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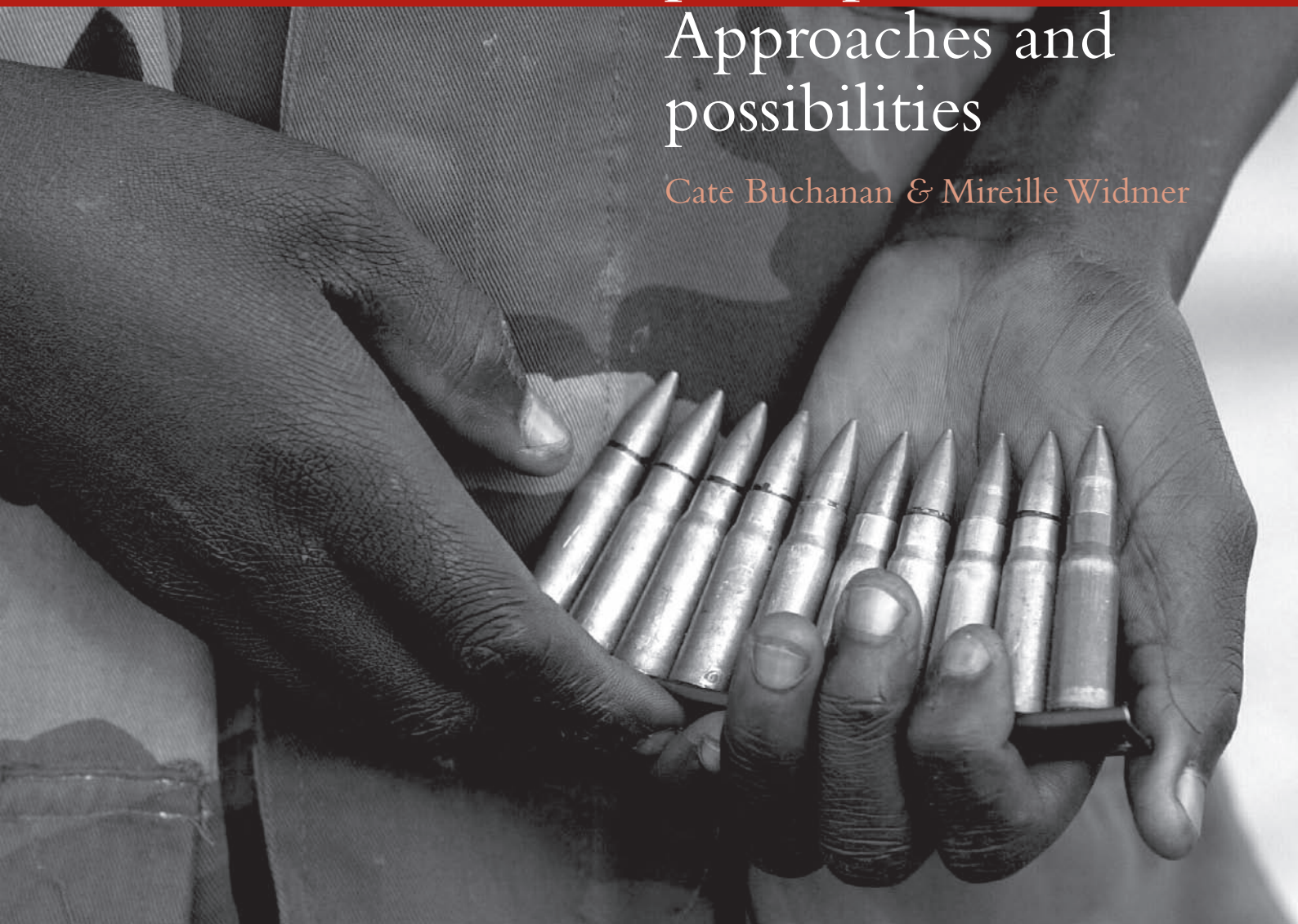
NEGOTIATING DISARMAMENT

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Civilians, guns and peace processes: Approaches and possibilities

Cate Buchanan & Mireille Widmer

NEGOTIATING DISARMAMENT STRATEGIES FOR TACKLING WEAPONS ISSUES IN PEACE PROCESSES

Negotiating Disarmament seeks to explore issues surrounding the planning, timing and techniques of violence reduction and weapons control activities in peace agreements and processes. Based on expert meetings, case studies, analysis of lessons learned over the last ten to fifteen years, interviews, and on the HD Centre's own experience. It aims to:

- Provide practical and accessible guidance on comprehensive disarmament, weapons control and violence prevention possibilities and processes to those actively engaged in peace negotiations, including mediators, government officials, armed groups, donors, civil society and UN officials;
- Demystify disarmament, weapons control and violence prevention strategies to help relevant actors in peace processes address issues more comprehensively;
- Identify and describe common obstacles faced in addressing arms issues in peace processes, and suggest ways these can be overcome;

- Contribute to the building of linkages on violence prevention, peacemaking and peacebuilding activities between the conflict resolution, humanitarian and disarmament communities.

The project will result in materials aimed at the mediation and peacebuilding communities, and armed groups and their advisers.

This briefing paper is based on a background paper prepared for a meeting held on 14 November 2005 on 'Civilians, disarmament and peacebuilding: Approaches and possibilities.' It was refined with inputs received from participants during that meeting, and external review by various experts. A summary of the findings was shared with government representatives at a briefing on 15 December 2005.

For more information, go to www.hdcentre.org/Negotiating+Disarmament

Centre for Humanitarian Dialogue
114 rue de Lausanne
Geneva, 1202
Switzerland

Phone +41 22 908 1130
Fax +41 22 908 1140
E-mail info@hdcentre.org
Website www.hdcentre.org

Front cover image: A child soldier holds ammunition for his machine gun near Bunia, DRC, 16 June 2003. © Reuters/Jacky Naegelen

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ACKNOWLEDGEMENTS

LIST OF ACRONYMS

DDR
Disarmament, Demobilisation and Reintegration

DPKO
Department of Peacekeeping Operations

ECOWAS
Economic Community of West African States

IDDRS
Integrated Disarmament, Demobilisation and Reintegration Standards

MINUSTAH
Mission des Nations Unies de Stabilisation en Haïti

OECD
Organisation for Economic Co-operation and Development

PBC
Peacebuilding Commission

PoA
2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

SADC
Southern African Development Community

WfD
Weapons for Development

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EXECUTIVE SUMMARY

This briefing paper attempts to provide those actively engaged in peace processes – armed groups, mediators, government officials, donors, international organisations – with an overview of one particular dimension of disarmament: guns in the hands of civilians. It looks beyond disarmament, demobilisation and reintegration programmes to provide a cursory analysis of the linkages between official disarmament efforts, violence prevention initiatives and 'second wave' weapons control processes in nations transitioning from war and violent conflict. Analysis on this particular issue for peace process negotiators, armed groups, donors and those implementing programmes is frustratingly poor, given its importance for peacemaking, violence reduction and longer term peacebuilding.

Section 1 revisits some mistaken assumptions often made in the aftermath of armed conflict, for example, the expectation that there will be a decrease in violence following a peace agreement, or that a neat theoretical distinction between 'civilians' and 'combatants' exists, when on the ground both categories are often blurred and equally likely to bear weapons. Section 2 examines how broader weapons issues particularly related to armed civilians have been addressed – or not – in peace agreements. Section 3 takes a closer look at the different activities which fall under the broad heading of weapons reduction, and should ideally be planned for, and negotiated during peace processes. Section 4 lists a number of international processes and multilateral institutions which will be called upon to provide overall guidance on matters relating to disarmament and weapons control, and which should therefore be encouraged to more broadly examine violence reduction. Finally, Section 5 presents a number of key principles and recommendations to be considered.

