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## DOES THE RIGHT TO ARMS IMPEDE OR PROMOTE ECONOMIC DEVELOPMENT?

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*Editor's note: In July of 2001, the United Nations concluded a Conference on the Illicit Trade in Small Arms and Light Weapons (SALW) in All Its Aspects, designed to address security and humanitarian threats posed by unlawful trade in these weapons. The resultant Program of Action called for a follow-up review conference to be held no later than 2006, and suggested eventually moving toward a treaty to regulate the international trade of SALW. The United States supported the goals of the Program of Action because, as negotiated, they did not undermine American sovereignty or rights enshrined in the Second Amendment. During the conference, however, delegates from several nations had sought to expand the scope of the Conference to include restricting the private ownership of weapons, which has raised concern that U.S. domestic rights could be threatened in the future. For more information, see The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons: An Encroachment on the Second Amendment to the U.S. Constitution? by Daniel B. Pickard, available at <http://www.fed-soc.org/Intllaw& %20AmerSov/smallarms.pdf>.*

*Increased regulation of SALW has received strong endorsement among many in the international community. In the following article, the authors assess this movement and address some of the substantive arguments presented by its supporters.*

### Introduction

In the 1960s, the United Nations resolved to “take on the development challenge.”<sup>1</sup> The objectives were eradicating poverty, educating the ignorant, and giving each human being a broader range of life choices.<sup>2</sup>

Although some regions, such as parts of East Asia, have made spectacular progress, others, especially Africa, have not. Advocates of prohibiting the civilian possession of firearms have recently begun attempting to link failed development with the proliferation of Small Arms and Light Weapons (SALW).<sup>3</sup> With the support of UN Secretary-General Kofi Annan, the prohibition community has been conducting an intensive public relations campaign that constantly reinforces the alleged relationship.<sup>4</sup>

“Small arms” is a term of art used by the international disarmament community. As used by some gun prohibitionists, the term includes all firearms except heavy machine guns. More narrowly, “small arms” refers only to military firearms. “Light weapons” encompasses more powerful portable weapons, such as heavy machine guns, grenade launchers, some mortars, and portable anti-tank guns.<sup>5</sup>

Although prohibitionist claims are frequently stated in unequivocal terms, careful researchers acknowledge that the connection between arms and development is unclear. Even gun prohibitionists such as the authors of *Small Arms Survey 2003: Development Denied* hedged: “Research on this

linkage is in its infancy...At the macro level, simple relationships between small arms and underdevelopment are extremely difficult to demonstrate.”<sup>6</sup>

At the simplest level, there is an obvious connection between SALW and underdevelopment: SALW are among the weapons used in war. Although wartime can be a period of economic development in countries which are producing goods for the war (as in the United States during World War II), it is rare for countries where combat is taking place to advance economically during the fighting.<sup>7</sup> Likewise, the costs of prosecuting war are high, and war resources would better serve to promote human development. In addition, the costs of rebuilding damaged infrastructure are often high, as are the accompanying economic and human losses.

Of course warfare which removes a tyrannical government can help economic development in the long run. For example, Western Europe developed very rapidly in the two decades after liberation from the Nazis, who plundered the region for their own benefit.

However, the obvious fact that warfare impedes economic development during wartime does not mean that small arms *per se* impede economic development. Small arms are only some of the many tools used in warfare; other tools include aircraft carriers, missiles, heavy artillery, airplanes, poison gas, and atomic bombs. During the Cold War, the United States procured vast quantities of many types of weapons (including SALW) while enjoying tremendous economic growth. The Soviet Union also procured enormous weapons stockpiles, while development stagnated, especially after the 1950s. Accordingly, the most important variable might not necessarily be the mere presence or procurement of weapons.

Warfare often involves the procurement of large quantities of goods and infrastructure to feed and supply the fighters: food, utensils, pants, coats, hats, hospitals, medicine, and so on. These war goods also have many peacetime uses, and it would obviously be foolish to claim that the proliferation of such goods is, in itself, a cause of underdevelopment.

The same may be said for firearms. After all, in the nineteenth century, both England and the United States enjoyed phenomenal economic growth, during a period in which both countries had very few restrictions on firearms, and civilian gun ownership was widespread.<sup>8</sup>

Blaming SALW for development failure serves several political purposes. The rhetoric attempts to enlist the development community in the arms prohibition movement, and even to divert development funds into arms confiscation projects. For example, the authors of *Small Arms Survey 2003* argue that “if development organizations such as the [World]

Bank are to have maximum impact in the alleviation of poverty, they must give more weight to practical disarmament.”<sup>9</sup>

The countries which have been the greatest recipients of development aid, such as most of sub-Saharan Africa, are worse off today than they were half a century ago. One of the very few examples of a heavy aid recipient which is making economic progress is India, and India’s current growth seems more related to outsourcing and international communications than to development aid.

Indeed, development aid has been persuasively critiqued for *retarding* economic development: the aid tends to flow to the kleptocracies which govern most of the Third World, and the kleptocracies use the aid to buy political support, particularly among the urban elite. Relatively little aid reaches the intended beneficiaries; the aid that does reach the needy is controlled by the kleptocracy, and thus promotes dependence on the corrupt government. Not every international aid program has been a disaster, and some have been helpful. But, on the whole, development aid has failed.<sup>10</sup>

Another political constituency with a great interest in blaming SALW for underdevelopment is Third World governments. Because most Third World countries are governed by force rather than by consent, Third World governments have an interest in disarming their subjects.

In this article, we shall demonstrate that underdevelopment is largely the result of poor governance—including governance which promotes the spread of infectious disease. SALW may exist in underdeveloped countries, but they are generally not a causal factor in underdevelopment.

Part I of this article provides background on the history of development in the Third World. Part II examines two major impediments to economic development: the infectious diseases of malaria and AIDS. The former is a disaster manufactured by First World political correctness; DDT prohibition is scientifically indefensible, and is responsible for millions of deaths every year.<sup>11</sup> The latter is a product of poor leadership that continues to ignore scientific research, and has created a medical problem of horrific proportions. Malaria and AIDS kill an estimated 4 million people, worldwide annually, between approximately 7 to 11 times the number killed by SALW.<sup>12</sup>

Part III turns to the heart of the development problem: bad governance.<sup>13</sup> We examine two case studies: Zambia and Kenya. Blaming small arms exacerbates the problem of poor governance, because the focus on small arms helps bad governments distract attention from government policies (such as gross corruption and ethnic persecution) which do cause underdevelopment. By providing the means to remove harmful governments, SALW may be part of the solution to underdevelopment.

## I. Background

If small arms impede development, then the data should show that development proceeds faster before the prolifera-

tion of small arms than afterwards. However, the data do not support the hypothesis that more small arms leads to less development.

Scholars have noted that the prevalence of small arms began to increase in the 1970s and 1980s. For example, Alejandro Bendaña, director of the Center for International Studies in Nicaragua, described the timing of the arms flow into Latin America: “During the Cold War, hundreds of millions of dollars worth of weapons poured into Central America...After the 1979 Nicaraguan revolution, Central America became a hot battleground of the Cold War, and the region became armed to the teeth.”<sup>14</sup>

The prohibition community agrees that SALW availability dramatically increased at the conclusion of the Cold War in 1989. The first edition of *Small Arms Survey*, published in 2001, noted: “There have been ominous reports documenting the proliferation of millions of small arms and light weapons as the world’s major military powers reduced their armed forces or, as in the case of the former Soviet Union, collapsed outright.”<sup>15</sup> According to Michael Klare, Director of the Five College Program in Peace and World Security Studies, “the end of the Cold War has left the world with huge quantities of surplus weapons—many of which have begun to seep into world markets via licit and illicit channels.”<sup>16</sup> Disarmament activist Lora Lumpe explained: “Several trends in the 1990s gave prominence to the issue of gun-running. Newly opened borders, massive post-Cold War arms surpluses and the rapid expansion of free trade contributed to arms availability and the ease of smuggling.”<sup>17</sup>

Clearly the proliferation of SALW in the 1980s escalated during the 1990s. If the presence of SALW were the key impediment to development, then economic development<sup>18</sup> should have faltered only after the increased availability of such weapons in the 1980s, and especially in the 1990s. However, the failure of development in much of the Third World was well-established by the early 1970s.<sup>19</sup>

### A. Latin America

Referring to Latin America, Albert Hirschman, a developmental economist at the School of Social Science of the Institute for Advanced Study, asked in 1961, “where lies the responsibility for our lag? In ourselves or in the outside world which exploits us?”<sup>20</sup>

The same year, President John F. Kennedy, addressing the failure of older programs, created the Alliance for Progress, an assistance program for Latin America “designed to make the benefits of increasing abundance available to all.” Congress allocated \$500 million for the new effort and President Kennedy hoped that “the close of this decade will mark the beginning of a new era...”<sup>21</sup> A few years later, Lauchlin Currie, a world-renowned economist, observed: “The accelerated rate of deterioration [of development] during the past four years...is particularly alarming, as it coincides exactly with the period of the Alliance for Progress.”<sup>22</sup> As Currie noted, “In Colombia...there is considerable evidence that not only has inequality grown but that the condition of the peasant has worsened...”<sup>23</sup>

In 1971, ten years after Kennedy began the Alliance for Progress, Raúl Prebisch, an international development economist, remarked:

“Thirty years ago you could have said ‘Well, let’s wait for a few decades; this process of development will gradually improve the lot of the whole population.’ But that has not come to pass.”<sup>24</sup>

In 1976, Celso Furtado, Brazil’s most influential economist of the 20<sup>th</sup> Century, noted about the 1950s and 1960s: “the figures show that the pace of growth of the regional economy has not even been sufficient to maintain the region’s relative position in the world economy.”<sup>25</sup>

Significantly, the disappointing results of failed development in Latin America all occurred prior to the proliferation of weapons in that region. During the 1950s and 1960s, there were many armed changes of government in Latin America, but they were mostly military coups, and therefore unrelated to the modern campaign against arms possession by civilians. There were some cases of long-running revolutionary warfare—most notably Ché Guevera’s failed effort to lead a Communist revolution in Colombia. However, a few cases of unsuccessful revolution in Latin America cannot explain the region-wide economic failure in the 1950s and 1960s.

#### *B. Sub-Saharan Africa*

A similar pattern of failed development prior to the influx of SALW can be seen in sub-Saharan Africa.<sup>26</sup> The Lagos Plan of Action, adopted in 1980, explained, “The effect of unfulfilled promises of global development strategies has been more sharply felt in Africa....Thus, Africa is unable to point to any significant growth rate, or satisfactory index of general well-being, in the past 20 years.”<sup>27</sup>

The 1981 World Bank report was gloomy about “Africa’s disappointing economic performance during the past two decades.”<sup>28</sup> The report stated: “for most African countries, and for a majority of the African population, the record is grim and it is no exaggeration to talk of crisis. Slow overall economic growth, sluggish agricultural performance coupled with rapid rates of population increase, and balance-of-payments and fiscal crises—these are dramatic indicators of economic trouble.”<sup>29</sup>

William Easterly (professor of economics at New York University and Senior Fellow at the Center for Global Development) and Ross Levine (professor with the Finance Department at the University of Minnesota) also confirmed the early failures of African development: “Africa’s economic history since 1960 fits the classical definition of tragedy: potential unfulfilled, with disastrous consequences.”<sup>30</sup>

#### *C. Summary*

Development failure long pre-dated the influx of SALW into undeveloped countries. Therefore, the lack of development cannot logically be attributed to SALW in the hands of citizens. In fact, the World Bank stated: “the key root cause of conflict is the failure of economic development.”<sup>31</sup> In other

words, the arms prohibition community has causality backwards: the “key root cause of conflict,” and hence the reason for the use of SALW in such conflicts, is the absence of economic development.

The World Bank elaborated: “Economic development is central to reducing the global incidence of conflict....”<sup>32</sup> The Bank described the vicious cycle of “the conflict trap,” wherein countries which have already sunk into violent conflict tend to see such conflicts recur.<sup>33</sup> However, when the arms prohibition community describes such conflicts, it invariably casts the blame on ownership of SALW by so-called “non-state actors” (the prohibitionists’ term for “citizens”). As the Bank more accurately observed: “War retards development, but conversely, development retards war.”<sup>34</sup>

Accordingly, one effective strategy in reducing armed conflict would be to address the root causes of the conflict, by ending the terrible economic conditions which cause the desperate resort to civil war.

