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United States

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Introduction

THE UNITED STATES is recognised as one of the world's major manufacturers, exporters, importers and users of small arms and light weapons (SALW). More than 300 US companies produce small arms and/or ammunition and the country has one of the world's largest domestic markets (both civilian and military) for small arms. Annual US production of small arms is around 4 million units, with more than 1 million firearms also being imported into the United States each year. US SALW licensed exports were worth \$67 million in 2001.¹

The US Armed Services also hold one of the world's largest inventories, with the US Army alone holding a total of 1,649,646 firearms, as of 11 April 2001, ranging from pistols to heavy machine-guns, from antiques to state-of-the-art prototypes.²

This paper reviews US policy in dealing with surplus stocks of small arms. The paper is divided into five main sections as follows:

- US military and civilian small arms stockpiles and how surpluses are defined and identified;
- structures and practices currently in place to deal with surpluses;
- policies that impact on surpluses, including US export controls and storing, registration, transport and management of US Government small arms stockpiles;
- US support for international assistance programmes; and
- reforms and future policies, especially regarding implementation of the OSCE Document.

¹ *Small Arms Survey 2002*, (Graduate Institute of International Studies/ OUP, 2002), pp 27–29; and US submission for the 2002 information exchange in accordance with the OSCE Document on Small Arms and Light Weapons, October 2002.

² *Small Arms Survey 2002*, (Graduate Institute of International Studies/ OUP, 2002), p 260.

Stocks and determination of surplus

Stockpiles among Government Armed Forces and law enforcement agencies

US Armed Forces – a post-Cold War decline in small arms inventories

With a budget of \$328 billion in 2002, US Armed Forces are by far the world's best financed, and with more than 2.5 million citizens in uniform (active and reserve), they also have the fourth largest personnel. American military small arms procurement, therefore, has considerable impact on global patterns, both directly (through shaping demand in the market) and indirectly (by setting strategic and tactical precedents that affect procurement decisions in other countries).

The Small Arms Survey, in estimating small arms inventories of Armed Forces around the world (where open source information is unavailable), makes an assumption of 2.25 firearms for each member of the forces. Somewhat surprisingly, perhaps, the United States is one of the few countries where this ratio is known to be falling: from 2.3 weapons for each member of the US Army in the early 1990s (see below) to 1.3 today. The ratio for the entire American military is even lower, at roughly 1.05 small arms for each uniformed airman, marine, sailor and soldier (see **Table 1** below).

The US Army stockpile of over 1.6 million firearms is the largest small arms arsenal of the American armed services, and equips a combined and active reserve US Army force of 1.2 million personnel.³ The US Armed Forces do make a distinction between weapons in active service, weapons in reserve, and surplus weapons. In the case of the US Army, for example, roughly 300,000 (out of the 1.6 million stockpile) are part of a small central reserve of 'non-deployed' weapons. These are used to cover breakage and other losses, and mainly consist of newly arrived equipment not yet assigned to designated units or obsolete 'surplus' equipment awaiting disposal. This central reserve is augmented by a small 'floating reserve' kept on pre-positioned ships for emergency re-supply.⁴

The fall in the ratio of small arms to personnel during the 1990s represents a dramatic reduction in US military small arms inventories. Clearly, this will have created a large surplus. What were the reasons for this change in national strategy, and what has happened to this surplus?

During the Cold War, the US military contained a huge stockpile of weapons that would enable it to fight two wars simultaneously. From the Second World War to the late 1980s, this roughly equated to 2.3 small arms for each member of the Armed Forces. The shift during the 1990s, towards flexible, high-tech rapid-reaction forces meant that a large floating reserve of small arms was no longer required. While this strategic transformation is also being mirrored in the Armed Forces of other countries, especially in European parts of NATO, and therefore has implications for the small arms inventories of Armed Forces around the world, it is clearest and most advanced in the United States, the home of the revolution in military affairs.

Table 1: Total US military firearms, by service, 2001

Air Force	260,000*
Army	1,608,000
Coast Guard	20,268
Navy (includes Marines)	800,000*
Total	2,688,268
Total firearms per uniformed member	1.05

*Estimated

Source: *Small Arms Survey 2002*, Table 2.12

Initially, the US Armed Forces destroyed large quantities of these newly surplus weapons, including 479,367 M14 rifles in 1993–94 and roughly 350,000 M16A1 rifles in

³ Ibid, pp 84–85.

⁴ Ibid, p 85.

1996. But under increasing pressure from gun advocates in Congress, an amendment was passed to the 'Defence Authorisation Act' in 1996 to prohibit the Army from destroying further 'collectable' guns. The amendment has been passed every year since, creating a growing stockpile of surplus weapons that gun advocates hoped would be made available for sale at a later date. (A 1994 Presidential order prohibits the sale of new automatic rifles to the American public, but not second-hand weapons).⁵

In a change of tack in 1995, the Army began to transfer its surplus stocks to foreign governments. Between 1995 and early 1998, 321,905 surplus small arms were exported to foreign militaries under the Excess Defence Articles programme.⁶ The main recipients were the three Baltic states (Estonia, Latvia and Lithuania) and Israel (which received the arms free of charge) and the Philippines and Taiwan (which paid for them).⁷ As shown by **Table 2**, the most recent records reveal that just under 65,000 surplus SALW were allocated for export in 2001, to Israel (30,844), the Philippines (30,000) and Senegal (4,000), together with large quantities of surplus ammunition earmarked for Latvia and Lithuania. However, of the total surplus SALW allocated for export, only 1,049 bayonets were actually delivered in that year. The total value of these allocated surplus small arms and ammunition was around \$8 million (or about 5 percent of the total value of excess defence materials allocated for export in 2001).

