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Centre for
Humanitarian
Dialogue

PUTTING GUNS IN THEIR PLACE

A RESOURCE PACK FOR TWO YEARS OF ACTION
BY HUMANITARIAN AGENCIES



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Putting guns in their place aims to provide a primer on the human cost of small arms availability and misuse and recommendations for action in the lead up to the 2006 UN Conference on small arms.

The Centre for Humanitarian Dialogue is committed through various initiatives to identifying the impacts of the arms trade, and policies that can make a difference for people caught up in situations of violent conflict. Additional inspiration for this publication came from a workshop that the Centre organised in partnership with the Human Security Network at the 28th International Conference of the Red Cross and Red Crescent Movement in December 2003.

Front cover image: A Haitian rebel cleans his weapon in Gonaïves, Haiti, 14 February 2004. An armed revolt against President Jean-Bertrand Aristide broke out on the island in February 2004.

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Acknowledgements

The Centre for Humanitarian Dialogue gratefully acknowledges the support of the government of Norway for this project.

This report was written by Cate Buchanan and Mireille Widmer. Several individuals contributed to drafting elements over time including: Kerry Maze, Gina Rivas-Pattugalan, Jennifer Hambleton, Alun Howard, Emile Le Brun. A number of individuals helpfully reviewed it and provided comments including: Amjad Abbashar (OCHA), Camille Conaway (Women Waging Peace), Dominic Crowley (Concern Worldwide), Iain Hall (UNHCR), Nic Marsh (PRIO), Jennie Owens (CARE), Rachel Stohl (Centre for Defence Information), Leon Terblanche (UNDP), Maria Valenti (IPPNW) and Camilla Waszink (ICRC), as well as Martin Griffiths, David Petrasek, Antonia Potter and Hugo Slim from the Centre for Humanitarian Dialogue.

Design by Richard Jones, Exile: Design & Editorial Services (rmjones@onetel.com)

Printed in the UK by Russell Press Limited

First published in October 2004

© Centre for Humanitarian Dialogue

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Acronym buster

BMS	ICC
Biennial Meeting of States	International Criminal Court
	ICRC
DDR	International Committee of the Red Cross
Disarmament, Demobilisation and Reintegration	IFRC
DDRR	International Federation of the Red Cross
Disarmament, Demobilisation, Reintegration and Rehabilitation (or Repatriation, in case of regional conflicts)	IHL
DPKO	International Humanitarian Law
United Nations Department of Peace-Keeping Operations	NGO
DRC	Non-Governmental Organisation
Democratic Republic of the Congo	PROGRAMME OF ACTION
EU	2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
European Union	UN PROCESS
GDP	United Nations process on small arms (concluded with the above)
Gross Domestic Product	UNDDA
HR	United Nations Department for Disarmament Affairs
Human Rights	UNDP
IANSAN	United Nations Development Programme
International Action Network on Small Arms	UNHCR
	United Nations High Commissioner for Refugees
	UNICEF
	United Nations Children's Fund
	UNIDIR
	United Nations Institute for Disarmament Research
	OCHA
	Office of the Coordinator for Humanitarian Affairs

Foreword

THE AVAILABILITY OF SMALL ARMS AND LIGHT weapons in war-torn countries poses a grave danger to civilian populations. Humanitarian workers and agencies are faced with these consequences every day – indeed they themselves are increasingly caught in the line of fire. Yet, it is not always understood just how pervasive its effects are – affecting provision of aid, inhibiting access to homes and health care, destroying communities, enabling the enlisting of child soldiers and facilitating violence against women. Broken bodies, shattered minds and divided communities are the result of a disregard for the most basic human rights and humanitarian principles.

This situation must not be accepted as inevitable. If the humanitarian community is committed to bringing relief to civilian populations, it must not remain oblivious to factors which can reduce the length, intensity and lethality of conflicts. Awareness is growing in the international community of the need to address the availability and misuse of small arms and light weapons. It will take considerable resources, political will and action by all parties to stem this human security crisis. I believe the humanitarian community can play a key role.

This call to action presents an accessible overview of the breadth of humanitarian impacts caused by small

“Broken bodies, shattered minds and divided communities are the result of a disregard for the most basic human rights and humanitarian principles”

arms. But more than that, I commend it for also presenting a set of practical and realistic initiatives which could be taken by the humanitarian community to step into the game. As critical deadlines and opportunities for action are approaching in the UN process on small arms in July 2005 and 2006, these are timely suggestions indeed. I welcome this report by the Centre for Humanitarian Dialogue as a real resource for turning words into action.

Jan Egeland

Under-Secretary-General for Humanitarian Affairs and
Emergency Relief Coordinator
United Nations Office for the Coordination of Humanitarian
Affairs

September 2004

Introduction

PUTTING GUNS IN THEIR PLACE AIMS TO PROVIDE a primer on the human cost of small arms availability and misuse and recommendations for action in the lead up to the 2006 UN Conference on small arms.

After agreeing to the 2001 UN Programme of Action on small arms, in July 2006 the governments of the world will gather to reflect on progress and decide on the shape of commitment in the years ahead. Much rests on sending a strong message to governments that comprehensive action on the arms trade is needed. A critical meeting in the lead up to the 2006 Review Conference will be held at UN headquarters in July 2005, when governments, UN agencies and NGOs will gather to assess progress or otherwise in implementing the 2001 Programme of Action. This publication encourages the humanitarian community – NGOs, the Red Cross and Red Crescent movement, UN agencies and policy-research organisations – to be an active part of this process.

The Centre for Humanitarian Dialogue is committed through various initiatives to identifying the impacts of the arms trade, and policies that can make a difference for people caught up in situations of violent conflict. Additional inspiration for this publication came from a workshop that the Centre organised in

partnership with the Human Security Network¹ at the 28th International Conference of the Red Cross and Red Crescent Movement in December 2003.²

Those opposed to the tough measures needed to control arms availability – including prominent weapons producing states, apathetic or intransigent governments, and weapons manufacturers and their supporters – have so far stymied significant movement on this issue. The experiences, expertise and engagement of the humanitarian community is vital to the success of current processes and the development of policies that break out of the limited vision for action to date. Available in English, French and Spanish, this report aims to provide this community with a timely assessment of possible action in the coming years.

Since the seminal report *Arms Availability and the Situation of Civilians in Armed Conflict* from the International Committee of the Red Cross (ICRC)³, more evidence has been gathered of the enormous toll on human security the misuse of small arms and light weapons exacts.⁴ *Humanitarianism Under Threat: The Humanitarian Impacts of Small Arms and Light Weapons*,⁵ a 2001 report from the Small Arms Survey, along with a range of reports and testimonies from NGOs and UN agencies, further consolidated knowledge of the deadly combination of violations of arms embargoes, devious weapons ‘brokers’, weak gun laws, disrespect for international humanitarian and human rights laws and all too easy access to guns.

In 2003, the Centre for Humanitarian Dialogue added its voice with the release of *Putting People First: Human Security Perspectives on Small Arms Availability and Misuse*, an overview of the issue from a people-centred viewpoint.⁶ *Putting guns in their place* seeks to build on this by focussing on a crucial aspect of the problem: the impact of small arms availability on

civilian populations, and options for action for the humanitarian community to address this.

The humanitarian community in all its diversity has an important role *and* opportunity to advance change through programming, targeted research, advocacy and policy development. Agencies have often declined to undertake any explicit small arms-related activities because of concerns about ‘politicising’ their work and concerns about mandates. However at the operational level, most are already involved in such work: through improving livelihoods and security conditions; demobilisation and reintegration programmes; dealing with armed elements in refugee camps; working to assist war affected children; upholding international humanitarian and human rights law.

The voices of this community are needed to bring forward a credible and compelling focus on the plight of civilians caught up in a spiral of armed violence and its deadly tools: small arms and light weapons.

Endnotes

- 1 The Human Security Network includes: Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, The Netherlands, Norway, Slovenia and South Africa (as an observer). For more information, see www.humansecuritynetwork.org
- 2 The workshop was sponsored by the Governments of Norway and Switzerland. A briefing paper and other workshop material is available at www.hdcentre.org (small arms section/previous projects) in French and English
- 3 International Committee of the Red Cross (1999), Arms Availability and the Situation of Civilians in Armed Conflict, ICRC, Geneva, available at www.gva.icrc.org/Web/eng/siteeng0.nsf/htmlall/section_ihl_arms_availability
- 4 ‘Small arms’ generally refers to grenades, assault rifles, handguns, revolvers, light machine guns. ‘Light weapons’ generally refers to anti-tank and anti-aircraft guns, heavy machine guns, recoilless rifles. For more detail see www.un.org/Depts/dda/CAB/rep52298.pdf for the 1997 Report on the UN Panel of Experts definition. The terms guns, weapons, small arms are used interchangeably throughout this paper.
- 5 Available at www.smallarmssurvey.org/SReports/SReport1.pdf
- 6 Available in French, Spanish, Portuguese, Arabic and English at www.hdcentre.org (small arms section/publications)

Part I

The issue at a glance

THE WORLD IS HOME TO SOME 639 MILLION SMALL arms and light weapons – from handguns and assault weapons to shoulder-fired anti-aircraft missiles. The majority of this arsenal is in civilian hands.⁷ A further seven to eight million new weapons are added to the global stockpile annually.⁸

War and violent conflict directly consume the lives of tens of thousands of people each year – a growing proportion of whom are civilians.⁹ The number of wounded and disabled ranges anywhere from two to thirteen times the number killed.¹⁰ Yet this is only the tip of the iceberg. In addition to fatalities from fighting, there are hundreds of thousands of indirect deaths and injuries resulting from increased insecurity, elevated disease morbidity, reduced access to health services, and malnutrition.

The devastating effects of small arms misuse is not confined to war zones: some 200,000–270,000 people die annually from suicide, accidents or homicide involving small arms.¹¹ Certain populations in states nominally ‘at peace’, for example in Rio de Janeiro’s favelas or in South African townships, experience firearm death rates comparable to those in war zones.

Small arms are also the tools with which many state security forces stifle political dissent, enforce repressive policies, and facilitate widespread human rights abuses. As the UN Special Rapporteur on small arms and human rights has noted, “easy access to small arms, especially military-style weapons, increases the coercive capacity of State agencies, which can lead to longer and graver violations of human rights.”¹²

Top 5 areas for action

Humanitarian agencies could be more engaged with the issue of small arms availability. With a clear interest in the protection of civilians, a focus on the tools of violence is both appropriate and needed. *Putting guns in their place* provides issue specific suggestions for action and essential reading related to themes and particular impacts. Throughout the publication, recommendations for action related to thematic issues



A guard forces back refugees from a feeding centre during the 1992 famine in Somalia caused by the civil war. © Paul Lowe/Panos pictures

are offered. The ‘Top 5’ are the most essential and can be undertaken by organisations working at the local, national and international levels. Whilst primarily directed at humanitarian NGOs and UN agencies, we hope that they will be useful to other organisations, and potentially donor governments and institutions in order to ensure that their assistance factors in the control of small arms and light weapons. Agencies *can* make a difference to the politics and processes related to the small arms crisis by undertaking these actions.

1. *Present information on the human cost of small arms.* Whilst mandate issues may prevent some humanitarian agencies from active monitoring and informa-

Box 1: Small arms availability at a glance

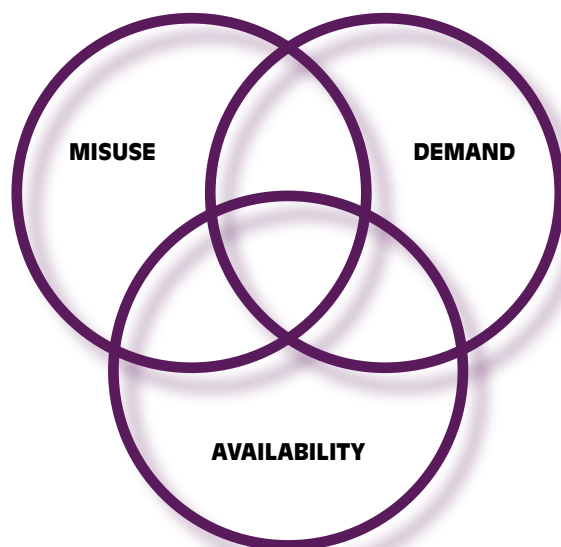
- Of the estimated 639 million weapons in the world, almost 60% are in civilian hands. The vast majority of the balance is in the arsenals of national armed forces and police, while about one million are in the hands of armed groups.¹³
- The global stockpile grows by about 1% annually through new production but it is the re-transfer of second-hand firearms that shapes the global distribution most.¹⁴
- Over 250 million small arms are in the USA; 84 million guns are in 15 states of the EU; between 45 million and 80 million exist in 11 Latin American countries.¹⁵
- Contrary to popular perception, Sub-Saharan Africa is estimated to have 30 million small arms and light weapons – just 5% of the global stockpile.¹⁶
- There are 1,249 companies producing small arms, with 98 countries having the capacity to produce weapons and ammunition, including all the major donors providing resources to address the small arms problem.¹⁷

tion collection, there is considerable scope to speak from experience of the impacts of weapons abuse on civilians, staff and operations and advocate for global policy change. Existing tools such as questionnaires and research frameworks are available for adaptation. (See www.hdcentre.org (In the Line of Fire section) as one example). Information can be presented in the form of opinion pieces and press releases, together with testimonies and policy recommendations, at the upcoming UN meetings.

2. *Join the International Action Network on Small Arms.* If not a participant already, you can add your voice to the 500 NGOs around the world working to address multiple facets of armed violence and the weapons trade. If already a member, become active through various working groups, contribute resources (people and otherwise) to specific tasks, and participate in the Global Week of Action Against Small Arms in 2005 and 2006. More information at www.iansa.org
3. *Get behind the ‘Control Arms’ campaign.* Participate in the ‘Control Arms’ campaign calling for an ‘Arms Trade Treaty’ (www.controlarms.org). Join the ‘Million Faces’ petition by submitting a photo, along with 200,000 people to date, before the UN Review Conference in 2006. The Red Cross and Red Crescent Movement has called for respect of international humanitarian law to be included as criteria in national decision-making procedures on arms sales and transfers and this campaign can make that happen.
4. *Add a small arms wedge to existing advocacy efforts,* for example on humanitarian space, or on civilian protection, of which small arms availability is a key

dimension. Existing legislation and resolutions mentioned in this publication spell out numerous commitments taken by states, of which they should be reminded.

5. *Actively contribute and participate in disarmament programmes.* Humanitarian agencies are well placed because of their work across countries and communities to provide information and insights into weapons collection programmes, or disarmament, demobilisation and reintegration programmes.



The small arms problem can be understood in three inter-dependent dimensions: availability – the supply and transfer of weapons; misuse – the violation of the use of force, international humanitarian and human rights laws by state and non-state actors; and demand – the factors driving the acquisition of small arms by states, groups and individuals.