## **II. The Burden of Infectious Disease on Development**

The hindrance to development from infectious and parasitic diseases<sup>35</sup> dwarfs any drag on development accruing to the civilian possession of SALW. According to the World Health Organization (WHO), in the year 2002, infectious and parasitic diseases killed 11,122,131 people, worldwide.<sup>36</sup> Shockingly, the United Nations has taken a lead role in hindering the prevention of malaria.

### *A. Malaria*

Malaria infects up to a tenth of the world’s population,<sup>37</sup> who suffer 300 million to 500 million episodes each year.<sup>38</sup> In the process, it destroys much of the human capital necessary for economic growth. According to the WHO’s statistics, malaria alone was responsible for 1,222,180 deaths,<sup>39</sup> but the annual figure may sometimes rise to up to 3 million deaths.<sup>40</sup> The World Health Organization reported that, of the deaths in 2002, 1,098,999 were children under the age of five.<sup>41</sup>

The high number of deaths are only the beginning of malaria’s devastating impact on development. Because the disease does not discriminate between rich or poor, it deters investment in areas where malaria is endemic. The labor market uncertainty caused by the risks of malaria deaths often causes farmers to plant crops which are quick and easy to harvest, rather than crops which would yield greater income to the farmer.

The link between malaria and poverty is well-established. In 1958, Nobel Laureate in Medicine T. H. Weller stated: “It has long been recognized that a malarious community is an impoverished community.”<sup>42</sup> Or as the World Health Organization stated, malaria is “a major constraint to economic development.”<sup>43</sup>

John Luke Gallup<sup>44</sup> and Jeffrey D. Sachs<sup>45</sup> reported that “countries with intensive malaria grew 1.3% less per person per year, and a 10% reduction in malaria was associ-

ated with 0.3% higher growth.”<sup>46</sup> Further, “Not only are malarial countries poor, but economic growth in malarial countries over the past quarter century has been dismal. Growth of income per capita from 1965 to 1990 for countries with severe malaria has been 0.4% per year, while average growth for other countries has been 2.3%, over five times higher...More than a third of the countries with severe malaria (11 out of 29) had *negative* growth from 1965 to 1990.”<sup>47</sup>

Every year, mortality from malaria kills approximately twice as many people as do all small arms and light weapons.<sup>48</sup> If we make assumptions which maximize the total numbers of SALW non-fatal woundings, malaria morbidity<sup>49</sup> is between 46 and 77 times greater than SALW morbidity.<sup>50</sup>

There exists a range of disability for malaria survivors. The largest segment of malaria victims is young sub-Saharan African children, who comprise 70 percent of malaria deaths. Many of the children who survive malaria become learning- and neurologically-disabled.<sup>51</sup> According to Joel Breman of the National Institutes of Health, there are about 600,000 persons each year who contract the cerebral form of malaria;<sup>52</sup> about 5-20 percent (approximately 30,000-120,000) of the survivors “may have gross neurologic sequelae” such as “generalized seizures, paralysis, speech and behavior disorders, hearing impairment, blindness, epilepsy and cerebral palsy.... Decreased ‘executive functions’ (i.e. the ability to initiate, plan, and carry out tasks) were some of the other deficits found.”<sup>53</sup>

Other researchers have found that malaria in pregnant women predisposes them to bear low-weight babies, many of whom also have lingering medical complications.<sup>54</sup> It has also been recently discovered that women with malaria who are also HIV-positive are more likely to transmit HIV to their unborn children.<sup>55</sup> According to the British Broadcasting Corporation, “Malaria is one of the greatest barriers to Africa’s economic growth....”<sup>56</sup> The problem is likely to worsen, because the malaria bacteria are increasingly resistant to existing drugs, and there is insufficient research being conducted for new drugs. UCLA’s Diane Birnbaumer and Anne Rutkowski noted: “Both the sharp increase in plasmodium resistance to existing antimalarials and the dearth of research dedicated to the development of new antimalarials signal the potential for an uncontrolled malarial epidemic.”<sup>57</sup>

As the world teeters on the verge of “an uncontrolled malarial epidemic,” diverting development resources into gun confiscation does not appear to be a wise use of resources.

In some areas, malaria could be greatly reduced by introducing fish which eat mosquitoes.<sup>58</sup> This strategy is not practical on a large scale at the present time. By the time it becomes viable in the future, if ever, millions of lives will have been lost.

The *sine qua non* of preventing the imminent “uncontrolled malarial epidemic” is DDT.

It is arguable that broad-spectrum use of DDT (dichlorodiphenyl-trichloroethane) for agricultural purposes during the mid-20<sup>th</sup> century was harmful to the environment. But rather than limiting DDT use, the United Nations is actively encouraging a worldwide ban on DDT.<sup>59</sup> Donald Roberts, professor in the Department of Preventive Medicine/Biometrics, Uniformed Services University of the Health Sciences, warns:

We are now facing the unprecedented event of eliminating, without meaningful debate, the most cost-effective chemical we have for the prevention of malaria. The health of hundreds of millions of persons in malaria-endemic countries should be given greater consideration before proceeding further with the present course of action.<sup>60</sup>

Roberts and his co-researchers demonstrated that there is a “powerful relationship between DDT-sprayed houses and malaria rates...when large numbers of houses are sprayed with DDT, malaria rates decline....”<sup>61</sup> They explain the difference in safety between the spot use of DDT in homes and the previous indiscriminate use of the chemical in agriculture. They point out that, “On a landscape scale, a sprayed house represents an infinitesimally small spot treatment of a closed and protected environment (the house).”<sup>62</sup>

Currently, the United Nations and the gun-prohibition NGOs are trying to eliminate guns from civilian homes, because of the danger that they supposedly cause to children. But in terms of the number of children killed, brain-damaged, or otherwise crippled, malaria-bearing mosquitoes are a vastly greater threat to the children of the world. Yet the United Nations, by promoting DDT prohibition, is attempting to deprive Third World families of a major tool which they could use to protect the children in the home from malaria.

The callousness of the UN’s DDT-prohibition campaign is almost unfathomable. The environmental risks of in-home spraying of DDT are slight; the devastation of malaria is enormous.

#### B. HIV/AIDS

In 2002, HIV/AIDS was responsible for 2,821,472 deaths.<sup>63</sup> Thus, AIDS kills between 5 and 6 times as many people worldwide as do SALW.<sup>64</sup> Over 370,000 of the annual AIDS deaths are children under the age of 5.<sup>65</sup> The death toll from AIDS will keep rising in the foreseeable future because the number of new HIV infections is increasing faster than the number of persons dying. For example, in sub-Saharan Africa, there were 2.3 million deaths from HIV/AIDS in 2003, and about 3.2 million new cases diagnosed.<sup>66</sup> According to Peter Piot, head of the Joint United Nations Program on HIV/AIDS (UNAIDS), “We are only at the beginning of the impact of AIDS, certainly in Africa.”<sup>67</sup>

In Malawi, where the average life expectancy was projected to rise to 57 in 2010, life expectancy has now been revised downward to 43 years.<sup>68</sup> The BBC reported that “the

country's worst famine in living memory" was, in large part, the result of AIDS.<sup>69</sup> Thengo Maloya, minister for lands, physical planning and surveys, admitted that, because of AIDS, his office suffered a deficit of 800 employees. Workers who remained were physically weakened and unable to work regular hours.<sup>70</sup>

The staggering toll of AIDS deaths has caused a decline in the Human Development Index, because one of the factors comprising the HDI is life expectancy.<sup>71</sup> According to *Human Development Report 2003*, "In recent decades the greatest shock to development has been HIV/AIDS....By killing and incapacitating adults in the prime of their lives, it can throw development off course....Much of the decline [of the HDI] in the 1990s can be traced to the spread of HIV/AIDS...."<sup>72</sup>

In addition, much of the decline in the rate of economic growth can be traced to HIV/AIDS. According to the Food and Agriculture Organization of the United Nations (FAO), "Recent estimates indicate that the pandemic has already reduced national economic growth rates across Africa by 2 to 4 percent a year."<sup>73</sup>

The number of deaths and the debilitation from illness directly impact developing economies by reducing the quality and the quantity of the work force.<sup>74</sup> Food production is a prime example. For example, in Zambia, it was recently noted that there was a 53 percent reduction in crops planted by farming families who had a member chronically ill with AIDS.<sup>75</sup> The FAO reported that up to 70 percent of farms have lost workers due to HIV/AIDS.<sup>76</sup> Also according to the FAO, "Hunger is on the rise again after falling steadily during the first half of the 1990s...."<sup>77</sup>

While AIDS has been increasing, armed conflict has been decreasing. Monty Marshall<sup>78</sup> and Ted Gurr<sup>79</sup> have documented a dramatic decline in the number and magnitude of armed conflicts in the late 1990s. Therefore episodes of SALW violence decreased in the late 1990s, compared to the first half of that decade. It is illogical to claim that the recent decline in the agricultural sector of Africa's economy in Africa is due to SALW; to the contrary, armed conflict using SALW has dramatically declined during the same period when the devastation from AIDS has dramatically risen.

Malaria has been retarding development for decades, and now AIDS is further impeding development. The severity of the African AIDS problem is widely recognized: "The scale of devastation caused by HIV/AIDS is unmatched...."<sup>80</sup> "By continuing to devastate Africa's economies, communities, and development, HIV/AIDS has undoubtedly become Africa's biggest challenge."<sup>81</sup> "[T]he HIV-AIDS pandemic [is]....the paramount threat to development in the region."<sup>82</sup> "AIDS has vastly compounded Africa's struggle for development....The effects of AIDS in Africa are eroding decades of development efforts....AIDS is now recognized as one of the developing world's largest impediments...."<sup>83</sup> "The churches in Africa consider HIV/AIDS to constitute the biggest challenge to their mission...."<sup>84</sup>

This unchecked epidemic is largely due to the failure of global leadership. In 2004, the XV International AIDS Conference in Bangkok, Thailand, included a leadership symposium which admitted that failure: "We acknowledge that *we have failed* to provide enough information, education, prevention tools and technologies, treatment, care and support. Our inability to ensure human rights, equity, opportunities, and a supportive and enabling environment for all has helped to fuel the epidemic."<sup>85</sup>

Much of this failure is due to government corruption which has starved local communities of needed funds by siphoning off huge percentages of donated monies; for example, up to 30 percent of World Bank funds donated for AIDS drug are stolen by corrupt governments.<sup>86</sup> The theft has created an atmosphere of mistrust among donors that has led to a reduction in funding.<sup>87</sup>

These serious problems are hardly acknowledged by UN Secretary-General Kofi Annan. A recent report by Annan<sup>88</sup> provoked the following response from the Canadian HIV/AIDS Legal Network:

The focus on leadership obfuscates underlying issues of governance and accountability of leadership and government in countries with a weak response to HIV/AIDS. The Report does not address the reasons why donors may be reluctant to provide the necessary resources to governments, including poor governance, corruption and incompetence in managing funds.<sup>89</sup>

President Thabo Mbeki of South Africa exemplifies government obstruction to efforts that might ameliorate the HIV/AIDS epidemic. According to the *New York Times*, his most glaring failure is "his obstinate refusal to urgently address his nation's AIDS epidemic while H.I.V. spread to more than five million South Africans."<sup>90</sup> Instead, Mbeki denies that HIV causes AIDS, and has restricted the use of anti-HIV drugs.<sup>91</sup>

It is not just the people of South Africa who suffer poor leadership. According to Dr. Khin Saw Win,

It is now well accepted in public health circles that the Burmese HIV epidemic is one of the world's fastest growing and most pervasive....The junta's refusal to recognize the epidemics [sic] clearly indicated that this political and humanitarian crisis is caused by their massive mismanagement, corruption and policy failure.<sup>92</sup>

#### IV. Good Governance

The most fundamental cause of underdevelopment is bad governance. Warfare and SALW are merely symptoms of the disease of bad governance. In the right hands, SALW are the cure for the disease, and hence the cure for the most important cause of underdevelopment.<sup>93</sup>

Theoretically, countries like Zambia or Kenya could have reasonable gun laws which say: “Everyone may receive a gun permit, unless he or she has one of the following disqualifying convictions....” Indeed, the gun laws in Britain’s former African colonies often approximated this statutory model, based on Britain’s gun laws of the 1920s. The problem is that in a country with pervasive corruption and police abuse, it is difficult to make a gun licensing system work fairly. The licensing system is more likely to inhibit good people (peaceful political dissidents, or ordinary citizens who can not afford the necessary bribes) than to prevent evil-doers from acquiring arms (at least the evil-doers who are part of organized crime groups, and already adept at bribing the police).

