

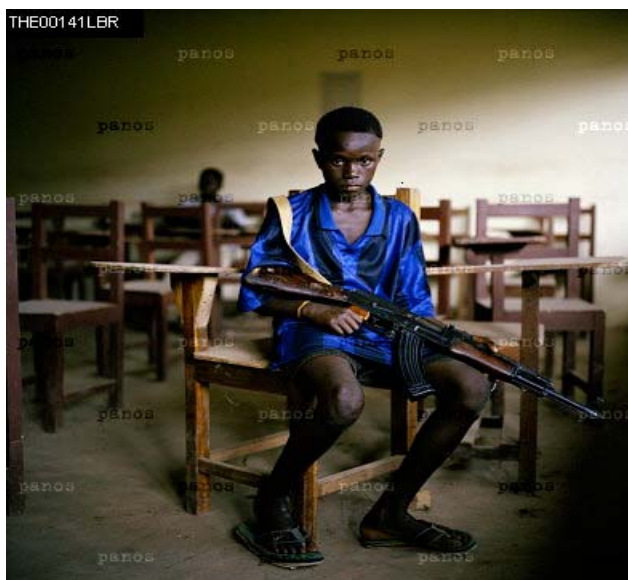


International Peace Bureau

Sustainable Disarmament for
Sustainable Development

Small Arms and Development:
The results of the UN Small Arms Review Conference 2006
and their policy implications

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‘Small arms are easy to buy, easy to use, easy to transport and easy to conceal. Their continued proliferation exacerbated conflict, sparks refugee flows, undermines the rule of law and spawns a culture of violence and impunity.’

(UN Secretary General Kofi Annan, Opening speech to the Small Arms Review Conference 2006)

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For a list of references and agreements on SALW, please refer to http://www.ipb.org/doc/Websites_SarmsDaD.doc

More information about the IPB Programme on 'Disarmament for Development' can be found at www.ipb.org.

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1) Executive Summary

Research and activities on weapon-related effects on development are, besides military spending, at the core of IPB's programme on Disarmament for Development.

From a human security perspective, small arms and light weapons are of particular importance; their effects on public health, human rights, social and economic development make them primarily an issue of human security rather than of national or military security. Moreover, due to their uncontrolled spread and widespread availability, SALW undermine human security more than any other kind of conventional weapon.

Among developing regions, Sub-Saharan Africa is most adversely affected by armed violence and poverty, and the connection between the misuse of illicit SALW and underdevelopment seems to be more evident in Africa than in any other region of the world.

The policy aim of IPB is that SALW-related initiatives take fully into account the vicious cycles of SALW, human insecurity and underdevelopment, and pursue an integrated approach to small arms control and development as an effective means to prevent crime and conflict. A holistic approach to micro-disarmament requires controls of small arms proliferation on the supply side as well as prevention of arms purchase and misuse on the demand-side.

The mutual reinforcement between small arms control and development policies has been endorsed in the 2001 UN Programme of Action on Small Arms and Light Weapons (PoA), which is the most important international agreement on small arms control so far. However, the Programme is far from being a comprehensive and effective framework for the improvement of human security. The PoA clearly misses the opportunity to make the linkages between small arms and development a key issue on the international agenda and to make concrete commitments and recommendations - for example in terms of policies to address the demand for small arms, transfers to non-state actors, civilian use of small arms, assistance to survivors, and, in that context, the financial and technical needs of developing countries.

Although theoretical approaches to the small arms problem have become more comprehensive since 2001, overall implementation, even of the narrower norms of the PoA, has been very unsatisfactory.

From the perspective of human security it was thus vital that the international community would put humanitarian and developmental aspects into the centre of small arms policies, and establish a holistic action agenda.

The UN Small Arms Review Conference² from 27 June to 7 July 2006 aimed at evaluating efforts on small arms controls and setting standards for the improvement of policies. The Conference has been deemed a failure because it neither implemented a proper review, nor did it agree on new commitments or concrete recommendations extending the provisions of the PoA.

As a matter of fact, States did submit and discuss useful propositions, which went beyond the scope of the PoA, and which would have addressed the issue of small arms and development more effectively. However, as decisions could be taken only by consensus, a small number of states, including the United States, Cuba, India, Iran, Israel and Pakistan, blocked agreement on a final document. While it is certainly true that an agreement could not be reached because of the firm resistance of a minority of states who sought to secure their national economic and political interests, it is also a fact that few governments have really actively pursued efficient controls of arms transfers.

² "United Nations Conference to Review Progress made on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects"

In conclusion, it seems that, for the time being, the normative basis of the UN Process on Small Arms remains limited to the 2001 Programme of Action as its core document. In fact, the provisions of the PoA represent an enabling framework for reducing the harmful effects of small arms, and it is still a challenge for the international community to fully implement these original norms. However, more concrete interpretations of the PoA would have facilitated implementation, and made it more effective.

As there are no prospects for a further UN conference on small arms to take place in the near future, progress will only be possible at the local, national and (sub-)regional level. The achievement of the Millennium Development Goals requires effective action on SALW which addresses both the supply- and demand side in a comprehensive way. Nongovernmental programmes pursuing a human security approach are able to play an important role in this process: lobbying of and cooperation with governments, international agencies, regional initiatives, and civil society actors – especially community-based groups – represent important entry-points for NGO activities. Ongoing progress “at the bottom” could contribute to the emergence of improved global standards in the field of SALW proliferation and of policies to tackle the demand for weapons.

2) Introduction: IPB's human security

Research and activities on weapon-related effects on development are, besides military spending, at the core of IPB's programme on Disarmament for Development.

The International Peace Bureau advocates a human security approach to disarmament. Consequently, it seeks to put people in the centre of the debate on arms control and to emphasize the interdependence between human security and development.

The concept of human security:

...human security is a multidimensional notion of security that goes beyond the traditional notion of state security. It encompasses the right to fully participate in the process of governance, the right to equal development as well as the right to have access to resources and the basic necessities of life, the right to protection against poverty, the right to access basic social services as education and health, the right of protection against marginalisation on the basis of gender, protection against natural disasters, as well as ecological and environmental degradation. The aim of a human security framework is to safeguard the security of individuals, families, communities, and the state/national life in the economic, political and social dimensions. (African Union, "Report on the elaboration of a framework document on Post-Conflict Reconstruction and Development (PCRD)")

UNESCO describes human security as a multifaceted concept including: political security (violations of human rights and democratic principles); individual and personal security (conflicts, crimes); environmental security (degradation of environment); food security (availability of food in the right quantity and quality); health security (diseases, injuries); economic security (poverty, unemployment, inequality of income and resources).

(http://www.unesco.org/bpi/pdf/memobpi02_security_en.pdf)

The concept of socio-economic development:

...socio-economic development is a multidimensional process that contributes to improved living conditions, improved ability to meet basic needs (such as health, education and food), the reduction of inequality and poverty, and enhanced capacity of human beings to realise their potential.

(African Union, "Report on the elaboration of a framework document on Post-Conflict Reconstruction and Development (PCRD)")

From a human security perspective, small arms and light weapons are of particular importance; their effects on public health, human rights, social and economic development make them primarily an issue of human security rather than of national or military security. And due to their uncontrolled spread and widespread availability, SALW undermine human security more than any other kind of conventional weapon.

On the one hand, this includes the direct physical suffering inflicted on people: approximately half a million people die every year from gunshot wounds, many of them in armed conflict but a large proportion too in post-conflict situations or outside the context of any hostilities. Many more are left injured, permanently disabled and traumatised. That is why small arms are often referred to as the true 'weapons of mass destruction'.

On the other hand, the long-term costs in human and economic development affect the society as a whole, and the adverse effects of armed violence on poverty, social spending and economic development perpetuate human suffering. In turn, where access to small arms is poorly controlled, grievances can give rise to criminal, domestic and anti-state violence and state collapse. Consequently, socio-economic underdevelopment reflects both a breeding ground for and a consequence of the proliferation and misuse of SALW.

The policy aim of IPB is that SALW-related initiatives take fully into account the vicious cycles of SALW, human insecurity and underdevelopment, and pursue an integrated approach to small arms control and development as an effective means to prevent crime and conflict.

While past analyses of disarmament and development have focussed on the reduction of States' military expenditures and the redistribution towards social spending, more recent analyses take a broader view and include micro-disarmament. One has to note that the development-related costs of small arms do not primarily arise from the link between governmental small arms purchases versus expenditures to promote human security and development; after all, the costs of small arms are relatively low. Rather, the negative development impacts of small arms arise from the militarisation of society, and the indirect effects which insecurity and violence have on development through the reduction of social and economic investment. The latter refers to both private sector as well as the state investment; in some cases, societal militarisation leads states to divert public resources from social spending to overall military expenditures.

A holistic approach to micro-disarmament requires controls of small arms proliferation on the supply side as well as prevention of arms purchase and misuse on the demand-side.