The main conclusions of the paper are as follows:

- Disarmament, weapons control and armed violence reduction issues need to be addressed explicitly when a peace agreement is being negotiated. This includes the need to recognise and target all categories of weapons holders, including civilians.
- It can also include a longer view on violence prevention, for example by putting in place mechanisms to ensure the legitimate use of force by the military and law enforcement agencies.

- Assessing disarmament and arms control activities can start during the peace negotiation process. This is an area where third party mediators and facilitators can be proactive and undertake research and analysis on the prospects for a range of activities including disarmament, demobilisation and reintegration of former combatants and other armed actors, community-based weapons reduction initiatives, security zones, as well as other legislative and institutional reforms.
- Important synergies and linkages between various disarmament, arms control and violence prevention activities need to be understood and factored into any discussions or planning. Timing and sequencing are key considerations, however different activities need not necessarily - and often cannot - be implemented in a neat sequence.
- Negotiations and planning can be significantly informed through the collection of clear and reliable information on predominant types of violence (including political, criminal, youth and family violence), levels of weapons and ammunition holding, sources of guns and supply routes, attitudes and perceptions of guns and insecurity, including motivations and means to acquire/possess weapons, and existing and planned laws, policies and processes.
- The issue of incentives for disarmament requires careful consideration. While individual rewards can offset the risk of weapons being hidden or sold elsewhere, these can also appear to reward weapon holders for their violent behaviour. Collective incentives can avert this if they are relevant to communities at large, by giving various segments of society a stake in the disarmament process.
- Collected weapons are best destroyed publicly as a public awareness and confidence-building measure. Weapons collection efforts must go hand in hand with attempts at curtailing fresh supplies of weapons, and measures to reduce individual and group motivations to acquire and use weapons.
- Legislative reforms will often be needed to control residual weapons in the hands of the military, law enforcement agencies, private security companies and private citizens. These must clarify the rules guiding weapons acquisition, storage and use.

- Basic principles for private possession and use of firearms include owner licensing, weapons marking and registration, the definition of clear criteria of 'legitimate use', fitness/propriety to own a gun, age limit, restrictions on the number of guns and ammunition possessed, prohibition of military-style weapons, and a ban on carrying guns in public.
- As part of a process of societal transformation, legislative reforms must involve a broad spectrum of citizens and various government and civil society stakeholders. Reforms must also be communicated adequately.
- To ensure equitable and even implementation of, and compliance with the laws, institutional reforms to the justice and security sectors will almost always be necessary. These are often initiated as part of demobilisation and reintegration processes, but should be addressed as an integral part of peace settlements.
- Disarmament, weapons control and violence prevention activities are often predicated upon donor support and the involvement of international organisations and NGOs. However while external support is crucial, programmes need to contain genuine local content, aim to build the capacity and authority of national institutions, and respect often long-term timeframes and targets.
- Regional dynamics must be considered, including through participation in regional security arrangements.
- At the global level, relevant processes on guns and peace processes include the UN Peacebuilding Commission; the Millennium Development Goals and attempts to consolidate linkages between development and security; the UN Integrated DDR Standards, the UN process on small arms control; and the General Assembly First Committee on disarmament and security matters.

Annexes to this paper detail weapons control and reduction efforts in Cambodia, El Salvador, Haiti, Montenegro, Sierra Leone and South Africa.

This briefing paper is the first of a series to be distributed throughout 2007 on a range of issues relevant to disarmament, weapons control and violence in peace processes.

INTRODUCTION

As the nature of contemporary armed conflicts has changed, so has the definition of 'combatants'. Gone are the clearly defined opposing lines of uniformed armed forces. Instead, violent conflicts over the last twenty years have featured a range of armed actors other than traditional soldiers: civil defence forces, militias, paramilitaries, criminal groups, armed gangs, child soldiers, mercenaries, and inadequately demobilised and reintegrated combatants from previous cessations of war and hostilities. In addition a wide range of people may not have been involved in direct combat, yet possess an array of weapons for hunting, sports shooting, self protection or other reasons.

'Civilians' who are armed have been a feature of the violent conflicts in South Africa, Guatemala, El Salvador, Eritrea and Ethiopia, Mozambique, Angola, Sierra Leone, Colombia, Liberia, Haiti, Afghanistan, Turkey and Côte d'Ivoire. The guns they carry partly explain the spikes in violent crime and the rise of armed criminal gangs observable in the wake of armed conflict. Indeed, in "the aftermath of virtually all civil wars in the 1980s and 1990s, civilians perceived greater insecurity, often as a result of documented increases in violent crime. Ironically in places such as El Salvador and South Africa, civilians faced greater risk of violent death or serious injury after the end of the conflict than during it."[2] This has contributed to high levels of perceived as well as real insecurity, resulting in an increased demand for firearms. Such a lack of security has also been enhanced by an erosion of confidence in the police services. In such a context, people often acquire guns because they believe that in doing so they are better able to provide for their own and their families' security.

Reforming and strengthening laws and policies regulating civilian access to guns is therefore a critical investment in peacebuilding and violence prevention in the aftermath of armed conflict. Yet, to date, this issue has not been systematically addressed in practice. While disarmament, demobilisation and reintegration (DDR) programmes are the dominant activity related to weapons control in most peace processes, these rely on a civilian-military dichotomy that premises disarming combatants.[3] In addition, donors, international organisations and many international NGOs are reluctant to tackle the issue of regulating civilian possession of firearms as it is politically sensitive, and unappealing due to the processes and lengthy time frames involved. A third possible reason for this neglect, in a multilateral context at least, is the staunch refusal by the USA to address virtually any aspect of civilian possession of weapons.[4] This refusal, influenced by narrow domestic concerns, has had a profound and counter productive influence on global policy making in this area.

It is largely through the work of development, crime control and peacebuilding agencies, national NGOs and police forces – not the arms control community – that approaches to and standards for regulating civilian access to guns are being set. Weapons reduction approaches are fast becoming a core element of so called 'post-conflict recovery strategies'. In fact, these programmes are now often tagged on to DDR efforts.

With the scope and scale of DDR programmes rapidly evolving, and several multilateral processes likely to provide overall guidance on weapons-related issues, it is timely to consider the policy issues pertinent to this under-developed aspect of global efforts to reduce the human cost of small arms availability and misuse: reducing and regulating small arms in the hands of civilians. It is one example of the nexus between security and development, and representative of a challenge that "requires a willingness to rethink the traditional boundaries between these two domains and to expand these boundaries to include other related issues areas. . .insofar as these may impact on the occurrence of violent conflicts."[5] In practice such a focus also intersects with three significant meta-goals: governance, security, and the rule of law.

SECTION 1 CIVILIANS AND GUNS

As noted, in many of today's wars and armed conflicts there is an abundance of armed actors other than traditional uniformed soldiers – civil defence forces, militias (political, ethnic, religious), paramilitaries, criminal groups, armed gangs, child soldiers and mercenaries. These will all have to be taken into consideration for DDR and weapons control and reduction activities.[6] Many other individuals will own guns, which may or may not have been acquired during the war, for purposes such as self-defence, securing a livelihood, or for reasons of status or tradition. Add to this mix a number of returned ex-combatants who may not have given up all their weapons in a formal DDR process, and 'part-timers' who might not have gone through a DDR process at all, and a highly complex but more realistic picture emerges of the target populations for a range of weapons control and peacebuilding measures.