In any case, the security concerns of tyrannical government will still be paramount. As a study by the National Academies of Science recently observed, in an American context, “Because of the pervasiveness of the variety of legal and illegal means of acquiring them, it is difficult to keep firearms from people barred by law from possessing them.”<sup>94</sup>

However, the existence of black markets does not mean that every person who legitimately needs a gun may be able to acquire one. Twentieth century history is replete with histories of genocide victims who were not able to arm themselves, or who, like the Jews in Eastern Europe, were extremely underarmed.

In this article, we do not mean to settle the question of whether the U.S. government, or other humanitarian-minded entities, should actively supply arms to freedom-fighters against tyrannical regimes, or to ordinary citizens in tyrannical regimes, who might at least be able to use arms to resist further depredations by government-allied thugs.

But it should be recognized that as long as government corruption and self-dealing persist, economic progress will be very difficult, or even impossible. As long as the international community tolerates these conditions, underdevelopment will persist.

As UN Secretary-General Kofi Annan has observed: “good governance is perhaps the single most important factor in eradicating poverty and promoting development.”<sup>95</sup> As the UN now acknowledges, human rights and economic liberty are essential to economic development: “Good governance is essential for sustainable development. Sound economic policies, solid democratic institutions responsive to the needs of the people and improved infrastructure are the basis for sustained economic growth, poverty eradication and employment creation.”<sup>96</sup>

#### *A. Hindered Development in the Absence of Armed Conflict and SALW: The Case of Zambia*

Zambia is an example of a country in which development should have been robust, but was just the opposite, despite the absence of SALW and armed conflict, and despite relatively low violence rates.<sup>97</sup> When Zambia achieved independence in 1964, there was reason for hope. Rich with

copper deposits,<sup>98</sup> and with a healthy agricultural sector, Zambia received \$3.2 billion in development aid from the World Bank.<sup>99</sup>

Zambia’s people are now among the poorest in the world. With the country’s debt at \$5.4 billion as of December 2002,<sup>100</sup> with HIV/AIDS and malaria decimating the productive population,<sup>101</sup> life expectancy has dropped to 33 years for men, and 32 years for women.<sup>102</sup> Eighty percent of the population live on less than a dollar per day.<sup>103</sup> According to the World Bank, in the early 1990s more than 40 percent of Zambia’s population was undernourished; by 1999-2001, undernourishment increased to almost 50 percent.<sup>104</sup>

In Zambia, it would be inaccurate to claim that the presence of SALW contributed to the decline of the economy. While Zambia does have some violent crime, its effect pales compared to other development obstacles, such as excessive government control over the economy<sup>105</sup>—a problem which has afflicted most of sub-Saharan Africa since independence.<sup>106</sup>

Poor governance—specifically theft of the country’s resources for personal and political gain by the country’s leaders—has greatly hindered development. Zambia’s history of corruption dates back to its first dictator-president, Kenneth Kaunda.<sup>107</sup> Kaunda’s long record of thievery has been eclipsed, however, by his successor, dictator-president Frederick Chiluba. According to the BBC, Chiluba has “bled the national treasury” and “is diverting state funds into privately held accounts.”<sup>108</sup>

Corruption is not limited to the upper echelons of society. The national government is plagued by “ghosts”—people on the payroll who do not exist, and yet whose salaries are diverted. As the BBC noted, “In the past month, the main Zambian civil servants’ union has called for a crackdown on what it says are more than 20,000 ghost workers, contributing to a budget over-run of 600bn kwacha (£80m; \$132m).”<sup>109</sup>

Current President Levy Mwanawasa, who was sworn into office in January 2002, has attempted to repair the damaged economy, and has made revitalization of the country’s agricultural sector his priority.<sup>110</sup>

If Zambia today has a problem with arms, the problem appears to involve a violent, unreformed, and abusive police force. The *Times of Zambia* wrote in December 2004:

The high-handedness exhibited by members of the Zambia Police Service during the failed demonstration last Monday says a lot about how much the people’s police have veered off from the reforms embarked on several years back...the amount of force applied on demonstrators appears to heighten fears that after all not much has changed at all. There was no iota of a show for respect for human rights during the operation on the failed demonstration. With impunity, defenceless people were clubbed and kicked, some of them struck with hard objects and they bled.<sup>111</sup>

## B. *Hindered Development: The Case of Kenya*

Kenya, rich in natural resources, is another example of a country in which development should have proceeded robustly but did not. Like Zambia, Kenya imposed centralized state planning, under the pretext of efficiency and fairness; as the Kenyan government wrote in 1965, “African socialism must rely on planning to determine the appropriate uses of productive resources....”<sup>112</sup>

In practice, centralized control of the economy became a mechanism for the government and its allies to engage in self-dealing. From the beginning of independence from Great Britain in 1963, the country’s first president, Jomo Kenyatta, ruled in a brutally repressive manner, eliminated political rivals, and abused the power of government in order to favor political and ethnic cronies.<sup>113</sup> The single-party rule imposed by Kenyatta made corruption endemic.<sup>114</sup>

Kenyatta’s successor, President Daniel arap Moi continued the practice during his 24-year reign. The BBC blamed Moi for “exacerbating the culture of corruption that has crippled Kenya’s economic development.”<sup>115</sup> Moi and other corrupt officials siphoned over four billion dollars out of the country.<sup>116</sup>

It has been estimated by the BBC that the cost of corruption in Kenya is \$1 billion each year—nearly one-fourth of the country’s annual budget.<sup>117</sup> A survey by Transparency International found that every month an ordinary Kenyan must pay an average of 16 bribes, just to carry on normal life.<sup>118</sup>

Corruption became so grotesque that, by 2001, the World Bank and the International Monetary Fund cut off the flow of money to the Kenyan kleptocracy. In December 2002, Mwai Kibaki won the presidency in a landslide, giving him a mandate to curb the corruption that has plagued the country. Kibaki admitted that “Corruption has been one of the key problems with governance in the country....”<sup>119</sup> Even Kenya’s top judges are corrupt; for the right price, a murderer or a rapist can buy his or her way out of trouble.<sup>120</sup> Kenya also suffers from the problem of “ghost” workers.<sup>121</sup> Corruption remains a persistent problem, and the civil “service” continues to loot the nation.<sup>122</sup>

Like Zambia, Kenya can hardly blame its four-decade development disaster on the ownership of SALW by “non-state actors.” Kenya has seen occasional tribal conflicts. But as Gurr observed, “There is much evidence that the fighting was deliberately instigated by the government....”<sup>123</sup> President/dictator Daniel arap Moi promoted violent ethnic unrest, because tribal conflicts distracted the majority population directing their justifiable anger at abusive, centralized state power.<sup>124</sup>

In post-colonial Kenya, the most significant perpetrators of armed killings have been the Kenyan police. For example, in 1991, up to ninety percent of people shot dead in Kenya were shot by police.<sup>125</sup> As the BBC reported, President Moi “kept the Kenyan police busy rounding up all sus-

pected enemies of his regime.”<sup>126</sup> The police force remains extremely corrupt and violent, and prone to torture, rape and murder.<sup>127</sup>

Today, Kenya does suffer a great deal of criminal violence involving SALW. But the root cause, suggested the BBC, is “mass unemployment.”<sup>128</sup>

Kenya’s weapons laws, however, mean that “Most security guards in Kenya are armed with wooden clubs (*rungus*) and whistles while others have bows and arrows. On the other hand, criminals are armed with guns that have found their way into the country from the Horn of Africa, especially Somalia.”<sup>129</sup>

Ordinary Kenyans are not even allowed to possess bows and arrows. Kenya’s Coordinator of the National Campaign Against Drug Abuse (Nacada), Joseph Kaguthi, has “called for the repeal of laws barring Kenyans from keeping bows and arrows in their homes, saying this would enable them to defend themselves against robbers, who were drug abusers...Kenyans had become defenceless in the face of increasing crime...Kaguthi said laws that bar the carrying of traditional weapons were applied discriminately...”<sup>130</sup>

Once known as “the jewel of Africa,” Kenya’s current economic and crime disaster is the result of four decades of tyranny. In retrospect, it was a mistake for the world diplomatic community, including the United Nations, to treat Jomo Kenyatta, Daniel arap Moi, Kenneth Kaunda, and Frederick Chiluba as if they were legitimate heads of state, when they were in truth nothing more than extraordinarily successful organized crime bosses.

## Conclusion

The *Small Arms Survey 2003: Development Denied* argues that firearms ownership by so-called “non-state actors” stunts human development.<sup>131</sup> We suggest instead that corrupt and dictatorial government is a better explanation of underdevelopment. We have documented a reduction in annual growth rates by between 3.3 and 5.3 percent as a result of African government malfeasance on dealing with malaria and AIDS.

The 2004 annual report of the Food and Agriculture Organization of the United Nations (FAO) highlights the man-made tragedy of underdevelopment: “Chronic hunger plagues 852 million people worldwide...Hunger and malnutrition cause tremendous human suffering, kill more than five million children every year, and cost developing countries billions of dollars in lost productivity and national income.”<sup>132</sup>

As Article 25 of the Universal Declaration of Human Rights<sup>133</sup> states, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing....” The governments which keep their victim populations hungry and diseased are the true obstacles to development. Empowering victim populations is an essential precondition to development, and dis-

arming victim populations, leaving them helpless against tyrants, simply makes things worse.

On the outdoor pavilion of the UN grounds in New York City is a huge sculpture of a revolver with a knotted barrel.<sup>134</sup> The sculpture symbolizes the UN's current efforts to disarm the people of the world (or as the UN calls them, "non-state actors"). We suggest that it is time to discard that twisted sculpture which celebrates the destruction of a human right.

The UN and the rest of the international community should stop trying to disarm the victims of tyranny. It is time for the international community to return its attention to the noble goals on which the UN was founded—the protection and advancement of human rights for all—in order to create conditions that optimize the potential for development of all the peoples and all their countries.

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## Footnotes

<sup>1</sup> UNICEF, THE STATE OF THE WORLD'S CHILDREN 1996 ch. 3, <http://www.unicef.org/sowc96/1960s.htm>.

<sup>2</sup> See AMARTYA SEN, DEVELOPMENT AS FREEDOM xii (2000) ("Development consists of the removal of various types of unfreedoms that leave people with little choice and little opportunity of exercising their reasoned agency.") See also LAUCHLIN CURRIE, OBSTACLES TO DEVELOPMENT 2 (1967); UNITED NATIONS DEVELOPMENT PROGRAMME, HUMAN DEVELOPMENT REPORT 1995 11 (1995) ("Human development thus has two sides. One is the formation of human capabilities—such as improved health, knowledge and skills. The other is the use people

make of their acquired capabilities—for productive purposes, for leisure or for being active in cultural, social and political affairs.").

<sup>3</sup> SMALL ARMS SURVEY 2003: DEVELOPMENT DENIED 3 (2003) ("This edition of the Survey documents how small arms availability and misuse can undermine the prospects for human development.") Small Arms Survey (SAS) describes itself as "an independent research project located at the Graduate Institute of International Studies in Geneva, Switzerland." Since 2001, it has annually published a SMALL ARMS SURVEY. Each yearly volume is widely quoted in the disarmament community, and is devoted to negative aspects of civilian possession of firearms.