The mutual reinforcement between small arms control and development policies has been endorsed in the 2001 UN Programme of Action on Small Arms and Light Weapons (PoA). While not legally binding, this is the most important international agreement on small arms control so far. Since 2001 this relationship has been increasingly recognised at the international level. However, international and national efforts to reduce the threat of small arms are still patchy and insufficient. The UN Small Arms Review Conference³ from 27 June to 7 July 2006 aimed at evaluating efforts on small arms controls and setting standards for the improvement of policies. The Conference has been deemed a failure because it has neither implemented a proper review, nor has it agreed on new commitments or concrete recommendations extending the provisions of the PoA.

This paper will explore the nexus between small arms and development and give an insight into the main provisions of the Programme of Action on this subject.

Then, problems and inadequacies regarding the Programme and its implementation will be dealt with. Here, it is not the aim to evaluate the full range of military aspects of SALW trade and management. There have been extensive studies on this topic.⁴ In fact, reducing and controlling the supply of small arms is essential to avoid their misuse and negative impact on development. However, the objective of the paper is to draw attention to SALW-policymaking which is directly related to developmental issues. On the basis of the results so far, the paper will outline the objectives set for the UN Small Arms Review Conference and give an analysis of the reasons for its failure. As a conclusion, priorities will be proposed for future activities pursuing a human security approach to the small arms problem.

³ "United Nations Conference to Review Progress made on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects"

⁴ cf. in particular the *Red Book 2006*

3) Definition of Small Arms and Light Weapons

The United Nations General Assembly⁵ defines “small arms and light weapons” as any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive. In general, “small arms” refer to weapons meant for individual use, including revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.

“Light weapons” may also be used individually, but are generally designed for use by two or three persons serving as a crew. They include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a caliber of less than 100 millimetres.



The misuse of small arms and light weapons (SALW) is committed by ordinary civilians, by individual criminals, organised gangs, rebel groups, as well as by state security forces. The particular danger of SALW arises from their low costs and general availability, their lethality, their portability and their easy handling. These characteristics are important factors in the increased civilian possession and misuse of SALW. In fact, 60 per cent of SALW are in the hands of civilians.

⁵ United Nations General Assembly, “International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons” (A/60/88), 8 December 2005.

4) The nexus between Small Arms and Development

'The accumulation and proliferation of small arms and light weapons continues to be a serious threat to peace, stability and sustainable development.'

(Report of the UN Secretary General Kofi Annan, "In Larger Freedom: towards development, security and human rights for all", 2005.)

'The proliferation of small arms is not only a security issue but also a human rights and development issue. The proliferation of small arms supports and aggravates armed conflicts. They put in danger, agents, for the maintenance of peace and humanitarian workers. They fragilize the respect of international humanitarian law. They put in danger, the legitimacy of weak governments and profit terrorists and other organized crimes.'

(UN Secretary General Kofi Annan, "Millennium Declaration, 2000)

The misuse of SALW is a global problem. However, today, internal armed conflicts and social violence are concentrated in the developing world. Violence is fuelled by the proliferation of illicit SALW. Overall, 47 of 49 major conflicts in the 1990s have been fought with small arms. Estimates suggest that at least some 100 million SALW are circulating in developing countries. In regions affected by civil war, cross-border rebel activities and refugee movements further contribute to arms trafficking, and lead to the entry of small arms and increased insecurity even in 'peaceful' countries.

'Measures to prevent the misuse and illicit transfers of small arms and to address the root causes of the demand for small arms would greatly contribute to the prevention of conflict.'

(Report of the UN Secretary General, "Prevention of Armed Conflict", 2001.)

Conflict and social violence, including armed crime, are a major cause of the persistence of poverty, underdevelopment and the denial of human rights, which in turn are root causes of conflict and increased demand for SALW. World Bank studies⁶ confirm that the risk of armed violence correlates with poverty and economic underdevelopment, inequality and failed political institutions.

Small arms-related violence, especially during armed conflicts and in post-conflict situations, undermines human security and development at the micro-level as well as social and economic development at the macro-level.

According to the UNDP Human Development Report 2005, conflict disrupts or destroys food production systems and contributes to hunger and malnutrition. Furthermore it undermines progress in health and education. Armed violence may obstruct access to schools, universities and health services or lead to the destruction of social facilities. In addition, the shift in the allocation of public resources towards security and military expenditure generally leads to a downsizing of the public health and education sectors, as well as of food subsidies. In countries affected by civil war, 18% of annual production is spent on average on military expenditures, sometimes amounting to more than health and education expenditures combined. This situation is exacerbated when the misuse of SALW obstructs humanitarian aid and food relief.

In many cases the increase in military expenditure results in a tendency towards a growing budget deficit and inflation, which in turn reduces the purchasing power of individuals. Moreover, people are often affected by falls in employment and real wages because armed

⁶ cf. The World Bank Project on "The economics of civil wars, crime and violence".

violence often leads to the drop in the aggregate level of output and incomes. This effect can be ascribed to the destruction of physical capital and infrastructure, reduced supplies of inputs, as well as the reduction of the labour force following mobilisation, migration, injuries and death.

One side of these economic problems is that post-conflict countries have very few employment opportunities. This has serious implications for the Demobilisation, Disarmament and Reintegration programmes (DDR): without sustainable employment opportunities, even well-trained demobilised soldiers and former combatants have difficulties to transit from military to civilian life and thus become easily recruitable for crime or (renewed) violent action. In the end, demobilization of former rebels without effective measures for socio-economic development and the removal of illicit SALW increases the prospect of widespread criminality or even the recurrence of conflicts.

Furthermore, on the macroeconomic level, the reduction of physical and human capital, accompanied by a fall in private and public investment resulting from reduced profitability and increased security expenditures, severely undermines economic growth. The extent of this problem is underlined by the fact that investment-to-GDP ratios in war zones are at least 50% lower than the average for countries that had no civil war. According to World Bank statistics, a civil war-affected economy declines by around 2.2% per annum relative to its underlying growth path, which means that after a decade of war a society will have an income 20% lower than it would have had under peaceful conditions.⁷

The misuse of SALW in the context of armed conflicts also has a negative impact on environmental security. They are often used as instruments to organise the illegal exploitation – and finally, destruction - of natural resources. The looting of mineral assets as well as of precious renewable natural resources helps the rebels to finance their war efforts.

Finally, one has to mention the destruction of institutions and social capital, crystallising in mistrust and the disrespect for social and legal norms, and provoking continued misuse of SALW.

⁷ COLLIER Paul, “Doing Well out of War”, April 1999, URL:
<http://www.worldbank.org/research/conflict/papers/econagendas.pdf>

While not being the ultimate cause for armed violence and conflict, atrocities and human rights violations are often ‘assisted’ by SALW. The perpetuation and severe consequences of armed violence are strongly related to the impact of small arms, especially during and after armed conflicts.

Possible short-term consequences of SALW-misuse	Possible long-term consequences of SALW-misuse
<ul style="list-style-type: none"> - killings and injuries - torture and rape - abduction, forced migrations - psychological harm - medical and rehabilitation costs - looting of stocks and materials - loss of employment - family break-down - increasing organised criminality, including trafficking in drugs and arms, kidnappings and prostitution - young men drawn away from legitimate activities into criminal subculture - climate of fear and insecurity - reduced availability of, or access to food - destruction of, or blocked access to health and education facilities - blocked access to, or reduction of humanitarian assistance 	<ul style="list-style-type: none"> - militarisation of the society - distortion of local economy - declining economic activity, reduced trade and investment - declining economic growth and employment opportunities - infrastructure collapse - illicit resource exploitation and degradation of environmental security - destruction of food production systems - malnutrition and disease - downsizing of the public health and education sectors - reduction of human capital - mistrust and disrespect of social and legal norms - hampered post-conflict reconstruction and investment → overall deterioration of human development indicators, including health and life expectancy, education and per capita income → overall deterioration of socio-economic development

Among developing regions, **Sub-Saharan Africa** is most adversely affected by armed violence and poverty, and the connection between the misuse of illicit SALW and underdevelopment seems to be more evident in Africa than in any other region of the world.

Firstly, the number and intensity of civil wars in Africa is a matter of serious concern: more than half of the countries with the lowest levels of human development have experienced significant levels of armed violence since 1990. Over the last 40 years nearly 20 African countries, or about 40 percent of Africa south of the Sahara, have experienced at least one period of civil war, and currently, one of every five people in Sub-Saharan Africa is directly affected by one of about ten ongoing civil wars.

Moreover, Africa's wars are among the most enduring in the world. An important factor which sustains and intensifies the conflicts is the continued proliferation of illicit SALW. The human toll is devastating: more than half of all war-related deaths worldwide account for Africa, moreover there are more than 8 million refugees, returnees and displaced persons.

In addition to the war zones in Africa, countries who have recently emerged from civil war as well as countries like Kenya and South Africa which are not involved in armed conflict, suffer from some of the highest mortality and morbidity rates in the world resulting from armed criminality.

Secondly, Sub-Saharan Africa suffers from the poorest economic performance. According to the 2005 UN Human Development Report, the 25 poorest countries of the world figuring at the bottom of the ranking are African countries.⁸ Between 1960 and 1999, per capita income has been only \$2000 on average for Africa, but \$3,625 for other developing countries. Average annual GDP per capita growth has been about 0,5% in Africa but about 2 percent in other developing countries. The human dimension behind these economic data: 47,67 % of the population in Sub-Saharan Africa live on less than 1 \$US per day, which means that Sub-Saharan Africa has the largest proportion of poor people worldwide. Moreover, only about 60% of the children are enrolled in primary school and 80% of those not attending school live in areas of armed conflict. Few resources are devoted to improving the poor health conditions, especially the spread of infectious diseases like HIV/AIDS and malaria.