Table 2: Exports of excess US SALW in 2001

Country	Weapon	Requested	Allocated	Accepted	Delivered	Current notified value (\$)
Estonia	7.62 mm Ball F/M14 Rifle	1,574,000	1,574,000			\$220,360
Israel	Machine-gun, 7.62 mm	1	1			\$287
	Rifle, 5.56 mm	719	719			\$15,818
	Carbine, 5.56 mm	2	2			\$58
	Rifle, 5.56 mm	1	1			\$22
	Mortar, 81 mm	111	111			\$4,884
	Mortar, 60 mm	10	10			\$310
	Rifles	30,000	30,000			\$2,670,000
Latvia	7.62 mm Ball F/M14 Rifle	1,574,000	1,574,000			\$220,360
Lithuania	Bayonet	3,000	3,000	841	841	\$12,000
	7.62 mm Ball F/M14 Rifle	1,574,000	1,574,000			\$220,360
	Bayonet	208	208	208	208	\$832
	5.56 mm Tracer	5,000,000	3,000,000			\$420,000
The Philippines	Rifles	30,000	30,000			\$4,014,000
Senegal	Rifles, 5.56 mm	4,000	4,000			\$532,000
Total SALW		9,790,000	7,790,000	1,049	1,049	\$8,331,291

Notes: Excess Defence Articles from FY 2001, SALW only (not including list of parts). Source: Excess Defence Articles Authorised and Furnished Foreign Countries Under the Provisions of Section 516 of the Foreign Assistance Act of 1961, As Amended, FY2001. Defence Security Co-operation Agency, Information Required by Section 655, Foreign Assistance Act of 1961, posted on the Web site of the Federation of American Scientists, <<http://www.fas.org/asmp/profiles/655-2001/EDA/2001-eda.pdf>>, version current on 3 March 2003.

From the perspective of the US Government, this policy of exporting surplus stocks to friendly governments has the twin benefit of strengthening vulnerable allies while simultaneously reducing the surplus stockpile. The blanket prohibition on the re-transfer of US military equipment without prior approval from Washington is also said to prevent the weapons from being diverted to third countries. To this end, searches of relevant personal and other public record news data, confirms that there is no evidence of diversion en route to, nor re-export from, the above recipient countries of US military surplus small arms.

⁵ Ibid, p 85.

⁶ Ibid, p 86.

⁷ Lora Lumpe, 'The legal side of a dirty business', *Washington Post*, (24 January 1999); and 'US policy on small/light arms exports', (unpublished paper, December 1997).

Federal, state and local Government agencies

Numerous Government agencies in the United States are entitled to hold SALW. At the federal level, over 30 agencies may authorise their employees to carry firearms. However, there do not appear to be any reliable statistics on the total number of small arms held by these federal agencies. For some of these agencies, the right to carry firearms can also be extended to contractors and subcontractors. In addition, there are over 17,000 state and local law enforcement agencies in the United States authorised to carry firearms.⁸

Private individuals and companies

In the United States private people and organisations are also legally able to hold SALW as defined by the Small Arms Survey. Indeed, the US has by far the largest civilian weapons market in the world, accounting for 95 percent of the four million firearms manufactured in the country in 1999 with another 1 million imported firearms.⁹ Thus around 5 million weapons entered into circulation in the US in 1999 alone. Estimates of the total number of weapons held legally by private citizens range from approximately 192 million (including 65 million handguns)¹⁰ to 230 million (including 75–80 million handguns).¹¹ Each day, about 5,500 new handguns are sold in the United States, and an estimated 24.2 percent of adults have at least one gun.

There are 81,325 federally licensed dealers and pawnbrokers in the United States – three times the number of McDonald’s franchises¹² – and 238 active federally licensed firearms manufacturers across 43 states. These manufacturers produced over 1.2 million handguns in 1998.¹³

Defining surplus today

It is the US Department of Defense (DoD) that is authorised to define and identify surplus stocks of defence materials, including SALW. The DoD Defense Demilitarisation Manual defines “Excess” as “that quantity of an item that has completed screening within DoD and is not required for the needs and the discharge of the responsibilities of any DoD activity”.¹⁴ In controlling the disposal of surplus SALW, the DoD also co-operates closely with the US State Department and Commerce Department.

As the majority of the post-Cold War US Army surpluses described above have either been destroyed or exported to friendly governments, new surpluses or ‘excess’ stocks only arise as the result of the regular DoD life-cycle management programme. Small quantities of new small arms are procured on a regular basis as part of ongoing modernisation, but changes in the inventory occur much more slowly. In 2000, for example, the US Army acquired 37,224 new small arms, equal to approximately 2 percent of its total inventory.¹⁵

Policies

The US approach to SALW proliferation concerns is to focus on practical measures to address the problem of illicit SALW trafficking in conflict regions, while acknowledging the legitimacy of the legal trade, manufacture and ownership of arms.¹⁶

⁸ Defense Logistics Agency website: <www.dla.mil/j-3/leso/aboutleso.htm>

⁹ *Small Arms Survey 2002*, (Graduate Institute of International Studies/ OUP, 2002), p 79.