<sup>4</sup> See, e.g., United Nations: Ma. Ceres P. Doyo, *Small Arms, Wrong Hands*, PHILIPPINE DAILY INQUIRER, Oct. 23, 2003 (Annan: "In short, the excessive accumulation and illicit trade of small arms is threatening international peace and security, dashing hopes for social and economic development, and jeopardizing prospects of democracy and human rights."); *Secretary-General Calls for Redoubled Efforts to Curb 'Global Scourge' that Kills 60 People an Hour, as Biennial Meeting opens on Small Arms*, M2 PRESSWIRE, July 8, 2003 (Kofi Annan: "Less quantifiable, but no less palpable, were the wider consequences of small arms proliferation, in terms of conflicts fueled, peacekeepers threatened, aid denied, respect for law undermined and development stunted."); *Unless Adequately Addressed, Proliferation of Small Arms, Mercenaries Will Continue to Pose Severe Threat to West Africa*, SG SAYS, SG/SM/8641 SC/7695 AFR/587, Mar. 18, 2003 (Secretary General's office: "The uncontrolled proliferation of small arms and light weapons...impedes political, economic and social development."); Center for Defense Information *Weekly Defense Monitor*, Feb. 11, 1999 (quoting Annan: "These weapons [small arms] of personal destruction impair economic and social progress and impede our best development efforts."); United Nations Development Programme, *Development Can Help Curb Small Arms Trade, UNDP Tells UN Conference*, Mar. 19, 2001 (Larry de Boice, Deputy Director of the UNDP Emergency Response Division: "The proliferation of arms...will prevent our development objectives from being reached.").

Government officials: Paul Eavis & David Mephram, *Small Arms: A Barrier to Development*, FIN. TIMES (London), Jan. 14, 2003 ("Last year's Group of Eight communiqué, heavily influenced by the UK, identified the proliferation of small arms as a significant barrier to development progress in Africa."); *New Campaign vs. Small Arms*, BUSINESSWORLD, May 7, 2003 (Canadian ambassador Robert Collette: "Widespread small arms...[are] also a very real threat to economic development..."); *Short Calls for Action to Stamp Out Illegal Guns Trade*, PRESS ASSOCIATION, Jan. 14, 2003 (According to British International Development Secretary, Clare Short, "Small arms and light weapons...undermine development."); *Gambia; Transparency in Arms Transfer Advocated; VP Calls for 'Greater Accountability'*, AFRICA NEWS, June 9, 2003 (Gambian Vice President Isatou Njie-Saidy claiming that firearms and violence cause "a series of set-backs for development." Ousman Badjie, chairman of The Gambia's National Commission Against Small Arms, claiming that trafficking of small arms must be stopped: "This must now be changed and replaced by a culture of peace if we are to attain meaningful development..."); Isaac Essel, *Metal Detectors for Borders*, ACCRA MAIL (Ghana), June 26, 2003 (Hackman Owusu-Agyemang, Minister of Interior, called "for the urgent need to make Ghana arms-free, which is a prerequisite for peace, safety, stability as well as the attraction of local and foreign direct investment for accelerated development."); *Kenya: North Rift Awash with Illicit Arms*, AFRICA NEWS, Mar. 30, 2003, quoting JAN KAMENJU, M. SINGO & F. WAIRAGU, TERRORIZED CITIZENS: PROFILING SMALL ARMS AND INSECURITY IN THE NORTH RIFT REGION OF KENYA (Nairobi, Kenya: Security Research & Information Centre, 2003) ("The

ready availability of these weapons undermines security, erodes prospects of development, contributes to social disintegration and makes the resort to violence more likely and more deadly.”); *Kenya Starts Destroying Illicit Small Arms*, AGENCE FRANCE PRESSE, Mar. 15, 2003 (Kenyan Vice President Michael Wamalwa: “Today we have launched the destruction of 1,000 assorted small arms and light weapons. It is my sincere hope that this event will become an enduring milestone in our concerted efforts to create an arms-free region with a conducive environment for sustained development and human security.”); Jerry Ekandjo, Minister of Home Affairs of the Republic of Namibia, Statement at the First Biennial Meeting of the States on the Implementation of the Programme of Action of the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects (July 7, 2003) (“Development and progress for the betterment of the lots of our peoples, particularly in many of the developing countries is kept at bay by the use of these weapons.”); *UK Government: UK Leads Global Effort to Combat Proliferation and Misuse of Small Arms and Light Weapons*, M2 PRESSWIRE, Jan. 14, 2003 (“Easy access to these weapons creates conflict and undermines post-conflict reconstruction and long-term sustainable development.”); *Controlling the Proliferation of Small Arms and Light Weapons*, News from Senator Dianne Feinstein, July 26, 2001 (“I believe that the global flood of small arms is a real and pressing threat to peace, development, democracy, human rights, and U.S. national security interests around the world.”).

NGOs: IANSA, *Implementing the Programme of Action 2003: Action by States and Civil Society*, at 14: (“small arms and light weapons (SALW)...escalate and exacerbate conflicts, obstruct achievement of peace and good governance and undermine efforts to promote development.”); *Made-in-USA Guns Widely Available in Mexico*, JOIN TOGETHER ONLINE, Oct. 29, 2003 (Jessica Galeria, Latin American coordinator for IANSA: “Made-in-U.S.A. guns continue to fuel conflicts, exacerbate poverty, and impede development.”) (“IANSA” stands for “International Action Network on Small Arms.” IANSA is the lead non-government organization coordinator for the international gun prohibition movement); *East Africa Economy Stunted by Flow of Illegal Small Arms: Experts*, AGENCE FRANCE PRESSE, Nov. 20, 2002 (“East Africa’s economic development is stunted by the flow of illegal small arms in the region...experts attending a conference in the Ethiopian capital [sic] warned. ‘The broad proliferation of small arms is a constant threat and a constant hindrance for the development of the region,’ Kiflemariam Gebrewold of the Bonn International Centre for Conversion (BICC) said late Tuesday.”); *Small Arms Issues in Different Regions of Ethiopia – Local Small Arms Control: Possible, to What Extent?* (Bonn International Center for Conversion, 2001), at 2 (“What are the effects of small arms and light weapons in Somali Region? . . . They impede development efforts.”); *PanAfrica; Illicit Arms Still Proliferating, Peacemaker Reminds Africans*, AFRICA NEWS, Sept. 29, 2003 (Peter Batchelor, Project Director of Small Arms Survey: “The availability and misuse of small arms in Africa have undermined the continent’s development prospects.”).

Scholars: A. Walter Dorn, *Small Arms, Human Security and Development*, DEVELOPMENT EXPRESS NO. 5 1999-2000 (“Widespread small arms...are also a major road-block to human development...small arms threaten human security and development...small arms can sabotage development...”).

Media: Raenette Taljaard, *Small Arms Proliferation Also Threatens Global Stability*, BUSINESS DAY (South Africa), Oct. 8, 2003: (“Small arms are intertwined with other challenges such as sustainable development....”); *Ghana: Radio Commentary Urges Curbing of Small Arms Trafficking in Subregion*, GBC RADIO 1, ACCRA, June 13, 2003 (“The misuse of small arms has not only succeeded in disturbing the social and

political order of a number of countries, but also economic development in these countries is killed towards arms procurement.”); *West Africa; Gambia Hosts Regional Small Arms Seminar*, AFRICA NEWS, June 3, 2003 (“the catastrophic costs to social and economic development of the deadly trade in small arms.”).

<sup>5</sup> According to Small Arms Survey, small arms are “revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns, and light machine guns.” Light weapons are “heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems, and mortars of less than 100mm calibre.” SMALL ARMS SURVEY 2002: COUNTING THE HUMAN COST 10 (2002).

<sup>6</sup> SMALL ARMS SURVEY 2003: DEVELOPMENT DENIED 5. *See also Tackling Poverty by Reducing Armed Violence*, Department for International Development, Recommendations from a Wilton Park Workshop, Apr. 14-16, 2003, at 11, 13 (“There is a clear need for more evidence based on research and analysis to back up the assertion that availability and use of SALW undermines development, and that programmes to control SALW can significantly contribute to the achievement of development targets such as the MDGs [Millennium Development Goals]...A lack of relevant information was identified as a key reason for lack of engagement by development agencies.”), <http://www.smallarmsnet.org/Reports/wiltonpark.pdf>.

<sup>7</sup> *See* FRANCES STEWART, VALPY FITZGERALD & ASSOCIATES, WAR AND UNDERDEVELOPMENT 1 (2001) (“War in general, and civil war in particular, is one of the main causes of human suffering and economic underdevelopment.”).

<sup>8</sup> *See, e.g.*, JOYCE LEE MALCOLM, GUNS AND VIOLENCE: THE ENGLISH EXPERIENCE (2002); CLAYTON CRAMER, FIREARMS OWNERSHIP & MANUFACTURING IN EARLY AMERICA (2001), <http://www.claytoncramer.com/ArmingAmericaLong.pdf>.

<sup>9</sup> SMALL ARMS SURVEY 2003, at 152. *See also id.* at 156:

Unlike the humanitarian community, development-oriented organizations have the potential to respond practically to small arms issues. Where humanitarian actors should concentrate on accumulating evidence of the impacts by tightening reporting procedures and undertaking focused studies, development actors should be developing practical interventions to reduce the demand for weapons. Fortunately, an incipient response is emerging within the development community.

*Tackling Poverty by Reducing Armed Violence*, at 17 (“In view of the obstacles of integrating SALW controls into development policy and programmes, and the limited progress so far, it is clear that those most concerned with wide availability and use of SALW need to do more to engage development agencies. This must include further development of evidence, arguments, and best practices that the development community will find useful and compelling.”); *Id.* at 20 (“Change the language of the SALW community: A recurring recommendation...was the need to revolutionise the language of the SALW community to make it more relevant to poverty reduction and sustainable development.”).

<sup>10</sup> *See, e.g.*, GEORGE B.N. AYITTEY, AFRICA IN CHAOS 275 (1998) (“That Western aid to Africa has been ineffective can no longer be disputed.”); TOM BETHELL, THE NOBLEST TRIUMPH: PROPERTY AND PROSPERITY THROUGH THE AGES 190 (1998) (“By the end of the cold war, at least \$2 trillion in foreign aid, adjusted for inflation, had been sent to what was by then called the Third World. Overall, this may have retarded economic development....”); JAMES MORTON, THE POVERTY OF NATIONS:

THE AID DILEMMA AT THE HEART OF AFRICA 25 (1996) (“The conclusion, that the sheer volume of aid is the problem not the cure, strikes at the very basis of aid.”); MARY B. ANDERSON, DO NO HARM: HOW AID CAN SUPPORT PEACE – OR WAR (1999)(aid can exacerbate civil conflict or can heal communities).

<sup>11</sup> See, e.g., *Science and Public Policy: Hearing before the House Subcomm. on Energy & Natural Resources*, 108<sup>th</sup> Cong. (2004)(statements by Paul Driessen, Director, Economic Human Rights Project, and a senior fellow with the Committee For A Constructive Tomorrow and Center for the Defense of Free Enterprise, nonprofit public policy institutes that focus on energy, the environment, economic development and international affairs),<http://resourcescommittee.house.gov/archives/108/testimony/2004/pauldriessen.pdf>; Richard Tren & Roger Bate, *When Politics Kills: Malaria and the DDT Story* (Competitive Enterprise Inst., 2001), <http://www.cei.org/PDFs/malaria.pdf>; Roger E. Meiners & Andrew P. Morriss, *Pesticides and Property Rights* (Political Econ. Res. Center, 2001), <http://www.perc.org/pdf/ps22.pdf>. For more, see text at notes 37-62.

<sup>12</sup> The World Health Organization, in 2002, estimated 3,925,236 deaths from the two diseases combined. See *infra* notes 40, 48-50, 63-64 for details on the calculations.

<sup>13</sup> Although there are multiple factors that contribute to a lack of development, we shall not discuss all of them in this Article. Among the issues beyond the scope of this Article are effects of culture, international debt, and certain aspects of globalization.

<sup>14</sup> Alejandro Bendaña, *Sources of Weapons Procurement, Diffusion and Violence in Central America*, in SMALL ARMS CONTROL: OLD WEAPONS, NEW ISSUES 169 (Jayantha Dhanapala et al., eds., 1999). See also Edward J. Laurance, *Central America, Haiti and Colombia: Problems, Initiatives and Additional Measures*, in SMALL ARMS CONTROL 179 (“These weapons poured into the region from a variety of sources in the 1970s and 1980s, due mainly to the tensions produced by the Cold War.”); Silvia Cucovaz, *Interrelationship between Illicit Trafficking in Small Arms, Drug Trafficking, and Terrorist Groups in South America*, in CURBING ILLICIT TRAFFICKING IN SMALL ARMS AND SENSITIVE TECHNOLOGIES: AN ACTION-ORIENTED AGENDA 33 (Péricles Gasparini Alves & Daiana Belinda Cipollone, eds., 1998); Chris Smith, *Areas of Major Concentration in the Use and Traffic of Small Arms*, in SMALL ARMS CONTROL 83 (“This phenomenon has not been a purely post-Cold War reality, but rather an evolving trend over many years and decades.”).