Armed actors need to be differentiated, as their motivations vary. Where the motivation is predominantly political, armed groups will have leverage in the peace process which may be an incentive to enter into a DDR process. But what is the incentive for other categories of armed civilians? Will involvement in a disarmament process confer upon them undue legitimacy or power? In many contexts, demobilisation can be attached to new purpose and meaning. Rather than being 'demobilised', such groups can actually be 'remobilised' into a national peacebuilding and reconstruction process – both a possibility and a challenge.[7]

Guns in civilian hands: The evidence base

A growing global effort to collect information on gun violence that is broken down into age, ethnicity and sex is challenging some over-generalisations that hinder a more refined understanding of the impacts of weapons misuse. These include mythological statements such as '80% of the victims of armed violence are women and children' which have taken on a life of their own.[8] This claim may be true in some contexts, particularly recent wars in some African nations, but in general, it is primarily men – young, poor, socially marginalised men most of all – who are killed or injured by gun violence.[9] Men are also far more likely to commit gun violence. In almost every setting, a disproportionate percentage of gun owners and users are men.[10]

A growing body of research on weapons stockpiles is also expanding knowledge of who holds these weapons. The Small Arms Survey estimates that 60 per cent of the global stockpile of some 640 million guns is in civilian hands.[11] Civilians, rather than soldiers, are the principal victims of firearm-related violence, with an estimated 200,000–270,000 people losing their lives to gun homicide or suicide in countries 'at peace' each year—up to five times more, depending on estimates, than die directly in situations of war.[12]

Post-accord peace: More dangerous than war?

"The general neglect of public security provisions in peace accords reflects the logic of peacemaking: the parties, and outside mediators tend to focus on the post settlement security of the warring parties, since this is what will make or break a peace process in the short run. Indeed, inattention to public security issues has seldom, if ever, caused renewed civil war. It has, however, contributed to extreme hardships, and undermined longer-term prospects for both peace and democracy."[13]

There are several factors that appear to influence post-accord surges in armed violence and crime, including:

- The ready availability of weapons, which makes criminality easier and more lethal;
- The reorientation of paramilitary or armed groups into criminal organisations;
- Significant decreases in army personnel who provide *de facto* public security (for example, in El Salvador 'forces of vigilance' declined from 75,000 to around 6,000 as a result of demilitarisation processes[14]);
- Weak, ineffective, corrupt, militarised or biased policing, including intelligence services;
- Unproductive and unfair justice processes eroding public confidence in the rule of law and contributing to vigilantism;
- Poorly managed DDR programmes leaving behind ex-combatants socialised to violence with few employment opportunities;
- The lack of opportunities for economic growth, and local production and exchange patterns still in 'war mode';
- Growing income and wealth disparities and inequality; and

- Former warring factions not adhering to the funda-mental tenets of the peace agreement(s).

Armed civilians who are not controlled by the state are often regarded as inherently undisciplined, yet many organised armed gangs are in fact highly disciplined. Armed gangs in many locations organise along military ranks and enforce order in geographical localities, such as neighbourhoods. Many young men, in particular, possess and misuse small arms to police social life and impose a moral order in the community.[15] Therefore, it is possible that such group discipline could be reoriented and positively utilised for collective purpose, provided their relationship with the state was improved.[16] This reality highlights the need for programmes targeting young people who are at risk of engaging in violent or criminal behaviour.

SECTION 2 WEAPONS CONTROL IN PEACE AGREEMENTS

When a peace agreement is being negotiated, weapons control needs to be addressed explicitly. Some commentators note that reforms will have a much better chance of being adequately planned and implemented if they are rooted within the peace agreement itself.[17]

In the rare instances where the disarmament of civilians has been addressed in peace agreements, it generally arises in the context of the commitment by parties to disarm their 'forces', which may be deemed to include 'armed civilian groups'[18] or, more ambiguously, 'volunteer formations'[19] or 'other auxiliary forces'[20]. Such provisions acknowledge that the context and nature of hostilities are such that armed civilians are or may constitute de facto forces of one or other party to the conflict.

The General Framework for Peace in Bosnia Herzegovina contains the following provision: *The Parties also commit themselves to disarm and disband all armed civilian groups, except for authorized police forces, within 30 days after the Transfer of Authority*[21]. Similarly, in Lebanon, the 1989 Ta'if Agreement provided for the disbanding and disarmament of all armed factions within six months (see Box 1). However, disarmament focused mainly on heavy and medium weaponry, and caches of assault rifles, pistols and other light weapons used in the internal conflict remain to this day.[22]

Sometimes peace agreements also take a longer view on violence prevention, for example when the agreement tries to put in place mechanisms to ensure the legitimate use of force by the military and law enforcement agencies. In Sudan, for example, the Comprehensive Peace Agreement signed in December 2004 between the warring parties includes detailed security provisions (see Box 2).

BOX 1 THE TA'IF AGREEMENT IN LEBANON (EXTRACTS)

This agreement, which ended the civil war in Lebanon, was negotiated in Ta'if, Saudi Arabia, in September 1989 and approved by the Lebanese parliament on 4 November 1989.

Considering that all Lebanese factions have agreed to the establishment of a strong state founded on the basis of national accord, the national accord government shall draft a detailed one-year plan whose objective is to spread the sovereignty of the State of Lebanon over all Lebanese territories gradually with the state's own forces. The broad lines of the plan shall be as follows:

A. Disbanding of all Lebanese and non-Lebanese militias shall be announced. The militias' weapons shall be delivered to the State of Lebanon within a period of 6 months, beginning with the approval of the national accord charter. The president of the republic shall be elected. A national accord cabinet shall be formed, and the political reforms shall be approved constitutionally.

BOX 2 THE COMPREHENSIVE PEACE AGREEMENT IN SUDAN (EXTRACTS)[23]

Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities between the Government of the Sudan and the Sudan People's Liberation Movement/ Sudan People's Liberation Army during the pre-interim and interim periods (31 December 2004)

16. Military Mission and Mandate
16.3 The two Armed Forces and the Joint Integrated Units shall be regular, professional, and non-partisan armed forces. They shall respect the rule of law and civilian government, democracy, basic human rights, and the will of the people.

16.6. The Parties shall jointly develop a code of conduct for the members of all armed forces based on the common military doctrine that shall be developed as stipulated for in section 6 of the Agreement on Security Arrangements.

16.7. The elements of the code of conduct provided for in sub-section 16.6 above shall:

16.7.1. be informed by the provisions of sub-section 16.2 above;
16.7.2. make a clear distinction between the military functions from partisan political functions;
16.7.3. make repudiation that such forces can be used as agency of physical intimidation of the civilian population;
16.7.4. make a clear distinction between military mandate from the policing mandate during cease-fire period;
16.7.5. make clear that all members of armed forces shall not be involved in illicit activities that may affect the environment and natural resources.

22. Policing Issues and Domestic Security
22.1. In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international acceptable standards and

While the issue of weapons control in fragile peace processes is fraught, the absence of reference to concrete disarmament activities in peace agreements could also well be due to a lack of information on the part of those who negotiate peace agreements: "Many peace agreements contain 'silences' on key issues. Although such silences may be a means to avoid derailment, they also may result from negotiators not appreciating what is involved in disarmament and demobilisation."[24] Most parties to armed conflicts by definition have little experience of negotiation – having been enemies for often lengthy periods – therefore international mediators can make a significant contribution in this area.[25] However, the dearth of accessible information for negotiators on public security, weapons control and violence reduction remains a critical gap.[26]

SECTION 3 ESTABLISHED RESPONSES FOR WEAPONS REDUCTION

Is there a window of opportunity at the beginning of the accord period for tackling weapons control and disarmament comprehensively? One gathering on 'post-conflict reconstruction' formulated three clear relevant recommendations: integration of weapons control into the early stages of reconstruction planning; integration of small arms control policies into existing development programmes; and addressing guns as an integral element in security and governance programmes such as security sector and police reform.[27] In fact, mapping and planning activities should already be undertaken by the peacemaking, security and development communities when peace is on the horizon, an opportunity often missed in practice. But transitions differ: while some are long and slow, others are quite dramatic.

Until recently, post-war weapons control efforts officially ended with the DDR process, leaving disarmament incomplete, and exacerbating weapons acquisition and misuse. The value of linking and sequencing DDR with other actions is now increasingly recognised as an international policy standard. Some of the priorities include promoting development and alternative livelihoods, boosting and sustaining confidence in the security and justice sectors, and, to a much lesser extent, reconciliation processes and activities, and gender equity strategies.