¹⁰ Cook, Ludwig J, *Guns in America: Results of a comprehensive national survey of firearms ownership and use*, (Police Foundation, Washington DC, 1996).

¹¹ <<http://www.code7cafe.com>>

¹² *Commerce in Firearms in the United States*, (Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 2000).

¹³ *Gunland USA*, (Violence Policy Center), based on production numbers from the Bureau of Alcohol, Tobacco and Firearms.

¹⁴ DoD Defense Demilitarization Manual 1991, Appendix A2-4, para 33.

¹⁵ *Small Arms Survey 2002*, (Graduate Institute of International Studies/ OUP, 2002), p 86.

¹⁶ This policy of concentrating solely on illicit trafficking was criticized by many in the NGO community in the lead up to the 2001 UN Conference on the Illicit Trade in SALW in All its Aspects. See, for example, the *Biting the Bullet* series of briefings by BASIC, Saferworld and International Alert, published during 2000–01.

Export and import controls

The President of the United States is authorised to control the export and import of controlled munitions, including SALW, by the 'US Arms Export Control Act' (AECA). With regard to exports, this power is delegated to the State Department, while imports to the US are controlled by the Bureau of Alcohol, Tobacco and Firearms (ATF) within the Department of Treasury.¹⁷

The Office of Defence Trade Controls (DTC) within the US Department of State is charged with controlling the export and temporary import of defence articles on the US Munitions List (USML), including SALW. It also manages the export licence application system and matters related to defence trade compliance, enforcement and reporting. Licensed exports of SALW reported to the OSCE for 2001 totalled just over 1 million items at a value of nearly \$68 million (see **Table 3** for the breakdown).

Table 3: US annual information to OSCE on SALW exports for 2001

Small arms category	Number of items exported	Licence value (\$US)
Revolvers and self-loading pistols	97,592 (38.4% to Belgium; 20.8% to the UK; and 18.2% to Canada)	44,257,164
Rifles and carbines	963,100 (99.9% to Canada)	22,812,714
Sub-machine-guns	9	5,511
Light and heavy machine-guns	11	193,405
Hand-held under-barrel and mounted grenade launchers	199	295,341
Mortars of calibre less than 100mm	0	8,252
Totals	1,060,911	67,572,387

Note: Based on annual commercial arms export data by licence authorisation, not actual transfers. In some cases transfer of arms has not taken place though licence for export has been approved.

The Department of State and the US Customs Service conduct end-user and pre-licence checks on commercial SALW transfers through the Blue Lantern Program. Similar checks on military-to-military SALW transfers are carried out by the DoD's Defence Security Co-operation Agency (DSCA) under its Golden Sentry Program.

All US defence exports, including SALW, are subject to retransfer approval, and in the case of commercial sales, the licence must indicate the ultimate end-use country. The United States is one of the few countries to have introduced a law (as a 1996 amendment to the AECA) regulating arms brokering. Each broker of commodities covered by the USML must register with the DTC and submit each transaction for Government licensing approval. All US citizens overseas or in the United States, and foreign nationals operating within the United States are subject to US brokering law.

Domestic firearms legislation

The main domestic legislation is the 'National Firearms Act'.¹⁸ All firearms as defined by the NFA that are not in possession or control of the United States Government must be registered. Possession of an unregistered NFA firearm is a violation of Federal law and subjects the possessor to possible criminal prosecution and the seizure and forfeiture of the firearm.

US law also requires that anyone engaged in the business of manufacturing or commercial dealing in firearms is licensed under the 1968 'Gun Control Act'. The GCA

¹⁷ US laws and regulations on import, export, manufacture, brokering and marking of SALW are available on the Internet at <www.pmdtc.org> and <www.atf.treas.gov>

¹⁸ Among those firearms subject to the provisions of the 'National Firearms Act' are the following: firearms which are capable of firing more than one shot with a single pull of the trigger; machine-guns, sub-machine-guns, M2 and M3 carbines, M14 and M16 series rifles; shotguns with a barrel or barrels less than 18 inches in length; rifles with barrels less than 16 inches in length; combination rifles and shotguns with folding or detachable shoulder stocks, such as M4 and M6 survival weapons; and pistols which are either fully automatic or equipped with shoulder stock attachments; mufflers or silencers for any firearms whether or not such firearms are included in the above definition. DoD Defense Demilitarization Manual 1991, chapter II, para C.

provides criminal and civil penalties for firearms violations ranging from licence revocation to fines and imprisonment for ten years.