In fact, military expenditure in Sub-Saharan Africa has increased steadily from 1995 to 2001 by 47 per cent. However, only very few African countries have the capacity to produce weapons, and only limited numbers of African manufactured arms enter the illegal market. Instead, the majority of illicit weapons comes from other continents and originate from legal exports: overall, arms deliveries to developing countries in 2004 constituted about 59 per cent of the value of all arms deliveries worldwide. The majority of small arms are produced by the most powerful countries in the world: the United States and the European Union combined account for about 75 percent of the total annual production. The value of small arms exports from all G8 countries amount to \$1,5 billion, with \$741 accounting for the US. Other major exporters include Belgium, Brazil, Austria, Spain, Russia, China, Israel, Switzerland and the Czech Republic.

The global earnings from the export of SALW total about \$4 billion (10% of earnings of exports of conventional weapons), with at least \$1 billion accounting for illicit trade. In view of the fact that small arms account for only a small fraction of world trade, but have devastating consequences for human security, the real problem lies in the interconnections between legal and illegal trade and the transfer of SALW to irresponsible users. Controls are further complicated by the fact that the production and trade in SALW is highly decentralised and involves about 600 companies in at least 95 countries.

⁸ The Human Development Index integrates life expectancy, education (literacy and primary school enrollment) and GDP per capita.

Moreover, there has been a shift in the spending priorities of Western countries, especially the US, towards military instead of development assistance. This policy fails to take into account the conditions which foster the demand of SALW.

In view of the fact that small-arms related violence is already undermining the achievement of many of the Millenium Development Goals, the above analysis underlines all the more the importance of international regulation of trade in small arms and the need to incorporate development strategies into small arms-related policies and vice versa.

5) The impact of small arms in Africa – a collection of testimonies and comments:

The militarisation of society in Eastern Congo:

'There are so many weapons here that each person makes his own law. There is practically complete impunity. Anyone who holds a weapon has authority over anyone and can threaten anyone.'

(Jean-Charles, humanitarian officer in the Democratic Republic of the Congo since 2001, South Kivu)

'Before, we considered the gun a weapon for the military. But now it's common. Today, so many people are killed [by them]. They circulate everywhere. You can find them in any hand.'

(Safari, director of a human rights and development NGO, South Kivu, DRC)⁹



Firearms from the perspective of the holders:

'A firearm is power, they feel they are almost invincible, that they can do whatever they want. I can tell you specifically what happened when they had the guns. It enabled them to loot. They didn't need to work any more. They were just looting, and any resistance to their looting ended in death... It's very important that these young people do not get hold of guns again.'

(Father Gabriel Koroma, lecturer at Northern Polytechnic, Sierra Leone)¹⁰

The proliferation of SALW in West Africa:

*(...) the durability of small arms means they can easily be recycled from one conflict to another, or passed between the hands of different criminals. The recent conflicts in West Africa are but one arresting example of this, with guns passing from, and continuing to wreak devastation in, Sierra Leone to Liberia, and now most recently to Côte d'Ivoire.'*¹¹



⁹ http://www.oxfam.org/en/files/doc_controlarms_DRC_060109/download

¹⁰ http://www.iansa.org/control_arms/documents/ControlArmsSierraLeone.pdf

¹¹ <http://www.irinnews.org/webspecials/small-arms/default.asp>

Amnesty International on the supply of SALW in the DRC:

A study conducted by Amnesty International reveals

(...) the role played by arms dealers, brokers and transporters from many countries including Albania, Bosnia and Herzegovina, Croatia, Czech Republic, Israel, Russia, Serbia, South Africa, the UK and USA. The study traces the supply of weapons and ammunition to the governments of the Democratic Republic of Congo, Rwanda and Uganda and their subsequent distribution to armed groups and militia in the eastern DRC that have been involved in atrocities amounting to war crimes and crimes against humanity.

'Millions have already lost their lives during seven years of conflict in the Democratic Republic of Congo. Armed men are still raping, looting and killing civilians – as arms deliveries continue. If the international community, the UN and neighbouring states fail to halt this proliferation, the fragile peace process will collapse with disastrous consequences for human rights'

(Kolawole Olaniyan, Director of Amnesty International's Africa Program, DRC)¹²

*The Ituri district of the Democratic Republic of the Congo has seen at least 55,000 violent deaths, an uncounted number of deaths from disease and half a million people displaced. Insecure weapon stockpiles as well as states' neglect of their obligations under existing international humanitarian law and human rights law during arms transfers facilitate arms reaching armed groups and militias.*¹³



The problem of arms transfers – the example of Sierra Leone:

*Sierra Leone's war was fought primarily with small arms and light weapons. Some 25,000 small arms, 1,000 light weapons, and almost a million rounds of ammunition were handed in during the various disarmament processes for rebel forces and pro-government militias between September 1998 and January 2002. (...) None of the weapons (...) (used) are manufactured in Sierra Leone.*¹⁴

*Of the minority of transfers that are known about, weapons came from Ukraine, Bulgaria, and Slovakia. Supply lines went through Burkina Faso, Niger, and Liberia. Libya, Côte d'Ivoire, and Guinea are also reported to have helped in providing weapons to the RUF. Other countries were also complicit: air cargo companies from the UK, Senegal, and Belgium carried weapons to Sierra Leone.*¹⁵

*Illegal arms brokering resulted in the transfer of 68 tons of weapons from Burkina Faso to Liberia in 1999. From Liberia, the weapons were transferred to the Revolutionary United Front armed group, in violation of a 1997 UN arms embargo*¹⁶.

'If only these major manufacturers and the dealers could be put under control, then we would not be suffering here. We are not the manufacturers, but we end up the victims.'

(Mohamed Kamara, Project Co-ordinator of UNDP Arms for Development Programme, Sierra Leone)¹⁷

¹² <http://web.amnesty.org/library/Index/ENGAFR620082005>

¹³ web.amnesty.org/library/index/engaf620062005

¹⁴ http://www.iansa.org/control_arms/documents/ControlArmsSierraLeone.pdf

¹⁵ [http://www.reliefweb.int/rw/lib.nsf/db900SID/LGEL-5D9MU6/\\$FILE/sas-sie-dec00.pdf?OpenElement](http://www.reliefweb.int/rw/lib.nsf/db900SID/LGEL-5D9MU6/$FILE/sas-sie-dec00.pdf?OpenElement)

¹⁶ Report of the Panel of Experts on Sierra Leone, 2000

¹⁷ http://www.iansa.org/control_arms/documents/ControlArmsSierraLeone.pdf

The human rights violations committed with small arms in Sierra Leone:

The guns that the arms dealers sold to Sierra Leone were not just used to fire bullets, but also to threaten and to allow other human rights violations to take place. Amputations might have been carried out with machetes, but they took place at gunpoint. So did rapes, forced displacement from homes, and forced conscription of child soldiers.

'These people should stop selling guns to people who want to make war, because if they didn't have the guns they would not fight. If they take a stick, I will take a stick too. But if they take a gun, I will run away,' (Adama Michael, nurse, Sierra Leone)¹⁸



A testimony from a woman in the Democratic Republic of the Congo:

*'I am now ready to talk about my story. Before I was raped, both my parents were killed in the war, as were many of my relatives. In fact, my three sisters are widows because their husbands were all killed. (...) One morning in November 2004 I went to look for food in the field with two of my children. (...) the militiamen appeared in front of and behind us. The six men pushed us from the path to the nearest field and tied my daughter's and my arms behind our backs. They started to beat us with their guns, and also beat and kicked my baby (...). I was raped by three men and my daughter was raped by the other three at the same time, lying next to me on the ground. While one raped each of us, the other two would point their guns and hold us down with their feet. (...) When it was over, they took my daughter away with them. I have not seen her since.'*¹⁹



¹⁸ http://www.iansa.org/control_arms/documents/ControlArmsSierraLeone.pdf

¹⁹ <http://www.iansa.org/women/documents/DRC-Elizabeths-story.pdf>

The consequences of armed conflict – a testimony from Sierra Leone:

'Before the war we had lights, there was water in the taps, but now because of these guns we have nothing. Now we put kerosene in our lamps and have to fetch water. We had school libraries, now the buildings are standing empty.'

(Zainab Kamara, counsellor, Sierra Leone)²⁰

The impact of small arms on health in Nigeria:

Nigeria is a country plagued by armed violence and internal conflicts.

*'Over a million illegal small arms circulate in Nigeria in the hands of militant groups. Over 10,000 may have died in conflicts between these groups and the government. Quality health care is unavailable in much of the country, and small arms injuries often overstretch emergency health care. A national committee has been set up to implement the ECOWAS moratorium on small arms and light weapons, but much remains to be done.'*²¹

(John Ime, Society of Nigerian Doctors for the Welfare of Mankind, Nigeria)

A 'Medical Catastrophe' – the effects of the conflict in the DRC:

(...) more than 1,200 people in the Democratic Republic of Congo (DRC) die every day in excess of normal mortality. To date, the conflict has caused 3.9 million deaths, making it the deadliest war since World War II. This appalling statistic is largely due to disease and food shortages following the collapse of much of Congo's health system and economy.