Essential reading and websites

Centre for Humanitarian Dialogue (2003), *Putting People First: Human security perspectives on small arms availability and misuse*. Available in English, French, Spanish, Arabic and Portuguese at www.hdcentre.org (small arms section/publications)

Centre for Humanitarian Dialogue and Small Arms Survey (2003), *In the Line of Fire: Assessing the perceptions of humanitarian and development personnel of the impacts of small arms and light weapons*. Available in English, French and Spanish at www.hdcentre.org (small arms section/publications)

International Committee of the Red Cross (1999), *Arms availability and the situation of civilians in armed conflict*, ICRC, Geneva. Available in English, French, Spanish, Arabic and Russian at www.icrc.org/Web/eng/siteengo.nsf/htmlall/section_ihl_arms_availability

Laurance, Edward and Rachel Stohl (2002), *Making Global Public Policy: the case of small arms and light weapons*, Small Arms Survey, Geneva. (Occasional Paper No. 7). Available at www.smallarmssurvey.org

Lumpe, Lora (ed.) (2000), *Running Guns: the global black market in small arms*, Zed Books, London.

Muggah, Robert and Eric Berman (2001), *Humanitarianism Under Threat: The Humanitarian Impact of Small Arms and Light Weapons*, Small Arms Survey, Geneva. Available at www.smallarmssurvey.org

Oxfam, Amnesty International and IANSA (2004), *Shattered Lives: the case for tough international arms control*. Available at www.controlarms.org

Prokosch, Eric (1995), *The Technology of Killing*, Zed Books, London.

Small Arms Survey Yearbooks published by Oxford University Press

The International Action Network on Small Arms website features useful resources, media stories and links to participants (www.iansa.org)

The International Committee of the Red Cross section on weapons (www.icrc.org) is a helpful resource for information related to humanitarian law and weapons use. Here you can find the “Arms Availability” study mentioned above.

Women, War, Peace (www.womenwarpeace.org) is an excellent web portal with country- and issue-specific information as well as links to key documents relating to this topic. It is maintained by the United Nations Fund for Women (UNIFEM).

Endnotes

- 7 *Small Arms Survey 2003: Development Denied*, Oxford University Press, p. 57
- 8 *Small Arms Survey 2003*, p. 13
- 9 An ICRC survey of war-related wounded appearing at its field hospitals suggests that 35% of victims were civilians. See Coupland, Robin and David Meddings (1999), “Mortality associated with the use of weapons in armed conflicts, wartime atrocities and civilian mass shooting: Literature review”, *British Medical Journal*, No. 319, pp. 407–410
- 10 Ibid
- 11 *Small Arms Survey: Rights at Risk* (2004), Oxford University Press, p. 175
- 12 Prevention of human rights violations committed with small arms and light weapons: Preliminary report submitted by Barbara Frey, Special Rapporteur, in accordance with sub-commission resolution 2002.25 (2003). UN Economic and Social Council, E/CN.4/Sub.2/2003/29
- 13 *Small Arms Survey 2003: Development denied*, Oxford University Press, p. 57 and *Small Arms Survey 2001: Profiling the Problem*, Oxford University Press, p. 89
- 14 *Small Arms Survey 2002: Counting the human cost*, Oxford University Press, p. 103
- 15 *Small Arms Survey 2001*, p. 89; *Small Arms Survey 2002*, p. 103; and *Small Arms Survey 2003*, p. 57
- 16 *Small Arms Survey 2003*, pp. 80–81
- 17 *Small Arms Survey 2004*, pp. 8–9

Part II

Understanding impacts: Ideas for action

EACH SECTION IN PART II OUTLINES A PARTICULAR impact on civilian populations of weapons availability and misuse; lays out the challenges often faced by relief agencies; and identifies relevant tools, legal provisions and practices. In addition, each section concludes with suggested action items, questions which can be included into existing project design, or research processes and an ‘essential reading’ list for further information.

1. Health impacts

Health facilities come under enormous strain during violent conflict, with medical staff fleeing, killed or injured, and physical resources plundered. “When there is shooting . . . people are too frightened to come (to the clinic). We cannot guarantee the service access and availability as we should be providing as a public institution,” one health worker in Medellín, Colombia commented with frustration.¹⁸

Indirect impacts are often harder to pinpoint. However, an International Rescue Committee study showed a powerful correlation between armed violence and the surge in indirect deaths from preventable diseases. In the Democratic Republic of the Congo (DRC) approximately 3.3 million deaths occurred during

four years of violence, between 1998 and 2002.¹⁹ The majority of casualties, upwards of 85%, were preventable: cholera, measles, polio, plague, meningitis.

Clearly, armed violence undermines the capacity and accessibility of health care services for all, with victims often requiring costly surgery, prolonged hospitalisation and lengthy rehabilitation. In 2002 a US study suggested that the provision of medical care for premature disability and death, injuries and fatalities related to gunshot wounds cost the health system approximately USD 100 billion per year in the late 1990s.²⁰ The total impact goes much further than emergency medical care. It extends to security services, lost productivity, rehabilitation, psychological support for victims and their families, and children growing up without parents. In resource-poor contexts this is magnified: for too many people, particularly those caught up in conflict, this level of care and service is simply not available.



A doctor from the International Red Cross tends to a wounded man in rebel-held territory in Monrovia, Liberia, 9 August 2003.

© REUTERS/Juda Ngwenya

Dr. Olive Kobusingye, an emergency surgeon in Uganda, has noted that while car accidents are the most frequent cause of injury in her hospital, patients with weapons injuries are more likely to need emergency operations and are more likely to die from their injuries. The emergency treatment of weapons injuries diverts resources needed for other vital health concerns such as the increased incidence of HIV/AIDS in war zones, or the inability to provide safe blood supplies. Dr. Kobusingye has described the dilemma faced by many doctors and nurses in resource poor contexts: “Are you going to take a child off the respirator to put on the firearm injury patient?”²¹

To compound these challenges, hundreds of thousands of people survive armed violence with injuries, permanent disability and mental health problems: “current data do not permit exact calculations of the number of people who suffer non-fatal injuries due to violence, but there is every likelihood that it runs into the millions.”²² Primary and secondary trauma take a huge toll on individuals, families, communities and public health systems for many years after violence ends. In Côte d’Ivoire, one man articulates this mental and physical stress:

I can hardly breathe, my body aches all over, I have bad dreams. It all started when I saw my neighbour and good friend being killed. Three Liberians, two men and one woman, came to P’s house and asked him for money. They shot him in the foot when he didn’t pay immediately. When he said he had no money they shot him in the chest and he died. I ran away and had to stay in the bush for a couple of days.

Resident of Danane, 73 years old²³

A critically overlooked issue to date in international discussions on small arms is that of ‘victim assistance’

and the treatment of disabilities. Much can be learned from the processes to ban anti-personnel mines, of which the humanitarian impulse to make people safer was a key objective. An important lesson learned is that rehabilitation of people with war-injuries “works best when it is comprehensive (medical plus physical rehabilitation plus psycho-social assistance plus economic reintegration); holistic (considers mind, body, spirit, environment); and multi-layered (individuals, family, community, society) . . . Impact should be measured by improvements in quality of life rather than a more limited ‘fix the broken limb’ approach.”²⁴

A Public Health Framework

Public health methodologies are multidisciplinary and offer a useful frame of reference for acting on armed violence:

- *Monitoring trends* including death and injury, impacts on specific populations and assessing broader impacts;
- *Analysing the causal chain* including social, economic, cultural and environment, the victim and assailant, facilitators (such as the availability and misuse of weapons)
- *Developing interventions* which break the chain at its weakest link, including:
 - * *Educating people* regarding the risks and how they can be prevented
 - * *Mobilising community partnerships* to develop collaborative strategies
 - * *Developing policies* and regulations which address the problem
 - * *Devising solutions* to reduce harm
 - * *Enforcing laws* and regulations
 - * *Providing timely and effective treatment*

- *Evaluating effectiveness of interventions* in terms of impact, and refining approaches.²⁵

Such approaches have made a difference. In Cali (Colombia) the mayor – a public health specialist – set up a programme aimed at reducing the high violence rates in the city. The programme began with epidemiological studies to identify the primary risk factors and prioritise policy options. Budgets were approved to strengthen the police, judicial system, and the local human rights office. A civil rights education programme for the police and public was launched, and a range of cultural and educational projects were organised for schools and families in collaboration with local NGOs, to promote discussions on violence and help resolve interpersonal conflicts. The initiative proved successful as homicide rates fell dramatically and public opinion shifted towards active violence prevention.²⁶

Current campaigns

The WHO has launched a **global violence prevention campaign** which seeks to develop multi-disciplinary action to improve the collection, monitoring and reporting of information. It ultimately aims to “implement prevention programmes while simultaneously improving services for victims.” A range of materials are available in multiple languages for dissemination at www.who.int.

The International Physicians for the Prevention of Nuclear War has launched ‘**Aiming for Prevention**’ – a global campaign to mobilise medical and public health professionals to action on small arms and light weapons issues. Among other things, this campaign seeks to encourage better surveillance “of the full range of health impacts . . . including the numbers of dead

and wounded from small arms and also aspects such as internal displacement, increased terror among the public, effects on families, and the national economic costs associated with the range of effects.” For more information, visit www.ipnw.org.

Action items

- *Prepare fact sheets on the health impacts of gun violence* with recommendations for action by actors at local and national levels.
- *Include an article about these global campaigns* in newsletters, bulletins or journals.
- *Support the development of national and international standards and techniques* that will establish routine monitoring of firearms violence.
- *Advocate increased attention to this ‘socially communicable’ health issue* in the same way as the health community does for physically communicable diseases like HIV/AIDS or malaria.²⁷

Questions to include in project design or research processes

- What burden does weapons availability place on local and national health care provision?
- What are the costs and effects of gun violence in a specific area or community?

Essential reading

Cukier, Wendy and Antoine Chapdelaine (2001), “Small Arms: A Major Public Health Hazard”, *Medicine and Global Survival*, Vol. 7, No. 1.

Hemenway, David (2004), *Private Guns, Public Health*, University of Michigan Press, Ann Arbor

Taipale, Ilkka et al, eds. (2002), *War or Health? A Reader*, Zed Books, New York and London

World Health Organisation (2002), *World Report on Violence and Health*. Available at: www.who.int/violence_injury_prevention/violence/world_report/en/

World Health Organisation (2001), *Small Arms and Global Health*, Available at: www.who.int/violence_injury_prevention/publications/violence/small_arms

World Health Organisation (in press), *Guidelines for conducting community surveys on injuries and violence*.

2. People on the move

When he is not reading his bible or listening to news on his battered transistor radio, “Pappy Good Old Days” whose real name is David Crawford Siaway Jr., reminisces about the good old days when, in his words, “people crossed the borders without the fear of being roasted by a rebel’s bullet”.

Liberian refugee in Guinea, 2003²⁸

The World Refugee Survey for 2003 indicates that there were approximately 13 million refugees and 21.8 million IDPs at the end of 2002.²⁹ The role played by weapons availability and misuse in driving people from their homes cannot be overstated.

Violence continues to plague displaced populations once they reach so-called ‘safe havens’: “Like any overpopulated, impoverished human settlement, refugee camps are likely to be dangerous and insecure places, especially when their residents do not enjoy access to educational and employment opportunities and have few short-term prospects of improving their situation.”³⁰ Systematic shootings, threats at gunpoint, firearm



Displaced Sudanese women wait in a line at a food distribution centre in Deesa, 160 km north of El Fasher, 30 August 2004.

© REUTERS/World Food Programme

related homicides, and other violations of human rights and humanitarian law have been reported in refugee and IDP camps from Uganda to Sri Lanka to Georgia.³¹ This insecurity also increases the refugees’ dependency on food aid.

A study carried out by the International Rescue Committee in the Kakuma Refugee Camp in North-western Kenya found that some 34 out of every 1,000 people were suffering physical, vision or hearing disabilities, many of them with multiple disabilities.³² Gunshot injuries constituted the single main cause

of disability – 32% of all cases. This high proportion emphasises the need for adequate rehabilitation services for victims of gun violence. Even more worrisome, in nearly 28% of the cases the disability – whether from guns or other causes – occurred after the arrival at the refugee camp.

Unsurprisingly, women are particularly susceptible to intimidation, forced recruitment and sexual violence at the barrel of a gun. In Dadaab refugee camp in Kenya, the United Nations High Commissioner for Refugees (UNHCR) began trucking in firewood in response to women being raped at gunpoint while collecting fuel. This contributed to a reduction in attacks of sexual violence but could not be expected to address the fundamental insecurity caused by the presence of weapons.³³

The growing militarisation of camps is presenting humanitarian agencies with a serious dilemma. Armed combatants often live side-by-side with refugees in the camps and are difficult to identify. This problem becomes dangerously compounded when the cycle of insecurity leads people to arm themselves for protection.³⁴ Often, camps are proximate to porous state borders – ideal for trafficking weapons – and quickly become hotbeds for recruitment into armed groups. The presence of arms in the camps can also increase tensions with host populations, raising the stakes in the competition for scarce resources and increasing the likelihood of recourse to armed violence to resolve conflicts.

The increasingly complex security needs of refugees and IDPs, local civilians near camps, and agency personnel are key challenges. A comprehensive response would entail addressing problems such as camp location, lack of social and educational opportunities for refugees, and the weaknesses of local policing, judicial and penal

institutions.³⁵ Clearly this can only be achieved through concerted action by all parties involved in peace-building, from the refugee populations themselves to national governments, local communities, relief agencies, peacekeepers and donors.

The massacre at the Gatumba refugee camp, Burundi, on 13 August 2004 makes very clear the need for urgent action to protect refugees. Armed combatants murdered 152 Congolese civilians and wounded a further 106. Many of the victims were women and children; most were shot or burned.³⁶

Existing tools and innovative practices

Recent Security Council resolutions mark the growing concern about armed violence in safe havens. For example *resolution 1296 on the Protection of Civilians in Armed Conflict*, passed in 2000, calls on the Secretary-General to bring to the Council's attention "situations where refugees and internally displaced persons are vulnerable to the threat of harassment or where their camps are vulnerable to infiltration by armed elements and where such situations may constitute a threat to international peace and security" and reaffirms the Security Council's responsibility to take steps to address these situations.³⁷

Challenging circumstances can also bring innovative responses. In 1999 the UNHCR drafted the 'Ladder of Options' containing a mixture of soft, medium and hard measures pertaining to the security of refugee camps.³⁸ These include preventative measures such as the location of camps and the separation of combatants and other persons who can be excluded, measures related to the maintenance of law and order by civilian and police monitors, or the deployment of a military force.

In camps in Tanzania, largely populated by Burundian refugees, the UNHCR was mandated to provide a security force due to growing levels of violence. The 'Security Package' established community police, or *sungu sungu*, based on traditional Tanzanian practice.³⁹ The programme also established a code of conduct for male officers working with female refugees, called for a balance of male and female police officers, and encouraged officers to take an active role in preventing violence against women.⁴⁰ This has been replicated to different degrees in Sierra Leone, Liberia, Ghana, Kenya and Nepal.

In Zongo, DRC, the UNHCR worked with the UN Department of Peacekeeping Operations (DPKO) and the UN mission in the DRC to separate combatants from the civilian refugee population and move them to other camps.⁴¹ Initiatives such as these are important and can be complemented by greater focus on restricting access to the tools of violence through locally-based disarmament efforts, tighter border controls near camp areas, and reinforcing the idea that camps should be 'gun-free'.