State and local laws vary across the United States.¹⁹ Some states and cities have dealer regulations that are in addition to federal regulations, with California having the most comprehensive policies overall.²⁰ Only in a few states are gun owners required to have licences. Thirty-five states do not require registration or licensing of any firearms with the state.²¹ While the Federal Government does not have restrictions on the number of firearms Americans may purchase, California, Maryland, South Carolina, and Virginia have laws that restrict the sale of guns to one a month per person.²²

About 32 cities and the State of New York have filed lawsuits against gun manufacturers and dealers, alleging that gun dealers have given firearms to criminals.²³ However, the US Congress has been considering a law that would prevent people from suing gun manufacturers.²⁴

Rules and laws applicable to the destruction of SALW and ammunition

The DoD's 'Defence Demilitarisation Manual' sets out detailed guidelines for the destruction of military items, including SALW, which are "owned or procured by or under the control of the Military Services/Defence Agencies", including all property sold under the Foreign Military Sales (FMS) Program.²⁵ The underlying policy principles were discussed above.

Storing, registration, transport and management of US Government stockpiles

Marking and registration

By law, all US SALW are marked at the time of manufacture and import to assist in tracking illegal diversions. The method of marking is with a serial number, the make, model, and calibre or gauge of the firearm, as well as the name, city and state or foreign country of the manufacturer or importer. Confiscated firearms retained for official use are marked at the time of confiscation if not already marked.²⁶

The US does not have a central record keeping system. Certain firearms are required to be registered under the 'National Firearms Act' (eg machine-guns). Manufacturers, importers and dealers are required to keep records of their acquisition and disposal of firearms for not less than 20 years.²⁷

The US DoD, however, does have a comprehensive and multi-layered inventory control system. All Army units are required to record the number and condition of all their small arms and ammunition every month. Every base or installation takes an inventory every six months, though depots only do so annually.²⁸ The DoD maintains a Small Arms Serialisation Program (SASP), run by the Defence Logistics Agency (DLA). The SASP is responsible for the control of, and accounting for, small arms, by serial number, from initial receipt to final disposal. All small arms are registered by

¹⁹ For more information on state laws, see: Department of the Treasury Bureau of Alcohol, Tobacco and Firearms, 5300.5 *State Laws and Published Ordinances – Firearms (2000 – 22nd edition)*, <<http://www.atf.treas.gov/firearms/statelaws/22edition.htm>> (current on 19 April 2003).

²⁰ Firearms Law Centre, 'Master List of Firearms Policies', <<http://www.firearmslawcenter.org/content/masterlist.asp>>, 19 April 2003.

²¹ Coalition to Stop Gun Violence, 'Report Card on State Laws', <http://www.csgv.org/content/resources/frame_resc_intro.html>, 19 April 2003.

²² Firearms Law Centre, 'Master List of Firearms Law Policies', <<http://www.firearmslawcenter.org/content/masterlist.asp#OneGunPerMonth>>, 19 April 2003.

²³ Ibid, and Shannon Tan, Indystar.com, 'Court: Gun owners May be Sued', 8 April 2003, <<http://www.indystar.com/print/articles/2/034481-4722-009.html>>, 19 April 2003.

²⁴ See H.R. 357, 'Firearms Heritage Protection Act 2003', as introduced in the House of Representatives on 27 January 2003; and S. 659, Protection of Lawful Commerce in Arms Act, as introduced in the Senate on 19 March 2003.

²⁵ The DoD Defense Demilitarization Manual 1991 can be found on the DoD website at <<http://www.dlaps.hq.dla.mil/416021m1.pdf>>

²⁶ United States Support for the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, (US Department of State, 1 August 2002).

²⁷ Ibid.

²⁸ *Small Arms Survey 2002*, (Graduate Institute of International Studies/ OUP, 2002), pp 260–261.

individual serial number in the DoD Central Registry. Small arms with missing, obliterated, mutilated or illegible serial numbers are assigned a serial number for registry purposes. In theory, this allows the DoD to guarantee continuous visibility over all small arms, including those on hand, in transit, lost, stolen, destroyed or transferred out of the control of DoD. In addition, an annual reconciliation of all small arms in the registry is performed.²⁹ Confirmed thefts, losses and recoveries of DoD small arms are reported to the National Crime Information Centre (NCIC) and DoD Central Registry.

Transportation

SALW are transported in locked and sealed containers. In the event of contingencies, exercises or rotational unit movements where it is not practical to use containers, only armoured vehicles that are locked and sealed are used to transfer SALW. SALW shipments are locked/sealed and inspected in transit. Shipments are checked upon receipt by the consignee to ensure that seals are intact and for any signs of theft, tampering or damage. If the seals are intact, inventory quantity verification takes place within 48 hours of receipt.³⁰

Structures and practices

US Armed Forces and other Government agencies

Defence Reutilization and Marketing Offices (DRMOs) within the DoD determine the most appropriate and economical means for the disposal of surplus weapons held by various US Government agencies. Any weapons identified as surplus are screened through DoD Inventory Control Points (ICPs) to decide whether they should be:

- Transferred to one of the other armed services;
- Transferred to another Federal Agency;
- Sold to approved foreign countries or domestic (local or state) law enforcement and fire-fighting agencies, and in the case of explosives, to licensed manufacturers and dealers; or
- Earmarked for destruction.³¹

Several points need to be stressed here. First, consideration of utilisation by another Federal Agency or specialised sales of surplus SALW always precedes destruction. Indeed, according to the State Department's own report on how the US is meeting its obligations under the UN Program of Action on SALW, destruction of military weapons takes place when the weapons are "no longer useful, serviceable or economically repairable as part of its stockpile management life-cycle program".³² This programme is facilitated by the DoD Demilitarisation Life Cycle Planning Centre (DLPC), the terms of reference for which are contained in an internal DoD Memorandum of Agreement approved on 26 July 2001.³³

Second, the DoD 'Defence Demilitarisation Manual' explicitly prohibits negotiated sales (with the exception of explosives) to commercial firms for resale to foreign governments.³⁴ However, sales of surplus military small arms to the American general public are by no means uncommon: M1 semi-automatic rifles of World War II vintage are sold to the public, mainly collectors, through the Civilian Marksmanship Program

²⁹ US submission for the 2002 information exchange in accordance with the OSCE Document on Small Arms and Light Weapons, October 2002.