In particular, processes have expanded in recent years to address the challenges that civilian possession of weapons poses for effective DDR. The process in Sierra Leone marked the first DDR programme that absorbed large numbers of 'irregular' armed actors, though not without some controversy about the initial exclusion of female combatants, and women and children associated with fighting forces.[28] Yet DDR necessarily has its limits and should not be held solely responsible for the neglect of civilian possession of weapons to date. Clearly other strategies are also required.

Governments, donors and implementing agencies are increasingly following DDR with an additional set of initiatives referred to as 'weapons reduction,' which commonly target a wider range of actors, particularly civilians. At a slower pace than DDR, weapons reduction is developing a stronger conceptual basis. Indeed there has been a plethora of research on several elements in recent years.[29] Weapons reduction efforts include follow-on weapons collection campaigns (coercive or voluntary), weapons destruction, public awareness campaigns, stigmatising efforts, and weapons for development programmes.

What is still debated is whether activities such as police reform, civic education or national gun law overhauls also fall under the ambit of weapons reduction activities. While a minimalist approach would focus on the hardware itself – weapons collection and destruction, combating the illicit trade – another approach seeks to build on the impact that removing weapons of war has on generating a climate for more far reaching and sustainable peace. Such an approach takes into account contextual issues, asserting that the small arms 'problem' is best understood through a lens of violence prevention in which attention to hardware becomes one of several priorities, not the sole goal.

"Collecting and destroying guns, for example, will not reduce arms availability in the long-term unless accompanied by measures aimed at reducing people's desire for weapons, as well as their ability to acquire them through controls on supply."[30]

A more comprehensive approach, whilst challenging due to its multiple strands and differing time frames, appears to provide a better chance of addressing factors which influence demand, motivations and behavioural

BOX 3 GOALS OF WEAPONS REDUCTION EFFORTS

Elements of weapons reduction efforts in such contexts are manifold:

1. The quantity and types of guns in the society have been reduced to a manageable level;
2. A consensus on legitimate possession and use of firearms by civilians has emerged;
3. All 'legal' guns in the hands of the military, police and civilians are accounted for and safely stored;
4. The population has greater faith in security and justice institutions;
5. An enforceable and enforced regulatory framework exists to control the possession, use and transfer of small arms; and finally,
6. Weapons possession is viewed as a privilege, with assorted obligations, rather than a norm or a right.[31]

change, as well as reducing, regulating and removing the hardware. Most critically, standards of non-violence are set or recalibrated, and in the process the state's obligations, responsibilities and roles relating to the use of force are re-established or reaffirmed. In this regard, reforming and strengthening national firearms legislation is increasingly regarded as an investment in peace-building and violence prevention.[32] Yet the nascent evidence base for sound policy and programming in this area is often overlooked or avoided.

This section examines a range of activities that should be consistently factored in when planning and designing peacebuilding activities, including research, community-based weapons control activities, legislative and institutional reform, and communication. The list is by no means exhaustive.

Sound research – Effective programming

"... ask who is involved in violence, how, and for what reasons, instead of operating with preconceived notions of combatant and civilian. Thus, some use violence frequently within organised structures; some use violence occasionally; some use violence for economic ends; some use violence when threatened; some order violence; and some follow orders."[33]

Effective weapons and violence reduction programming has to be drawn from baseline studies and thorough planning. Yet accessing reliable data and analysis to inform policy and practice remains a challenge. Countries in transition are often 'data-free environments', and information collection systems can take years to establish or re-establish to minimal functionality. However, researchers and practitioners can utilise creative strategies to collect data to inform action. Besides public institutions (police, health, justice departments), data can be collected from hospitals and emergency services, through surveys or targeted interviews, or by setting up focus groups to define problems and solutions. Agencies dealing with gender-based violence, as one example, remain an under-utilised resource for information. Furthermore, civil society has a crucial role to play in collecting information, as it will also play a key role in monitoring and evaluating the success of reforms and the performance of public institutions.[34]

Some useful examples of holistic research for devising initiatives to reduce gun violence include the El Salvador 'Firearms and Violence Study' undertaken in 2001 by research centres, the national bureau of statistics and the civilian police.[35] Compelling findings helped shape legislative and institutional reforms, as well as several outreach and communication activities to targeted groups in the population (e.g. youth, young men, gun owners and manufacturers).[36]

As another example, the Small Arms Survey produced a study of weapons availability and human security in Haiti, with a view to assisting the UN mission, donors and the national government in developing a comprehensive DDR programme.[37] The report provides an overview of various armed civilian entities and weapons misuse; examines the legal and illicit arms trade; surveys the state of the justice and security sectors; and tries to evaluate the effects of armed violence and insecurity in the country. Among a number of conclusions, it found that previous gun buy-back initiatives and demobilisation programmes were ineffective, primarily due to limited buy-in from the Haitian population.[38]

Clear, reliable information can help increase the effectiveness of responses to local realities often misdiagnosed or poorly targeted in initial efforts, and is crucial for a better understanding of who holds the weapons and developing strategies to encourage responsible weapons possession and use.

Holistic research can also bring to light what accompanying measures will be necessary to facilitate disarmament and weapons control beyond classic combatants. For example, weapons holders such as hunters or farmers who use weapons for professional purposes, need to be incorporated into regulatory regimes (e.g. licensing of individuals and registration of weapons) or assisted with alternative tools for earning a living. If private possession of guns is viewed as an imperative for personal protection, voluntary disarmament initiatives are unlikely to succeed unless confidence building measures are also put in place to increase people's sense of security. These can include programmes to increase training and accountability of police forces, the inclusion of greater proportions of women in those forces, or processes that will develop partnerships between police and civilians.

Effective for restoring confidence are public prosecutions which target key perpetrators of war-time abuse who often continue to rule sections of society by the gun after the war is officially over. Transitional justice mechanisms such as truth commissions and vetting procedures for entry into security forces can also have a positive impact in terms of public perception and confidence, and can help to identify institutions that need reform as well as pinpointing specific proposals for reform.

Research is also needed to identify all types of violence a society is confronted with, not just political and criminal, but also rises in intimate partner and family violence. This is a commonly overlooked issue in transitional situations.[39] Linked to the normalisation of violence rather than some naturally occurring phenomena "that has nothing to do with my mandate"[40], such ram-

pant violence ought to be addressed more comprehensively. Although women are not the majority of homicide victims, when they are killed—and it is overwhelmingly men who kill them—guns are often a preferred weapon. Programmes must therefore aim to reduce men's inappropriate access to guns in the home, and to de-legitimise violence against women.

Community-based control efforts: Individual and collective dynamics

One type of weapons reduction effort that is gaining prominence are 'weapons in exchange for development' (WfD) initiatives. WfD programmes offer community development projects as incentives for civilians to voluntarily turn in their weapons, and as such are particularly well suited to countries in which there is still a signifi-

cant rural-based agricultural economy, rather than urban settings. Such approaches are increasingly popular among governments, international organisations and donors looking to extend the momentum of official DDR and promote other peacebuilding goals such as armed violence prevention, sustainable development and reconciliation.

WfD efforts have been difficult to evaluate using only quantitative indicators such as the number of weapons collected, since the baseline number of weapons circulating in communities is often unknown. Qualitative indicators such as attitudinal and behavioural change should also be given due consideration. Recent evaluations of WfD efforts in Cambodia, Mali and Albania have suggested that weapons for development programmes, in addition to removing weapons from circulation, can have an educative impact, shift perceptions of security, and promote the free movement of people.[41]

However, some of the pitfalls experienced by such programmes include: inadequate timelines, poorly selected incentives, weak coordination, lack of consideration for security, and inadequate consideration of half of the population, women[42], despite the 'local level' being one of the few places where women's leadership and capacities are consistently acknowledged.