Action items

- *Include the security and protection of refugees and IDPs as much as their physical needs in assistance objectives. Concrete security provisions must be developed within the local context and could include disarmament programmes, separation of former combatants and civilian refugees, providing camp security forces, and community policing.*
- *Ensure maintenance of law and order and reduce and control the presence of armed elements consistent with the gun-free status of camps. With minimal investment, mini-awareness raising campaigns can be initiated in camps to re-instate their non-militarised*

nature. If a local security committee is willing to take up the idea, this can further enhance its credibility.

- *Encourage security packages* such as those developed by UNHCR in Tanzania. This innovative programme offers potential.
- *Promote regional cooperation* to reduce arms trafficking across borders and through refugee camps, for example, by advocating for the implementation of the West African Moratorium on Import, Export and Production of Small Arms and Light Weapons⁴² or other regional instruments.

Questions to include in project design or research processes

- What initiatives have been taken to improve security situations in refugee and IDP camps? Were these initiatives successful? Why or why not? Could these initiatives be duplicated in other contexts?
- How does arms availability and misuse impede assistance to camps and/or prevent refugee populations from developing mechanisms of self reliance?

Essential reading

Lawyers Committee for Human Rights (2002), *Refugees, Rebels, and the Quest for Justice*, New York.

Muggah, Robert (2002), *Small Arms and Forced Migration*, Forced Migration Online, available at www.forcedmigration.org/guides/fm0002/

Yu, Lisa (2002), *Separating ex-combatants and refugees in Zongo, DRC: peacekeepers and UNHCR's ladder of options*, Office of the United Nations High Commissioner for Refugees (UNHCR), Evaluation and Policy Analysis Unit, Geneva (New Issues in Refugee Research, Working Paper 60)

Women's Commission for Refugee Women and Children – reports on this subject, also by country case study, available at www.womenscommission.org

3. Children caught up in gun violence

I did bad things in the bush and saw very bad things done to both children and adults. Removing the gun from me was a vital step.

Alhaji Baba Sawaneh, abducted at age 10 and forced to fight for rebel forces in Sierra Leone. At 12, Alhaji was rescued, demobilised and disarmed. At 14, he became the first child ever to address the UN Security Council.⁴³

Ostensibly protected by international humanitarian law, children are nevertheless forcibly drafted as soldiers by both state and rebel forces, coerced into armed violence connected to drug trafficking, and both commit and are victims of generalised gun crime. In situations where arms dominate, children face murder and maiming, sexual and gender-based violence and abduction.⁴⁴ For many children, armed violence limits or eliminates their rights to education, recreation and steady development. By the time they reach adulthood, violence has often been established as a routine way of life that is difficult to escape.

Children as soldiers

Estimates suggest as many as 300,000 children are involved in active combat at any one time in more than 85 countries.⁴⁵ The participation in armed conflict of children under age 18 is prohibited by international law.⁴⁶ Yet despite increased international attention to the problem, recruitment of children in 2003 continued

or actually increased in Myanmar, the Democratic Republic of Congo and Sri Lanka, among other nations.⁴⁷ Child soldiers generally range between 15 and 18 years of age. However, much younger children have been found in government and paramilitary forces, armed groups and civil militias.⁴⁸ In many cases children are forcibly recruited or abducted, although sometimes children chose to associate with fighting forces due to dire circumstances and few alternatives.

In many cases, children are treated as adults once recruited or abducted and have been perpetrators of severe human rights abuses, including rape, looting and murder. In addition to participating in combat operations, children serve as guards, look-outs, messengers, spies, porters, cooks and food gatherers. Due to their physical immaturity and the more dangerous positions they are often placed in, children are susceptible to greater exposure to death and injury. Those who survive often carry the scars of psychological trauma into adulthood.⁴⁹

Girls involved in fighting forces are affected in especially inhumane ways. They must often cope with adult realities at far too young an age: managing 'households,' dealing with pregnancies, abortions, sexually transmitted diseases and frequent sexual violence and intimidation. In Uganda, girls have been "impregnated by rebel commanders, and then forced to strap their babies on their backs and take up arms against Ugandan security forces."⁵⁰

This phenomenon is exacerbated by the availability of small arms. Until late in the 20th century, most weaponry was too expensive or too heavy for children to handle. The changing nature of warfare, the free flow of arms and advances in the technology of killing have facilitated the rise of children as combatants from Northern Ireland to Colombia to Sierra Leone.⁵¹

A number of programmes have been developed in recent years to address armed youth, and existing projects have been adjusted to cope with this reality. In Sudan, for example, the UN airlifted in February 2001 more than 2,500 former child soldiers out of conflict zones. The children, who ranged in age from 8 to 18, were disarmed and are currently involved in rehabilitation and family-tracing programmes.⁵² Further programmes like this, tailored to the particular needs of children and their cultural contexts, have the potential to dramatically improve the future for many children.

Humanitarian agencies are already actively engaged on the issue of children's rights and protection. The groundbreaking work of the United Nations Children's Fund (UNICEF) to provide education in emergency and post-conflict situations is one example. The International Rescue Committee and others have implemented psychosocial intervention programmes aimed at war-affected children and youth.⁵³ Save the Children has begun Community Child Protection Networks in villages in the Democratic Republic of the Congo, which engage local authorities (civil administration and traditional chiefs), religious leaders, representatives of service sectors (health, education, sports and culture), NGOs, as well as children themselves to prevent re-recruitment and rehabilitate youth in the community.⁵⁴

Children and guns in peaceful settings

The effects of small arms availability on children are by no means limited to the issue of child soldiers. In both developed and developing nations emerging from periods of war, and those long at peace, children are perpetrators and victims of gun violence. The widespread availability of guns is a contributing factor in this violence.



Tahrar is a 14 year old soldier fighting with the JEM (Justice and Equality Movement) in Darfur, Sudan. His father, mother and four brothers were killed in bombing raids by the Sudanese airforce on their village. Arab Janjaweed militias then abducted his two sisters. Tahrar managed to escape and after a journey of several days reached a village held by rebel forces (JEM) whom he joined: "I now only have a future as a fighter. I have to take revenge."

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Box 2: Ending the use of child soldiers: A legal framework

The list of state and rebel forces that continue to recruit child soldiers is distressingly long.⁵⁵ Yet a number of legal instruments exist that, if strongly enforced, can limit the practice. Humanitarian organisations can play a crucial role by helping to monitor adherence to and report and punish violations of these laws.

The 1977 Additional Protocols to the Geneva Conventions of 12 August 1949 were the first international treaties to cover the participation of children in armed hostilities. Additional Protocol I obliges States to take all feasible measures to prevent children under 15 from taking direct part in hostilities. It expressly prohibits their recruitment into the armed forces and encourages Parties to give priority in recruiting among those aged from 15 to 18 to the oldest (Art. 77). Additional Protocol II goes further, prohibiting both the recruitment and the participation in hostilities by children under 15 years of age (Art. 4, para. 3c).

Article 38 of the 1989 Convention on the Rights of the Child takes the age of 15 to be the minimum requirement for participation in hostilities. The 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which entered into force in February 2002, further prohibits the use of any child under the age of 18 in armed conflict by state forces or armed groups. As of June 2004, the Protocol registered 75 ratifications and 46 signatories.⁵⁶

The 1999 Convention on the Worst Forms of Child Labour (International Labour Organisation (ILO) Convention 182) urges ILO members to secure the elimination of the “worst forms of child labour” and prohibits the forced or compulsory recruitment of children less than 18 years of age.

The Statute of the International Criminal Court (ICC) was adopted in 1998 and came into effect in 2002. It includes in its list of war crimes the recruitment of children into hostilities under the age of 15.

Resolution 1460 on Children and Armed Conflict, adopted in 2003, is the strongest commitment from the Security Council to date. It sets out specific requirements for states and UN agencies on a number of fronts, including the consideration of children’s rights and well being in peace processes and DDR programs – taking into consideration the special needs of girls – and controlling the trade in small arms to parties violating international laws relating to the use of child soldiers. This Resolution was preceded by Resolutions 1379 (2001), 1314 (2000) and 1261 (1999) on Children and Armed Conflict, which lay the groundwork for establishing norms of protection for children caught up in violent conflict.

To date the only regional agreement tackling this issue is the African Charter on the Rights and Welfare of the Child, agreed in 1999. The Charter establishes 18 as the minimum age for compulsory recruitment into the military and participation in combat roles.⁵⁷

Mr. Olara Otunnu was appointed in 1997 as Special Representative for Children in Armed Conflict. His position aims to improve the UN system’s ability to protect children in situations of war. “By the time my mandate expires, I hope to have succeeded in creating broad-based awareness of the fate of children affected by armed conflict and that global outrage at these continuing abominations will in turn have led to a world-wide movement of repudiation,” he said.⁵⁸

This is for example the case in Nicaragua:

“Gang membership offered many people a way to fit into the new realities of post-conflict Nicaragua. Although most veterans and other adults have outgrown the gangs, new recruits have taken their place, as over 60 per cent of Nicaragua’s population is under 25. In 1988 there were an estimated 20 gangs in the capital city of Managua; today there are over 100 . . . The result is that violent crime has tripled since 1990.”⁵⁹

A survey carried out in Nicaragua in 2001 revealed that 22% of respondents had been assaulted or robbed in incidents involving firearms, a figure that reached almost 30% in the capital and the northern regions of the country.⁶⁰

Even in places where war is a distant memory or unknown, young people increasingly find protection, identity and economic stability through the perceived power of guns.⁶¹ In Brazil, a new generation of child soldiers has emerged to command global attention. In the favelas of Rio de Janeiro at least 5,500 of the 12,000 children and teenagers involved in the narcotics trade carry small arms.⁶² In the United States, more than 1 in 20 high-school students report carrying a gun at least once in a 30-day period.⁶³

A range of legal tools is available to curb child access to guns, including minimum-age possession laws, weapon storage requirements that prevent theft and access by youth; and the establishment of gun-free zones around places where children gather to learn and play. When steps to remove excess firearms from the community through collection and destruction programmes or secondary sales laws are taken, this can only help to reduce access children’s ability to obtain guns.

Action items

- *Encourage governments to ratify the Optional Protocol to the Convention on the Rights of the Child and implement its provisions at the national level.*
- *Contribute to monitoring mechanisms for armed groups and state forces using child combatants, such as the annual Child Soldiers report.*
- *Encourage the development of gun free zones in and around schools. The work of Gun Free South Africa provides an excellent replicable model for many locations. For more information see www.gca.org.za.*
- *Be proactive in identifying the specific needs of girl and boy combatants in DDR and community development programmes and in ensuring that these needs are met.*
- *Urge governments to respect the provisions contained in UN Security Council Resolution 1460 on Children in Armed Conflict.*
- *Call for the creation of a child protection “inspection” initiative, such that the Security Council is quickly and efficiently able to verify reports of egregious violations when warranted by reports.*
- *Request the Secretary-General to prepare an annual list of all parties to armed conflict that recruit or use child soldiers in violation of international obligations applicable to them, and to expand this list to include all situations, as recommended by the Secretary-General (Fourth Report of the Secretary-General on Children and Armed Conflict A/58/546-S/2003/1053 para. 105(h)).*

Questions to include in project design or research processes

- How are boys and girls affected differently by armed conflict, and what gender-sensitive responses could be implemented?

- What can be done to minimize the particular alienation of young men in many settings? Identify examples where reintegrating young men back into communities and societies have been successful. What lessons for the future can these examples provide?
- Focus on the security needs of refugee and internally displaced children – What can be done to respond to the threats of sexual violence, forced recruitment, and exploitation? Does the availability of weapons influence these problems? If so, how?
- Develop structured and thorough data collection processes to identify the impacts of small arms use on children.

Essential reading

Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) (2003), *Youth and Small Arms: A Dangerous Combination*. Available at www.gtz.de/smallarms/english/materialien.html

Dowdney, Luke (2003), *Children of the Drug Trade: A Case Study of Children in Organized Armed Violence in Rio de Janeiro*. Available in English and Portuguese at www.coav.org.br

McKay, Susan and Dyan Mazurana (2004), *Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone, and Mozambique: Their Lives During and After War*. International Centre for Human Rights and Democratic Development, Montreal. Available at www.ichrdd.ca/english/commdoc/publications/women/Girls/girlsmainEN.html

Stohl, Rachel (2001), *Putting Children First*, Background Report for the UN Conference on Small Arms, Biting the Bullet, Available at www.saferworld.co.uk/iac/Childist.pdf

Verhey, Beth (2001), *Child Soldiers: Preventing, Demobilizing, and Reintegrating*, World Bank, Washington D.C. Available at www.worldbank.org/afr/wps/wp23.pdf

Watchlist reports on Children and Armed Conflict, available at: www.watchlist.org

Women's Commission for Refugee Women and Children (2000), *Untapped Potential: Adolescents Affected by Armed Conflict*, New York. Available at www.womenscommission.org/pdf/adol2.pdf

4. Gender and violent insecurity

The use and misuse of firearms is experienced differently by men and women the world over. Because of the difficulty of collecting mortality information in most conflicts, it is impossible to ascertain with accuracy the number of men and women killed in wars each year. Data collected in non-war situations suggests that men and young men in particular die at gunpoint in disproportionate numbers.⁶⁴ It is believed that:

- Over 85% of homicide victims with weapons are under 44,⁶⁵
- Over 90% of gun related homicides occur amongst men,⁶⁶
- 88% of all male and 12% of female suicides use a gun.⁶⁷

Young men, in particular, are dying in disproportionate numbers.⁶⁸ While women are far less likely to be killed through gun violence than men, they are left severely traumatised, intimidated and often sexually violated. A gendered perspective is essential if we are to fully understand the effects of small arms, wherever and however they are used.⁶⁹

Women's diverse roles in war

It is clear that many women and girls endure sexual violence in situations of armed conflict. The Lord's Resistance Army in Uganda has become infamous for its kidnapping of children and forced slavery of women as sexual slaves, cooks, cleaners and porters.⁷⁰ Combatants have demonstrated their willingness to use sexual violence as a tactic of war to terrorise and control civilian populations. From Sierra Leone to Kosovo to Rwanda, women's bodies have been used to inflict psychological and psychosocial damage on the 'enemy'.⁷¹

Yet women are not only victimised, they are often also soldiers and commanders in fighting forces. At the height of the war in El Salvador in the 1980s, women combatants constituted nearly 30% of FMLN fighting forces⁷² and 40% of the *tenedores* (the civilian support base of the FMLN). Women-only battalions and training were established.⁷³ In Sierra Leone, women and girls made up 30% of the armed forces in the conflict. They were commonly frontline fighters, spies and commanders, camp managers, cooks, medics, and diamond looters.⁷⁴ The roles of women as fighters warrants closer examination, as does the inclusion of women and girl combatants as active participants in DDR processes.

Women also have a role to play in peace processes, as otherwise the 'gendered' impact of decisions made might not be fully understood, and women's exclusion from negotiations often results in their exclusion from planning reconstruction and implementation. In Northern Ireland, Catholic and Protestant community-based women peace activists lobbied political parties with their agenda. When they were ignored, the women formed their own political party – the Northern Ireland Women's Coalition (NIWC) – and won enough votes to get a seat at the formal peace table. NIWC representa-



A member of an armed group points her AK 47 automatic rifle at a suspected looter, in Free Port, Monrovia, Liberia, 13 August 2005.