³⁰ Ibid.

³¹ Ibid.

³² United States Support for the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, (US Department of State, 1 August 2002).

³³ For more information on the DoD Demilitarization Life Cycle Planning Center, see <<http://www.dla.mil/f-3/leso/Section1033/DEMIL.htm>>

³⁴ DoD Defense Demilitarization Manual 1991, chapter II, para B2a.

(CMP). Following changes to the law in 1996, the CMP is authorised to sell surplus .30 and .22 calibre military rifles and ammunition “for marksmanship”.³⁵

The CMP sales and distribution staff includes personnel at CMP Headquarters on Camp Perry, Ohio and at the CMP Distribution Centre in Anniston, Alabama. In 2002, the CMP received 17,827 M1 rifles returned from Denmark and successfully distributed many of them to affiliated clubs and members. Surplus army smallbore rifles (Mossberg M444 and Kimber Government Model 82) and the M1 Garand rifles are also popular with shooting clubs.³⁶

Third, the Law Enforcement Support Office (LESO) is delegated (by the DOD Defense Logistics Agency) to transfer excess DoD equipment to federal and state law enforcement agencies. The ‘1033 Program’³⁷ (formerly the 1208 Program) provides over 17,000 law enforcement agencies with an avenue to receive surplus DOD small arms.³⁸

Those weapons that are not identified as meeting other requirements during screening are sent to destruction sites, where “total destruction of the item and components, so as to preclude restoration or repair to a useable condition” is the aim. Destruction techniques listed in the DoD ‘Defense Demilitarisation Manual’ include: mutilation, deep water dumping at sea, torch cutting, crushing, scrapping, melting, burning or other alteration designed to permanently preclude repair or restoration of the weapons. The main US Government SALW destruction facility is the Rock Island Arsenal in Illinois where melting is the principal method of destruction. Following destruction, a certificate is signed, dated and retained indefinitely in a permanent record file.³⁹

The destruction of DoD surpluses is executed by the DRMO, other state-owned agencies or private contractors according to the most “cost-effective methods consistent with security and surveillance”.⁴⁰

According to the US submission to the OSCE, approximately 12,000 SALW were destroyed in 2001 as part of the US DoD ‘life-cycle management program’. No breakdown by category or sub-category was provided to the OSCE, and there is no publicly available information on how many rounds of ammunition from surplus stocks were destroyed.

Civilian weapons

With regard to surplus civilian and illegal stockpiles, weapons collection and destruction programmes first emerged as a crime prevention measure in Philadelphia in the late 1960s. Since then, a large number of US communities have carried out gun ‘buy-back’ projects, often funded by private sponsors, including businessmen, religious groups, civic organisations, law enforcement agencies and media. The effectiveness of these programmes is a source of much debate in the United States, but in terms of their impact on the size of the civilian stockpile, the effect is likely to have been marginal and localised.⁴¹

The first US federal weapons collection programme was launched by the Clinton Administration in 1999 through the allocation of \$15 million to buy back firearms in and around public housing projects. As part of a drug-fighting grant, \$500,000 was

35 The Civilian Marksmanship Program (CMP) was created by the US Congress in 1916 and promotes firearms safety training and rifle practice for all qualified US citizens with special emphasis on youth. The CMP operates through a network of affiliated shooting clubs and associations that covers every state in the United States. For more information on the CMP, see its website: <<http://www.odcmp.com>>

36 *Small Arms Survey 2002*, (Graduate Institute of International Studies/ OUP, 2002), p 86; and CMP website.

37 Under Section 1033 of the ‘National Defense Authorization Act’.

38 For more information, see the Defense Logistics Agency website <<http://www.dla.mil/j-3/leso/aboutleso.htm>>

39 US submission for the 2002 information exchange in accordance with the OSCE Document on Small Arms and Light Weapons, October 2002.

40 DoD Defense Demilitarization Manual 1991, chapter I, para C4.

41 For an assessment of US gun buy-back programs, see Plotkin, M(ed), ‘Under Fire: Gun Buy Backs, Exchanges and Amnesty Programs’, (Washington DC, Police Executive Research Forum, 1996); and Romero, M, Wintemute, G, et al, ‘Characteristics of a Gun Exchange Program and an Assessment of Potential Benefits’, *Injury Prevention*, (vol 4 1998), pp 206–210.

allocated to local police departments with the aim of collecting and destroying up to 300,000 weapons.⁴² According to the Department of Housing and Urban Development (HUD), which was responsible for administering the scheme, 20,000 weapons were collected in 80 different cities during the first year of the programme. In July 2001, the Bush Administration decided to end the programme since it was not part of the core mission of the HUD Department.⁴³

According to the US submission to the OSCE, there are no available records of numbers of seized weapons that have been destroyed on an annual basis. Seized weapons may be destroyed, or otherwise securely stored, depending on local, state, or federal law enforcement procedures. Some firearms confiscated by the police in some states are then sold on the open market to finance the cost of collection agencies.