*(...)The death toll in Congo derives fundamentally from a lack of security that, in turn, hinders access to basic health and human services. Civilians will continue to die unnecessarily unless all actors become resolute and launch a major effort to establish security.'*²²

'In the conflict in the Democratic Republic of Congo, for example, large numbers of people have been killed directly, either in combat or in the crossfire. However, 95 percent of the deaths were caused not by bullets, but by malnutrition or preventable diseases such as malaria, which were contracted when people were forced out of their homes by the conflict.' (Debbie Hillier, Oxfam)

Access to education severely undermined in Sub-Saharan Africa:

Of the 121 million children worldwide who do not attend school more than 80 percent live in crisis and post-conflict regions. In the 17 sub-Saharan African countries where school attendance fell during the 1990s, six are affected by or have just come out of a major armed conflict. In Rwanda, more than two thirds of teachers fled or were killed in the genocide in 1994. In Mozambique, the civil war destroyed 45 percent of schools. The number of refugees has also risen as a result of armed conflict. Most refugees are women and children.

(Federal Ministry for Economic Cooperation and Development)²³

²⁰ http://www.iansa.org/control_arms/documents/ControlArmsSierraLeone.pdf

²¹

http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=16450652&dopt=Abstract

²² <http://www.theirc.org/what/page.jsp?itemID=27814363>

²³ <http://www.bmz.de/en/issues/Education/hintergrund/bildungssituation/index.html>

6) Small Arms and Development in the 2001 Programme of Action (PoA)

The issue of small arms availability and misuse was raised at the international level as a consequence of a number of factors. These include the increase in internal wars, non-state armed groups, armed criminality and transnational organised crime, and the emergence of peace-building operations after the end of the Cold War. It was also the development of the concept of human security which led States and NGOs to initiate efforts to curb the threat that small arms represent for human well-being. Particularly, the increasing engagement of nongovernmental organisations during the 1990s has resulted in a number of programmes and coalitions aiming to reduce the proliferation and misuse of SALW, and to raise awareness on this issue. In establishing a network of civil society organisations, IANSA – the International Action Network on Small Arms, founded in 1998-9 – became a major advocate of international efforts related to the problem of small arms.

Following a variety of governmental and nongovernmental initiatives, the **2001 UN Conference on the Illicit Trade of Small Arms and Light Weapons in All its Aspects** was launched under the auspices of the United Nations. The Conference aimed at preventing illicit trafficking, proliferation and misuse of small arms and light weapons (SALW), including the ways in which licit and illicit trade in arms are interconnected. Besides the representatives of states, numerous international and regional organisations, as well as NGOs were present.

The UN Conference adopted the **Programme of Action**, which is a non-binding document, but constituted a big step forward in the development of international guidelines to tackle the threat of small arms.

The PoA directly refers to development in several paragraphs:

- Firstly, it mentions the mutual relationship between illicit trade of SALW and underdevelopment, in terms of the negative effects of SALW and violence on development as well as the increased demand for SALW resulting from underdevelopment:

*The illicit manufacture, transfer and circulation of SALW and their excessive accumulation and uncontrolled spread in many regions of the world, have a wide range of humanitarian and socio-economic consequences and pose a serious **threat to... sustainable development at the individual, local, national, regional and international levels**” (preamble, paragraph 2), and (...) **the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects.** (preamble, paragraph 3)*

- Secondly, the PoA mentions the multifaceted challenges of illicit trade in SALW:

*(T)he challenge posed by the illicit trade in small arms and light weapons in all its aspects is multi-faceted and involves, inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, **health and development dimensions**” (preamble, paragraph 15)*

- Thirdly, with regard to post-conflict situations, States agree to make

*greater efforts to **address problems related to human and sustainable development**, taking into account existing and future social and developmental activities, and should fully respect*

the rights of the States concerned to establish priorities in their development programmes. (section III, paragraph 17)

Thus, what the PoA implies is that policies on SALW control should take account of poverty and underdevelopment and that, in turn, development policies should integrate programmes on SALW; the programme basically recognises that reducing the adverse affects of armed violence is about both regulating trade in SALW and addressing the devastating socio-economic conditions that foster and are fostered by small arms misuse.

- Regarding conditionality of exports, the PoA demands states to

*Assess applications for **export authorisations** according to strict national regulations and procedures that cover all small arms and light weapons and are **consistent with the existing responsibilities of States under relevant international law**, taking into account in particular the risk of diversion of these weapons into the illegal trade. (...)(Section II, paragraph 11)*

Overall, the PoA mainly addresses the national, regional and international legislation on ‘hardware’ issues like the control of production, exportation and transfers and stockpiling of SALW, which are part of the supply-dimension of small arms.

The provisions of the PoA can be summarised in the following way:

1) Laws and procedures on SALW

- *prevention and combating of illicit SALW production and trafficking by making it a criminal offence*
- *ensuring effective controls on the legal production, holding and transfer of SALW*
- *recognition of the interconnections between illicit and legal production, flows and accumulations of SALW*
- *identification and prosecution illegal gun producers and traffickers*
- *ensuring that comprehensive and accurate records are kept on the manufacture, holding and transfer of small arms*
- *establishment of a national coordination agency on small arms to coordinate the efforts of all relevant departments and organisations working to reduce gun violence in-country;*
- *assessment small arms export applications according to strict national regulations and procedures consistent with the existing responsibilities of States under relevant international law*
- *harmonisation of policies at the regional level; strenghtening of regional and subregional agreements and moratoria on control of small arms*

2) Weapons Management

- *Dismarmament, Demobilisation & Reintegration (DDR) of ex-combatants, including collection and destruction of their weapons*
- *management and security of official and authorised SALW stocks*
- *Identification and destruction of stocks of surplus weapons*
- *SALW control in post-conflict situations*

3) International Cooperation and Assistance

- *information exchange and confidence-building*
- *better enforcement of arms embargoes*
- *involvement civil society organisations in the small arms process*

7) Problems and inadequacies regarding the Programme of Action and its implementation

1) The normative framework of the small arms process: missing aspects

The normative basis of the UN Process on Small Arms laid by the Programme of Action provides a first and important framework for reducing the threat of illicit SALW and to address the complex relationship between small arms and development. However, the Programme is far from being a comprehensive and effective framework for the improvement of human security. Due to the resistance of some states, many issues which are paramount in tackling the vicious circles between small arms misuse and underdevelopment are under-represented or missing, in the document itself as well as in practice. The direct references to development remain rather vague and are concentrated in the preamble instead of the operative clauses. **The PoA clearly misses the opportunity to make the linkages between small arms and development a key issue on the international agenda** and to make concrete commitments and recommendations. A major shortcoming is also that it does not call for the establishment of legally binding instruments on small arms, which would be an important prerequisite for effective implementation.

Development measures on the demand- and supply-side

In particular, the PoA does not emphasize the preventive function that poverty reduction and sustainable development have on the demand for SALW, and does not recommend any concrete measures related to development, poverty-reduction or human rights protection in order to reduce the motivations of individuals to take up arms.

In the end, the Programme remains heavily biased towards supply-side measures, which, moreover, do not include a development dimension. What is needed is an approach which connects the reduction of supply and availability with a focus on the demand side of the problem.

The PoA fails to give major development agencies (UNDP, World Bank, OECD, national ministries etc.) a prominent role in addressing the small arms problem.

Taking account of the developmental dimension of small arms problems would also require bottom-up approaches to arms reduction in order to tackle the specific origins of SALW-demand, as well as the needs and traditions of communities. There is no one-size-fits-all approach to small arms reduction. Still, the need to undertake research and targeted policies at the local level is not mentioned in the PoA.

DDR-Programmes

In fact, the implementation of effective DDR-programmes and the support of regional and international organisations are recommended in the PoA. However, the language used is very general and there are no explicit guidelines on how DDR-programmes should be implemented. Moreover, it only focusses on the supply-side by referring to aspects related to the collection and destruction of SALW. Thus, the Programme fails to take a broad perspective on disarmament programmes, which requires their integration into wider peace-building and reconstruction strategies including demand-reducing measures like

- public awareness-building
- public security and confidence-building within the community through the reform of the security sector and good governance
- social and vocational training of ex-combatants
- policies for economic development of to create employment opportunities and alternative livelihoods for ex-combatants

Particularly in cases where the conflict has a regional dimension, as for example in the Great Lakes Region, there is a need for regional cooperation and common guidelines for DDR-programmes.

Legal trade

Due to the resistance of some governments, especially the US, the PoA was not extended to contain regulations for the legal trade in small arms – which is the original source of the majority of illegal SALW. According to estimates, 80% to 90 % of black market trade derives from originally legal SALW. Thus, the PoA paralyzes international efforts to effectively reduce the anti-developmental effects of small arms proliferation.