© AP Photo/Schalk van Zuydam

tives played a critical role in mediating between parties from both sides – especially the extremists.⁷⁵

Challenging violent masculinity

Men and boys learn how to be men, and how to view women, from their societies. "Studies of very young boys and girls show only that although boys may have a lower tolerance for frustration, and a tendency towards rough-and-tumble play, these tendencies are dwarfed by the importance of male socialization and peer pressure into gender roles."⁷⁶ In some Central European cultures, when a boy is born people exclaim "We have increased by one gun!"⁷⁷ Where violence and coercion against women is the norm, men will learn to replicate these behaviours. With so many men the world over involved in various aspects of the arms trade and gun violence, the UN Special Rapporteur on small arms notes that in many communities "there are no adequate

social controls, and the ideology of masculinity and guns is exploited to promote armed violence . . . (that can) destroy the entire spectrum of rights in their communities.”⁷⁸

For this to change, cultural and political shifts must occur at all levels of society, and both men and women

have a part to play. While assisting victims of intimate partner violence is important, interventions with the perpetrators and society at large appear equally important if such behaviour is not to repeat itself.⁷⁹ Padare, an NGO in Zimbabwe where ongoing economic crisis appears to be fuelling an increase in domestic violence,

Box 3: Standards relating to gender and armed violence prevention

The Rome Statute of the International Criminal Court includes in its definition of war crimes “Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions.”

The UN’s May 2000 Windhoek Declaration: The Namibia Plan of Action On ‘Mainstreaming a Gender Perspective In Multidimensional Peace Support Operations’ calls for women to be involved in all levels in all aspects of peace processes, including peacekeeping, reconciliation and peace-building.⁸⁰

UN Security Council Resolution 1325 on Women, Peace and Security was adopted unanimously in October 2000. The Resolution is a landmark document on women’s rights and roles in peace building processes. It explicitly calls for “an increase in the participation of women at decision-making levels in conflict resolution and peace processes.”⁸¹ The Resolution further “encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants.”⁸² It has been translated into 48 languages and is a key tool for advocacy by agencies.

The Organisation for Security and Cooperation in Europe (OSCE) adopted the Gender Action Plan in Warsaw, Poland in 2001. The plan focuses on gender mainstreaming; promoting women’s equal rights, opportunities and decision-making power; and preventing and combating gender-based violence via workshops, training, conferences, and legal reform.⁸³

The 1995 Beijing Platform for Action emerged from the United Nations Fourth World Conference on Women and contains a chapter specifically on women and armed conflict. The Platform calls on all concerned to “increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.”⁸⁴

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979 by the UN General Assembly and entered into force in 1981. The Committee overseeing the CEDAW’s implementation has recognised that armed conflict situations lead to increased prostitution, trafficking and sexual assault. It recommends that states parties ensure adequate protection and health services, including trauma treatment and counselling for women trapped in situations of armed conflict and women refugees.⁸⁵

is tackling this issue head-on. The group has been engaging men in Zimbabwe's beer halls and boys in schools. As the head of the programme, Jonah Gokova, indicated, "Some boys talk like married men, using all kinds of possessive language but, through our work in schools and clubs, we have created a mass of boys willing to work with girls on equal terms. Young boys are growing to be men and they need to be a different type of man to the ones around them."⁸⁶

Addressing entrenched attitudes

The phenomenon of violence against women appears to be systematic and unrelenting in both times of peace and violent conflict. In times of war, gender roles and power relations become distorted, further compounded by repeated international and national failures to prevent and prosecute gender based violence.⁸⁷ This is not easily reversed after the end of the conflict, as demonstrated by the case of Cambodia. In the mid-1990s, with many former male combatants traumatised by years of violence and often difficult transitions to civilian life, "as many as 75% of women in one study experienced domestic violence, often at the hands of men who had kept the small arms they used during the war."⁸⁸ Such entrenched attitudes need to be addressed in post-conflict reconstruction, through awareness-raising programmes as much as through the adoption of appropriate gun laws (see below, part III).

As the UN Special Rapporteur on small arms and human rights has further remarked, "states and the international community should involve women in all phases of policy regarding the availability and use of small arms. Governments, assisted by civil society, should 'disarm' the socially constructed notion of guns as masculine by constructing a stable security situation

through security sector reform, economic development and strict regulation of illegal gun possession."⁸⁹

Action items

- *Press for implementation of UN Security Council Resolution 1325 on Women, Peace and Security (2000) at the national, regional and global levels.*
- *Support the development and implementation of programmes promoting alternative notions of masculinity.*
- *Actively include women in early warning mechanisms and respond by creating regular forums to discuss community security issues.*
- *Promote the participation of women peace advocates at the negotiating table.*
- *Reiterate at every occasion that sexual violence is not only prohibited but also preventable.* Some humanitarian organisations have for example printed information about this on relief parcels for distribution.⁹⁰
- *Extend the benefits of disarmament, demobilisation and reintegration to people 'associated with fighting forces'.* This allows for greater inclusion of women, girls and boys who are often overlooked with traditional definitions of who may be eligible for entry into programmes.
- *Develop community awareness and education programmes to counteract the stigma associated with girls that have participated in armed activities.*
- *Join the IANSA Women's Network and receive regular bulletins highlighting news clips and resources of particular relevance.*

Many more practical recommendations can be found in the ICRC Guidance Booklet, *Assessing the Needs of Women Affected by Armed Conflict*, published in March 2004 (Available at www.icrc.org).

Questions to include in project design or research processes

- What are the impacts of weapons availability and misuse on men *and* women? Can you include gender-specific indicators in information collection projects?
- Are there local manifestations of violent masculinity? How can these be addressed to promote alternative notions of masculinity?

Essential reading

Barth, Elise Fredrikke (2003), *Peace as Disappointment – The reintegration of female soldiers in post-conflict societies: a comparative study from Africa*, International Peace Research Institute (PRIO), Oslo. Available at www.prio.no

Farr, Vanessa and Kifle Mariam Gebre-Wold (eds) (2002), *Gender Perspectives on Small Arms and Light Weapons: Regional and International Concerns*, BICC, BICC Brief No. 24. Available at www.bicc.de/publications/briefs/brief24/content.html

International Action Network on Small Arms (IANSA) Women's Network Portal. www.iansa.org/women/index.htm

International Alert (2003), *Protection of Civilians: Gender Considerations for Disarmament, Conflict Transformation and the Establishment of Human Security*, London. Available at www.international-alert.org/women/publications/Protection_of_civilians.pdf

International Alert and Women Waging Peace (forthcoming, November 2004), *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*, London and Washington DC.

Rehn, Elisabeth and Ellen Johnson Sirleaf (2002), *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building*, UNIFEM, Available at www.unifem.org

Turshem, Merideth and Clotilde Twagiramariya, eds. (1998), *What Women Do in Wartime: Gender and Conflict in Africa*, Zed Books, London.

Women, War, Peace (www.womenwarpeace.org) is an excellent web portal with country- and issue-specific information as well as links to key documents relating to this topic. It is maintained by the United Nations Fund for Women (UNIFEM).

5. Taking weapons out of circulation

“We sell [the Americans] the old ones and buy new ones on the black market”, said Ali Mohsin [an Iraqi citizen]. “I sold one AK-47 that I did not need, but what I am really good at is firing a rocket-propelled grenade launcher.”⁹¹

The very presence of guns can alter the landscape of a community and make the outbreak of violence, or its recurrence, more likely and more deadly. To prevent this, not only must new guns be prevented from flowing into zones of conflict, but the existing pool of weapons must also be drained, especially in light of the longevity of weapons that are simple to repair and can continue to wreak havoc decades after their manufacture.

In post-conflict situations, humanitarian agencies as well as the development community are increasingly coming to terms with disarmament issues and their role in this work. Relief organisations should be encouraged in this, since the poor design and implementation of

many Disarmament, Demobilisation and Reintegration programmes (DDR, sometimes referred to as DDRR⁹²) means not only failure, but can also hinder the provision of assistance

Hasty short-term focused disarmament efforts tend to predominate. Gun 'buy-back' programmes often end up rewarding individuals who took up arms, and will be able to roll over their profits to buy new guns and drive up the black market. In terms of the number of guns surrendered, the most successful buy-back programmes have been those following a tightening of national gun laws⁹³. In the absence of stricter gun laws, or the absence of a strong central authority to enforce them, ample evidence now exists that buy-back programmes are likely to be ineffective if they also fail to adequately address the factors that give rise to the need to resort to violence or protection with weapons.⁹⁴

With close connections to local populations, humanitarian and development agencies are particularly well placed to provide useful input into the design of such programmes by national governments, the UN DPKO, United Nations Development Programme (UNDP) and the World Bank, particularly since many of them will assist in their implementation.

While the focus of this section is on weapons collection through DDR programmes or 'weapons for development' projects, some thought must also be given to the disposal of collected weapons. Indeed, proper destruction of collected weapons is the only way to ensure they will not slip into the wrong hands, and governments should be encouraged to resist the temptation to sell or donate collected weapons, or to absorb them into the arsenal of official security forces. Weapons awaiting destruction should be placed in managed and secured stockpiles, and destroyed in a verifiable and speedy manner.

Weapons for development

'Weapons for development' refers to programmes that seek to remove guns from circulation while using development opportunities as incentives, such as public works and infrastructure improvements. The first such programme was launched in 1998 in Albania. Over the last five years, we have learned that such programmes bear enormous promise and are increasingly regarded as the next step after DDR.

Projects to date in Albania, Cambodia, Serbia and Sierra Leone have encouraged voluntary disarmament for small-scale community-building projects such as



Weapons are handed over by Afghan militia in Kabul during a disarmament, demobilisation and reintegration programme, 23 August 2004.

© REUTERS/Ahmad Masood

street lights, re-building bridges, schools, clinics, sports fields. In parallel the community is provided training in disarmament education and conflict resolution.

Keys to its success are an understanding of the particular factors driving the demand for weapons in a given community, as well as the identification of community-development projects that will both help re-build confidence and provide incentives for going “gun-free”. Achieved through a participatory process with stakeholders – community members, local officials, NGOs, national officials and particularly women – the value of ‘weapons for development’ is extensive and genuine. Public destruction ceremonies of surrendered guns can reinforce the symbolism of a transition to a peaceful era.

Gender dimensions

From Colombia to the Solomon Islands to South Africa women play a critical role in initiatives aimed at creating gun free communities. An innovative example comes from the Brazilian NGO Viva Rio, which playfully but potently challenges popular attitudes about masculinity and guns. In a reversal of *machismo*, the campaign associates men’s desirability with their decision not to own firearms: “Choose gun free – it’s your weapon or me.”⁹⁵

In general, both the UN and NGOs have not adequately planned for the inclusion of women’s needs and concerns in disarmament efforts. The DDR process in Sierra Leone, despite being regarded as one of the most successful to date, is a case in point. Although women were intimately involved in the conflict as commanders, cooks, medics, and kidnapped wives, they were not consulted and their concerns not addressed: 92% of participants in the ‘official’ peace process were

males.⁹⁶ The disenfranchisement of these women has led to their further isolation, and in some cases a return to violence: some young women have reportedly crossed borders to join armed groups across the region.⁹⁷

Today, international organisations, governments, as well as local development and peace building initiatives, are more aware of the need to include women when they measure the impacts of gun violence, and again when they undertake disarmament or other weapons management activities. Excluding women from disarmament reduces the pool of capable and energetic initiators and supporters of efforts to reduce the impacts of small arms.

Understanding demand factors

It is crucial to understand the factors driving civilians to arm themselves, and those helping ex-combatants to relinquish them. If these factors are not taken into consideration, the chances are that initiatives to take weapons out of circulation will not be appropriate, or that combatants will instead resort to other types of weapons.

Demand is influenced at many levels – from the individual and inter-personal to the societal and structural. It can be expressed in a number of ways that generate specific kinds of considerations that can be addressed:

- *Personal security* – Where does the perceived threat come from, and how can it be addressed?
- *Intercommunal conflict* – Are there avenues for political expression? Are there local avenues/institutions for conflict resolution?
- *Economic incentives* – Do people resort to weapons as a way to survive? Are there alternatives for livelihood? Are small arms used for criminal activities?

- *Status or historical reasons* – Is the use of weapons motivated by self-esteem or group dynamics? What is the role of weapon use in the local culture?

These factors help identify the kind of interventions that will need to accompany the mere collection of weapons, for example security sector reform, community policing, training in non-violent conflict resolution techniques, a crack-down on trafficking in conflict goods, and public-awareness campaigns.

Previous demand reduction initiatives have generated little evidence that demand has been affected or that the impacts of gun violence have been reduced. The absence of evaluation components contributes to this problem. However, these efforts have combined a number of common features, including:

- the assignment of clear project objectives, benchmarks and standards
- inter-disciplinary stakeholder involvement
- flexibility
- participatory approaches
- comprehensive monitoring and evaluation.

Box 4: Developing a research framework for demand⁹⁸

The Small Arms Survey and Quaker United Nations Office are currently engaged in a multi-year initiative to develop a research agenda and methodology to assess the demand for small arms in a variety of contexts. The study takes an economic approach to demand and identifies three elements that can guide interventions: preferences, relative prices of guns and relative resources. Studies are ongoing or planned for Jamaica, Macedonia, the Solomon Islands and Somalia.

As part of their overall poverty reduction strategies, the UN and many NGOs have begun to explore behavioural and attitudinal aspects of small arms acquisition and possession, and a number of ‘demand reduction’ projects have been launched incorporating lessons from prior efforts. These projects are still in their early stages.

Tactics have included:

- applying social stigmas to gun ownership
- highlighting negative deterrence among perpetrating groups
- providing communal security options in lieu of individual gun ownership
- initiating weapons for development in post-conflict scenarios

Action items

- *Take part in the annual International Gun Destruction Day activities on 9 July.* Organisations throughout the world coordinate events and activities on this day.
- *Support the inclusion of women and girl soldiers as active participants in DDR and appropriate security programmes* – this may include public outreach to female combatants, who may be more hesitant to reach out for help.⁹⁹
- *Support flexibility in entry requirements to DDR programmes.* In particular, youth and women involved in fighting should not be required to turn in a gun in order to qualify for DDR benefits.¹⁰⁰
- *Support the inclusion of facilities and programmes in DDR processes tailored to the needs of women* (e.g., access to land and credit at the local level).
- *Help identify the distinct needs of boy and girl soldiers,* in particular by reconnecting child soldiers to their

families and communities, and by providing alternative opportunities to soldiering.¹⁰¹

- *Contribute to developing culturally-sensitive programmes that reduce young soldier’s alienation from societies through community reintegration, education*



Poster distributed by the Working Group for Weapons Reduction in Phnom Penh, Cambodia. The text reads: “Which way do you choose for your future? Do good deeds, get good results (‘Growing rice, yielding rice’). If you are in jail, what impacts will it have on other people?”

and employment opportunities, and the teaching of peaceful conflict resolution skills.¹⁰²

- *Ensure that weapons collection programmes are accompanied by procedures for stockpile management and security; destruction of surplus weapons; the adoption of adequate gun laws regulating civilian possession; and measures to curb illicit transfers in and out of the country/region.*
- *Encourage the use of multimedia to spread disarmament messages.* Radio shows such as ‘New Home, New Life’, broadcast by the BBC in Afghanistan, can affect knowledge, attitude and practices in the population.
- *Generate reports on the factors driving weapons possession* in the countries humanitarian organisations work in. Identifying similarities is useful for beginning to understand policy responses.
- *Work to factor in ‘demand reduction’* as an objective in work that bridges the humanitarian-development divide that organisations may undertake.