Box 1 provides an illustration of one gun buy-back programme in Washington, DC.

BOX 1

The Gun Buy-Back Program in Washington, DC

As part of its commitment to reducing gun violence in Washington, DC, the Metropolitan Police in the District of Columbia (MPDC) has implemented a number of different strategies, including periodic gun buy-backs. The gun buy-backs operated by the MPDC allowed individuals to turn in unwanted firearms to the police with no questions asked. Individuals were also granted amnesty from any gun possession charges that might have applied, and – as an added incentive – received payment for each gun.

After the weapons were collected and catalogued, the MPDC's Firearms Examination Section test-fired them and gathered ballistics evidence about each weapon. The MPDC worked with the Federal Bureau of Alcohol, Tobacco and Firearms (ATF) to trace the weapons and track their involvement with previously unsolved crimes. The ATF also conducted an analysis of all weapons to give police officials a better understanding of gun possession and trafficking patterns. After they had been test-fired and analysed, all the weapons accumulated during gun buy-backs in DC were melted down and destroyed at an area foundry.

Between August 1999 and December 2000, the MPDC conducted three gun buy-backs. During these buy-backs, the MPDC collected 6,253 firearms and paid out a total of approximately \$528,000. Past gun buy-backs have been jointly funded by the District of Columbia and the US Department of Housing and Urban Development. Because of budgetary constraints, no additional gun buy-backs are currently planned.

Source: MPDC Web site at: <http://mpdc.dc.gov/serv/programs/buyback.shtm>

International assistance programmes

The US Government, through the Department of State's Bureau of Political-Military Affairs, provides bilateral and multilateral technical and financial assistance to countries that request help in evaluating stockpile management and security training as well as destruction of surplus and illicit stocks of SALW. This is in addition to extensive support for export control assistance programmes, especially in the countries of the former Warsaw Pact.⁴⁴ The DoD and State Department work closely in the provision of weapons expertise for the confidential assessments of stockpile security and

⁴² Schmitt, E, 'Clinton Unveils Program to Buy Back Guns from Public Owners', *The New York Times*, 10 December 1999.

⁴³ Nakashima, E, 'Administration Calls Halt to Gun Buybacks', *Washington Post*, 26 July 2001.

⁴⁴ The US Department of State's Bureau of Nonproliferation co-ordinates US export control assistance for 25 countries and is seeking to expand to another 17 countries under the Export Control and Related Border Security Assistance (EXBS) Program. The US also provides specialised law enforcement training such as customs inspection and maritime interdiction through the EXBS Program. United States Support for the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, (US Department of State, August 1 2002).

potential destruction techniques available within a host country. To date these assessments have taken place in Albania, the Former Yugoslav Republic of Macedonia, Lesotho and Bulgaria.⁴⁵

US military forces, sometimes working with multinational partners, have frequently undertaken the destruction of arms seized or otherwise collected in military or peace-keeping operations (see **Table 4**). In the early 1990s, much of this work, such as the contribution of \$300,000 through the UN Trust Fund on Liberia (which enabled 19,000 SALW and more than 3 million rounds of ammunition to be destroyed), had been ad hoc. But as US engagement on small arms efforts grew during the late 1990s, more systematic attention began to be paid to eliminating re-circulating and surplus stocks in areas of concern.

Table 4: US involvement in small arms collection and destruction programmes overseas

Location	Time period	Framework	Organiser	Weapons collected/destroyed	Sources ⁴⁶
Panama	1989–90	Peace-building	US Army	10,000 collected	US, GAO (2000)
Panama	1990–91	'Operation Just Cause'	US Army	77,553 destroyed	Peartree, E (2001)
Iraq and Kuwait	During/after the 1991 Gulf War	Gulf War		Tens of thousands	
Haiti	1994–95	Peace-building	US Army	18,621 destroyed 3,389 collected	Peartree, E (2001) US, GAO (2000)
Bosnia	1999–Nov 2001	Peace-building	SFOR	15,169 small arms; 57,492 grenades; over 5 million rounds of ammunition	SFOR (2001)
Kosovo	June–Sept 1999	Peace-building	KFOR	10,000 weapons; 27,000 grenades; 5 million rounds of ammunition	BICC (2001)
Liberia	July–Oct 1999	Peace-building	ECOMOG/ UNOMIL	19,000	Peartree, E (2001)
Albania	2000 to date	Crime/conflict prevention	UNDP	188,000 collected	UNDP (2002)
Macedonia	Aug–Sept 2001	Peace-building	NATO	3,875 collected	NATO (2001)
FRY	Sept–Dec 2001	Peace-building	US-FRY	51,000 illicit SALW destroyed	UNDP (2002)

This led to the creation of a joint US-Norwegian Working Group in October 1999 to assist at-risk countries in the destruction of SALW. In May 2000, US and Norwegian experts undertook the first joint assessment visits to Albania. Efforts to eliminate collected and surplus stocks of Albanian arms began in earnest in September 2000, following a joint memorandum of understanding between the US, Germany, Norway and Albania. According to the memorandum 130,000 weapons, collected from the population since the 1997 political crisis, were to be destroyed alongside surplus military stocks. As of May 2001, over 50,000 SALW had been destroyed. By May 2002, the total number of weapons collected had risen to 188,000.⁴⁷

Successful joint assessment visits by US and Norwegian teams were also carried out in Macedonia and Bulgaria in October 2000, while in December that year the US and Southern African Development Community (SADC) signed a joint declaration on SALW measures, including a commitment to destroy surplus and illicit arms.