Such schemes have also rarely questioned the notion of 'community', largely considered a homogenous and welcoming entity corrupted by outside influences – violent conflict, fighting forces – which now needs to be restored. The many cleavages that divide communities are not widely explored and are often wrapped up in terms such as 'community building'.

". . . the community is seldom the unproblematic entity that it is presumed to be, as struggles over leadership, status, membership, rights and economic resources disrupt alliances and alienate factions and individuals."[43]

Inclusive or participatory techniques have yet to be fully appreciated by disarmament and security researchers and practitioners in the various phases of project design, management, and evaluation.[44] As one observer has noted, "[p]articipation is a fixture of the development sector, but remains something of a novelty in the security and disarmament fields."[45] Such approaches are based on the premise that the various interest groups in communities are best positioned to identify and determine short- and long-term indicators of success, such as a marked reduction in armed violence, increased mobility, resumption of livelihood activities, the reduced visibility of weapons, to the (re)establishment of settlements and infrastructure, a return of local administrators and public services, or an increase in personal confidence.[46]

A key lesson of WfD programmes is the issue of incentives. When perceived as relevant to the majority of stakeholders, such efforts are regarded as more successful. Again, participatory methods are well suited to identify appropriate incentives. In Mali, researchers found that preferences for incentives would vary according to the geographic, seasonal and demographic contexts: while pastoral and nomadic groups were looking for wells and water sources, urban communities preferred income-generating schemes.[47] In Bougainville, the 'incentives' were not development projects but a series of political steps leading to constitutional independence of the island from the government of Papua New Guinea.[48] The contribution of these programmes to development and conflict resolution is becoming better understood.

Another lesson noted earlier is that successful WfD programmes must also identify and counteract diverse motivations behind weapons possession: where weapons are held for securing livelihoods, alternatives have to be provided; where weapons are a means of self-defence in insecure environments, measures have to be taken to increase the (real or perceived) security of communities. Weapons also play other socio-cultural roles. For instance, they are often symbols of superiority and prestige, of the passage to manhood, of violent masculinities and 'machismo'. Such perceptions often exist prior to war and require challenge and transformation.[49] While inappropriate weapons (for example, assault rifles) must be removed from society, complete disarmament is often not feasible and therefore greater clarity on standards and approaches are required in regulating civilian access to guns.

Finally, it is a clearly established though not consistently applied norm that it is important to destroy guns publicly wherever possible as a confidence building measure. Additionally, it now goes without saying that efforts to mop up remaining weapons from communities should go hand-in-hand with initiatives to restrict new sources of weapons, whether illicit trafficking (strengthening borders, increasing regional cooperation, implementing regional moratoria), legal imports (enforced moratoria can be considered), poorly secured armouries, or craft production.

Legislative reform

While community-based weapons control efforts seek to remove as many excess weapons from circulation as possible, legislative reforms are needed to clarify the rules guiding weapons acquisition, detention, storage and use. Strong national gun laws provide law enforcement agencies with the necessary basis to prosecute illicit possession and misuse of firearms, but they also signal

the transition to security being maintained by the state. This signal virtue of legislative reform is worth emphasising: just as permissive laws and lax implementation contribute to the normalisation of violence, strict laws and enforcement could actually decrease the willingness and perceived need of civilians to own guns, and misuse them.[52] Legislative reform will also provide an opportunity to raise and build linkages to other issues, such as gender-based violence.

Legislative reform can also include the possibility of further weapons control activities, such as amnesties, buy-back programmes and moratoria on new gun purchases, which could link to earlier DDR processes and allow the disarmament momentum to continue.

As part of a process of social transformation, legislative reform requires broad involvement of citizens and various government and civil society stakeholders. The development of the new arms law in South Africa presents an example of the power of a largely transparent and public process.[53] Public consultation and parliamentary hearings were key features that created opportunities to challenge norms of possession and misuse as both a political and cultural issue. The draft law was subject to scrutiny by many interest groups within civil society which included weapons dealers and owners as well as health professionals, women's rights groups, anti-violence groups, human rights advocates and various community-based organisations. Individuals and organisations were given six weeks to make written submissions on the Bill, which was then debated in Parliament over a six-week period through a public hearing process. This lengthy period of consultation enabled the production of a final piece of legislation which reflected as far as possible the interests and concerns of all stakeholders.

Throughout this period there was intense public debate on the merits of the law and its purpose. One of the results of this public process is that it appears to have shaped and influenced both public opinion in favour of stricter regulations, and altered the behaviour of civilian gun owners in reducing the demand for firearms.

In Cambodia, various consultations were organised with civil society and representatives of the National Commission on small arms to obtain reactions and further suggestions on the draft law. Because of this extensive debate, the law had already developed a broad supportive constituency and popular acceptance even before it was approved by the National Assembly on 26 April 2005.[54] These two examples of Cambodia and South Africa demonstrate the importance of conducting a public process, and involving as many interest groups as possible to ensure maximum compliance to the new law as well as helping to create adherence to new standards.

Another group of weapons owners that require regulation are commercial security companies, that are sometimes reported to be involved in human rights abuses.[55] Private security companies often flourish in 'post-conflict' settings due to cultures of militarism, rising crime levels and perceptions of (real or imagined) insecurity often compounded by the weakness of law enforcement agencies. Ex-combatants with few skills apart from their fighting experience often make up a ready made recruitment pool. While private security companies may provide legitimate employment opportunities, and be needed to fill a security vacuum, it is important that their activities be licensed, transparent, and that strict rules are placed in particular on the acquisition and use of firearms.[56] Furthermore, the enforcement of law and order and the maintenance of security are normally considered public responsibilities, and the state rebuilding project can be compromised if the population sees them contracted out to private organisations.

Institutional reform

Laws are only as good as their implementation and enforcement. Law-abiding citizens are likely to surrender their weapons first following legislative reform, therefore leaving a disproportionate amount of guns in the hands of less scrupulous individuals. To ensure equitable and even implementation of, and compliance with the laws, justice and security reforms will almost always be necessary.

Where the authority of the state may have been severely eroded by war, and human, physical and financial resources have been depleted, efforts at strengthening and reforming the justice and security sectors are as important as they are challenging. Reform of the police and the

military is often initiated as part of demobilisation and reintegration processes, with former enemy forces being integrated into one army (military merger), or the number of combatants being reduced and responsibility for security being shifted to the police forces (demilitarisation and police reform).[57]

The relationship between dysfunctional justice and security sectors and the demand for guns in the population is not yet clearly understood. Intuitively, corrupt police – whether themselves misusing their guns or failing to prevent weapons misuse by civilians – will leave people with a sense of injustice and insecurity that can drive individuals to take the law (and the gun) into their own hands or to hold on to weapons as a form of 'insurance'.[58] While more research is needed to better understand this relationship, in recent years it has been acknowledged that justice and security sector reform is closely linked to violence prevention and peacebuilding.[59] Efforts to ensure that the criminal justice system is both credible and efficient need to be on par with legislative reforms. The international community has recognised that bringing the security sector under civilian control and establishing equitable justice are essential to rebuilding societies.[60]

Judicial reform is often slower than police reform due to the length of time required to recruit and train judges, prosecutors and defenders, reduce backlogs,

improve infrastructure, and enhance approaches to improve the management and conditions of penal institutions. This is initially compounded by its general omission from peace agreements: "civil war adversaries do not typically view the establishment of dispassionate judicial institutions as a priority, judicial system reforms are neglected in most civil war settlements."[61] The linkages between strengthening of justice and security sectors and armed violence reduction remain under-explored and worthy of greater attention at the programmatic level.[62]

Communicating reform

Establishing new norms around weapons possession and use may be the subject of intense cultural, economic and political negotiation. Building support for reforms requires careful consideration of communication, in terms of content of messages, target audiences, and media. Many governments are ill-prepared and unaccustomed to the task, yet the importance of clear and consistent communication cannot be overemphasised.