Questions to include in project design or research processes

- What factors are driving the demand and use of the community or country that you live in?
- If a DDR program is likely or underway, what incentives could be packaged that can assist in community rebuilding?

Essential reading

De Watterville, Nathalie (2002), *Addressing Gender Issues in Demobilization and Reintegration Programs*. World Bank, Washington DC (Africa Region Working Paper Series)



Personnel from the Palestinian Red Crescent Society protest against attacks on aid workers at a checkpoint in Ramallah, Occupied Palestinian Territories, March 2002. © Palestinian Red Crescent Society

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United Nations Development Fund for Women (2004), *Women, War, Peace and Disarmament, Demobilisation and Reintegration (DDR)*, www.womenwarpeace.org/issues/ddr/ddr.htm

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6. In the Line of Fire: Humanitarian personnel and weapons availability

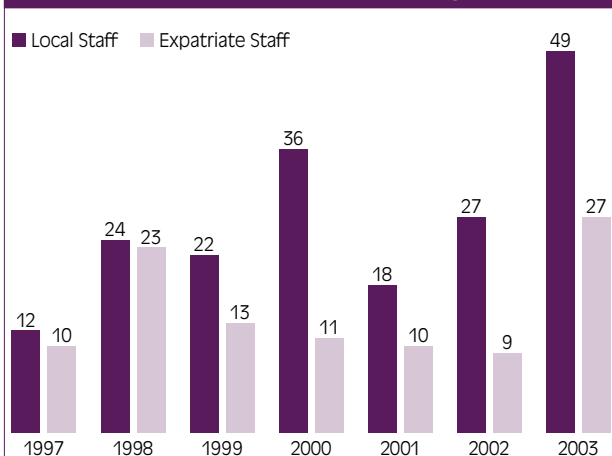
*A man claiming to be the spokesman for the Taliban . . . telephoned several journalists on June 2 to claim responsibility for the attack [that killed five MSF workers in Afghanistan]. "We killed them because they worked for the Americans against us using the cover of aid work . . . We will kill more foreign aid workers."*¹⁰³

Weapons availability is a key contributor to the insecurity that many humanitarian agencies and personnel experience in the course of their work. A growing disregard for international humanitarian law and cultures of impunity contribute to the death and injury of aid workers the world over.

When aid workers are killed, they are often killed with guns.¹⁰⁴ Between 1992 and 2001, small arms featured in 75% of the deaths of 204 UN aid workers killed. Between 1992 and July 2003 some 258 UN workers and associated personnel were physically assaulted or robbed, many at gunpoint.¹⁰⁵

One aid worker in Afghanistan summed up the situation: “It’s a vicious circle; aid workers die, NGOs pull out, basic needs are left unmet and ordinary people do things like grow opium to survive.”¹⁰⁶ In Afghanistan, 13 aid workers were killed in the first six months of 2004. In response, Médecins sans Frontières withdrew from the country after 24 years, after five staff were murdered in June 2004. The consequences for those in need of assistance are dire. The situation in Afghanistan is acute, yet the world over aid and development workers are in the line of fire.

Box 5: Reported number of humanitarian aid workers killed in acts of violence, 1997–2003



Source: King, Dennis (2004), *The year of living dangerously: Attacks on humanitarian aid workers in 2003*, Humanitarian Information Unit, us Department of State

Action-oriented research

The documentation of the dangers to relief workers from armed violence is growing. A 1999 ICRC study asserted that operations were frequently suspended or delayed due to security threats, and incidents related to weapons use were common.¹⁰⁷ ‘In the Line of Fire’, a study by the Centre for Humanitarian Dialogue and Small Arms Survey assessing the perceptions of development and humanitarian workers provides further evidence that workers are frequently targeted and exposed to intimidation, injury and death in the course of their work, and that small arms are a key feature of this threat.¹⁰⁸

The main findings of this study are that:

- Civilians and aid workers are frequently the victims of small arms use and abuse;
- Personnel feel threatened by small arms on a regular basis;
- Humanitarian and development interventions are adversely affected by the prevalence and misuse of small arms;
- Respondents overwhelmingly reported a large number of groups to be in possession of weapons.

The study also reveals that many workers receive little or no training in behaviours that will reduce their exposure to violence.¹⁰⁹ Though it is often difficult to provide assistance in dangerous environments while ensuring self-protection, this is an area humanitarian agencies can and must improve. “It’s finding a balance between addressing humanitarian needs as a neutral and independent organisation that generally works without armed protection and on the other hand ensuring an acceptable level of security for our colleagues,” noted an ICRC representative. “It’s one of the key challenges of the moment.”¹¹⁰

Box 6: Log of attacks on medics and ambulances of the Palestinian Red Crescent Society, 29 September 2000–17 September 2004

PRCS Personnel Killed (3 EMT, 2 employees & 7 Volunteers)	12
Total EMT Personnel Injured	202
Total Attacks on Emergency Teams	358
Number of Personnel and Volunteers Arrested Since the Invasion on Mar 29, 2002	81
Total Attacks on Ambulances (cumulative total) *	324
Total Ambulances Damaged (Some vehicles damaged more than once)	131
Number of Ambulances damaged beyond repair (out of service)	28
Violations & Restrictions on Ambulance Access ♦	1,520

* Total Attacks on Ambulances includes fire directed at Ambulances resulting in the following: Injury/Death to Emergency Medical Teams (EMT); Damage to ambulances repairable/ beyond repair; Some ambulances may have had no or minor damage.

♦ Number of registered cases of denial of access by the Israeli Army at checkpoints or between communities. This does not include the thousands of cases when the Emergency System Service is paralyzed.¹¹¹

Privatisation of security

An important aspect of this challenge is the dilemma about the use of private security firms. The global private security industry is booming and often plays a much-needed role in the absence of state security. Yet lack of regulation on private security forces, and their own periodic involvement in humanitarian law and human rights violations, is disturbing and must be addressed.¹¹²

A breakdown in capable public policing due to civil conflict, limited resources, heightened rates of armed criminality or ‘downsizing’ public services creates a window of opportunity for the private security industry. ‘Security for hire’ has become one of the fastest growing industries of the past decade, outnumbering public police forces in cost and size in developed and developing countries alike. In the United States, the number

of private guards is triple that of police officers;¹¹³ in South Africa, it is tenfold.¹¹⁴ In Iraq, the estimated 20,000 employees of private security firms make up the second largest force in the ‘coalition of the willing’ and it has been suggested that private security is used as an alternative method to the UN for gaining additional personnel. As one American army sergeant explained, “we’re trying to get more international participation here and the contractors can hire internationally.”¹¹⁵

Private security has received growing attention as both a consequence and a cause of insecurity. Indeed, while businesses, neighbourhoods, individuals and humanitarian agencies obviously have a right – perhaps even a duty – to protect people and premises, it is important to recognise that the use of private security also raises a range of concerns. The industry itself is

Box 7: Existing standards of protection for relief workers

A number of legal instruments are designed to protect humanitarian workers:

The Fourth *Geneva Convention* of 1949 and Additional Protocol 1 of 1977 state that relief consignments, equipment and personnel must be allowed to pass freely to civilian populations. The Conventions go on to explicitly specify that medicine, food and clothing intended for children under 15 should be allowed free passage.¹¹⁶

The 1994 *Convention on the Safety of United Nations and Associated Personnel*¹¹⁷ (entered into force in January 1999), states that parties must ensure the safety and security of UN and associated personnel, must release and return detained personnel, and should be committed to sharing information about crimes against UN and associated personnel. The General Assembly, in resolution 56/89 of 12 December 2001, established an Ad Hoc Committee to discuss implementation of the Convention to strengthen the protective legal regime for United Nations and associated personnel.¹¹⁸ In August 2004 it had 43 signatories and 31 ratifications.¹¹⁹

The *Rome Statute of the International Criminal Court* (entered into force July 2002) states that it is a war crime, to “intentionally direct attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission.” As of June 2004 the Statute has 90 ratifications.¹²⁰

Security Council *Resolution 1502* on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones requests that the Secretary-General address the issue of humanitarian protection in all country-specific reports. It further requests the inclusion of the provisions of the Convention on the Safety of UN Personnel, among others, in future and in existing status-of-forces, status-of-missions and host country agreements negotiated between the United Nations and various nations.¹²¹

The General Assembly, in *Resolution 56/89* of 12 December 2001, established an Ad Hoc Committee to consider the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel. This committee has produced a number of reports to the General Assembly, the results of which are reflected in *Resolution 57/28* and *57/155*. In December of 2003, per *Resolution 58/82*, the Assembly reconvened the Ad Hoc Committee for a week in April 2004 to consider a legal instrument to strengthen the regime of protection of United Nations and associated personnel.¹²²

Unfortunately, in many contexts combatants continue to ignore these laws without repercussions, and humanitarian aid workers continue to be killed, threatened, and hindered from providing their life-saving services. Clearly, while the laws are important, strong enforcement and efforts to address the roots of conflict, small arms availability, and violence against aid workers are needed. (See part III)

largely unregulated, and weak states additionally lack the resources to monitor and enforce consistent standards for the industry. Consequently, private forces are often inadequately screened and poorly trained, which increases the likelihood of corruption, arbitrary and unpredictable use of force, human rights abuses and violations of humanitarian law: “The lack of any system of control, supervision, or regulation over them means they all too easily become a law unto themselves”.¹²³

For humanitarian agencies, which increasingly use their services for risk analysis, staff training or on-site protection, private security companies also pose a wide range of political, management and ethical issues. For example, are humanitarian agencies contributing to the trend that is increasingly turning ‘security’ into a commodity rather than a public good?¹²⁴

Ultimately the problems posed by private security will be solved once official law enforcement agencies have the capacities and will to carry out their duties efficiently and diligently, so that security becomes again a public good. However, in the interim, it is important that some limits are placed on the operations of private security companies.

Action items

- Provide access to security training programmes for all personnel, including short-term staff.
- Ensure that humanitarian personnel are knowledgeable about their rights to personal safety under international humanitarian law, and can communicate those rights effectively.
- Provide access to timely debriefing and counselling access for staff.
- Prepare testimonies for the UN process of the impact of armed violence (see below, part III).

Questions to include in project design or research processes

- Does weapon availability and misuse impact upon staff and operations? If so, how? This information can be included in reports to donors in particular, the majority of whom are the world’s leading small arms producers.

Essential reading

Beasley, Ryan, Cate Buchanan and Robert Muggah (2003), *In the Line of Fire: Surveying the Perceptions of Humanitarian and Development Personnel of the Impacts of Small Arms and Light Weapons*. Centre for Humanitarian Dialogue and Small Arms Survey. Available in French, Spanish and English at www.hdcentre.org (small arms section/publications)

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7. Measuring change: indicators of human (in)security

In the early days of work on the small arms problem, a limited range of indicators was available to measure

the effects of small arms and efforts to stop their widespread circulation. In general, the primary indicators were changes in gun death and injury rates. When changes in mortality and morbidity could not be documented – as is often the case in countries with poor health infrastructures or experiencing violent conflict – there were few available means to analyse the situation.

In the last five years, collective understanding of the human security impacts of gun violence has deepened to encompass a more nuanced set of indicators from gender-based violence, direct foreign investment, psychosocial trauma, to perceptions of security. In addition to providing a more comprehensive account of the impacts of weapons misuse on communities, many of these indicators can be applied and measured even when mortality data, for example, are not available.

Box 8 presents a typology based on human security priorities. The table is not intended to be exhaustive, but it aims to provide a sample of indicators useful for devising research activities, cross-checking project design, and as a ‘backdrop’ for advocacy and policy development initiatives.

Many of the indicators listed here are sensitive not only to small arms availability and misuse but to a range of other phenomena. Weapons misuse may contribute to, or accelerate, the erosion of social customs, but it may not be the only (or even the primary) cause of it. Likewise, a range of factors affect the level of direct foreign investment in a nation – but widespread armed violence fuelled by small arms is certainly one of them.

Using a variety of reliable and nuanced indicators is essential for a number of reasons:

- ***Generating multiple streams of evidence.*** These indicators capture a wide range of humanitarian

impacts of small arms misuse. Demonstrating the wide variety of impacts of such a complex phenomenon improves our understanding of the issue and ability to generate compelling evidence for policy change.

- ***Accurately evaluating interventions.*** Applying these indicators is essential for evaluating interventions designed to stop small arms availability and its effects. For example, the establishment of ‘gun free zones’ in refugee camps may not lead directly to short-term reductions in armed violence levels – but they may have a variety of other, tangible benefits, such as raising awareness about gun violence in refugee camps and building confidence in interventions. Not accounting for these effects means the actual value of such programmes is not recognised, quantified, and made part of policy and public discussions.
- ***Attracting a variety of stakeholders.*** Identifying a broader range of impact indicators can engage the attention of constituencies who may not necessarily see their entry point on the issue of small arms. The participation of humanitarian, development, human rights and health communities is essential for progress on this issue and articulating the impacts on these sectors assists in constituency-building efforts.

Action items

- ***Include this typology or elements of it in project or programme design***
- ***Cast the net of beneficiaries wider.*** Reducing gun violence reaps benefits in terms of increased human security that extend beyond those most at risk from gun violence itself. Who else may be benefiting from the projects undertaken?

Box 8: A typology of indicators of human (in)security

Children

- Rates of combat-related death and injury of children
- Rates of unintentional firearm death and injury of children
- Rates of school attendance
- Incidence of psychosocial and psychological trauma associated with armed violence
- Presence of children in fighting forces

Public Health Impacts

- Hospital expenditures on firearm injury-related treatment
- Percentage of hospital budget allocated for health care and disease prevention
- Death rate related to firearms
- Health care or health insurance costs due to increased firearm injury or death rates
- Economic loss from firearm-related disability
- Psychological and psychosocial trauma related to armed violence

Gender

- Weapons use in sexual crimes against women
- Firearm use in violence in the home
- Gun-related death and injury rate disaggregated by gender
- Psychosocial and psychological trauma associated with armed violence particularly experienced by women and girls
- Marginalisation/socio-cultural impacts /erosion of social customs
- Social customs valuing gun use, violence and violent masculinity

Impacts on Humanitarian Assistance

- Mortality and injuries among humanitarian workers
- Armed robberies, rapes or other crimes

- Psychological trauma
- Staff turnover
- Perceptions of threat to personal security
- Perceptions of level of arms availability in the community
- Actual level of arms availability in the community
- Level of security training, including factual and safety information about small arms
- Evacuations or withdrawals due to security threats/incidents

Opportunity costs of programmes

- Programme implementation impeded
- Investment
- Security costs
- Costs for transport if routes are diverted, or air travel is safer
- Cost of monitoring and evaluation

Refugees and IDPs

- Incidence of firearm-related death, injury and disability among displaced people
- Numbers of refugees/IDPs
- Armed intimidation and assault among displaced people
- Armed sexual violence against women reported or observed
- Child mortality rates among displaced and relocated populations
- Dependence of displaced populations on food aid, etc. due to insecure situation
- Camps used as weapons trading zones
- Child soldiers prevalent

Sources: Comments from reviewers of this publication; *Small Arms Survey 2002*, p. 159 and Muggah, Robert and Eric Berman (2001), *Humanitarianism Under Threat: The Humanitarian Impacts of Small Arms and Light Weapons*, Small Arms Survey, p. 7

- *Gauge the opinions of civilians wherever possible to build the evidence base about the impacts of interventions.* The subjective information gathered is valuable for understanding improvements to well-being, the reduction of fear and insecurity – indicators of insecurity that are difficult to assess without asking beneficiaries and other stakeholders.