This growing US commitment to SALW destruction was backed in 2001 by the release of \$2 million to the State Department to assist countries in the destruction of excess SALW.⁴⁸ The Norway-US offer was also extended beyond the Stability Pact for South Eastern Europe to include all Euro-Atlantic Partnership Council (EAPC) and OSCE

⁴⁵ US submission for the 2002 information exchange in accordance with the OSCE Document on Small Arms and Light Weapons, October 2002.

⁴⁶ Sources include Peartree, E, 'Destroying Excess Small Arms: US Policy and Programs', *US Foreign Policy Agenda*, vol 6, no 2, June 2001; and authors' sources.

⁴⁷ UNDP, 'Belgrade clearinghouse to help curb small arms in south-east Europe', 22 May 2002, <<http://www.undp.org/dpa/frontpagearchive/2002/may/22may02/index.html>>

⁴⁸ Ambassador Donald McConnell, Bureau of Political-Military Affairs, US Department of State, 'Combating the Spread of Small Arms: The US Approach', *US Foreign Policy Agenda*, vol 6, no 2, June 2001, p 7.

countries, as well as countries in Latin America, Asia and Africa. At the end of 2001, bilateral assistance for destruction projects was being discussed in several countries and the United States was actively seeking joint ventures with other donor countries.

On 30 September 2001, the US agreed to finance the destruction of just under 52,000 SALW by the Technical Repair Bureau in Cacak in the former Federal Republic of Yugoslavia (at a cost of \$400,000). Destruction began in October and was completed by the end of 2001. The United States also played a leading role in the NATO operation to collect weapons from ethnic Albanian rebels in the former Yugoslav Republic of Macedonia. Labelled 'Operation Essential Harvest', the NATO-led mission (from 27 August to 26 September 2001) collected 3,875 weapons, including 3,210 assault rifles and a total of four tanks and armoured personnel carriers, as well as 397,625 mines, explosives, and ammunition from the rebels, who voluntarily handed over their weapons.⁴⁹

The United States also took a leading role in the development of the OSCE Best Practices Guide on SALW destruction.⁵⁰ Finally, the United States has also provided support for Disarmament, Demobilisation and Reintegration (DDR) in Kosovo, Sierra Leone, East Timor, Philippines and Colombia. This support is primarily in the 're-integration' aspect, but has also assisted in some cases with collection and destruction efforts.⁵¹

Conclusions, reforms and future policies

With current levels of transparency it is impossible to put together an accurate picture of the proportion of surplus US SALW stored, sold (exported or sold to commercial dealers, shooting clubs or individuals within the United States) or destroyed each year. However, drawing on various sources, it is possible to develop an approximate illustration as follows:

Stores

There appears to be no open-source information regarding the current status of the US Army surplus stockpile or how many weapons are currently retained within it. Nor does there seem to be any centrally-held open-source information on how many SALW and how many rounds of ammunition may be regarded as surplus within the stocks of federal, state and local law enforcement agencies in any given year.

Exports

Licensed exports of SALW reported to the OSCE for 2001 totalled just over 1 million items at a value of nearly \$68 million (as shown in **Table 3** above), but there is no attempt to disaggregate between exports of new and surplus weapons. A partial snapshot of US exports of surpluses is provided in the Department of Defense portion of the US '655 Report', which contains specific data on transfers of surplus weapons donated through the Excess Defence Articles Program (as shown above in **Table 2**). In 2001, 65,000 surplus items were allocated for export, together with 6 million rounds of ammunition at a total value of just over \$8 million.

Sales to commercial dealers, shooting clubs and individuals

The only information found during the course of this study was that in 2002 a large

⁴⁹ For further information on weapons collection and destruction in south eastern Europe, see Davis, I, *Small arms and light weapons in the Federal Republic of Yugoslavia*, (Saferworld: London, May 2002).

⁵⁰ United States Support for the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, (US Department of State, 1 August 2002).

⁵¹ Ibid.

part of approximately 18,000 surplus military rifles were transferred to civilian ownership through the CMP marksmanship program. Small quantities of older military weapons are also likely to have been transferred to gun collectors. There currently appear to be no direct transfers of surplus military SALW from the DoD to commercial gun dealers, although further research on the quantities and sources of surplus weapons in the inventories of the 80,000 commercial gun outlets in the United States would provide a clearer picture. Research to evaluate the extent of any trading in surpluses between commercial dealers and the 17,000 state and local law enforcement agencies (which are authorised to receive surplus military stocks) would be particularly valuable.