Conditionality of arms exports, transfers to non-state actors and civilian use

Besides the diversion of legal SALW into the black market, legal trade sometimes directly provides weapons to irresponsible end users, state security forces as well as non-state actors (NSAs, referring to armed groups and private security companies) that use SALW for armed violence or human rights violations.

No regulations have been included in the Programme to make international SALW transfers conditional on their effects on sustainable development, the human rights situation, and the risk of conflict in the receiving country. It does not even define the ‘existing responsibilities under relevant international law’ that states have with respect to their arms exports. Some states regarded considerations of the end use of the weapons they export as opposed to their political and economic interests. A useful orientation for more detailed provisions could have been found in the EU and the OSCE guidelines which make arms exports dependant on criteria relating to their impact on sustainable development.

The issue of transfers to non-state actors in particular is closely linked to the regulation of civilian ownership of small arms. Although most Latin American and African countries have been strongly in favour of the international regulation of sales to non-state actors and civilian use of small arms, the PoA does not make any reference to them. The US in particular blocked agreement on this issue, even though civilian possession carries particular risks. This is because legal users might divert SALW to non-authorized users, might themselves misuse SALW for human rights abuses or crime, might poorly control their stockpiles, and are a possible party to organised armed violence. These risks are particularly high when the state lacks the capacity or the political will to enact adequate regulations concerning the civilian use of SALW.

Regarding the prevention of illegal manufacture and trafficking in SALW, and their diversion to unauthorised recipients, the PoA does in fact call for adequate laws, regulations and administrative procedures. But specifications of such regulations, in particular relating to civilian acquisition and ownership of SALW, are absent.

In the end, effective implementation of the PoA depends heavily on the inclusion of strict export criteria and small arms regulations regarding transfers to non-state actors and civilian ownership.

Assistance to survivors

Assistance to survivors of gun violence and its contribution to the development of the society and economy as a whole is not dealt with. Survivors of gun violence suffer from injuries, permanent disabilities and psychosocial trauma which may prevent them from (re)integrating into socio-economic life. This poses a threat to both human and socio-economic development.

Gender Considerations

Human development can only be sustainable if it implies development for both men and women. The PoA does not adequately address gender-specific needs and roles in the context of small arms-related violence.

Men are the primary holders and victims of small arms. It is important to specifically tackle the motivations of men for purchasing arms and for resorting to violent resolution of conflicts. They include grievances and the lack of economic opportunities as well as socialisation and cultures of violence.

On the other hand, gender discrimination in the context of armed crime and conflict seriously undermines women's rights. Women's victimisation, especially through sexual violence and denied access to adequate healthcare in conflict and post-conflict zones, is often ignored. There are also special requirements for addressing the needs of woman and girl combatants and dependants in DDR programmes.

Moreover, their potential to contribute to DDR and peace processes is not sufficiently taken into account.

Security Sector Governance and Reform

The security sector is important for the prevention, control, and reduction of small arms proliferation. It has a crucial role in reducing the need for self-protection and the demand for small arms which is fuelled by insecurity and human rights violations. Thus, the fight against uncontrolled proliferation and misuse of SALW can only be successful if it is complemented by a comprehensive reform of the security sector. A credible and legitimate security sector, guided by the rule of law and respect for human rights is capable of reducing the demand and supply of SALW.

The PoA does not address the importance of security sector governance and reform, especially in post-conflict societies, and the need to incorporate the question of small arms into reforms of the security sector. Similarly, small arms control is not sufficiently incorporated into measures taken by the security sector to strengthen border controls, to combat trans-border trafficking in arms and criminality.

Resource exploitation

One further aspect that the PoA does not address is the impact that SALW can have on the illegal exploitation of a country's natural resources and the environmental degradation resulting from it. In many situations of armed conflict, the looting of a country's resources by rebels – using small arms on a large scale – not only undermine environmental but also the economic security of the population.

2) Progress on the normative level

Positively, there has been some progress on the normative level since 2001. Internationally, the small arms sector, as well as the public health and development sectors, have started to recognise that human security requires an integrated approach.

- The 2005 Human Development Report of the United Nations Development Programme (UNDP) explains the negative impact of armed violence on the achievement of the Millennium Development Goals.
- Equally in 2005, the Organisation for Economic Co-operation and Development, OECD, incorporated small arms control into its Development Assistance Committee guidelines. The aim is to make small arms projects dependent on the fact that they can be reconciled with sustainable development targets.

- The World Summit 2005 recognised that security and development are intertwined: ‘peace and security, development and human rights ... are interlinked and mutually reinforcing... and the foundations for collective security and well being’.
- The UN General Assembly Resolution 60/68 (2005) requests states to address the humanitarian and development impacts of small arms. It can be seen as a major step forward in efforts to pursue a comprehensive approach to the small arms problem because it seeks to incorporate small arms control into peace building and poverty reduction strategies by
 - a) *Developing, where appropriate, comprehensive armed violence prevention programmes integrated into national development strategies, including poverty reduction strategies*
 - b) *Building on the commitment by States and appropriate international and regional organizations in a position to do so to, upon the request of the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, such as small arms funds, in order to support the implementation of measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, as contained in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;*
 - c) *Encouraging United Nations peacekeeping operations to address the safe storage and disposal of small arms and light weapons as an integral part of disarmament, demobilization and reintegration programmes;*
 - d) *Systematically including national measures to regulate small arms and light weapons in longer term post-conflict peacebuilding strategies and programmes;*
 - e) *Ensuring, where appropriate: that the activities mentioned in Subparagraphs (c) and (d) above take full account of the roles that women and women’s organizations could play in small arms disarmament, demobilization and reintegration processes; the requirement that the needs of women and girl combatants and dependants be addressed in disarmament, demobilization and reintegration programmes; and the commitment to promote and protect the rights and welfare of children in armed conflicts.*

Notably, the only vote against this resolution came from the United States which argued that humanitarian and development issues should not be dealt with in the Committee on Disarmament & International Security.

(Sub-) regional agreements

Sub-Saharan Africa has been the most active region in efforts to address the threat of small arms and has made significant progress in establishing progressive sub-regional agreements. There are three agreements which are legally binding and which go beyond the provisions of the PoA. In 2004, 11 states in the Great Lakes Region and the Horn of Africa signed the **Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons**. Equally in 2004, the **Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC)** Region came into force. Another major breakthrough was the transformation of the non-binding ECOWAS Moratorium into the **ECOWAS Convention on Small Arms, Light Weapons, their ammunition and other associated material** in June 2006. This Convention has the toughest controls of arms transfers worldwide and includes, among other important components, gender perspectives and illegal imports by armed non-state actors.

Besides the PoA commitments, all three agreements also contain the total prohibition of civilian possession and use of SALW as well as criteria for decisions on international small arms transfers. Thus, progress on the regional level might provide the germ for the emergence of strengthened global norms or even a treaty on international small arms transfers.

3) Implementation

Although theoretical approaches to the small arms problem have become more comprehensive since 2001, overall implementation, even of the more narrow norms of the PoA, has been very unsatisfactory.

Integration of small arms controls into poverty reduction and development policies

To date, the lack of specific provisions in the PoA, and of political will, has kept the international and national development agencies from efficiently integrating the issue of small arms demand into poverty alleviation and development programmes. In practice, development assistance still lacks adequate coordination between disarmament, development and health actors. Cooperation between different national ministries is also lacking.

Existing policy approaches to the development implication of small arms, have mostly been restricted to the context of armed conflict. While this aspect is of crucial importance, it fails to take into account the developmental effects of criminal violence: as a matter of fact, the majority of persons killed or injured by small arms have been victims of individual criminal offences.

As an important and exemplary step forward on the financial level, one can note the decision of the OECD Development Assistance Committee taken in 2005: according to the agreement of donors, Official Development Assistance (ODA) was extended to activities aimed at ‘controlling, preventing and reducing the proliferation of small arms and light weapons’.

International assistance and cooperation

Although the PoA calls for international assistance and cooperation, its implementation could not be effective because the overall commitment of governments, international agencies, and civil society has been lacking. In particular, lack of assistance in capacity-building and training, as well as insufficient and patchy funding for the implementation of the PoA in developing countries has impeded progress in the small arms process. Assistance is all the more important as many developing countries neither have the capacities to take effective action nor the resources to invest in combating illicit trade in, and misuse of, SALW. Among others, there are major concerns regarding the funding – and success- of **DDR programmes** in post-conflict societies. The World Bank, who supports DDR programmes, paradoxically does not fund disarmament and small arms control because of the refusal of its major shareholders. This is only one example for the fact that some states’ political and economic interests also heavily influence the policies of international and national development agencies.

DDR-Programmes

DDR-practices of African states have mostly developed outside of the very general PoA provisions. Fairly comprehensive strategies like the Arms for Development initiatives have been realised in Sierra Leone and Liberia. However, several disarmament programmes have not been very successful in collecting large numbers of weapons and in providing for sustainable economic and social reintegration of ex-combatants.

Security Sector Governance

Development organisations have made increasing efforts in the field of security sector reforms in order to ensure that security forces respect human rights. However, in most cases, small arms issues have not been directly incorporated into such reform initiatives.