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Part III

Influencing international measures and processes

THE SMALL ARMS CRISIS WILL NOT BE STEMMED unless states make *and* act on firm commitments at the global, regional and national level to regulate arms transfers; condemn and prevent misuse by state forces, armed groups and civilians; and devote resources and creative thinking to tackle the factors that lead people to arm themselves. Processes are already in place to address these issues – most prominently the UN Programme of Action on small arms, presented below. Humanitarian agencies have a role to play to ensure that these instruments are as comprehensive as possible, include issues that have been neglected so far, and that states are reminded of the commitments they made.

The humanitarian community, as well as development, health, human rights communities, are uniquely positioned to contribute people-centred perspectives to a debate still predominantly shaped by narrow concerns of national security and a focus on supply-side initiatives. This part offers an introduction to the UN process on small arms, which is reaching a critical phase, as well as an overview of other relevant issues and processes.

Box 9: The International Action Network on Small Arms (IANSA)

The International Action Network on Small Arms is the global network of civil society organisations working to stop the availability and misuse of small arms and light weapons. Founded in 1998, IANSA has grown rapidly to more than 500 participant groups in nearly 100 countries, including policy development organisations, gun control groups, research institutes, aid agencies, faith groups, victims, human rights and community action organisations.

IANSA aims to reduce small arms violence by:

- raising awareness among policymakers, the public and the media about the global threat to human security caused by small arms;
- promoting the work of NGOs to prevent small arms availability through national and local legislation, regional agreements, public education and research;
- fostering collaborative advocacy efforts, and providing a forum for NGOs to share experiences and build skills;
- establishing regional and subject-specific small arms networks;
- promoting the voices of victims in regional and global policy discussions.

Every year in early July, IANSA coordinates a **Global Week of Action on Small Arms**, in which NGOs around the world undertake public education and media events to highlight the devastation caused by small arms availability. It includes an International Gun Destruction Day on 9 July.

IANSA also spearheads the production of a bi-annual report on state compliance with the UN Programme of Action. The first edition was released at the 2003 Biennial Meeting of States (BMS) and revealed patchy implementation by many governments. The second edition will investigate progress with key issues such as humanitarian impacts, human rights and gender based violence in mind. It will be released at the July 2005 BMS.

For more information, visit www.iansa.org.

1. Introducing the UN Programme of Action

In 2001 the UN held the first global conference on small arms, which produced the non-binding *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons In All its Aspects*. The Programme of Action was bitterly negotiated, and the result of numerous compromises. There is no reference, for example, to two critical issues: regulating civilian possession and the prickly topic of weapons transfers to non-state armed groups.¹²⁵ The agreement was negotiated primarily by experts in arms control,

Box 10: The UN Programme of Action at a glance

- Provides a global framework for addressing some elements of small arms availability
- Sets an agenda of regular meetings, keeping up the momentum for global action
- Contains provisions for stockpile management, weapons collection and destruction of surplus weapons
- Calls on states to harmonise communication about policies and develop national action plans to identify gaps and opportunities for action
- Contains some references to “demand” factors, and to the particular needs of women and children, but no reference to human rights
- Does not address crucial issues such as civilian possession, transfers to armed non-state groups or misuse by state forces, which are still considered red line issues
- Is not legally binding, though encourages the development of legally-binding instruments on arms brokering and the marking and tracing of small arms.

The full text of the UN Programme of Action is available at <http://disarmament2.un.org/cab/poa.html>

sensitive to questions of national security and sovereignty, but perhaps not sufficiently mindful of the linkages between abuse of arms and human rights, humanitarian action, health and sustainable development. While the need to restrict the supply of weapons was discussed openly, factors driving the demand for guns and the crucial issue of misuse of these weapons were largely left out of the debate.

Box 11: Key UN Process Dates

October 2004

The General Assembly’s First Committee (focussed on all disarmament matters) will lay the procedural groundwork for the 2005–2006 UN meetings and nominate a Chair for the July 2005 meeting (who will come from the EU).

July 2005

First week: IANSA Global Week of Action to draw public, media and governmental attention to the work of NGOs to tackle gun violence – culminating in Global Gun Destruction Day on 9 July.

Dates to be decided: The second Biennial Meeting of States to review progress on the implementation of the Programme of Action (UN headquarters, New York).

January 2006

Likely dates of Preparatory Conferences, which will manage key business in the lead up to the Review Conference

July 2006

First week: IANSA Global Week of Action and 9 July Global Gun Destruction Day

Dates to be decided: UN Review Conference, the final meeting to measure the effectiveness of the Programme of Action, and to initiate any further UN action on small arms by states. The chair of this meeting will likely be a representative of the ‘Non-Aligned Movement’ grouping of states.

The Programme of Action provides that a 'review conference' has to be convened in 2006, with two other meetings called every two years to assess its implementation. The First Biennial Meeting of States (BMS) was held in July 2003. Some 103 states submitted progress reports to the meeting, and international organisations also had the opportunity to report on their activities. References to taboo topics were notable, including controlling weapons transfers to armed groups, the restriction of civilian possession and tackling the misuse of weapons by police and military personnel.¹²⁶

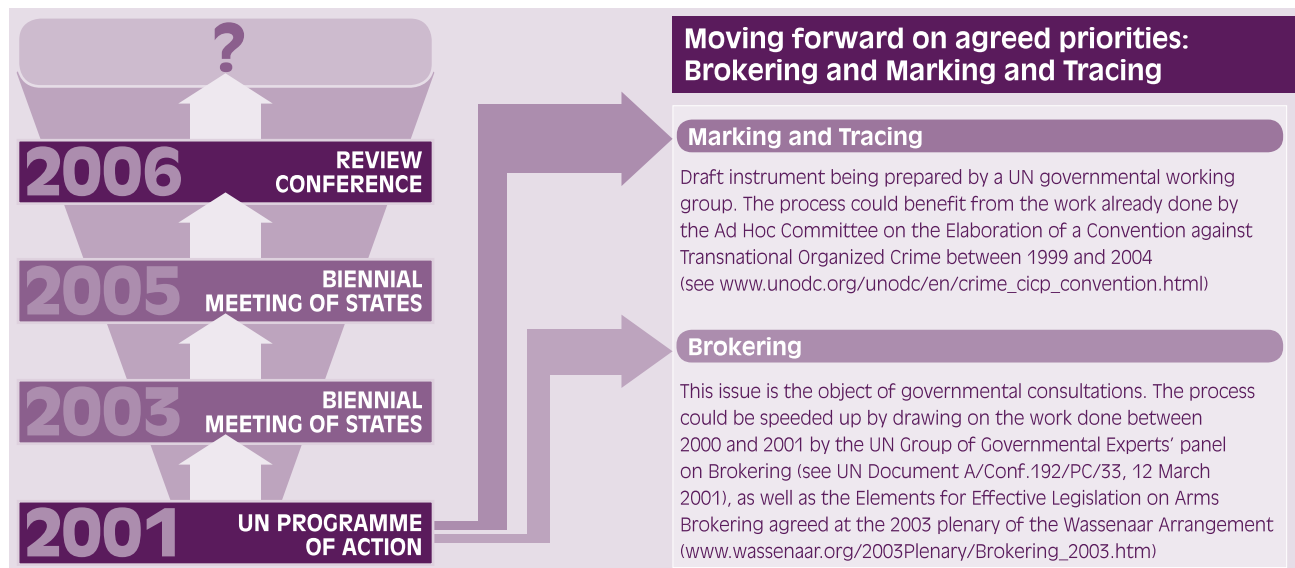
The Second Biennial Meeting of States will take place in July 2005. This will be an opportunity for humanitarian agencies to gather and raise the temperature on this issue in the lead up to the 2006 Review Conference. The stakes in 2006 will be high, as this meeting will likely determine the course of international action on small arms for the next decade. Concerted

advocacy will be required in order to ensure that states agree to be bound by a stronger Programme of Action, that really drives to the heart of the matter, including pledges of sufficient resources and attention to misuse and to demand factors.

2. Preventing the misuse of guns

States, with the support of the ICRC and National Societies, should ensure that armed, police and security forces receive systematic training in international humanitarian law and human rights law, in particular concerning the responsible use of weapons. Where appropriate, similar training should be encouraged for organized armed groups.

Agenda for Humanitarian Action, para. 2.3.3
Adopted at the 28th International Conference of the Red Cross and Red Crescent, 2003



The misuse of small arms by state forces, non-state actors and civilians is a delicate but critical component of any comprehensive effort to protect civilians from the ravages caused by small arms. While weapons availability can fuel violent conflict, it is misuse that most directly affects civilian populations.

The appointment of a UN Special Rapporteur on small arms and human rights is a welcome initiative. Humanitarian agencies can provide information from the ground that may otherwise be unavailable to the Special Rapporteur. The Special Rapporteur has identified the misuse of arms by state forces as a critical concern.¹²⁷ The use of weapons in violation of human rights and humanitarian law occurs the world over, though most often in situations characterised by war, corruption and dysfunctional justice systems. This in turn will often trigger the acquisition of weapons by civilians, both for self-defence and vigilante justice.

Misuse by state forces

When the new Timor-Leste police force was established in 2003, it was equipped with nearly 3,000 Austrian made handguns. The need to get police on the ground as quickly as possible meant that the new recruits had time only to learn how to use the guns and not when to use them.¹²⁸ Courses in human rights are sometimes unwelcome: while training a paramilitary police force on basic human rights, one police trainer was told “Why do you make us do this? Life was simple before. We just pulled the trigger.”¹²⁹ According to the UN Special Rapporteur on small arms and human rights “it is critical for States to provide training to their armed forces, including military, law enforcement and private security forces under their control, on basic principles of international human rights law and

international humanitarian law especially with regard to the use of small arms.”¹³⁰

Comprehensive reform of the security sector, with an emphasis on good governance and strengthening the rule of law; training military and police forces in human rights and humanitarian law; improving police-community relations; and providing swift access to justice are important means of reducing the misuse of weapons by government forces, thereby contributing to protecting civilians. The inclusion of security sector reform priorities as part of the development assistance objectives of donor countries is another positive step towards this goal. In addition, the 1990 *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* and the 1979 *Code of Conduct for Law Enforcement Officials* provide standards for the use of force by state security forces to be universally applied by all states.¹³¹ Unfortunately states are not sufficiently aware of these instruments.

Misuse by armed groups

Although armed groups hold just a fraction of the world’s total small arms, the devastation they leave in their wake is disproportionate. According to one study, armed rebel groups for example accounted for more than half the world’s new displacement during 2003.¹³² Armed groups also present serious challenges in post-conflict settings: weapons collection, disarmament and demobilisation efforts are all complicated by their loosely structured nature.

Regrettably, despite the obvious importance of this issue, participants at the 2001 UN Conference failed to agree on a way forward and any reference to non-state actors was left out of the UN Programme of Action. At the regional level, the European Union Joint Action

Box 12: Taking action on the issue of armed groups and weapons use

Problem	Possible responses	
'Misuse' How/why do armed groups misuse weapons?	Lack of respect for human rights and IHL norms	Engage with groups to increase awareness of and respect for international law, especially norms on civilian protection, for example by facilitating training programmes Publicise their abuses, to bring pressure to bear on the armed group
	Lack of accountability	Find ways to allow non-state actors to formally agree to instruments of human rights (HR) and IHL Bring the leaders of groups responsible for gross abuses of HR and IHL to justice where appropriate and feasible
	Because of, or in response to, abuses committed by government or opposing forces	Ensure impartiality in approach, by giving sufficient weight and attention to government abuses
'Demand' How can the demand for weapons be reduced?	Root causes	Challenging, but need to be identified and addressed on a case-by-case basis (for example: unequal distribution of resources, access to power, trafficking in conflict goods)
	Disarmament	Effective disarmament that goes beyond ceasefire/peace agreement related weapons collection and includes 'weapons for development' projects, long term arms control initiatives and detailed reintegration strategies
'Supply' How do armed groups get weapons?	Legal/grey market transfers	Adopt criteria of HR and IHL to govern arms transfers Ban transfers to groups known to commit egregious human rights violations
	Through arms brokers	Introduce robust legislation on brokering and ensure prosecution of unscrupulous arms brokers
	Embargo busting	Better equip the UN to monitor and enforce arms embargoes
	Trafficking	Ratify the Firearms Protocol to the Convention Against Transnational Crime
	Domestic procurement (e.g. looting of armouries)	Review the procedures and facilities for safe storage and registration of weapons



A pick-up truck with fighters of the Sudanese Justice and Equality Movement arrives at a meeting point in the desert, March 2004. The rebels operate in small groups of 30–40 fighters and stay constantly on the move to evade the Sudanese army.

© Centre for Humanitarian Dialogue

on Small Arms and Light Weapons includes a commitment by exporting countries to supply small arms only to governments, outlawing the sale of military-style small arms to sub-state or non-state armed groups. In 1999, the Canadian government called for global action on the issue of transfers of weapons to such groups,¹³³ but this call has yet to be answered. A number of states oppose a blanket prohibition of arms transfers to armed groups, and indeed there are arguments suggesting such a ban is neither desirable nor workable. Yet regulating transfers is by no means the only way to address the wide array of problems raised by the misuse of weapons by non-state armed groups. The table above presents some entry points.¹³⁴

Misuse by civilians

Attention also needs to be paid to misuse of weapons by civilians. While the collection of weapons is an

immediate concern in post-conflict situations (see above, Section 11.5), strong national laws are also vitally needed to tackle the widespread possession of guns and enhance conditions for peace to last. Even recognising the legitimate uses of guns, laws must address questions such as the registration of weapons; restrictions as to the type of weapons that can be held by civilians (e.g. military weapons, concealable guns); criteria for granting licenses to carry a gun as well as processes (and resources) for screening applications and reviewing licenses regularly; regulations for the safe storage of weapons in the home; and tough penalties for illegal possession. Cambodia provides a powerful example of what dedicated attention to various aspects of weapons control brings, ranging from the initial DDR process to ongoing security sector reform, weapons collection and destruction projects and impressive legislation to criminalise weapons in the hands of civilians.

But national laws will not be sufficient if weapons continue to leak in from neighbouring states with weaker controls or legislation. This phenomenon is experienced even within the US: some states may have strong gun laws, but their impact is undermined by poor laws in neighbouring states and the lack of control on private sales.¹³⁵ East African states understood this well when the issue of civilian possession was included in the Nairobi Protocol on small arms agreed to in April 2004.¹³⁶

Action items

- Bring to the attention of states instances of misuse of guns to demonstrate the necessity to address this dimension of the small arms problem.
- Encourage the implementation and usage of the *Basic Principles on the Use of Force and Firearms* by

Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials.

- *Advocate for the inclusion of provisions on civilian possession into national, regional and global instruments on small arms.*
- *Advocate for updating and improving provisions for the possession of weapons by civilians in the many contexts that humanitarian organisations work.* These laws are often outdated or full of loopholes.