Destroyed

12,000 surplus military weapons were destroyed in 2001, plus an unknown quantity of illicit (collected or seized) civilian weapons.

Overall, therefore, in a single year (2001), approximately 95,000 surplus military SALW were removed from storage: 12.6 percent were destroyed; 68.4 percent were exported; and 18.9 percent were transferred to the civilian population.

Demand in both the US civilian and military markets has been in decline in recent years, indicating that the number of surplus SALW within the US may be significant and rising. On the other hand, there are indications that the US civilian market may increase in the next few years as result of the terrorist attacks on the United States in September 2001, providing an outlet for surplus stocks.

Meeting OSCE commitments

In terms of implementing the OSCE Document on SALW the US Government does not appear to have made any visible reforms to existing practice, probably in the belief that it already meets all the requirements set out in the Document. In particular, there appear to be no changes in policy in the management and disposal of surplus stocks of SALW in the United States underway as a result of signing the OSCE Document. In terms of the disposal of small arms, the US Government does carry out regular reviews (as required under Section IV of the OSCE Document) of its stockpiles, and can be said to “effect reductions where applicable”.

The OSCE Document further advocates the improvement of national stockpile management and security measures through the adoption of “proper national inventory accounting and control procedures”. While inventory control within the US Army is clearly highly advanced, no central registry currently exists for small arms held by the myriad of federal agencies, and state and local law enforcement agencies.

In the third part of Section IV, the OSCE Document also says that “[a]ny small arms identified as surplus to a national requirement should, *by preference*, be destroyed.” The same applies to confiscated illegal weapons. However, the current practice in the United States, as indicated above, is to find alternative uses for such surpluses, either through export or through distribution to domestic shooting clubs. The OSCE Document also stipulates that an alternative use, such as the export of surplus arms, must meet the criteria laid down in Section III.

OSCE export criteria

In 2001, US surplus military small arms were authorised for export to Israel, the Philippines and Senegal. While no deliveries took place in 2001, it is still worth considering whether the US Government followed the stated OSCE criteria. The proposed transfers of 30,000 surplus rifles to Israel and the Philippines raise particularly serious concerns under one or more of the criteria.

Israel

Israel has the right under international law to acquire arms for legitimate self-defence, and the attacks of 11 September and increase in Palestinian violence led to a heightened sense of insecurity during 2001. However, the behaviour of the Israeli security forces was such that concern must be raised under a number of the OSCE export criteria, and this, combined with illegal Israeli occupation of Palestinian areas, means that extreme caution should have been applied when considering exports of surplus small arms to Israel.⁵² Indeed, given the systematic human rights abuses committed by Israeli security forces, it might have been expected that the US Government should have applied an embargo on military equipment – including surplus military rifles – that has obvious use for internal repression. Further information on the proposed end-user for the rifles, and on the make and age of the rifles themselves, would assist a more detailed assessment under the OSCE criteria.

The Philippines

Similarly, the ongoing internal conflicts in the Philippines in 2001 presented a threat to the democratically elected Government. However, serious human rights abuses persisted in the Government's prosecution of the conflict and its wider treatment of the civilian population. Concerns under both the human rights and internal situation criteria (paragraphs (A)2(a)(i) and (ii)), should have led to a prohibition on exports of surplus small arms, since these have obvious application in internal repression. Again, the quality of the surplus weapons and proposed end-user would be important factors in reaching a properly informed assessment (neither of which are available to this author).

International assistance

The US Government has played a key role in international co-operation and assistance programmes with regard to the elimination of SALW, and such programmes are likely to be continued in the future. However, continued and increased funding for small arms destruction programmes will be required if the United States is to provide proper leadership on this issue. There are also concerns that the current crisis in Iraq and the war against terrorism are deflecting US attention and resources away from serious engagement on this issue. For SALW projects currently being initiated in the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), for example, the US has expressed specific interest in working with SEESAC on destruction projects in Bulgaria, most likely on a bilateral basis, and in future co-operation on projects in the Former Yugoslav Republic of Macedonia and Romania.

According to a recent SEESAC report on Romania, the US is working bilaterally with the Romanian Government and Norway on the development of a project for the destruction of surplus SALW at an estimated cost of \$4.8 million. In September 2002, a contract between the US Department of State and ROMARM (Romanian company) has been signed, specifying the destruction of almost 200,000 SALW, as well as large amounts of ammunition.

⁵² For discussion on the use of force by Israeli security forces, see 'Israel and the Occupied Territories' *Amnesty International Annual Report 2002* and 'Israel and the Occupied Territories' *US Department of State Annual Report on Human Rights Practices 2001*.

This chapter is part of a wider research study entitled *Disposal of surplus small arms* which examines the policies and practices of ten Organization for Security and Cooperation in Europe (OSCE) countries concerning surplus small arms. The report's ten case studies focus on stocks and determination of surpluses, as well as policies on exports, stockpile management and destruction. The report was initiated and co-ordinated by the Bonn International Center for Conversion (BICC) and carried out in close co-operation with the British American Security Information Council (BASIC), Saferworld and the Small Arms Survey.

To obtain a copy of the complete report contact bicc@bicc.de, basicuk@basicint.org, general@saferworld.org.uk or smallarm@hei.unige.ch

About the author

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