Conditionality of arms exports, transfers to non-state actors and civilian use

Despite the lack of normative regulation, 70 percent of States have taken legislative action against civilian arms misuse by making regulations on civilian possession (e.g. Liberia and Sierra Leone) in order to prevent civilian misuse. However, no significant progress can be found in the regulation of arms transfers to non-state actors and the SALW export system is characterised by a patchwork of insufficient national laws on arms exports and transfers. As a matter of fact, the lack of a listing or clarifications of the obligations “under international law” makes it difficult to implement those responsibilities.

But even the non-binding export guidelines contained in the EU Code of Conduct and the OSCE Document on Small Arms and Light Weapons do not have a significant impact on the parties’ export practices. Most of the arms exporters do not incorporate sustainable development considerations/ legislation into their arms-export licensing regimes, and there have still been transfers to developing countries with major human rights concerns. In some cases, exports have directly been related to human rights violations.²⁴

In this context, it is also important to mention the widespread ineffectiveness of UN arms embargoes. While the PoA demands states to ensure the effective implementation of arms embargoes imposed by the Security Council, most of the embargoes have not stopped the supply of arms to state forces and non-state actors in countries affected by civil war or serious human rights violations.²⁵ Mostly, private individuals and companies, with the connivance of many states, have bypassed the embargoes which are of primary importance if the misuse of small arms and its adverse effects on human security and development are to be prevented or reduced.

Implementation of (sub-)regional agreements

While the ECOWAS Convention still needs to be ratified by the state parties, and three of eleven state parties have not yet ratified the Nairobi Protocol, the binding character of the regional agreements in Sub-Saharan Africa makes their implementation more likely. However, there are concerns that true political will and capacities of African governments to implement these agreements are often lacking.

In the cases of ECOWAS and the SADC, a sub-regional body to monitor and co-ordinate action on small arms control does not even exist. Many African states, existing bodies like the RECSA (Regional Centre on Small Arms for the Great Lakes Region and the Horn of Africa), and the African Union²⁶, still lack the capacity to effectively co-ordinate efforts on small arms controls, as called for in the PoA.

²⁴ In recent years, almost all the G8 countries have exported small arms to countries where there are major human rights concerns, including Algeria, India, Israel, Saudi Arabia and Sierra Leone. In some cases small-arms exports have been directly linked to human rights violations, for example in massacres of civilians in Algeria (1997) with sporting and hunting weapons; the Russian Federation continued to export such weapons to Algeria. (source: “Small Arms: the real weapons of mass destruction”, URL: <http://www.irinnews.org/webspecials/small-arms/default.asp>)

²⁵ None of these former arms embargoes have stopped the supply of arms: Angolan rebels, Eritrea and Ethiopia, Libya, Iraq, former Yugoslavia. Currently, arms embargoes are in force against armed groups in the Democratic Republic of the Congo, Sierra Leone, Liberia, Rwanda, and Sudan, as well as against Al-Qaeda and associated groups. Source: “UN Embargoes: An overview of the last ten years”, *Control Arms Briefing Paper*, March 2006.

²⁶ The African Union Peace and Security Council has a mandate to promote and encourage the implementation of international agreements on arms control and disarmament.

8) Analysis of the Small Arms Review Conference 2006: Objectives and results

The **United Nations Conference to Review Progress Made in the Implementation of the Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects** was part of the follow-up process recommended in the Programme of Action. It assembled delegates from UN Member States, representatives of international and regional organizations, as well as of civil society. Many of them saw it as the aim of this first official international review as an opportunity to insert missing points into the PoA and to draft improved guidelines on how to increase the effectiveness of international efforts to reduce the threat of small arms.

It was certainly the best opportunity to advance the UN Process on Small Arms; but despite the growing awareness of the dynamics and consequences of small arms trafficking especially in developing countries, and despite the high expectations that many countries and civil society organisations had, the Review Conference ended in a failure and has neither produced an outcome document nor an agenda for follow-on meetings.

This part of the paper will deal with the following questions:

- 1) From the perspective of human security and development, what have been the objectives and desired outcomes of the Review Conference? (outline)
- 2) What have been the positions of key states or regions and how did they prevent progress in strengthening the PoA in terms of the relationship between small arms and development?

1) Outline of the objectives of the Review Conference

As shown above, the Programme of Action itself as well as the implementation of existing provisions have been far from being comprehensive and effective in addressing the development issues related to the spread and misuse of small arms.

From the perspective of human security it was thus primordial that the international community would put humanitarian and developmental aspects into the centre of small arms policies, and establish a holistic action agenda by:

- adequately addressing the short and long-term human costs of SALW misuse in the context of both armed conflict and criminal violence
- providing for effective demand reduction by incorporating the linkages between SALW and issues like poverty, development, human rights, gender and democratic governance into national and international development and peace-building frameworks
- providing for effective supply reduction by dealing with both legal and illicit weapons, export criteria, transfers to non-state-actors, civilian use of small arms
- initiating increased international and national cooperation between development and security actors
- making commitments to increased financial and technical assistance to developing countries
- agreeing on effective follow-on mechanisms to monitor and advance progress in the Small Arms Process

The current political climate did, however, not allow for the adoption of such an agenda.

2) Reasons for the failure of the RevCon – positions of key states and regions

As the issue of SALW touches on national economic and political interests, discussions on international regulations are politically highly sensitive. The fact that the UN Process makes decisions by consensus of all governments has paralysed the ambition of the many States to improve small arms controls and to contribute to sustainable development and human security. Their willingness to improve the effectiveness of the PoA was opposed by the determination of a minority of States to limit international efforts strictly to the content of the 2001 Programme.

Propositions made at the Conference related to Small Arms and Development

As a matter of fact, States did submit and discuss useful propositions, which went beyond the scope of the PoA, and which would have addressed the issue of small arms and development more effectively:

In the context of demand-reduction and prevention of violence in post-conflict societies, the Democratic Republic of the Congo and the African Union submitted the **Report on the Elaboration of a Framework Document on Post Conflict Reconstruction and Development (PCRD)**²⁷ as a conference room paper. While it did not focus on SALW specifically, it addressed the relationship between armed violence, human security and development, for example

- the threat of civilian possession of SALW
- the needs of the victims of gun violence
- the need of immediate humanitarian assistance and its link with post-conflict reconstruction and the development process
- comprehensive DDR-programmes
- the security needs of specially vulnerable groups like women and children
- security sector reform and democratisation of the national armed forces including the reestablishment of the society's trust
- human rights, justice, reconciliation
- socio-economic reconstruction and development

There has been one conference room paper on **Guidelines for gender mainstreaming** aiming specifically at integrating gender perspectives in the implementation of the PoA.²⁸ Gender entry points for the successful implementation of the PoA mentioned in the paper are the illicit trade in SALW, DDR Programmes, specific regional and national approaches, as well as civil society integration and public awareness initiatives.

One working paper dealing particularly with the issue of **Small arms and Development**²⁹ was submitted for inclusion in the final document.

Its propositions were basically featured in a working paper suggested by the President³⁰, in which he proposed **a strategy for further implementation** of the PoA, and which was

²⁷ A/CONF.192/2006/RC/CRP.8; This report had been agreed upon at a meeting of governmental experts of the African Union in June 2006 and submitted to the AU Executive Council for consideration and adoption.

²⁸ The Conference Room Paper "Guidelines for gender mainstreaming for the effective implementation of the UN programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects" (A/CONF.192/2006/RC/CRP.3) was submitted by the United Nations Coordinating Actions on Small Arms (CASA).

²⁹ The working paper "Small Arms and Development" (A/CONF.192/2006/RC/WP.5) was submitted by Ghana, Kenya, the Netherlands, Norway, Switzerland, Uganda, and the United Kingdom of Great Britain and Northern Ireland.

discussed by the Conference as the draft final document. It contained some crucial extensions and specifications of the PoA related to development. These included among others:

- the increased cooperation between States and international, regional and subregional organizations including regional and country offices of international development organizations,
- the enhanced use of Official Development Assistance for the implementation of the PoA (in line with OECD – DAC guidelines),
- the inclusion of the PoA- programmes into policies of financial institutions (post-conflict reconstruction, strengthening governance, legislation, and capacities of law-enforcement agencies with regard to SALW, promotion of socio-economic development agendas that include the subject of public awareness on issues related to SALW)
- the consideration of strengthened technical, financial assistance and assistance in capacity-building to support the implementation of the POA, including DDR programmes
- the integration of programmes for the prevention of armed violence, as appropriate, in national and local plans and strategies related to national security, development, poverty reduction, crime prevention and post-conflict reconstruction
- encouragement of research aimed at facilitating greater awareness and better understanding of the factors fuelling the supply of and demand for illicit small arms and light weapons as well as at identifying the technical and financial needs of developing countries for the implementation the PoA.

Despite the inclusion of such progressive measures, the paper was still characterised by a preponderance of supply-side measures and remained weak regarding regulations of legal trade, civilian use, transfers to non-state actors and detailed export guidelines.

A working paper submitted by Kenya³¹ proposed a number of useful guidelines for **international transfers of small arms and light weapons**, including among others

- the prohibition of arms transfers which risk to violate obligations under international law, UN arms embargoes or international humanitarian law
- the prohibition of transfers of SALW which are likely to be used for human rights violations, breaches of international humanitarian law, acts of genocide or crimes against humanity, or the commission of organized violent crimes
- the consideration of the internal and regional situation in and around the recipient country in the light of existing tensions or armed conflicts
- the prevention of diversion to irresponsible end-users,
- the principle of the least diversion of human and economic resources and armaments.