3. Controlling supply

It is important to bear in mind that mechanisms to control arms transfers, while they may have received most of the attention of the international community to date, are only one way of addressing the wide range of humanitarian and socio-economic impacts of the availability and misuse of small arms outlined in this publication. Still, fresh supplies of weapons play a key role in increasing the likelihood, lethality and duration of violent conflict, and measures to regulate arms transfers are therefore welcome. This section discusses a wide array of instruments, which, if adopted, adapted and enforced, could ensure that fewer weapons make it into situations ripe for armed violence. This list is by no means exhaustive.

Weapons ‘travel’ through three types of transfers: legal, diverted, and black market. Despite the ambiguous title of the Programme of Action – the “illicit trade in all its aspects” – a key issue remains the continuing debate about the dichotomy between the legal and illegal trade. Put simply, a legally obtained weapon can be as misused as an illegally traded gun. Small arms are “sold, re-sold, perhaps stolen, diverted, and maybe legally or illegally transferred several more

times . . . At each juncture in this complex chain of legal and illicit transfers, people – brokers, insurgents, criminals, government officials, and/or organised groups – are active participants in the process. Regulation and control of these weapons must proceed from this simple fact.”¹³⁷

Regulating arms brokers

Arms brokers are private individuals who profiteer as middle-men to sell weapons to individuals, governments, rebel groups, militias and terrorists. Unscrupulous brokers are largely responsible for the diversion of weapons from legal to illicit markets, in many cases in violation of arms embargoes and the provision of weapons to armed groups. An Algerian-French broker, for example, has been convicted in a French court of arranging sales of Russian weapons to Angola in 1993 and 1994. Freed after serving just one year, he continued to arrange illicit weapon sales to Angola until at least 2000. He proceeded to skip bail and from January 2004 there has been an international arrest warrant against him.¹³⁸

Only 25 countries have laws or procedures that regulate arms brokers.¹³⁹ With 54 countries linked to transfers of weapons in violation of international arms embargoes in effect in 2001, clearly this is an area for urgent action.¹⁴⁰ While action at the national or regional level is encouraging, this will never be sufficient to prevent unscrupulous brokers from evading the law and firm commitments need to be taken at the global level.

The Fund for Peace has proposed a model convention as a basis for a legally binding instrument.¹⁴¹ Additionally, the Netherlands and Norway are leading action by developing model regulations and building

wider governmental support for action on brokering. Governmental consultations commenced at the UN on these issues in 2004, however disagreement among states has emerged as to whether it is advisable to deal with the issue of brokering simultaneously with the established process on marking and tracing (see below), or whether the two issues should rather be handled sequentially. Resistance to simultaneous progress is regrettable, especially as brokering typifies the problem of the ‘illicit trade in all its aspects’.

Arms embargoes

Arms embargoes can be a powerful strategy for keeping weapons out of abusive hands. Yet they are only as effective as their enforcement. Reports from the UN panels of experts investigating arms shipments to Rwanda, Sierra Leone, Liberia and Angola reveal just how easy it has been to circumvent these measures. A number of important recommendations have been put forward to strengthen sanctions regimes, including profiling brokers and transportation companies, improving the inspection of cargo at airports, and enhancing law enforcement and customs cooperation. Within the UN itself more resources should be provided to monitoring sanctions, including the creation of a permanent sanctions monitoring effort led by independent technical experts.¹⁴²

Marking and tracing

The harmonisation of markings on weapons, coupled with centralised record-keeping of transfers, would help trace weapons that make it onto the black market and prosecute offenders. A UN governmental working group has been established to prepare a draft instru-

ment on ‘marking and tracing’ by July 2005. However, this instrument will be ineffective if it is not legally-binding, if states do not agree on universally recognisable markings, and if they do not extend the scope of the agreement to ammunition. Humanitarian organisations can help advocate a clear message in this regard.

The Firearms Protocol

Separate from the Programme of Action, the **Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition** (“Firearms Protocol”), supplementing the United Nations Convention against Transnational Organised Crime, was agreed in 2001. It criminalises illicit trafficking in firearms, provides that legal transfers of guns require agreements between the governments involved, and that guns must be marked at the point of manufacture, import and transfer from government into private hands. States are also required to establish a system of regulating arms brokering.

However, a number of drawbacks prevent the Protocol from being the effective instrument that was envisioned by civil society:

- it does not provide any criteria for authorising arms transfers from government to government, particularly criteria of human rights and humanitarian law;
- it does not feature a universal marking system;
- it does not require a registry of weapons under private possession; and,
- it does not adequately address arms transfers from state to non-state armed groups.

The political will necessary to ratify and implement the Protocol has been slow to emerge. As of 31 August 2004, only twenty-five states have ratified the Protocol

Box 13: Regional Measures

Efforts to control the spread of weapons are also being made at the regional level. Below are some of the most relevant instruments. Regrettably no significant instruments on small arms have been agreed to date in Asia (ASEAN) and the Middle East (League of Arab States).

Americas

In 1997 the Organisation of American States (OAS) was the first regional grouping to adopt a binding treaty on this subject, the *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials*. This Convention outlines measures to improve the control and monitoring of legal manufacture and transfers of firearms and to improve the exchange of information among states regarding the illicit trade of firearms.¹⁴³ In 2003 the OAS also adopted *Model Regulations for the Control of Brokers of Firearms, their Parts and Components and Ammunition*, which provide that a national authority has to be named responsible for registering and licensing arms brokers, and sets criteria for issuing licenses.¹⁴⁴

European Union

The European Union (EU) has agreed to a non-binding *Code of Conduct* on arms exports that requires exporting member states to take into account respect for human rights and IHL in the recipient country. The Code was supplemented by the binding *2002 Joint Action on Small Arms* which restricts transfer of a smaller category of military small arms and light weapons only to governments.¹⁴⁵ The Code of Conduct is open to wide interpretation and the Small Arms Survey 2004 records an array of weapons transfers from EU states to situations in which human rights standards are questionable.

Though not originating from a regional organisation, the *UK Transfer Control Initiative* seeks to build consensus at a regional level on strengthening transfer controls – on imports, exports and transshipment – with the aim of incorporating common minimum international controls in a strengthened Programme of Action in 2006. A series of bilateral meetings and sub-regional workshops are being facilitated by the UK government through early 2005.

Africa

The *West Africa Moratorium on the Import, Export, Manufacture of Small Arms and Light Weapons* was spearheaded by Mali, in 1998. It is the world's first regional moratorium on small arms, and is theoretically supported by the Wassenaar Arrangement – a grouping of the world's largest arms exporting nations.¹⁴⁶ It suffers from inconsistent implementation across the region given the flood of weapons available for protracted violence in Sierra Leone, Liberia and Côte d'Ivoire. If commitment from regional and external actors was solid this would provide a powerful model for regional action on arms availability.¹⁴⁷

The *Nairobi Protocol for the prevention, control and reduction of small arms and light weapons in the Great Lakes Region and the Horn of Africa* was adopted in April 2004. This legally-binding document contains some groundbreaking provisions, notably on civilian possession of weapons, and a definition of brokers and brokering.

and fifty-two states have signed it.¹⁴⁸ Despite its shortcomings, the Protocol will be the first legally-binding international agreement on small arms, and pressure is required to get more states to ratify – another area for action for humanitarian agencies.

The Control Arms Campaign

States should make respect for international humanitarian law one of the fundamental criteria on which arms transfer decisions are assessed. They are encouraged to incorporate such criteria into national laws or policies and into regional and global norms on arms transfers.

Agenda for Humanitarian Action, para. 2.3.1
Adopted at the 28th International Conference of the Red Cross and Red Crescent, 2003

In October 2003, the International Action Network on Small Arms (IANSA), Amnesty International and Oxfam International launched the *Control Arms* campaign, which seeks the strict regulation of the supply and use of weapons. A cornerstone of the campaign is a demand that states negotiate a tough, binding Arms Trade Treaty (ATT).

Its principles state that all international arms transfers should be authorised by the appropriate state authority, and prohibit transfers *inter alia* if:

- The type of weapons in question is indiscriminate or is of a nature to cause superfluous injury or unnecessary suffering;

- Arms will be used for breaches of the UN charter, particularly the use of force in international relations;
- Arms will be used for serious violations of human rights, international humanitarian law, genocide or crimes against humanity;
- Arms will be used for or to facilitate the commission of violent crimes.

A model treaty was developed, which now carries the support of nineteen individuals and organisations honoured with the Nobel Peace Prize. As of August 2004, 13 governments have made statements in support of the principles of the Arms Trade Treaty; among these Finland and Costa Rica have expressed commitment to promote the principles of the ATT at an international level.

The Control Arms campaign is also gathering support for the initiative in a unique petition of a ‘Million Faces’ by the time of the Review Conference in July 2006. Some 200,000 people have submitted a photo for the petition.

Action items

- *Encourage states to move forward on global discussions on brokering.* There are two technical processes on small arms currently underway at the UN, one aiming at a binding treaty on marking of guns and information exchange to facilitate tracing; the other being informal discussions on arms brokering (see the section on brokering). Urgent action is needed on both.
- *Encourage governments to ratify the ‘Firearms Protocol’.* With only 25 ratifications out of the 40 required for the protocol to enter into force, progress is disappointingly slow.

control arms

- *Endorse the Control Arms campaign* and join the effort to strictly regulate the supply and use of small arms. Go to www.controlarms.org for more information.

Endnotes

- 125 Many states want to preserve the right to transfer weapons to armed groups as a foreign policy tool. The argument commonly expressed refers to the duty to transfer weapons to people fighting for their freedom against tyrannical governments, and to the need to arm people to prevent genocide.
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- 128 Centre for Humanitarian Dialogue (2003), *Putting People First: Human security perspectives on small arms availability and misuse*, p. 38. Available at www.hdcentre.org (small arms section/publications)
- 129 *Op. Cit.*, p. 38
- 130 Progress report of Barbara Frey, Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons, 21 June 2004, Sub-Commission on the Promotion and Protection of Human Rights, E/CN.4/Sub.2/2004/37, p. 17
- 131 These documents can be found at www.unhchr.ch/html/menu3/b/h_comp43.htm and www.unhchr.ch/html/menu3/b/h_comp42.htm respectively
- 132 Norwegian Council on Refugees (2004), *Global Displacement: A Global Overview of Trends and Developments in 2003*, p. 7, Available at: www.idpproject.org/press/2004/Global_Overview.pdf
- 133 Canadian Mission to the United Nations in New York (1998), "A Proposed Global Convention Prohibiting the International Transfer of Military Small Arms and Light Weapons to Non-State Actors," Available at www.nisat.org/export_laws-regs%20linked/canada/discusion_papera_proposed.htm
- 134 For more detailed analysis and recommendations, see Capie, David (2004), *Armed groups, weapons availability and misuse: an overview of the issues and options for action*. Background paper for the meeting organized by the Centre for Humanitarian Dialogue in Bamako (Mali), 25 May 2004, available at www.hdcentre.org (small arms section/Putting People First)
- 135 Webster, Daniel, Jon Vernick and Lisa Hepburn (2001), "Relationship between licensing, registration and other state gun sales laws and the source of crime guns", *Injury Prevention* 7(3), pp. 184–9.
- 136 Art. 3.c provides that "States Parties undertake to incorporate in their national laws: (i) the prohibition of unrestricted civilian possession of small arms; (ii) the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns; (iii) the regulation and centralised registration of all civilian-owned small arms in their territories; (viii) provisions for effective control of small arms and light weapons including the storage and usage thereof, competency testing of prospective small arms owners and restriction on owners' rights to relinquish control, use, and possession of small arms; (ix) the monitoring and auditing of licenses held in a person's possession, and the restriction on the number of small arms that may be owned; and (xiii) provisions promoting legal uniformity in the sphere of sentencing." *Nairobi protocol for the prevention, control and reduction of small arms and light weapons in the Great Lakes Region and the Horn of Africa* (2004), available at www.saferfrica.org/DocumentsCentre/NAIROBI-Protocol.asp
- 137 *Small Arms Survey 2001*, p. 2
- 138 *Small Arms Survey 2004*, p. 165
- 139 *Small Arms Survey 2004*, p. 142. The countries with some sort of brokering controls are Austria, Belgium, Bulgaria, the Czech Republic, Estonia, Finland, France, Germany, Hungary, Israel, Italy, Japan, Latvia, Lithuania, the Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, South Africa, Sweden, Switzerland, Ukraine and the United States.
- 140 *Small Arms Survey 2002*, p. 134
- 141 Fund for Peace (2001), *Model Convention on the Registration of Arms Brokers and Suppression of Unlicensed Arms Brokering*. Available at www.fundforpeace.org/publications/report/model_convention.pdf
- 142 Vines, Alex (2003), "Monitoring UN sanctions in Africa: the role of panels of experts," in *Verification Yearbook*, VERTIC, London, p. 260. See also: Cortright, David and George A. Lopez with Linda Gerber (2001), *Sanctions Sans Commitment: An Assessment of UN Arms Embargoes*, Project Ploughshares, Working Paper 02-2
- 143 This document can be found at: www.oas.org/juridico/english/treaties/a-63.html
- 144 See Meek, Sarah (2004), *Development of International and Regional Small Arms Initiatives*, Institute for Security Studies, Johannesburg, Workshop report available at www.iss.co.za/pubs/CREports/BrokeringWorkshop04/Development.pdf
- 145 This document can be found at: <http://projects.sipri.se/expcon/eucode.htm>
- 146 Includes Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, the UK and the USA. It was established to "contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations." See www.wassenaar.org for more information.
- 147 This document can be found at: www.grip.org/bdg/g1649.html
- 148 This document can be found at www.unodc.org/unodc/en/crime_cicp_resolutions.html States who have ratified or acceded to the Protocol include Algeria, Benin, Bulgaria, Burkina Faso, Cape Verde, Costa Rica, Cyprus, El Salvador, Estonia, Grenada, Guatemala, Jamaica, Lao People's Democratic Republic (Laos), Lesotho, Mali, Mauritius, Mexico, Norway, Panama, Peru, Romania, Saint Kitts and Nevis, Slovenia, South Africa and Turkey. 40 ratifications are necessary for the Protocol to come into force. For more information see: www.unodc.org/unodc/en/crime_cicp_signatures_firearms.html

Conclusion

GUNS ARE SO PERVASIVE IN MOST AREAS WHERE humanitarian agencies operate that they could almost go unnoticed. Yet the human cost is profound, as illustrated throughout this publication in terms of health impacts; freedom of movement of both civilians and aid workers; gender equality and the rights of children. Arms availability and misuse has wide-ranging consequences of concern both to humanitarian agencies dealing with emergency situations, and to development agencies focused on longer-term reconstruction.

This publication seeks to demystify the issue, and highlight some of the opportunities at hand. Crucially, this publication also aims to encourage agencies to become active participants in international processes, whether centred on the UN Programme of Action, on the monitoring and enforcement of arms embargoes, the push for states to ratify the Firearms Protocol or support for stronger controls on arms transfers.

As part of the International Action Network on Small Arms (IANSA) or individually, agencies can encourage states to look beyond narrow concerns of national security and place people's safety and well-being at the centre of international debates.