<sup>15</sup> SMALL ARMS SURVEY 2001: PROFILING THE PROBLEM 199 (2001).

<sup>16</sup> Michael Klare, *An Overview of the Global Trade in Small Arms and Light Weapons*, in SMALL ARMS CONTROL 7. The five colleges are Amherst, Hampshire, Mount Holyoke, Smith, and the University of Massachusetts at Amherst.

<sup>17</sup> See Lora Lumpe, Sara Meek & R. T. Naylor, *Introduction to Gun Running*, in RUNNING GUNS: THE GLOBAL BLACK MARKET IN SMALL ARMS 1 (Lora Lumpe, ed., 2000),

[http://www.prio.no./page/Staff\\_detail/Staff\\_alpha\\_ALL/9375/37402.html](http://www.prio.no./page/Staff_detail/Staff_alpha_ALL/9375/37402.html). Lumpe is a researcher and activist with the International Peace Research Institute, in Oslo, Norway.

<sup>18</sup> “Economic development” defined as raising a country’s gross domestic product is different from “economic development” defined as reducing the poverty rate. However, the difference is not particularly important for purposes of this Article, since the countries manifesting development failure are usually failures by any measurement.

<sup>19</sup> See *Obstacles to Progress, Cambridge Conference Report*, in DEVELOPING THE THIRD WORLD: THE EXPERIENCE OF THE NINETEEN-SIXTIES

37 (Ronald Robinson, ed., 1971) (“It might seem at first sight that the more the developing countries have tried to advance, the less they have succeeded, for the statistics of growth for the 1960s look slightly disappointing.”); See also Gerald M. Meier, *Development Decade Perspective*, in DEVELOPING THE THIRD WORLD 18 (“the aggregate rate of growth has been slowing down for many poor countries in the first half of this decade as compared with the 1950s.”).

<sup>20</sup> ALBERT O. HIRSCHMAN, A BIAS FOR HOPE 279 (1971).

<sup>21</sup> President John F. Kennedy, *On the Alliance for Progress, 1961*, Address by President Kennedy at a White House Reception for Latin American Diplomats and Members of Congress (Mar. 13, 1961) in Modern History SourceBook, <http://www.fordham.edu/halsall/mod/1961kennedy-afp1.html>.

<sup>22</sup> LAUCHLIN CURRIE, OBSTACLES TO DEVELOPMENT 44 (1967).

<sup>23</sup> *Id.*, at 37.

<sup>24</sup> Raúl Prebisch, *Latin America: A Problem in Development*, Hackett Memorial Lecture, Institute of Latin American Studies, University of Texas at Austin (Apr. 15, 1971), *quoted in* Nora Lustig, Omar Arias, & Jamele Rigolini, *Poverty Reduction and Economic Growth: A Two-Way Causality*, TECHNICAL PAPERS SERIES, INTER-AMERICAN DEVELOPMENT BANK, SUSTAINABLE DEVELOPMENT DEPARTMENT (2002),

<http://www.iadb.org/sds/doc/GrowthIneqDualCaus.pdf>. See also VICTOR BULMER-THOMAS, THE ECONOMIC HISTORY OF LATIN AMERICA SINCE INDEPENDENCE 323 (1994). Bulmer-Thomas concluded: “The economic development of Latin America since independence is a story of unfulfilled promise. Despite the abundance of natural resources and favorable ratio of land to labor, and after nearly two centuries of freedom from colonial rule, not one republic has achieved the status of a developed country.” *Id.* at 410.

<sup>25</sup> CELSO FURTADO, ECONOMIC DEVELOPMENT OF LATIN AMERICA 170 (2d ed., Suzette Macedo, trans., 1976).

<sup>26</sup> Sadig Rasheed & Shetu Chole, *Human Development: An African Perspective*, UNDP OCCASIONAL PAPER 17 (1994) § I (“The 1980s have repeatedly and emphatically been described as a lost development decade...However, the fruits of independence had already begun to turn sour by about the mid-1970s...”), [http://hdr.undp.org/docs/publications/ocational\\_papers/oc17.htm](http://hdr.undp.org/docs/publications/ocational_papers/oc17.htm). See also Rupert Emerson, *The Prospects for Democracy in Africa*, in THE STATE OF NATIONS: CONSTRAINTS ON DEVELOPMENT IN INDEPENDENT AFRICA 251-52 (Michael F. Lofchie, ed., 1971) (“Independence has not brought with it the booms of development which it was hoped would follow in its train .... the UN Decade of Development has so far been an unhappy failure, widening rather than closing the gap between the rich and the poor countries...”); Robert M. Price, *Neo-Colonialism and Ghana’s Economic Decline: A Critical Assessment*, 18 CANADIAN J. OF AFRICAN STUD. 163, 165 (1984):

The optimistic expectations that surrounded the independence celebrations in 1957 could not contrast more dramatically and tragically with the reality that surrounded Ghana’s silver jubilee, the anniversary in 1982 of twenty-five years of that independence. Production in all sectors was abysmally low....Economic deterioration had eroded Ghana’s once impressive economic and social infrastructure. The systems of health care, education, transportation, and communication were in disarray...Unable to obtain paper, books, and food to feed its boarding students, the educational system was showing signs of disintegration...Likewise the system of health care delivery was in chaos.

<sup>27</sup> Lagos Plan of Action, 1980, Preamble, ¶1, <http://www.uneca.org/adffii/riefforts/ref/other2.htm>. See also Herbert H. Werlin, *The Consequences of Corruption: The Ghanaian Experience*, 88 POLI. SCI. Q. 71, 74 (1973):

Whereas between 1955 and 1962 Ghana's GNP increased at an average annual rate of nearly 5 per cent, there was practically no growth at all by 1965, despite the increase of central government expenditure by 78 per cent between 1960 and 1965 at constant prices. Since Ghana's estimated annual rate of population growth was 2.6 per cent, her economy was obviously retrogressing...While personal per capita consumption declined by some 15 per cent between 1960 and 1966, the real wage income of the minimum wage earner declined by some 45 per cent during this period.

<sup>28</sup> ELLIOT BERG ET AL, ACCELERATED DEVELOPMENT IN SUB-SAHARAN AFRICA: AN AGENDA FOR ACTION 4 (World Bank, 1981).

<sup>29</sup> *Id.* at 2.

<sup>30</sup> William Easterly & Ross Levine, *Africa's Growth Tragedy: Policies and Ethnic Divisions*, 112 Q. J. ECON. 1203, 1204-5 (1997). See also AYITTEY, *supra* n. 10, at 267 ("More than \$400 billion in aid and credits have been pumped into Africa since the 1960s...Yet all these efforts have borne negligible results. The continent continues to sink deeper into an economic abyss."); DAVID E. SAHN, ADJUSTING TO POLICY FAILURE IN AFRICAN ECONOMIES 3 (1994) ("Growth rates were generally in decline from 1976 to 1983 and then followed an oscillating pattern in 1985-1990 that did not indicate any sustained improvement in performance....When the exceedingly rapid rate of population increase is taken into account, the average growth rate of GDP per capita was in fact negative over the entire period for all sub-Saharan Africa.").

<sup>31</sup> PAUL COLLIER, LANI ELLIOTT, HÅVARD HEGRE, ANKE HOFFLER, MARTA REYNAL-QUEROL & NICHOLAS SAMBANIS, BREAKING THE CONFLICT TRAP: CIVIL WAR AND DEVELOPMENT POLICY 53 (World Bank, 2003), <http://econ.worldbank.org/pr/CivilWarPRR/text-26671>.

<sup>32</sup> *Id.* at 6.

<sup>33</sup> *Id.* at 53-54.

<sup>34</sup> *Id.* at 1.

<sup>35</sup> In this Article, we have limited our discussion to malaria and HIV/AIDS, but other chronic infectious diseases, such as tuberculosis and hookworm, are acknowledged burdens on human development. Although the total number of deaths from hookworm is small compared to the death toll from AIDS, malaria, and TB, the economic effects can be large in developing areas. See Hoyt Bleakley & Fabian Lange, *Chronic Disease Burden and the Interaction of Education, Fertility and Growth*, Nov. 22, 2003, <http://home.uchicago.edu/~fwlange/HookwormPaper.pdf> (visited 1/30/04); WORLD HEALTH ORGANIZATION, GLOBAL BURDEN OF DISEASE 2002 (hookworm death toll in 2002 was 2,943), [http://www3.who.int/whosis/menu.cfm?path=evidence\\_burden\\_burden\\_estimates%20\\_burden\\_estimates\\_2002\\_burden\\_estimates\\_2002\\_Region&language=english](http://www3.who.int/whosis/menu.cfm?path=evidence_burden_burden_estimates%20_burden_estimates_2002_burden_estimates_2002_Region&language=english). See also J.M. Hawdon, T. Li, B. Zahn & M.S. Blouin, *Genetic Structure of Populations of the Human Hookworm, Necator americanus, in China*, 10 MOLECULAR ECOLOGY 1433, 1437 (2001) ("Infection with the human hookworms...remains a burden on the health and economies of many developing nations in the tropics...."); Michael Cappello, *Pathogenesis of Hookworm Anemia and Malnutrition* (Research in Pediatric Parasitology, Yale Child Health Research Center) ("anemia and protein energy malnutrition attributable to intestinal hookworm infec-

tion affects between 1 and 2 billion people worldwide, including approximately 500 million children. Children with heavy hookworm infection suffer potentially severe delays in both physical and intellectual development."), [http://info.med.yale.edu/pediat/PedID/Cappello/Labsite/research\\_hookworm.html](http://info.med.yale.edu/pediat/PedID/Cappello/Labsite/research_hookworm.html); Dick Thompson, *Coordinates 2002: Charting Progress Against AIDS, TB and Malaria* 1 (World Health Organ. 2002) ("Any effective effort to reduce the burden of disease faced by the world's poorest people must concentrate on AIDS, tuberculosis (TB) and malaria. Combined, these three diseases could account for 500 million or more illnesses a year and at least 6 million deaths.").

<sup>36</sup> WORLD HEALTH ORGANIZATION, GLOBAL BURDEN OF DISEASE 2002.

<sup>37</sup> *Malaria*, BBC NEWS, Feb. 8, 2003 ("The parasitic disease is present in 90 countries and infects one in 10 of the world's population....").

<sup>38</sup> Diane M. Birnbaumer & Anne Rutkowski, *Malaria: A Comprehensive Review for the Emergency Physician*, 25 TOPICS IN EMERGENCY MED. 2, 2 (2003).

<sup>39</sup> WORLD HEALTH ORGANIZATION, GLOBAL BURDEN OF DISEASE 2002.

<sup>40</sup> There is some variability in these figures. See Edward T. Ryan, *Malaria: Epidemiology, Pathogenesis, Diagnosis, Prevention, and Treatment—An Update*, Current Clinical Topics in Infectious Disease, <http://www.mgh.harvard.edu/id/hms/handoutscore02/ryan2002malaria.pdf> (estimating that the annual death toll from malaria ranges from 1.5 to 2.7 million); Stephanie Kriner, *Malaria: Africa's Silent Killer*, <http://www.disasterrelief.org/Disasters/000425malaria> (malaria kills up to 2 million people annually.); Anuraj H. Shankar, *Nutritional Modulation of Malaria Morbidity and Mortality*, 182 J. INFECTIOUS DISEASES S37, S37 (Supp. 1, 2000) (noting a figure of 2-3 million annual deaths from malaria worldwide).

<sup>41</sup> WORLD HEALTH ORGANIZATION, THE WORLD HEALTH REPORT (2004), [http://www3.who.int/whosis/menu.cfm?path=evidence\\_burden\\_burden\\_estimates\\_burden\\_estimates\\_2002N&language=English](http://www3.who.int/whosis/menu.cfm?path=evidence_burden_burden_estimates_burden_estimates_2002N&language=English).

<sup>42</sup> Quoted in John Luke Gallup and Jeffrey D. Sachs, *The Economic Burden of Malaria* 1 (Center for Intl. Development at Harvard University, CID Working Paper No. 52 (2000), <http://www2.cid.harvard.edu/cidwp/052.pdf>).