The language used to communicate the content of changes is best chosen carefully. The word 'disarmament', for example, is a war- and weapons-oriented concept which might obscure the work needed to transform armed violence. In many languages it can also raise opposition from civilians and armed groups with little trust in the government, if 'disarmament' is seen as tantamount to the state wanting to assert its control. Referring to 'demilitarisation' could enable a greater focus on the resources that have been mobilised by the war and now need to be redirected – although the term can also be seen as politically-coloured and hence may not be appropriate in some societies.

It could also be that a particular 'hook' must be found to message the sensitive topic of weapons control and disarmament in highly fragmented societies. In Lebanon, where the state has weak or no control over groups such as Hezbollah and in Palestinian refugee camps, and political space is further strained by the ongoing tensions with Israel, the Permanent Peace Movement – a Lebanese NGO – used the issue of celebratory shooting as a non-threatening way of raising the dangers of the proliferation of weapons in the society. In El Salvador, anti-violence groups have raised the issue of the victimisation of children as a message that would resonate with all segments of society. Working directly with children and building the campaign around this theme provided the benefit of separating the issue from various complicated political agendas.[63]

Communication is also a key factor in ensuring that new standards regulating private possession and use of weapons are respected. A variety of actors must be aware of, understand and eventually comply with the rules. As noted above, this ideally involves consultations with civil society (including traditional authorities) and other arms of government (e.g. health, justice and gender departments) during the drafting of the new legislation.

Once a new law is adopted, it is particularly important to ensure law enforcement agencies are made aware of its implications. In Cambodia, 20,000 copies of the new Arms Law were printed for wide distribution throughout the country, particularly to police posts and administrative offices in all 1,621 communes in the country. A further 100,000 pocket-sized copies of the Arms Law have been prepared for distribution to individual soldiers, law enforcement officers, and district courts.[64] Distribution alone is not sufficient to ensure effective implementation and should be followed up by specialised training of relevant military and judicial personnel.

Timing and sequencing

The different elements of comprehensive disarmament, weapons control and violence prevention need not necessarily be implemented in sequence. For example, while updating national legislation on firearms is not generally perceived as the most urgent step in the aftermath of armed conflict, there is no apparent reason to wait for completion of DDR or weapons collection initiatives before the process can start. Planners can actively consider how to synchronise DDR and civilian weapons control processes. What levels of weapons possession can be considered acceptable in a given society? How will weapons be regulated or taken out

BOX 7 INNOVATIVE SEQUENCING: DISARMAMENT IN HAITI

Haiti provides an interesting example of innovative sequencing of activities. The UNDP and UN Mission (MINUSTAH) are working as an integrated team to proceed with disarmament and weapons control strategies with five pillars: DDR, youth, gender, community disarmament, and justice and security reform, including legislative reform. While some of these activities are pursuing longer-term objectives than others, interestingly they are to be implemented in parallel, with DPKO taking the lead on short-term security questions and UNDP focusing on longer-term reintegration, conflict-management and development issues. Implementation is to be coordinated with the guidance of various communities. Neighbourhood committees will be formed to identify the candidates for DDR, coordinate with the national police, provide assistance and services to survivors of armed violence and establish violence prevention programmes.[65]

of circulation from different categories of holders? Upon what criteria will weapons possession subsequently be allowed?

Programme design needs to be closely followed by public information and sensitisation efforts. The public destruction of guns, for example, sends a powerful signal about transitions to non-violence. Opportunities can also be seized to generate a public debate about the private possession of guns, therefore various stakeholders must be made aware of the commitments enshrined in the peace agreement. A final important factor is the sensitisation of a range of individuals already working on weapons control and DDR to view guns in civilian hands as highly relevant to the overall process. This could be seen as one example of the "urgent need for the deployment and training of a new generation of staff who have a holistic understanding of the new range of developmental and security challenges confronting the international community."[66] Supporting such 'skilling-up' is an area where donors committed to the consolidation of peace can be particularly active.

Who is in charge of arms-related activities? The limits of international assistance

Reconciling the interests of various actors (in terms of timeframes or indicators of success, for example) with those of civilian population and security forces is a key challenge. In the end, however, it is critical that national institutions be at the forefront of arms and violence reduction related activities. This is often predicated on donor support and the involvement of international organisations and NGOs. While external support is crucial, programmes need to contain genuine local content: "[local p]articipation takes time, requires a shift in the mentality of outsiders (including donors), and requires adequate human capital and social resources to be effective. An attitude embracing flexibility, opportunism and humility among donors and project planners is essential."[67] A range of civilian identity groups need to be engaged wherever possible in the design, implementation and evaluation of processes and projects.

Building up the capacity and authority of national institutions will also ensure that efforts to reduce gun violence and control weapons are sustainable. Indeed, the issue of availability and misuse of guns requires constant attention, and various initiatives – weapons amnesties and collection campaigns, awareness raising campaigns, further legislative reforms – might well have to be carried out long after international agencies have withdrawn. Focusing early on building the capacity of national institutions and civil society could also reduce

the likelihood of inducing donor dependency, where long-term programmes are jeopardised by a shortage of external funds and guidance.

Proposed reforms will not come to fruition without adequate funding – yet donors ready to support short-term disarmament initiatives might not be keen to commit themselves to longer-term and seemingly nebulous initiatives. Security sector reform, including legislative reform, needs to be consistently included in donor development priorities and therefore eligible for Official Development Assistance (ODA). As of March 2005 the OECD Development Assistance Committee has agreed to permit ODA to be spent on activities aimed at 'controlling, preventing and reducing the proliferation of small arms and light weapons'. In addition, both Canada and the UK have introduced a 3D formula for assistance – Diplomacy, Development, and Defence (corresponding to political, socio-economic and security-related assistance).[68] Both are significant steps in linking security and development.

Working regionally

Efforts at controlling guns in the hands of civilians also need to be considered from a regional perspective: borders are porous, guns and their holders travel. West Africa provides an illustrative example of the impacts of the free flow of weapons across borders. The evolution of the 1998 ECOWAS *Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa*[69]

BOX 8 THE NAIROBI PROTOCOL

The 2004 *Nairobi Protocol* is one of the most specific on the regulation of civilian access and possession of guns. One of its objectives is to 'encourage accountability, law enforcement and efficient control and management of small arms held by States Parties and civilians'. Each of the 11 East African States that ratify it will be responsible for incorporating into their national law:

- Prohibition of unrestricted civilian possession of small arms;
- Total prohibition of civilian possession and use of all light weapons and automatic rifles, semi-automatic rifles, and machine guns;
- Regulation and centralised registration of all civilian-owned small arms in their territories;
- Provisions for effective storage and use of civilian-held firearms, including competency testing of prospective owners;
- Monitoring and auditing of licences held and restriction of the number of guns that may be owned by individuals;
- Prohibitions on pawning or pledging of small arms; and
- Registration to ensure accountability and effective control of all guns owned by private security companies.

into a legally binding regional agreement is evidence of the growing recognition that regional gun control is as important as national efforts.[70] A cluster initiative to controlling weapons across borders is also being considered by the Mano River Union (consisting of Guinea, Liberia and Sierra Leone), with a view to establishing joint border security and confidence building units.

Another suggestion – though complicated – is that peacekeeping operations should be given extra-territorial mandates. Weapons control programmes could then be officially coordinated regionally when there exists a risk that serviceable weapons will be sold in neighbouring countries where market prices are higher.

Concurrently, firearms legislation should be harmonised at the regional level, as tighter gun laws will be difficult to enforce when guns can easily be brought in from neighbouring countries with less oversight.