Concerted advocacy is needed to ensure that states are reminded of their commitments, and that future

legal agreements are comprehensive in scope and get to the heart of the matter. Although international law is not a panacea for the small arms disease, effective agreements can have a major impact in changing state actions, increasing the transparency and scrutiny of arms transfers, and shaming those states that do not comply with arms embargoes or transfer guns to governments and groups responsible for gross abuses of human rights.

Ultimately the crisis of gun violence and the arms trade will be solved when people will feel no more need to resort to weapons to resolve conflicts or protect themselves. This publication has mentioned the need to take into account factors that lead people, groups and states to arm themselves and misuse their weapons: lack of good governance, break-down in law and order, ineffective policing, socio-economic inequalities, cultural and symbolic value of guns, among other issues.

By including a focus on guns in their programmes, humanitarian and other (especially development) agencies can already make a difference: encouraging community-based policing in refugee camps; providing security training to international *and* local staff; supporting the role often played by women in peacebuilding; and developing a greater understanding of the factors that lead people to arm themselves.

The way is already paved: innovative programmes have been designed in many settings that should be supported and developed, and lessons learnt can be replicated, with relevant adjustments, to other situations.

This publication can serve as a guide for where agencies can be most effective in the lead up to the 2006 Review Conference and indeed beyond.

We look forward to making a difference on this problem together.

Appendix A: Selected sources of international human rights and humanitarian law related to the transfer and misuse of small arms and light weapons

Situation	Example of violations	Applicable law
1. Misuse of small arms by agents of the state	<ul style="list-style-type: none"> • Genocide • Intentional killings by security forces • Excessive force by law enforcement • Disproportionately violent government reaction to disturbances • Arms contribute to other abuses, such as systematic rape, torture and forced displacement 	<ul style="list-style-type: none"> • Universal Declaration of Human Rights, Art. 3 • International Covenant on Civil and Political Rights (ICCPR), Art. 4(2) • ICCPR, Art. 6 • Convention on the Prevention and Punishment of the Crime of Genocide (“Genocide Convention”) • Code of Conduct for Law Enforcement Officials, Art. 3 • Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
2. Misuse of small arms by private persons, when the state fails to exercise due diligence	<ul style="list-style-type: none"> • Ethnic, religious, political killings or massacres • Failure to prevent criminal homicide • Failure to prevent violence in the home • Failure to prevent crimes committed post-conflict by individual owners of small arms 	<ul style="list-style-type: none"> • Universal Declaration of Human Rights, Art. 3 • ICCPR, Art. 6 • ‘Due diligence’ standard, Inter-American Court of Human Rights, European Court of Human Rights • Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Rights and Fundamental Freedoms, Art. 2(1), Art. 2(2) • Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Art. 2(c), 2(e)
3. Misuse of small arms by state agents in armed conflict	<ul style="list-style-type: none"> • Genocide • Killings or torture of non-combatants and prisoners of war • Attacks on peacekeepers and humanitarian workers • Collective punishments against civilian populations in situations of occupation • Forcibly relocating civilian populations • Using weapons that cause unnecessary suffering • Summary executions of captured combatants • Exploitation of children as soldiers • Indiscriminate use of weapons 	<ul style="list-style-type: none"> • Treaty bans on specific weapons: • St. Petersburg Declaration (1868) (exploding projectiles) • The Hague Declaration (1899) (dum dum bullets) • Geneva Conventions of 1949 • 1977 Additional Protocols to the Geneva Conventions • Genocide Convention • Rome Statute of the International Criminal Court • ICCPR, Art. 6, Art. 7 • Convention on the Rights of the Child, Art. 38 • Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

4. Misuse of small arms by armed groups in armed conflict	<ul style="list-style-type: none"> • Genocide • Mass killings • Systematic rape • Attacks on civilians, peacekeepers and humanitarian workers • Exploitation of children as soldiers • Forced displacement of populations • Hostage-taking 	<ul style="list-style-type: none"> • Geneva Conventions of 1949, Common Article 3 • Additional Protocol II to the Geneva Conventions, and relating to the Protection of Victims of Non-International Armed Conflicts • Genocide Convention • Rome Statute of the International Criminal Court
5. Arms transfer with knowledge that arms are likely to be used to commit serious violations of international human rights and humanitarian law	<ul style="list-style-type: none"> • Violation of UN Security Council arms embargoes • Transfer to a state identified as having a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms • Transfer to a state that uses child soldiers • Transfer to a state unable to control post-conflict violence • Transfer to a state known to violate international humanitarian law norms in situations of armed conflict 	<ul style="list-style-type: none"> • UN Charter, Chapter VII (arms embargoes) • Geneva Conventions of 1949, Common Article 1 • UN Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and Protection of Their Independence and Sovereignty • Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations • International Law Commission, Draft articles on Responsibility of States for Internationally Wrongful Acts

Source: *Shattered Lives* (2003), originally adapted from *The question of the trade, carrying and use of small arms and light weapons in the context of human rights and humanitarian norms*, Working paper submitted by Ms. Barbara Frey in accordance with Sub-Commission decision 2001/120, E/CN.4/Sub.2/2002/39, 30 May 2002

Appendix B: Red Cross and Red Crescent Agenda for Humanitarian Action (weapons section) Adopted at the 28th International Conference of the Red Cross and Red Crescent, Geneva, 2–6 December 2003

The International Conference is a unique forum bringing together the 192 States parties to the Geneva Conventions and the Movement's components (the International Committee of the Red Cross (ICRC), the International Federation of the Red Cross (IFRC) and National Red Cross and Red Crescent Societies). In December 2003 the Conference adopted an Agenda for Humanitarian Action, which sets out a number of clear, measurable, realistic objectives for Conference members to achieve from 2004 to 2007. The full text is available in English, French and Spanish at: www.icrc.org/eng/conf28. Below is the section relevant to small arms control.

Final Goal 2.3 – Reduce the human suffering resulting from the uncontrolled availability and misuse of weapons

In recognition of States' obligation to respect and ensure respect for international humanitarian law, controls on the availability of weapons are strengthened – in particular on small arms, light weapons and their ammunition – so that weapons do not end up in the hands of those who may be expected to use them to violate international humanitarian law. Complementary steps are taken to reduce the misuse of weapons through the promotion of respect for this law.

Actions proposed

2.3.1 States should make respect for international humanitarian law one of the fundamental criteria on which arms transfer decisions are assessed. They are encouraged to incorporate such criteria into national laws or policies and into regional and global norms on arms transfers.

2.3.2 States should take concrete steps to strengthen controls on arms and ammunition. In particular, States should urgently enhance efforts to prevent the uncontrolled availability and misuse of small arms and light weapons, taking into account the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and other relevant instruments, particularly those developed in a regional framework.

2.3.3 States, with the support of the ICRC and National Societies, should ensure that armed, police and security forces receive systematic training in international humanitarian law and human rights law, in particular concerning the responsible use of weapons. Where appropriate, similar training should be encouraged for organized armed groups.

2.3.4 States, the ICRC and National Societies should strive to reduce the demand for and misuse of weapons by promoting a culture of tolerance and establishing educational programmes or similar initiatives among the civilian population. They will also increase awareness of the risks to safety of small arms and light weapons, especially among children.

2.3.5 States, the ICRC and National Societies in a position to do so will strengthen efforts to record and document the impact of armed violence on civilians, contributing to a better understanding of its human costs. The ICRC will also document the impact of armed violence on its operations.

Appendix C: International humanitarian law commitments in recent governmental documents on arms transfers

Organisation/ Country	Document	IHL references/Export standards	Public education
INTERNATIONAL			
28th International Conference of the Red Cross and Red Crescent	Agenda for Humanitarian Action (December 2003)	See Appendix B, and in particular Final goal 2.3 and Actions proposed 2.3.1	See Appendix B, and in particular Actions proposed 2.3.4
27th International Conference of the Red Cross and Red Crescent	Plan of Action for the years 2000–2003 (November 1999)	“States enhance the protection of civilians in armed conflict and post-conflict situations by seeking to strengthen controls on the availability of arms, in particular small arms and ammunition, at the national, regional and international levels, including by improving national export regulations. States examine the establishment of means to integrate consideration of respect for international humanitarian law into national decision-making on transfers of arms and ammunition, and, where relevant, examine ways of integrating such considerations into “codes of conduct”.” (Final goal 1.5 (23))	
United Nations	Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (July 2001)	<p>“Recognizing that the illicit trade in small arms and light weapons in all its aspects (...) undermines respect for international humanitarian law (and) impedes the provision of humanitarian assistance to victims of armed conflict (...)” (Preamble, para. 5)</p> <p>“We (...) undertake (...) [t]o assess applications for export authorizations 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, para. 11)</p>	<p>“We (...) undertake (...) [t]o develop and implement, including in conflict and post-conflict situations, public awareness and confidence-building programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects (...).” (Section II, para. 20)</p> <p>“We (...) undertake (...) [t]o promote dialogue and a culture of peace by encouraging, as appropriate, education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects, involving all sectors of society.” (Section II, para. 41)</p>

REGIONAL			
European Union	EU Code of Conduct on Arms Transfers (May 1998)	<p>“Member States will take into account inter alia the record of the buyer country with regard to (...) its compliance with international commitments, in particular on the non-use of force, including under international humanitarian law applicable to international and non-international armed conflicts.”</p> <p>(Criterion Six (b))</p>	
European Union	EU Joint Action on Small Arms (June 2002)	<p>“(T)he efforts of the European Union shall aim at building consensus (...) for the realisation of the following principles and measures to reduce existing accumulations of small arms and their ammunition: (...) the promotion of confidence-building measures (...) such measures to include (...) respect of human rights and humanitarian law (...).” (Article 4 (b))</p> <p>“The Union shall provide financial and technical assistance to programmes and projects which make a direct and identifiable contribution to the principles and measures referred to in Title I (...) In providing such assistance, the Union shall take into account in particular (...) their compliance with international humanitarian law and the protection of the rule of law (...).” (Article 6 (1, 2))</p>	<p>“(T)he European Union shall aim at building consensus (...) for (...) the commitment to challenge and reverse ‘cultures of violence’, by enhancing public involvement through public education and awareness programmes.” (Article 3 (g))</p>

<p>European Union</p>	<p>European Parliament Resolution on small arms (November 2001)</p>	<p>“INoting with satisfaction the commitment contained in the Programme of Action for all States to assess applications for export authorizations according to strict national regulations and procedures (...) consistent with States’ existing responsibilities under relevant international law; welcoming the commitment to strengthen agreed norms or measures at the global, regional or national levels.” (D)</p> <p>“Calls on Member States to bring all national and regional control systems for the export of armaments into line with States’ existing responsibilities under international law, and to take steps towards the negotiation of a legally binding instrument setting out norms and procedures for the international transfer of armaments, based on existing responsibilities under international law.” (6)</p>	
<p>The Latin American and Caribbean States</p>	<p>Brasilia Declaration (on the illicit trade in small arms and light weapons) (November 2000)</p>	<p>“[T]he Latin American and Caribbean States share an unshakable commitment to the basic norms of international law (...).” (4)</p>	
<p>North Atlantic Treaty Organization</p>	<p>NATO Parliamentary Assembly Resolution on Small Arms Control (November 2000)</p>	<p>“Urges member governments and parliaments (...) to harmonise national approaches through wider acceptance and application of guidelines and codes of conduct – such as the EU Code of Conduct – effective application of arms embargoes, and enhanced evaluation of recipient States’ records with regard to adherence to international humanitarian law and control over stocks and flows of small arms.” (8, d)</p>	

<p>Organization for Security and Cooperation in Europe</p>	<p>Handbook of Best Practices on Small Arms and Light Weapons (November 2003)</p>	<p>“(…) (T)he following export criteria should be taken into account in considering a licence application for a SALW export. The same criteria should apply, as appropriate, when granting licences for the transit of SALW. (iii) (…) the respect for international law governing the conduct of armed conflict.” (Section III, p. 5)</p> <p>“The issuance of licences should be avoided where it is deemed that there is a clear risk that the small arms, light weapons or associated technology in question might: (…) threaten compliance with international law governing the conduct of armed conflict.” (Section III, p. 6)</p>	
<p>Organization for Security and Cooperation in Europe</p>	<p>OSCE Document on Small Arms and Light Weapons (November 2000)</p>	<p>“Each participating State will, in considering proposed exports of small arms, take into account (…) [t]he record of compliance of the recipient country with regard to international obligations and commitments, in particular on the non-use of force (…) and the record of respect for international law governing the conduct of armed conflict.” (Section (III), (A) 2 (a) (iii))</p> <p>“Each participating State will avoid issuing licences for exports where it deems that there is a clear risk that the small arms in question might (…) [p]rolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence, or threaten compliance with international law governing the conduct of armed conflict.” (Section (III), (A) 2 (b) (v))</p> <p>“Further, each participating State will (…) [e]nsure that these principles are reflected, as necessary, in its national legislation and/or in its national policy documents governing the export of conventional arms and related technology.” (Section (III), (A) 4 (i))</p>	<p>“The participating States will consider sponsoring, on a national level, public education and awareness programmes highlighting the negative aspects of small arms.” (Section V (D) 5)</p>

Organization of African Unity	Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (December 2000)	<p>“We recognize that [the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons] (...) threatens international humanitarian law.” (V, 1, i)</p> <p>“[It] is vital to address the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons (...) through (...) the respect for international humanitarian law.” (V, 2, ix)</p>	
Southern African Development Community	Declaration concerning firearms, ammunition and other related materials in the Southern African Development Community (March 2001)	<p>“Our Governments will inter alia, undertake to review national legislation in order to (...) [r]egulate and control the (...) export (...) of firearms and ammunition, and other related materials.”</p> <p>“We undertake to develop and adopt a legal instrument in the form of a regional Protocol on the control of firearms and ammunition and other related material.”</p>	“Our Governments will inter alia, undertake to review national legislation in order to (...) [p]romote national and regional public education and awareness programmes concerning the curbing of the proliferation of firearms.”
NATIONAL			
Germany	Policy Principles for the Export of War Weapons and Other Military Equipment (January 2000)	The government of Germany will take into account “the recipient country’s conduct in terms of whether it (...) complies with international obligations (...) including obligations under humanitarian law on international and non-international conflicts. ” (III, 7)	
United Kingdom	Export Control Bill (July 2002)	The Secretary of State may impose export controls when there is a risk that the exportation of the goods or technology in question might be used to carry out or facilitate carrying out of “acts contravening the international law of armed conflict. ” (Schedule, 4, (5), D, (b))	

OTHERS			
<p>The Wassenaar Arrangement</p>	<p>Best Practice Guidelines for Exports on Small Arms and Light Weapons (SALW) (December 2002)</p>	<p>“Each Participating State will, in considering proposed exports of SALW, take into account (...) the record of respect for international law governing the conduct of armed conflict.” (1, (c))</p> <p>“Each Participating State will avoid issuing licences for exports of SALW where it deems that there is a clear risk that the small arms in question might (...) threaten compliance with international law governing the conduct of armed conflict.” (2, (e))</p> <p>“Further, each Participating State will (...) (e)nsure that these principles are reflected, as appropriate, in their national legislation and/or in their national policy documents governing the export of conventional arms and related technology.” (3, (a))</p>	

Source: International Committee of the Red Cross, updated May 2004