<sup>43</sup> Roll Back Malaria, World Health Organization, *Economic Costs of Malaria*, [http://www.rbm.who.int/cmc\\_upload/0/000/015/363/RBMInfosheet\\_10.htm](http://www.rbm.who.int/cmc_upload/0/000/015/363/RBMInfosheet_10.htm) (visited Dec. 10, 2004).

<sup>44</sup> Gallup is a Research Fellow at the Center for International Development, an Institute Associate at the Harvard Institute for International Development, and a Lecturer in the Department of Economics at Harvard University.

<sup>45</sup> Sachs is the Director of the Center for International Development and the Harvard Institute for International Development, and the Galen L. Stone Professor of International Trade in the Department of Economics.

<sup>46</sup> Gallup & Sachs, at Abstract. Gallup and Sachs controlled for variables such as historic, geographic, economic and policy factors, among others, but did not control for the tropical cluster diseases. See also Elsa V. Artadi & Xavier Sala-i-Martin, *The Economic Tragedy of the XXth Century: Growth in Africa*, Columbia University, Department of Economics, Discussion Paper Series, Discussion Paper #:0203-17 13 (2003) ("if Africa had no malaria over the last four decades, its annual growth rate would have been 1.25 percentage points larger...."); Kara Hanson, Catherine Goodman, Jo Lines, Sylvia Meek, David Bradley & Anne Mills, *The Economics of Malaria Control Interventions*, (World

Health Organization, 2004), <http://www.globalforumhealth.org/FilesUpld/78.pdf> (visited Dec. 29, 2004).

<sup>47</sup> Gallup & Sachs, at 1. See also F. Desmond McCarthy, Holger Wolf, and Yi Wu, *The Growth Costs of Malaria* (1999), [http://www.malaria.org/Wolf\\_Wu\\_McCarthy.pdf](http://www.malaria.org/Wolf_Wu_McCarthy.pdf) (“malaria affects an estimated three hundred million people...frequent debilitating attacks reduce the quality of life for chronic sufferers.”).

<sup>48</sup> The total annual number of deaths from SALW is estimated to be approximately 500,000. See SMALL ARMS SURVEY 2004: RIGHTS AT RISK 174-75 (2004) (estimating that the annual number of firearm-related deaths ranges in non-combat situations from 200,000-270,000. Additionally, “In 2001, the Small Arms Survey cited the established estimate of 300,000 small arms-related deaths in armed conflict each year...There seems little doubt that the global estimate will be revised downward.”) Cf. David B. Kopel, Paul Gallant & Joanne D. Eisen, *Global Deaths from Firearms: Searching for Plausible Estimates*, 8 TEX. REV. L. & POL. 114 (2003)(criticizing earlier estimates of global firearms deaths as not based on sound empirical data; also noting that estimates of 300,000 annual deaths from SALW in wartime were based on the mistaken assumption that all wartime deaths are caused by SALW, and no deaths are caused by heavier weapons).

<sup>49</sup> See Anuraj H. Shankar, *Nutritional Modulation of Malaria Morbidity and Mortality*, 182 J. INFECTIOUS DISEASES S37, S37 (Supp. 1, 2000) (“Malaria currently accounts for about 200 million morbid episodes and 2-3 million deaths each year, estimates that have been increasing over the last three decades....”) Morbidity is defined by the Centers for Disease Control and Prevention as “Any departure, subjective or objective, from a state of physiological or psychological well-being.”, [http://www.cdc.gov/reproductivehealth/epi\\_gloss2.htm](http://www.cdc.gov/reproductivehealth/epi_gloss2.htm).

<sup>50</sup> In war, the wounded-to-killed ratio from firearm injuries has been generally estimated at 2:1, but has been noted to be as high as 13:1. Robin M. Coupland and David R. Meddings, *Mortality Associated with Use of Weapons in Armed Conflicts, Wartime Atrocities, and Civilian Mass Shootings: Literature Review*, 319 BRIT. MED. J. 407, 407 (1999). In one extreme instance, the ratio was reported as high as 45:1. *Id.* at 408. See also Firearm Injury Center at Penn, *Firearm Injury in the U.S.*, at 4 (“An estimated two nonfatal injuries occur for every firearm death....”), <http://www.uphs.upenn.edu/ficap/resourcebook/pdf/monograph.pdf>; GARY KLECK, POINT BLANK: GUNS AND VIOLENCE IN AMERICA 116 (1991)(ratio of non-fatal to fatal gunshot wounds in the U.S. is approximately 5.7:1). In general, “the wounded to killed ratios for all conventional weapons are comparable.” Coupland & Meddings, at 408.

If we accept Coupland and Meddings’ high figure (13 firearms woundings per one fatality), and if we apply the 13:1 ratio to SALW in general and we use the common estimate of 500,000 annual SALW-related deaths, we arrive at a morbidity figure of approximately 6.5 million non-fatal SALW-related injuries.

Thus, the upper plausible estimate for SALW morbidity is 6.5 million non-fatal cases per year. In contrast, there are 300 million to 500 million episodes of malaria among the affected population each year.

<sup>51</sup> Dick Thompson, *Coordinates 2002: Charting Progress Against AIDS, TB and Malaria* §1.3 (World Health Organization 2002), <http://www.who.int/infectious-disease-news/lddocs/Coordinates22.pdf>.

<sup>52</sup> Joel G. Breman, Andréa Egan & Gerald Keusch, *The Intolerable Burden of Malaria: A New Look at the Numbers*, 64 AM. J. TROPICAL MED. & HYGIENE iv, v (2001). For a discussion of cerebral malaria as distinguished from other manifestations of the disease, see “Cerebral Malaria,” in *The Malaria Website* (Brown Univ.) (“an acute, wide-

spread disease of the brain which is accompanied by fever”), [http://www.brown.edu/Courses/Bio\\_160/Projects1999/malaria/cermal.html](http://www.brown.edu/Courses/Bio_160/Projects1999/malaria/cermal.html).

<sup>53</sup> Breman et al., at v.

<sup>54</sup> U.S. Agency for International Development (USAID), *Malaria Control Programs in Africa*, [http://www.usaid.gov/pop\\_health/cs/csmalaria.htm](http://www.usaid.gov/pop_health/cs/csmalaria.htm) (visited Dec. 13, 2003).

<sup>55</sup> *Malaria Increases Baby’s HIV Risk*, BBC NEWS, Nov. 6, 2003; H. Brahmabhatt, G. Kigozi, F. Wabwire-Mangen, D. Serwadda, N. Sewankambo, T. Lutalo, M.J. Wawer, C. Abramowsky, D. Sullivan, & R. Gray, *The effects of placental malaria on mother-to-child HIV transmission in Rakai, Uganda*, 17 AIDS 2559 (2003).

<sup>56</sup> *Gates Boosts War on Malaria*, BBC NEWS, Sept. 21, 2003.

<sup>57</sup> Diane M. Birnbaumer and Anne Rutkowski, *Malaria: A Comprehensive Review for the Emergency Physician*, 25 TOPICS IN EMERGENCY MED. 2, 2 (2003).

<sup>58</sup> See Richard Black, *Korean Fish Joins Malaria Fight*, BBC NEWS, Dec. 7, 2003 (“Scientists in South Korea have found a local fish that could help control the spread of malaria. The fish, called the muddy loach, eats mosquito larvae and can completely remove them from rice fields.”) The BBC news item further stated “The idea of using fish in this way dates back a century or so, but in recent decades it has fallen out of favour as more modern techniques for combating malaria, such as chemical insecticides, drugs and bednets have taken precedence.” Richard Black, a BBC science correspondent, also reported on a similar strategy in India. *Fish Eat Away at Malaria in India*, BBC NEWS, Jan. 5, 2004 (The BBC report noted that, according to Dr. VP Sharma, former director of India’s Malaria Research Institute, “fish had virtually eliminated malaria-carrying *Anopheles* mosquitoes from some districts, though he [Dr. Sharma] cautioned that the strategy did not work everywhere.”).

<sup>59</sup> *U.N. Protocol Banning DDT, Other Pollutants Enters Into Force*, U.N. WIRE, Oct. 23, 2003. See also Paul Driessen, *Committing Malpractice on the World’s Poor: These Unnatural Disasters Can No Longer Be Tolerated*, <http://www.enterstageright.com/archive/articles/0105/0105unnatural.htm>:

Six years ago, the WHO and its Roll Back Malaria campaign promised to halve malaria rates by 2010. Since then, rates have actually increased by over 10 percent. A primary reason is that WHO and RBM – as well as UNICEF and the U.S. Agency for International Development – refuse to permit, promote or fund pesticide use to control mosquitoes, or even acknowledge the critical role of DDT and other pesticides in preventing malaria.

<sup>60</sup> Donald R. Roberts, Larry L. Laughlin, Paul Hsueh, and Llewellyn J. Legters, *DDT, Global Strategies, and a Malaria Control Crisis in South America*, 3 EMERGING INFECTIOUS DISEASES (Number 3, July-Sept. 1997)(web edition). See also Paul Driessen, *The Unnecessary Scourge*, TECH CENTRAL STATION, Mar. 8, 2004 (Driessen is director of the Economic Human Rights Project; his article was adapted from his testimony before the U.S. House of Representatives Subcommittee on Energy and Natural Resources, cited in note 11. Driessen’s article provides a concise history of the successful use of DDT in the eradication of mosquito-borne disease and of the subsequent unscientific activism which virtually eliminated DDT’s use world-wide.).

<sup>61</sup> Roberts et al. See also Nicholas D. Kristof, N.Y. TIMES, Jan. 8, 2005: "But overall, one of the best ways to protect people is to spray the inside of a hut, about once a year, with DDT. This uses tiny amounts of DDT – 450,000 people can be protected with the same amount that was applied in the 1960's to a single 1,000-acre American cotton farm."

<sup>62</sup> Roberts et al.

<sup>63</sup> WORLD HEALTH ORGANIZATION, GLOBAL BURDEN OF DISEASE 2002. See also World Health Organization, UNAIDS, *AIDS Epidemic Update*, Executive Summary at 5 (Dec. 2004) (In 2003, "almost three million were killed by AIDS....").

<sup>64</sup> Based on the figure of 500,000 annual deaths from SALW, which may be too high an estimate. See *supra* note 48.

<sup>65</sup> THE WORLD HEALTH REPORT, at Table 1.1. See also Neff Walker, Bernhard Schwartlander, Jennifer Bryce, *Meeting International Goals in Child Survival and HIV/AIDS*, 360 LANCET 284, 288 (2002). Walker et al. state that:

one can calculate the number of under-5 deaths that could be saved through prevention of mother-to-child transmission. Use of the simpler and less costly interventions by all HIV-infected pregnant women could have reduced deaths in children younger than 5 years of age in the year 1999 by between 100,000 and 250,000 in countries in sub-Saharan Africa.

*Id.* at 288

The authors noted that the cost estimate per year would be US\$ 640 million. The figures of 100,000 to 250,000 correspond to between 20-50% of the approximate annual global estimate of SALW deaths in all age groups.

<sup>66</sup> See *Study Cuts Kenya HIV Estimates*, BBC NEWS, Jan. 9, 2004.

<sup>67</sup> *World AIDS Deaths, Infections at New Highs*, N.Y. TIMES, Nov. 25, 2003.

<sup>68</sup> Hazwell Kanjaye, *Health-Malawi: AIDS is a Major Challenge to Development*, INTER PRESS SERVICE, Jan. 4, 1999, <http://www.aegis.com/news/ips/1999/IP990101.html>. See also *Aids Toll Cuts African Lifespan*, BBC NEWS, Dec. 18, 2003.

<sup>69</sup> *Malawi Famine Blamed on Aids*, BBC NEWS, Nov. 26, 2002.

<sup>70</sup> Raphael Tenthani, *Malawi Minister's Aids Trauma*, BBC NEWS, Feb. 18, 2003.

<sup>71</sup> For a definition and extensive discussion of the HDI, see UNDP, HUMAN DEVELOPMENT REPORT 1994, at 90-96 (1994).

<sup>72</sup> UNDP, HUMAN DEVELOPMENT REPORT 2003, at 41-42 (2003).

<sup>73</sup> FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, THE STATE OF FOOD INSECURITY IN THE WORLD 2003, at 11, <ftp://ftp.fao.org/docrep/fao/006/j0083e/j0083300.pdf>.