Encouragingly, regional security agreements increasingly include provisions calling for careful regulation of small arms in the hands of civilians. The most comprehensive agreements include the *Nadi Framework* (2000),[71] the Southern African Development Community (SADC) *Firearms Protocol* (2001) and the *Nairobi Protocol* (2004).[72] Other relevant agreements include the EU *Firearms Directive* (1991)[73], the *Bamako Declaration* (2000),[74] and the *Andean Plan* (2003).[75]

SECTION 4 INTERNATIONAL PROCESSES: GUNS AND PEACEBUILDING

This section of the paper reviews policies and progress across some key international institutions and programmes related to weapons control and reduction in the aftermath of armed conflict.

The UN Peacebuilding Commission

At the 2005 World Summit[76] UN Member States took the decision to establish a Peacebuilding Commission (PBC) after a proposal by the High-Level Panel on Threats, Challenges and Change and further recommendations from the Secretary-General articulated in *In larger freedom*.[77] The Commission will be responsible for providing a coordinated, coherent and integrated approach to peacebuilding and facilitating dialogue amongst key actors. The stated goal of the PBC is to effectively address the challenge of assisting countries in transition from war to lasting peace – an essential role that has been left without a central administrative body within the UN system. The Commission will be solely an *advisory* body, primarily designed to bring together all the relevant actors to marshal resources, and provide advice to nations recovering from violent conflict. It will have no mandate to implement decisions or to enforce policies.[78]

There are strong grounds for encouraging a focus on disarmament and weapons control issues in its portfolio. The UN Secretary-General (UNSG) has made a number of recommendations that will likely be taken into consideration. Of specific interest is the UNSG's vision that the PBC focuses attention and consolidates good practice on cross-cutting issues, including "demobilization, disarmament, reintegration and rehabilitation, for which effective programmes must draw on the capacities and plans of actors across the full range of political-security-humanitarian-development activities."[79]

DDR however should not be where a weapons control focus ends as there is much that can *and* should be done to reduce armed violence and control guns in the hands of civilians, police, private security and the military. Indeed, with weapons availability increasingly recognised as a proximate cause of violent conflict and 'gun cultures' as a socio-cultural impediment to non-violence, there are several areas where the PBC could be engaged and provide timely advice to actors involved in recovery.

Development and security linkages

As a result of a concerted research and analysis effort, the linkages between armed violence, development and weapons control are better understood. The UNDP and the UK Department for International Development have significantly advanced work in this regard.[80] The UNDP demonstrates its priorities when it states that in "many crisis and post-conflict contexts, addressing small arms availability and dynamics underlying violence and conflict at the local level are critical to creating and sustaining an enabling environment for economic recovery and reconstruction as well as the re-establishment of democratic governance."[81]

The UNSG has noted that "disarmament is critical for conflict prevention, peacebuilding and the realisation of the Millennium Development Goals."[82] However, the UNDP has noted that seven of the eight Millennium Development Goals are unlikely to be met if security considerations are not taken into account. Various examples of this challenge have surfaced in the recent past. One study links excessive weapons availability and misuse as a direct impediment to both humanitarian and development activities. The ill-disciplined use of weapons by a range of actors – particularly guns in civilian hands – was found in the opinions of relief and development workers to pose direct threats.[83]

A recent example of governmental action to link and address security and development concerns can be found in the 2006 *Geneva Declaration on Armed Violence and Development*. This has the commitment of over forty countries to work towards its implementation.[84]

The UN Integrated DDR Standards (IDDRS)

In April 2004 the UN launched an initiative to develop a new integrated policy on DDR within the UN system. The Integrated DDR Standards (IDDRS) were developed by an Inter-Agency Working Group comprised of fifteen UN departments, agencies, funds and programmes.[85] The IDDRS are expected to be launched in late 2006, together with an operational handbook, a note for senior managers, and a web-based resource centre. Although the standards are focused on combatants from armed forces and armed groups, they do recognise the importance of other arms management measures.

While the disarmament component of a disarmament, demobilization and reintegration programme focuses on controlling the weapons held by ex-combatants, the IDDRS advocate linking the process to wider arms control and reduction measures that address weapons illegally held by civilians, often through weapons amnesty or 'weapons for development' programmes. Such arms control and reduction measures should also be closely linked to rule of law and security sector reform programmes.[86]

The UN process on small arms control

An early draft of the 2001 UN Programme of Action on small arms (PoA) explicitly called on States to regulate civilian possession and use of arms in order to curb illicit gun trafficking.[87] These references were dropped in the final version of the consensus document at the particular insistence of the US.[88] However, while direct reference to national firearms control was dropped, the PoA calls on all participating States to implement legislative or other measures required to criminalise "the illegal manufacture, *possession* [emphasis added], stockpiling and trade" in small arms.[89] The PoA also calls on States to adopt "all the necessary measures to prevent the. . .possession of any unmarked or inadequately marked SALW"[90], as well "to identify. . .groups and individuals engaged in the illegal trade, stockpiling, transfer, possession. . .and take action under appropriate national law. . ."[91] Additionally, States are exhorted

to ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding [emphasis added] *and transfer of SALW within their jurisdiction. These records should be organised and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.*[92]

In practice, this commitment requires the establishment of a weapons registration system.

The discrepancy between progress at the national level and debates on this issue in the UN process on small arms is significant. States' official statements at the two Biennial Meetings of States to Consider the Implementation of the PoA in July 2003 and 2005 threw this into strong relief, with some 70% of governments voluntarily reporting on their national firearms legislation.[93]

Several factors contributed to the high level of focus on the issue. Firstly, many governments recognise a connection between armed violence and the uncontrolled, or loosely controlled, trade in and possession of small arms.[94] There is also growing awareness that most of the problems posed by weapons availability and misuse are 'civilian' – that is, most guns are owned by civilians, and most victims of gun violence are civilians. Finally, there remains widespread acknowledgement amongst governments that civilian-held firearms are an important contributor to the illicit trade in, and misuse of, weapons through theft, careless storage, and deliberate private sale.[95]

At the June–July 2006 Review Conference of the PoA, the issue of national gun laws again proved contentious despite the overwhelming majority of States noting the centrality of regulating access and possession as a critical component of ending the illicit trade in small arms. Again the USA, and to a lesser extent Switzerland, blocked discussion and references in the outcome document (which was not agreed due to a failure in consensus). Many nations recovering from war spoke of the importance of this dimension of the small arms challenge for them, and called for assistance in strengthening national control regimes.

The General Assembly First Committee

A major step forward was achieved at the 2005 UN General Assembly First Committee (on disarmament and security matters), when the Netherlands advanced a resolution calling upon States to "more effectively address the humanitarian and development impact of . . . small arms . . . in particular in conflict or post-conflict situations, including by:

(a) Developing, where appropriate, comprehensive armed violence prevention programmes integrated into national development strategies, including poverty reduction strategies; . . .

(c) Encouraging United Nations peacekeeping operations to address the safe storage and disposal of small arms and light weapons as an integral part of disarmament, demobilization and reintegration programmes;

(d) *Systematically including national measures to regulate small arms and light weapons in longer term post-conflict peacebuilding strategies and programmes* [emphasis added];

(e) Ensuring, where appropriate: that the activities mentioned in subparagraphs (c) and (d) above take full account of the roles that women and women's organisations can play."[96]

It was agreed by a vote of 170 to 1. The USA was the dissenting nation.[97]

SECTION 5 PRINCIPLES AND POLICY RECOMMENDATIONS

What follows is a mixture of policy recommendations, good practices and principles that begin to identify the elements for addressing this facet of armed violence and weapons availability. They are grouped in two categories: process issues, relating to the wider context of violence prevention; and substance issues, on measures to control guns, which will generally have to be addressed through legislation. The challenge is to distil these for greater clarity for a range of actors including parties to peace processes, mediators, national governments and others.