Similar, and partly stronger criteria, can be found in a working paper introduced by Nicaragua, the **Code of Conduct of Central American States on the Transfer of Arms**.³²

Although some very disputed issues like the regulation of civilian use of SALW and the question of legal trade have not even been included in the papers submitted, these proposition

³⁰ The paper “Programme of Action to Prevent, Combate and Eradicate the Illicit Trade of Small Arms and Light Weapons in All its Aspects: a strategy for further implementation” (A/CONF.192/2006/RC/WP.4) was submitted by the President of the Conference, Permanent Representative of Sri Lanka to the United Nations.

³¹ The working paper “Suggested Common Guidelines for national controls governing transfers of small arms and light weapons” (A/CONF.192/2006/RC/WP.2) had been developed by Kenya, Austria, Canada, Costa Rica, Finland, Mali, Mexico, New Zealand, Nigeria, Thailand and the United Kingdom of Great Britain and Northern Ireland in a meeting in Nairobi on 20 and 21 April.

³² “Code of Conduct of Central American States on the Transfer of Arms, Ammunition, Explosives and Other Related Material” (A/CONF.192/2006/RC/WP.6)

would have strengthened the effectiveness of the PoA. However, the Conference failed to find consensus on all counts.

Positions of key states and regions

Despite growing awareness among the majority of states of the human costs of SALW misuse, governments could not reach agreement on policies to address the needs of survivors of gun violence.

A significant number of governments, among them the majority of African states, supported the view that development should become a major component of the PoA process. However, many others were not interested in including any specifications on this topic in the final document. The hope of some States represented the fear of others that such extensions of the PoA would lead to increased demands for financial assistance to local and regional initiatives. For example, the Caricom countries prevented the inclusion of the use of ODA for SALW-related policies in the final version of the President's working paper, and also the reference to the support of financial institutions encountered major opposition. The United States prevented the Conference from generally acknowledging the adverse impact of small arms on development. It equally blocked the inclusion of gender issues, which are crucial to equitable and sustainable development.

Many states, notably Canada, Mexico and other countries severely affected by armed violence, have called for guidelines for the national regulation of civilian acquisition and possession of small arms. But as at the conclusion of the PoA in 2001, any reinforcement of national legislation on this issue was blocked, primarily by the United States.

The same is true regarding standards for international arms transfers. There has also been widespread support among the international community for the control of SALW transfers based on human rights and humanitarian law, including efforts towards a global treaty. In fact, concrete commitments would not have been an entirely new aspect, but only an elaboration of the existing provisions of the PoA. However, Cuba, India, Iran, Israel, Pakistan opposed global guidelines for international arms transfers, arguing that trade in small arms was an issue for national policies only and not a question for international regulation.

Extensions to include the question of transfers to non-state actors have primarily been advocated by Sub-Saharan African States. They would have also been accepted by the European Union, but the US opposed a ban on sales of weapons to non-state actors.

While it is certainly true that an agreement could not be reached because of the firm resistance of a minority of states, it is also a fact that few governments have really actively pursued efficient controls of arms transfers. This might relate to their consciousness of the limitations imposed by the current political situation. But the ECOWAS member countries in particular, which signed a ground-breaking convention on small arms control in June this year, could have used the Conference more effectively to display their agreement as a leading example for progressive standards; there was, for example, no working paper jointly submitted by West African countries.

The United States refused to allow future UN studies on small arms, as well as any follow-on global meetings, and has thus crippled efforts to promote the PoA commitments and to advance progress of the UN Process on Small Arms. Nevertheless, Canada announced it would organise informal meetings outside the framework of the UN in order to exchange information about the implementation of the PoA.

In a more general way, the failure of the Conference can be ascribed to the following reasons: On the one hand, a small number of states used their de facto veto power in order to secure their national economic and political interests. They sought to confine the mandate of the Review Conference to reporting on the achievements of the PoA, and opposed efforts to

extend it beyond the original form. In the end, it was most prominently the US which blocked agreement on an outcome document by denying consent on nearly all major issues.

On the other hand, while progressive ideas found the acceptance of a large number of states, especially of developing countries suffering from the uncontrolled spread and misuse of SALW, many of them lacked determination to elaborate concrete proposals and to promote major changes in the PoA. While African States had agreed on an “African Common Position” to the Review Conference in 2005, some African governments argued that this position was weak compared to existing sub-regional agreements on small arms control and to the position that had been adopted before the 2001 agreement on the PoA (Bamako Declaration). This Declaration had been more comprehensive and energetic in addressing the threat of small arms.

It is also surprising that the Conference did not resort to rule 35 of the Rules of Procedures, which provides that if no consensus can be reached, decisions may be taken by a two-thirds majority.

In conclusion, it seems that, for the time being, the normative basis of the UN Process on Small Arms remains limited to the 2001 Programme of Action as its core document. In fact, the provisions of the PoA represent an enabling framework for reducing the harmful effects of small arms, and it is still a challenge for the international community to fully implement these original norms. However, specifications of the PoA would have also been able to facilitate implementation and to make it more effective. In the future, some major extensions of the PoA, backed by the true commitment of States, will be indispensable in order to reduce the negative impacts of SALW.

Even if significant progress may not be realistic in the near future, the Conference also had some encouraging results. It brought unprecedented international attention to the issue of SALW, and there are positive signs that States have recognised its importance. As noted by the UN Secretary-General, many governments sent high-level representatives to the Conference. Several countries could also report on progress made towards the implementation of the PoA, like the establishment of special institutions, the review of national firearms legislation, DDR programmes, and the integration of small arms control in development programmes. On the non-governmental side, a large number of civil society organisations were present at the Conference. They played a major role in contributing to discussions and in highlighting the insufficiencies of the PoA. Many of them took a strong stand for the improvement of the PoA in the light of human security and development. Since 2001, NGOs have also played an important role in advancing local, national and regional efforts related to small arms and development.

Regrettably, progress did not (yet) reach the global level; as the Director of IANSA, Rebecca Peters said, “gun proliferation is a global problem”, and consequently “require(s) a global solution”, especially if it is meant to make a sustainable contribution to development and human security. What is needed is political determination and the orchestrated effort of States to address SALW misuse within a comprehensive development strategy for violence prevention and recovery.

9) Recommendations for NGO-activities based on a human security approach to the problem of small arms

The achievement of the Millennium Development Goals also requires effective action on Small Arms. This should be the guiding principle of future international efforts to address the threat of small arms. The issue of small arms demand and supply is at the interface between security, development and human rights.

According to the UN Secretary-General, *‘(w)e will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights(;) (u)nless all these causes are advanced, none will succeed.’*

(Report of the UN Secretary-General, “In Larger Freedom: towards development, security and human rights for all”, 2005.)

In view of the failure of the UN Review Conference and the global political climate that it reflects, there are two main entry points for the future work of actors that seek to promote the improvement of the PoA in terms of sustainable development:

Firstly, in the short run, policies should focus on awareness raising among governments for the upcoming session of the General Assembly’s Committee on Disarmament and International Security in October. Here, a resolution could be reached with a majority of States.

The Committee will debate a resolution to establish a group of governmental experts to consider an international Arms Trade Treaty. NGOs should work to promote support for this decision.

Moreover, by elaborating the framework provided by the PoA and the General Assembly Resolution 60/68 (2006), States could consolidate the linkage between small arms and development on the normative level and identify concrete recommendations for effective policies.

Apart from that, it is of primary importance that States agree on the continuation of the UN Process on Small Arms and on future international meetings and conferences.

Secondly, despite the failure of the Review Conference, progress on small arms issues does not only depend on the PoA process and the political consensus of all States. As there are no prospects for a UN conference on small arms to take place in the near future, progress will only be possible at the local, national and (sub-)regional level. Lobbying of and cooperation with governments, international agencies, regional initiatives, and civil society actors – especially community-based groups – represent important entry-points for NGO activities. Ongoing progress “at the bottom” could contribute to the emergence of improved global standards in the field of SALW proliferation and policies to tackle the demand for weapons.

As policies for small arms control and development should focus on those countries which are most adversely affected by small arms, the International Peace Bureau encourages efforts to put Sub-Saharan Africa into the centre of work on small arms and development.

The following points are possible priorities for nongovernmental programmes pursuing a human security approach to small arms:

In order to effectively address the demand for SALW and to ensure the implementation of sustainable micro-disarmament, it is paramount that States transform their traditional approach to security by redirecting their military expenditures to more sustainable ways of promoting peace and development. Moreover, the development community in particular, should engage and invest more in small arms- related policies, and security agendas should take account of the developmental dimension of SALW misuse.