<sup>74</sup> See Robin Lustig, *The Genocide of a Generation*, BBC NEWS, Nov. 12, 2003.

<sup>75</sup> UNAIDS, *Accelerating Action Against AIDS in Africa*, Executive Summary at 2 (2003).

<sup>76</sup> Food & Agriculture Organization, *FAO Reports a Setback in the War Against Hunger*, Nov. 25, 2003, <http://www.fao.org/english/newsroom/news/2003/24779-en.html>. See also *Africa Devastated by Aids*, BBC NEWS, Nov. 28, 2001 ("In Burkina Faso, 20% of rural families have cut back their farming activities because of Aids.").

<sup>77</sup> *FAO Reports a Setback in the War Against Hunger*.

<sup>78</sup> Monty G. Marshall, *Major Episodes of Political Violence 1946-1999* (2000), <http://members.aol.com/CSPmgm/warlist.htm>. Marshall identified 61 armed conflicts that commenced between 1990 and 1999; the conflicts resulted in 1,542,500 deaths. Examination of the data by 5-year intervals reveals that 38 armed conflicts commenced between 1990 and 1994, resulting in 1,273,500 deaths, and accounting for 82.6% of the total deaths that occurred in the 1990s from armed conflicts that commenced during the decade. In the latter half of the decade (1995-1999), only 23 armed conflicts commenced, resulting in an additional 269,000 deaths. Thus, only 37.7% of armed conflicts occurred during the last 5 years of the decade, and these conflicts accounted for only about 17.4% of the total deaths that occurred in the 1990s from armed conflicts that commenced during that decade. Admittedly, not all deaths from these armed conflicts would have been tallied by the time Marshall's paper was published, making it likely that the total would be a little higher.

<sup>79</sup> Ted Robert Gurr et al., *Peace and Conflict 2001: A Global Survey of Armed Conflicts, Self-Determination Movements, and Democracy* (2000), <http://www.cidcm.umd.edu/inscr/PC01Web.pdf>.

<sup>80</sup> World Health Organization, *We Can Beat AIDS, TB and Malaria, UN Agencies Says* [sic], Apr. 22, 2002, <http://www.who.int/mediacentre/news/releases/release29/en/>.

<sup>81</sup> *60 Million Africans Have Been Touched by AIDS, Says UNAIDS Executive Director*, UNAIDS/UNICEF/WHO Joint Press Release, July 10, 2003, [http://www.thebody.com/un aids/africa\\_aids.html](http://www.thebody.com/un aids/africa_aids.html).

<sup>82</sup> World Bank, *AIDS Regional Update: Africa*, <http://www.worldbank.org/afr/aids/overview.htm>.

<sup>83</sup> UNAIDS, *Accelerating Action Against AIDS in Africa*, (Geneva, 2003), at 5, 71-72, [http://www.unaids.org/html/pub/UNADocs/ICASA\\_Report\\_2003\\_en\\_pdf.pdf](http://www.unaids.org/html/pub/UNADocs/ICASA_Report_2003_en_pdf.pdf).

<sup>84</sup> Sam Kobia, director of the World Council of Churches, quoted in World Council of Churches, *Facilitating Community Responses to HIV/AIDS*, <http://www.wcc-coe.org/wcc/what/mission/hiv-aids-e.html>.

<sup>85</sup> From a speech presented by Ms. Graca Machel, at the XV International AIDS Conference in Bangkok, on July 16, 2004, <http://www.aids2004.org/admin/images/upload/565.pdf>.

<sup>86</sup> See Global AIDS Alliance, *Key Principles for Implementing the President's Emergency Plan for AIDS Relief*, Dec. 12, 2003, [http://www.globalaidsalliance.org/gaa\\_recommendations.cfm](http://www.globalaidsalliance.org/gaa_recommendations.cfm): ("Systematic, high-level, entrenched corruption in the prescription drug and commodities sector by many African governments is a critical obstacle preventing progress in combating HIV/AIDS. There are indications that up to 30% of drug sector resources funded by the World Bank are lost to corruption.") See also *AIDS-Africa-Corruption: AIDS Drugs Money Diverted, Wasted in Africa*: World Bank, AGENCE FRANCE-PRESSE, Sept. 13, 1999. (According to Callisto Madavo, World Bank deputy president for Africa: "Too much money is being

wasted and too much money is being diverted...."); American Foundation for AIDS Research, *amfAR's Report on AIDS in Africa: Zimbabwe*, <http://www.amfar.org/cgi-bin/iowa/programs/globali/record.html?record=86>:

While Zimbabwe has taken measures to curb the epidemic through its National AIDS Coordination Programme, government corruption and mismanagement have hindered AIDS programs. Since January 2000, Zimbabwe's government has levied a 3 percent tax on personal and corporate income, ostensibly to fund AIDS control and prevention programs...the government has not accounted for how the funds will be spent....

See also *Mpumalanga Corruption: Manana and the Health Department*, Carte Blanche Interactive, Aug. 31, 2003 (Kate Barry Producer), <http://www.mnet.co.za/CarteBlanche/Display/Display.asp?Id=2307>. (In the South African province of Mpumalanga, "According to Price Waterhouse Coopers there was gross mismanagement in the handling of HIV/AIDS funds.")

<sup>87</sup> See Dagi Kimani, *Has War on Aids Been Compromised?*, DAILY NATION ON THE WEB, July 5, 2002, <http://www.nationaudio.com/News/DailyNation/05072002/Comment/Comment85.html> (In April 2002, Kenya's National Aids Control Council (NACC) "failed to win financial support from the Global Fund to Fight Aids, Tuberculosis and Malaria...") The NACC is a branch of the Office of the President, but that Office is "often associated with corruption, misappropriation and inefficiency...." Many donors find this situation unacceptable.) See also Elizabeth Piper, *HIV/AIDS: Ukraine Appeals to West for Help to Fight AIDS*, ARTUKRAINE.COM, Feb. 13, 2004 ("late last month the Global Fund to Fight AIDS, Tuberculosis and Malaria suspended payments due to mismanagement."), [http://www.artukraine.com/uasupport/appeal\\_west.htm](http://www.artukraine.com/uasupport/appeal_west.htm); Sharier Khan, *Bangladesh Government Outsources Health to NGOs*, ONEWORLD.NET, June 15, 2004 ("scores of key health programs in Bangladesh [are] stymied by corruption, mismanagement and political interference...the World Bank (WB) withdrew around half of the \$52-million fund it had provided for the [HIV/AIDS] project."), <http://www.oneworld.net/article/view/93093/1/58>.

<sup>88</sup> *Review of the Problem of Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome in All its Aspects*, Special Session of the General Assembly on HIV/AIDS, Report of the Secretary-General, 55<sup>th</sup> Sess., Agenda Item 179, U.N. Doc. A/55/779 (2001), <http://www.un.org/documents/ga/docs/55/a55779.pdf>.

<sup>89</sup> Comments by the Canadian HIV/AIDS Legal Network on the Report of the Secretary-General Special Session of the United Nations General Assembly on HIV/AIDS, at ¶6, <http://www.aidslaw.ca/Maincontent/events/ungass-revsecgen.htm>.

<sup>90</sup> Sharon LaPraniere, *After Reconciliation, Steering South Africa to a Reckoning*, N.Y. TIMES, Apr. 27, 2004.

<sup>91</sup> See Colin McClelland, *In South Africa, only the funeral industry is booming*, 171 CAN. MED. ASS'N J. 526, 526 (2004).

<sup>92</sup> Khin Saw Win, *Medicine is Politics*, Burma Watch International, Nov. 2, 2001, <http://www.burmawatch.org/com-khin-med-pol.html>. See also Patrick Brown, *Deadly Secret: AIDS in China*, CBC NEWS, Apr. 7, 2004 ("An epidemic caused by official mismanagement, greed and corruption has struck at thousands of villages...."); American Foundation for AIDS Research, *amfAR's Report on AIDS in Africa: Zimbabwe* ("AIDS workers accuse Mugabe's government of being too dis-

tracted by its seizure of white-owned farms to deal effectively with the crisis.").

<sup>93</sup> See Richard H. Solomon, *Foreword*, in TED ROBERT GURR, PEOPLE VERSUS STATES ix (2000): "Conflict, of course, is intrinsic to human society and is often an agent of reform, adaptation, and development." Solomon is President of the United States Institute of Peace.

<sup>94</sup> FIREARMS & VIOLENCE: A CRITICAL REVIEW 8 (Charles F. Wellford, John V. Pepper & Carol V. Petrie, eds., 2005).

<sup>95</sup> GLOBAL CORRUPTION REPORT 2003 310 (Robin Hodess, ed., 2003).

<sup>96</sup> *Final Outcome of the International Conference on Financing for Development*, UN International Conference on Financing for Development, A/Conf.198/1 (Mar. 1, 2002), at ¶11, <http://www.un.org/esa/ffd/0302finalMonterreyConsensus.pdf>.

<sup>97</sup> See *Comments by Katherine McKenzie on the Firearms Control Bill*, Gun Control Alliance, South Africa, <http://www.gca.org.za/bill/submissions/mckenzie.htm> (In 1998, the murder rate in Zambia was 13 per 100,000, while the rate in South Africa was 65 per 100,000).

<sup>98</sup> *Country Profile: Zambia*, BBC NEWS, Nov. 26, 2003 ("Zambia has moved from being a major copper producer and potentially one of the continent's richest countries at independence in 1964 to one of the world's poorest."), [http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/1069294.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1069294.stm). Despite the world-wide drop in copper prices in 1975, Zambia still had a flourishing agricultural sector, and should not have been so economically devastated.

<sup>99</sup> *World Bank Ready to Assist If...*, THE TIMES OF ZAMBIA, Dec. 10, 2003.

<sup>100</sup> Christian Fraser, *Zambia's 'Matrix of Plunder'*, BBC NEWS, Dec. 9, 2003, <http://news.bbc.co.uk/1/hi/world/africa/3302419.stm>. See also *We Demand Total Debt Cancellation*, THE POST (Lusaka), Nov. 20, 2004 ("It is very clear that the colossal debt stock of the world's impoverished countries – to which category Zambia belongs – owed to the industrialized nations...are beyond repayment. Indeed the harsh effects of this huge debt-overhang has not spared Zambia."), <http://allafrica.com/stories/200411290932.html>; Kingsley Kaswende, *Zambia Debt Burden Has Hampered Development*, THE POST (Lusaka), Jan. 18, 2004, <http://fr.allafrica.com/stories/200401190050.html>.

It is widely acknowledged that the burden of massive debt hinders development. A first cause of the debt burden is kleptocracy, which originally stole the funds from foreign loans, rather than investing them in projects which would improve economic growth, and would generate the revenue to repay the debt. A second cause is investment of the non-stolen money in central planning projects which enhanced urban elite control of the economy, while undermining property rights and economic freedom—and thereby harmed economic development. See, e.g., Paul Craig Roberts, *Third World Debt: Legacy of Development Experts*, 7 CATO J. 231 (1987), <http://www.cato.org/pubs/journal/cj7n1/cj7n1-12.pdf>; James Bovard, *The World Bank vs. The World's Poor*, *Cato Inst. Policy Analysis no. 92* (1987), [http://www.cato.org/pub\\_display.php?pub\\_id=958&full=1](http://www.cato.org/pub_display.php?pub_id=958&full=1).

<sup>101</sup> *Country Profile: Zambia*, BBC NEWS ("Aids is blamed for decimating the cream of Zambian professionals— including engineers and politicians—and malaria remains a major problem.").

<sup>102</sup> *Id.*

<sup>103</sup> Christian Fraser, *Zambia's 'Matrix of Plunder'*, BBC NEWS, Dec. 9, 2003.

<sup>104</sup> Food and Agriculture Organization of the United Nations, *The State of Food Insecurity in the World 2003*, (2003), at 7, <ftp://ftp.fao.org/docrep/fao/006/j0083e/j0083300.pdf>.

<sup>105</sup> See Lise Rakner, Nicholas van de Walle & Dominic Mulaisho, *Aid and Reform in Zambia: Country Case Study*, Final Report, Aid and Reform in Africa Project, (World Bank, 1999), <http://www.worldbank.org/research/aid/africa/zambia2.pdf>.

