripped of their impunity and laws are impartially enforced, there is less desire among the people to see guns as a security blanket. Hence, the entrenched gun culture could be gradually altered.
3. Building the strength of institutions also means enhancing the capacity of relevant agencies to monitor and implement DDR program in post-conflict areas and long-term preventive measures such as universal weapons registration, ban on military style weapons, weapons amnesty and destruction program. Destruction is important to prevent collected weapons from being infused back into the community or transferred into the hands of rogue individuals and groups. Again, as with the case of Cambodia, public destruction ceremonies are a good way to educate the population about small arms.

4. States in the region area are also recommended to ratify small arms-related international agreements such as the 2001 UN Firearms Protocol and the Child Soldiers Protocol, among others. As of August 2004, only Laos has accessed to the former binding agreement (United Nations Office on Drugs and Crime 2001).
5. ASEAN states can lend support to the Arms Trade Treaty (ATT) campaign, which demands states to negotiate tough, binding standards for the control of arms transfers and a workable operative mechanism for the application of these standards (Stevenson 2003).

Along with governmental actions, NGO's role is crucial, as they can be most useful in raising awareness, in research and monitoring and in critiquing the governments' lack of action. In Southeast Asia, the evidence focused on the humanitarian impact of small arms is largely anecdotal. Thus action research on this will provide a more concrete basis for policy action. Also, NGOs can help promote accountability and responsibility under international human rights and humanitarian law through outreach programs to educate nonstate armed groups, particularly those that are outside the control of the state. Educating the young on the impact of weapons and on alternative conflict resolution tools is also much desired in ASEAN countries.

At present, only a few organizations focus on the issue. They include the WGWR in Phnom Penh, and the Philippine Action Network on Small Arms (PHILANSA) in Manila and Non-Violence International (NVI) Southeast Asia in Bangkok. The WGWR has been undertaking various projects on small arms control and peace education, either independent of, or in cooperation with, the Cambodian government (WGWR 2004b). It has contributed to the sustained effort to raise awareness of the problem. WGWR may very well serve as an example to other organizations in the region.

In addition to some positive experience in Cambodia, a recently released resource pack of actions on small arms by the Geneva-based Centre for Humanitarian Dialogue provides a tool on how the civil society organizations can bring forward a "credible and compelling focus on the plight of civilians caught up in a spiral of armed violence and its deadly tools: small arms and light weapons" before the UN Conference in 2006 and beyond (CHD 2004b).✿

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