1) General priorities for activities on SALW

Promotion of regional initiatives

Regional agreements on small arms policies are of major importance. Especially where borders are porous, conflicts have a regional dimension, or where neighbouring countries are characterised by a weaker gun legislation, it is necessary to

- encourage the harmonisation of regional legislation
- support the development of comprehensive national action plans to reduce the production, trafficking and misuse of SALW and promote their integration into regional programmes, moratoria and agreements
- establish or improve regional registers on the production, ownership, stockpiles, transfer and use of such arms in developing countries

Improvement of coordination between different actors

Nongovernmental organisations should

- stimulate partnerships among each other, including with those NGOs based in countries affected by gun violence, conflict and lack of development
- mainstream common policies, develop campaigning networks, and share information and materials with partner organisations
- increase coordination with organisations and agencies working in the fields of security, health and development, and encourage the adoption of SALW-related programmes
- create publications, conferences and media projects aiming at showcasing programmes and policy aims and at raising awareness among civil society and governmental actors
- cooperate with, and use the information provided by, the UN mechanism CASA (Coordinating Action on Small Arms)
- cooperate with the UN Peacebuilding Commission and encourage it to prioritise the reduction of SALW proliferation in postconflict countries as well as to incorporate the UN General Assembly resolution 60/68 (2005) on the humanitarian and development impacts of small arms into its work

Financial and technical assistance and capacity-building

Patchy implementation of the PoA as well as of regional and national initiatives is often due to a lack of financial and technical resources and skills to implement effective arms control. In the cases of ECOWAS and the SADC, a sub-regional body to monitor and co-ordinate action on small arms control does not even exist. Many African states, existing bodies like the RECSA (Regional Centre on Small arms for the Great Lakes Region and the Horn of Africa) and the African Union, still lack the capacity to effectively implement small arms controls. NGOs should therefore,

- start a campaign for increased assistance to African sub-regions in order to facilitate implementation of their regional agreements on small arms control
- lobby major shareholders of the World Bank to provide funds for disarmament initiatives
- call for assistance to and capacity-building of national security agencies in post-conflict countries
- lobby governmental and nongovernmental organisations, and private funders to secure resources for both the implementation of programmes aiming at
 - a) the recovery and development of communities affected by armed violence, and,
 - b) the intensification of efforts to stop or reduce the supply of weapons.

Promotion of Gender Perspectives

Equitable and inclusive forms of development that reduce the resort to weapons, necessitate consideration of the specific motivations that lead men in particular to take up arms, as well as of the needs that men and women have in recovering from armed violence. NGOs should

- work to integrate gender perspectives into all dimensions of the small arms- related policies, including the prevention of illicit trade, gun misuse, DDR programmes, assistance to survivors, and public awareness and education initiatives.

2) Measures addressing the demand for SALW:

Conducting and encouraging research

Research is the basis for adequate policies and could include the following topics:

- The origin of SALW-demand and the impact of armed violence
 - in specific regions and communities
 - with regard to different groups (men, women, boys, girls)
- Effective measures – both immediate and long-term – to reduce the motivations of individuals to take up arms and to enable personal, societal and economic recovery from armed violence
- The role, type and origin of weapons used in committing human rights violations.

Awareness-building about the root causes and long-term human costs of armed violence

- at the level of international agencies, national ministries and regional organisations in the field of development, health and security through information sharing and conferences.
- among nongovernmental organisations, in order to increase positive civil society engagement, especially in African countries where NGO involvement in efforts to tackle the problem of SALW is still patchy
- among communities, especially through partner organisations in African countries and by
 - establishing arrangements with local media and making reports and information available to them
 - organising and holding seminars for persons who can spread awareness, like community leaders and teachers
 - encouraging member-organisations especially in Africa, to engage in community dialogue on security, including e.g. youth, women, marginalised or conflicting groups, traditional leaders , and ex-combatants;

Integration of small arms controls into poverty reduction and development policies

Nongovernmental organisations should urge

- international and national development agencies to integrate the issue of small arms demand into poverty alleviation and development programmes, for example UN Development assistance frameworks and national Poverty Reduction Strategy Papers (PRSP). The inclusion of armed violence into PRSP would allow States to receive debt relief and loans for small arms programmes and should be supported by the World Bank and the IMF.
- African governments, partner-organisations and donor governments in particular, to prioritise small arms control within poverty reduction and development strategies and to acknowledge the positive impact that poverty reduction and development have on the demand of SALW and the risk of armed violence and conflict
- for increased coordination between disarmament, development and health actors on the national and international level

- development agencies to take account of the antidevelopmental effects of criminal violence assisted by small arms

Assistance to survivors

Survivors of gun violence are in need of adequate healthcare, psychological counselling, and often of socio-economic reintegration, especially those who suffer from permanent disabilities. NGOs should

- launch programmes, in cooperation with local partner organisations, to address the needs of survivors of gun violence
- urge international agencies and donors to prioritise the needs of survivors within their assistance projects

Increasing the effectiveness of DDR-Programmes

Effective DDR-programmes embedded into wider peace-building and economic reconstruction programmes are crucial to enable a society's transition from conflict to stability and development. NGOs should

- elaborate and share best practices guidelines for the implementation of DDR programmes, building on the framework provided by 'Arms for Development' initiatives. Efforts should be made to ensure that such normative guidelines are included into international agreements.
- lobby governments and agencies involved in peace-building to strengthen the development component in DDR programmes and to incorporate demand-reducing measures in order to enable both recovery from and prevention of armed violence. The measures should include
 - public awareness-building
 - public security and confidence-building within the community through the reform of the security sector and good governance
 - development support to health care and psychological assistance
 - peace education, social and vocational training of ex-combatants
 - policies for economic recovery and development to increase employment opportunities and create alternative livelihoods for ex-combatants
 - gender- and children- targeted policies
- work with NGOs in Africa in order to organise regional meetings of civil society actors on projects related to the reintegration of former combatants, giving a special role to youth and women; for instance, NGOs could establish networks and cooperations with other sectors such as business associations, schools and universities in order to assist reintegration.
- initiate the organisation of an international or regional conference including governmental as well as non-governmental actors and international organisations. This conference could raise awareness among the relevant actors of key problems related to DDR, including the supply of small arms, and create opportunities to discuss policy options.

Security Sector Governance and Reform

Both supply- and demand-reduction will only be effective if there is a general perception of security, as well as of credibility and legitimacy of the security sector. Consequently, NGOs should

- promote action on aspects of security sector reform which are important from a development perspective, including the reduction of military expenditures, democratisation and good governance; as well as on aspects of UN peacebuilding and DDR, conflict prevention, reconciliation efforts
- encourage local organisations to increase transparency, investigate in human rights abuses and to build confidence through the dissemination of information related to the security sector
- encourage and assist partner organisations in post-conflict countries to organise seminars aiming at training in international humanitarian and human rights law in order to promote the respect for human rights and the rule of law within security sector-organisations
- increase regional cooperation among partner organisations and their exchange with governments and security-sector organisations in the field of prevention of armed crime and illicit cross-border trafficking in SALW

3) Measures addressing the supply of SALW:

Awareness-building about the consequences of uncontrolled trade in SALW

among governments, companies and civil society

- e.g. through the promotion of increased transparency of trade activities, information sharing and conferences

Reduce legal trade and fight illegal trade in SALW

NGOs should work to

- lobby governments to reduce their production and trade in SALW and to provide for more transparency
- emphasize that the human, public-health and economic costs of small arms trade far outweigh the economic benefits
- promote improved implementation of PoA-commitments aiming to reduce the illicit trade in SALW and to prevent weapons from entering the black market

Strengthen national gun regulation

In order to reduce criminal violence and to make DDR-programmes in post-conflict situations a sustainable effort, it is important to

- press for and assist in the establishment and enforcement of stronger national gun regulations aiming at the reduction and control of civilian ownership
- urge States to recognise the connection between their obligation to protect the right to life and other human rights, and the obligation to control the transfer and misuse of SALW

Enhance implementation of export controls to avoid misuse by irresponsible end-users and harmful effects on sustainable development

At the national and regional level, NGO should make efforts to

- increase transparency and public awareness of States' practices, and press EU- and OECD-members to implement their existing commitments
- press for the implementation of binding regional agreements in Africa which include regulations of arms transfers
- promote and assist in the adoption of national export legislation where it does not exist, including the establishment of a clear mandate for national development agencies to engage in decisions on exports

- support UN embargo monitoring mechanisms in order to more effectively prevent breaches of arms embargoes

Establishment of an International Arms Trade Treaty³³

At the international level, NGOs should concentrate their efforts to achieve the conclusion of legal binding rules aiming to avoid harmful arms exports. Therefore, they should

- continue to lobby governments for the establishment of an International Arms Trade Treaty by elucidating the ways in which arms transfers are interrelated with their development policies and their commitments under international (human rights) law; the treaty should include an internationalised assessment methodology on the effects of exports on social spending, human and social development, the human rights and security situation, gender equality and governance in the receiving country
- raise awareness at all levels about the possible impact of arms exports on human rights violations, the continuation of conflicts and deterioration of social and human development
- in particular, involve in the **Global Day of Action for an Arms Trade Treaty** on 13 September by organising a public event, a press conference or by issuing a press release



³³ A major nongovernmental project is the Control Arms Campaign. Its aim is to lobby governments to toughen up controls on the arms trade and to establish an international Arms Trade Treaty. Control Arms is run by Amnesty International, IANSA and Oxfam. (<http://www.controlarms.org>)