<sup>106</sup> GEORGE B.N. AYITTEY, AFRICA IN CHAOS 270 (1998)(noting that western economic advisers encouraged a high level of Zambian government control of the economy).

<sup>107</sup> *Economic Challenge for Zambia*, BBC NEWS, Jan. 2, 2002:

From the 1960s right through to the early 1990s, under President Kenneth Kaunda, Zambia veered to the left. The country's huge copper mines became public property, as did its farms, in an attempt to solve issues of ownership once and for all. The result was underperformance – exacerbated by corruption at the top as Mr. Kaunda's United National Independence Party made Zambia's de facto one-party state into the law of the land.

<sup>108</sup> Fraser, *Zambia's 'Matrix of Plunder'*.

<sup>109</sup> *Kenya Seeks 'Ghosts' to Ease Budget Woes*, BBC NEWS, July 18, 2003. Cf. *Liberia Fights 'Ghost Soldiers'*, BBC NEWS, Aug. 17, 2001 (“Liberia has discovered that some 2,000 soldiers out of its 14,000 strong army do not exist.” Senior officers have been collecting the salaries of those “ghosts.”)

<sup>110</sup> Stephen Kapambwe, *Mwanawasa Seeks Recovery of Zambia's Agricultural Prowess*, THE TIMES OF ZAMBIA, Dec. 19, 2003.

<sup>111</sup> *Opinion*, THE TIMES OF ZAMBIA, Dec. 22, 2004.

<sup>112</sup> MORAG BELL, CONTEMPORARY AFRICA 25 (1986).

<sup>113</sup> Gray Phombeah, *Little to Celebrate as Kenya Turns 40*, BBC NEWS, Dec. 11, 2003.

<sup>114</sup> See Eugene Obiero, *Poverty in Kenya*, at Comments ¶2, <http://www.ucalgary.ca/G8/tidalthought/Kenya%20%20Poverty%20in%20Kenya.pdf> (visited 12/25/03) (“The introduction of the single party regime by our founding father introduced room for unprecedented corruption and looting of public coffers....it will be a gross distortion of the truth to say that corruption is something that started in Kenya recently.”).

<sup>115</sup> *World Bank Pledges Kenya Aid*, BBC NEWS, July 23, 2003. See also Mugo Njeru and Mugumo Munene, *Cbk Lost Sh13.5 Billion in Nine Days*, THE NATION (Nairobi), Jan. 8, 2004.

<sup>116</sup> *Kenya Hunts for Missing Billions*, BBC NEWS, Dec. 16, 2003. See also *Hearings Before the House Comm. on Fin. Services*, 107<sup>th</sup> Cong. (2002) (statement of Michael Chege), <http://financialservices.house.gov/media/pdf/050902mc.pdf> (“The authoritative British newsletter *Africa Confidential*, put Moi's external bank holdings at US \$3billion two years ago. He denied it publicly but insisted that he could not vouch for his siblings who, together with Moi's

supreme confidante Nicholas Biwott have been often linked to major corrupt deals in Kenya.”).

<sup>117</sup> *Corruption 'Costs Kenya \$1bn a Year'*, BBC NEWS, May 30, 2003.

<sup>118</sup> *Id.* See also Ishbel Matheson, *Poll Drives Change Through Kenya*, BBC NEWS, Jan. 4, 2003 (“Kenya is, in the words of a famous pop tune here, ‘nychi ya kitu kidogo.’ In Swahili, that means the ‘land of something small’ – a euphemism for the ‘land of graft.’”).

<sup>119</sup> *'Day of Reckoning' for Kenya Graft*, BBC NEWS, Oct. 20, 2003. See also *First Deputy Managing Director Anne Krueger's Statement at the Conclusion of a Visit to Kenya*, International Monetary Fund, Press Release No. 03/212 (Dec. 4, 2003); *Joint Statement of the Government of the Republic of Kenya and the World Bank*, Consultative Group Meeting for Kenya, Nairobi, (Nov. 24-25, 2003) (“H.E. President Kibaki, welcomed the delegates and assured them that Kenya is committed to good governance, sound economic management and zero tolerance to corruption.”), [http://siteresources.worldbank.org/KENYAEXTN/Resources/final\\_joint\\_statement.pdf](http://siteresources.worldbank.org/KENYAEXTN/Resources/final_joint_statement.pdf).

<sup>120</sup> *'Price List' for Kenya's Judges*, BBC NEWS, Oct. 3, 2003; Tony Kago and Jillo Kadida, *Top Judges Caught in Corruption*, THE NATION (Nairobi), Oct. 1, 2003.

<sup>121</sup> *Kenya Seeks 'Ghosts' to Ease Budget Woes*, BBC NEWS, July 18, 2003. (“In March 2003, wage spending took up 34.6% of government spending – but development spending was just 11.6%, meaning that even a small saving on wages and salaries could greatly boost the development budget.”).

<sup>122</sup> Dagi Kimani, *Kenya's Filthy Rich Civil Servants*, THE EAST AFRICAN (Nairobi), Nov. 3, 2004, reprinted in WORLD PRESS REVIEW (Jan. 2004), <http://www.worldpress.org/Africa/1701.cfm>:

As Kenyans this year launch a concerted war against corruption, which in governance is taken basically to mean the privatization of public funds through illegal means, they will also have to fight extremely hard to stop the looting of public coffers in legal ways....in what looks like a conspiracy by the top echelons of the political leadership and the civil service, the salaries of top public servants are being pushed to obscene levels....

See also Gray Phombeah, *Little to Celebrate as Kenya Turns 40*, BBC NEWS, Dec. 11, 2003 (“Despite dramatic moves to tackle corruption and the provision of free primary education places, internal feuding in the ruling coalition has undermined the credibility of the new government and eroded confidence among Kenyans in the new era.”); Mugo Njeru, *Graft: Kenya Still Among the Worst*, THE NATION (Nairobi), Dec. 10, 2004 (“Parliament and political parties are ranked by Kenyans as some of the most corrupt institutions, a new report by Transparency International reveals....”).

<sup>123</sup> TED ROBERT GURR, PEOPLES VERSUS STATES: MINORITIES AT RISK IN THE NEW CENTURY 261 (2000)(“President Moi, a Kalenjin, encouraged communal violence against the Kikuyu and the Luo....”).

<sup>124</sup> *Id.*

<sup>125</sup> *Police are Kenya's Top Killers*, BBC NEWS, Jan. 14, 2002. See also *Police Could Be at Centre of Extortion Ring in City*, THE EAST AFRICAN STANDARD (Nairobi), Jan. 26, 2004.

<sup>126</sup> Phombeah, *Little to Celebrate as Kenya Turns 40*.

<sup>127</sup> See Standard Team, *PC Cracks the Whip on Traffic Policemen*, THE EAST AFRICAN STANDARD (Nairobi), Dec. 13, 2004. (“Eastern Provincial Commissioner John Nandasaba yesterday accused traffic police officers in the province of giving the force a bad image by extorting money from motorists.”); Mugo Njeru, *Graft: Kenya Still Among the Worst*, THE NATION (Nairobi), Dec. 10, 2004 (“The sharp focus on corruption in the police force, is reflected in the high level of insecurity in the country. ‘As long as bribery plays a significant role in the operations of the Kenya Police Force, it will not be able to effectively perform its core function of guaranteeing the security of the citizens,’ said the TI [Transparency International]-Kenya director.”); *Police Could Be at Centre of Extortion Ring in City*, THE EAST AFRICAN STANDARD (Nairobi), Jan. 26, 2004; *Police are Kenya’s Top Killers*, BBC NEWS, Jan. 14, 2002; Immigration and Refugee Board (IRB) of Canada, *Country of Origin Research: Kenya*, <http://www.irb-cisr.gc.ca/en/research/ndp/ref/?action=view&doc=ken42855fe>:

Recent corroborating sources noted an increase in incidents of torture by Kenyan police...One source estimated the number of victims of torture and extrajudiciary killings in 2003 at 358...while another had the number at 458, compared with 140 cases reported in 2002...Many incidents involved the rape of women in police cells to get evidence....

<sup>128</sup> Phombeah, *Little to Celebrate as Kenya Turns 40* (“Because of mass unemployment, there is rising crime – armed robbery and carjackings – in Nairobi and other major towns.”); Cf. Sabala Kizito, *The Proliferation, Circulation and Use of Illegal Firearms in Urban Centres. The Case of Nairobi – Kenya* (Bonn International Center for Conversion, 2001) [http://www.saligad.org/workshops/addid/papers\\_conference\\_saligad.html](http://www.saligad.org/workshops/addid/papers_conference_saligad.html); GODFREY ANYUMBA, PLANNING FOR CRIME PREVENTION: THE CASE OF THE CITY OF NAIROBI (SaferAfrica, 2003).

<sup>129</sup> Robert Ndwiga, *Security Firms Divided over Gun Licenses*, THE EAST AFRICAN (Nairobi), May 7, 2001. Also noting:

Security companies are lobbying the Kenya government to issue about 6,000 guards with firearms in the wake of escalating armed robberies in urban centers....According to the firearms Act cap 114, part 11, Section 4 (1), “No person shall purchase, acquire or have in his possession any firearm or ammunition unless he holds a firearm certificate in force at the time”...Illegal firearm possession attracts 15-year imprisonment in Kenya. Guns are granted by the licensing officer if he is satisfied that the applicant has a good reason for “purchasing, acquiring or having in his possession the firearm or ammunition.”

<sup>130</sup> Samuel Mburu, *Repeal Laws Barring Kenyans from Keeping Arrows*, *Urges Kaguthi*, THE EAST AFRICAN STANDARD (Nairobi), Dec. 8, 2004.

<sup>131</sup> The authors of SMALL ARMS SURVEY 2003: DEVELOPMENT DENIED (2003) cite researchers who ignore or minimize the social benefits of civilian firearm ownership, and who emphasize the negative social costs of firearms ownership. For quantification of some of the social benefits of firearms, see Gary Kleck & Marc Gertz, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*, 86 J. CRIM. L. & CRIMINOLOGY 150 (1995)(non-government actors in the U.S. accounts for approximately 2.5 million instances of defensive gun uses from criminal attack, annually). For the non-relationship of arms density and social problems, see, e.g., Don B. Kates & Daniel D. Polsby, *Long-Term Nonrelationship of Widespread and Increasing*

*Firearm Availability to Homicide in the United States*, 4 HOMICIDE STUD. 185, 185 (2000):

These data do not show a correlation over the long term between the distribution of firearms in the population at large and homicide rates. The two variables do cross occasionally, but they do not do so consistently. Rather, the trend in the period 1973-1997 was one of very large increases in firearms accompanied by essentially flat, even diminishing, homicide rates. That is the general rule for the period since the end of World War II to date.

See also Paul Gallant & Joanne Eisen, *Trigger Happy: Rethinking the ‘Weapons Effect’*, 14 J. FIREARMS & PUB. POL’Y 89 (2002), <http://www.saf.org/jfpp/jfpp14.pdf>.

<sup>132</sup> Food and Agriculture Organization of the United Nations, FAO Newsroom, *Hunger costs millions of lives and billions of dollars—FAO hunger report*, Dec. 8, 2004,

<http://www.fao.org/newsroom/en/news/2004/51809/index.html>. See also FAO, *The State of Food Insecurity in the World 2004: Monitoring Progress Towards the World Food Summit and Millennium Development Goals*, <ftp://ftp.fao.org/docrep/fao/007/y5650e/y5650e00.pdf>.

<sup>133</sup> Universal Declaration of Human Rights, G.A. Res. 217A (III) (1948), <http://www.un.org/Overview/rights.html>.

<sup>134</sup> The sculpture, named “Non-Violence,” or “The Knotted Gun,” was designed by Fredrik Reuterswäld, and was given by the government of Luxembourg to the United Nations, <http://www.un.int/luxembourg/knotted%20gun.htm>. Many gun prohibitionists equate non-violence with the absence of firearms, but they may be wrong. As we have detailed in another article, a world without firearms in the hands of “non-state actors” would likely be a much more dangerous and violent world, because physically stronger people could attack smaller victims with impunity, and because victims of genocide and oppression would have no practical means of resistance. See Dave Kopel, Paul Gallant & Joanne Eisen, *A World Without Guns*, NAT’L REV. ONLINE, Dec. 05, 2001, <http://www.nationalreview.com/kopel/kopel120501.shtml>.