Preventing and reducing armed violence
Respond to local realities

There is a lot of rhetoric about the 'local' in peace and security analysis and policy. But when it comes to re-ducing armed violence and regulating guns in civilian hands it is crucial. If someone is bound to gun posses-sion through an armed entity or individual need (real or otherwise) the motivation is likely to remain so due to local realities: "It may be difficult for ex-combatants to give up their weapons if they have no livelihood options. This is no different for armed civilians."[98]

Address the issue of masculinity and guns

Men and boys overwhelmingly dominate the sale, pos-session, trade, trafficking, the use and misuse of, *and* victimisation from guns. Disarmament strategies that remain gender blind imperil their potential impacts. The arms control community has been slow to recognise the impact of weapons on women, yet increasingly regards references to women (often lumped together with chil-dren and the elderly) as encompassing a gender approach, which only serves to diminish understanding of women's specific and highly gendered vulnerabilities to and from armed violence, and obscure men's victimisation. Inter-ventions to address guns in civilian hands would be better informed with distinct analysis of the impacts on and needs of men *and* women, girls *and* boys.[99]

In addition, analysis of masculinities in any given context requires a sharp focus on young men, and the equivalent of 'mid level commanders' of gangs and mi-litia who have the most to lose from young men going gun free. It is equally critical that men's acute direct victimisation be better understood – and be the subject of discrete programming.

Balance individual and collective rights, responsibilities and rewards

The question of individual versus collective incentives for weapons control and disarmament must be carefully considered: while DDR programmes generally rely on individual incentives in terms of cash, grants, loans, or sometimes tools, wider weapons control and reduction efforts often rely on collective incentives such as develop-ment projects. These avoid a singling out of – or worse, appearing to reward – individuals with guns, and are therefore better suited to also respond to the needs of those civilians who did not (could not) arm themselves. On the downside, they do not factor in the commercial value of guns and risk seeing guns being sold rather than handed in. Individual and collective rights and respon-sibilities also have to be balanced when establishing new norms around arms control: weapons possession should be viewed as a privilege with assorted obligations and responsibilities.

Controlling the hardware

These recommendations include references to 'peace-ful' settings as they helpfully reflect a range of initiatives in nations with diverse political systems, income and wealth distribution and socio-cultural traditions. These standards or approaches are relevant to nations rebuilding or strengthening gun laws after war, often within low income settings.

Define "legitimate" use

Definitions of 'legitimate purposes' for small arms pos-session vary depending on culture and context. Only a few countries, such as Brunei Darussalam, Luxembourg and Malaysia, have a total prohibition on civilian gun ownership; others – like Japan, China and UK – severely restrict civilian possession. Most countries allow own-ership for hunting or pest control on farms, and some allow possession of certain types of weapons for sport, target shooting or 'collection'.

More controversial is the notion of self-defence as a legitimate reason for gun ownership. On the one hand, responsibility for protection against violence should rest with state authorities, and if everyone armed themselves for this purpose it is unlikely that societies as a whole would be safer. On the other hand, where violent crime is rampant, and the state's authority weak or ineffective, many people do feel an acute need to arm themselves for protection. While an outright rejection of the self-defence rationale for ownership is problematic, so too is an assumption that such a rationale is acceptable in all or even a majority of cases.

Ban civilian possession of military assault rifles
A 2004 survey of 115 countries showed that of 81 respondents, 79 banned civilian possession of military assault rifles, although the definitions varied. Only Yemen and Kenya did not report specifically banning some or all military weapons.[100] Some of the nations prohibiting civilian possession of automatic weapons include Austria, China, Colombia, Guatemala, Hungary, India, Indonesia, Laos, Latvia, Malaysia, and Peru.[101]

Some countries go farther and prohibit civilian possession of selective-fire military assault rifles, which can be converted from semi-automatic to fully automatic fire.[102] Many also ban civilian possession of semi-automatic variants of fully automatic firearms because of their lethality and limited utility for civilian purposes. For example, Argentina, Australia, Bangladesh, Canada, the Czech Republic, France, Guyana, Lithuania, New Zealand, and the UK prohibit selective-fire and some semi-automatic military assault rifles, although definitions vary.

Restrict the carrying of guns in public
Some countries place restrictions on the conditions in which guns may be legally carried, such as the designated 'Firearm Free Zones' in South Africa.[103] The cities of Bogotá and Cali in Colombia have both experimented with bans on the carrying of handguns on holidays and weekends with some success.[104] Brazil's disarmament law prohibits all civilians from carrying firearms in public (an exception is made for civilians who need to carry a weapon to perform their jobs, e.g. security officers or hunters).

Address violence in the home
Given the particular role of legally owned guns in the murder, injury, and intimidation of women and children in the home,[105] several countries have instituted screening mechanisms to prevent gun acquisition by those with a history of family violence, whether or not it resulted in a criminal conviction. Canada requires current and former spouses to be notified before a gun licence may be issued. South Africa and Australia have specific prohibitions on issuing licences to those with a history of family violence.

Prohibit the possession and use of guns by youth
Most countries prohibit the acquisition and ownership of guns by young people, although the age restrictions and type of guns vary. Many countries prohibit ownership of firearms until the age of 18. In South Africa, firearm owners must be 21 years of age. However, a licence can be issued if there are compelling reasons, such as the youth being a dedicated hunter or sportsperson.[106]

Enforce record keeping and registration of firearms
Record keeping and registration of firearms help prevent diversion to illegal markets. They also support the efforts of law enforcement to trace guns, investigate crime, and support criminal prosecution. Most nations have some method of registering guns in the hands of their citizens. Yet inconsistencies exist; for example, Austria and New Zealand require the registration of handguns, but not rifles and shotguns.[107]

The level of information required and the tools used also vary considerably. Mexico requires that owners are licensed and all guns registered.[108] Thailand provides a good standard by requiring that the gun itself should be marked to indicate the province of registration and a number.[109] Some jurisdictions have even begun to introduce ballistics testing as part of the record-keeping process. For example, Maryland and New York State in the US have laws requiring all new guns to have ballistics tests before they can be sold.[110]

Regulate the sale and possession of ammunition
Ammunition controls are an integral part of comprehensive control measures and play an important role in reducing the impulsive use of certain types of guns, particularly by young people. Most countries regulate the sale of ammunition and many require that it be securely stored, defining the conditions under which ammunition may be held, and often making its purchase conditional on possession of the appropriate licence. Some nations, such as South Africa and the Philippines, limit the amount and type of ammunition that an individual may purchase or possess.

ANNEX 1 CASE STUDY OF CAMBODIA[111]

Thirty years of armed violence in Cambodia ended in 1998 when the last elements of the Khmer Rouge laid down arms and were integrated into the Cambodian People's Party (CPP), the major party which forms the ruling coalition with the royalist National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC) party. Shortly afterwards village militias and various military factions were either disbanded or integrated into the Royal Cambodian Armed Forces (RCAF) under the Ministries of Defence and the National Police.

In 1998 the widespread availability of small arms was regarded as a serious problem. Generations of soldiers taking their weapons home, government supported village militias and the continued possession of large numbers of weapons by the Khmer Rouge were all sources of destabilisation, insecurity and fear, as was the factionalised nature of the RCAF itself. In spite of its weaknesses, the Cambodian government made clear its seriousness in tackling the issue.

Without any external support, the government began confiscating illegal weapons in Phnom Penh with 150 house-to-house searches and roadblocks. Provincial governors were instructed to implement initiatives to collect weapons held by the local population, mostly through buy-back campaigns. By March 2000, over 100,000 weapons had been collected nationwide and 36,505 had been destroyed in a series of public weapons destruction ceremonies, though the government lacked funds to continue.[112]

Sub-Decree 38 was issued in April 1999 making private possession of guns illegal – except for senior public servants and senior members of the police or the armed forces. The government then appealed to the international community for assistance. In April 2000 the EU responded by establishing the EU Assistance Programme on Curbing Small Arms in Cambodia (EU ASAC) and in April 2003 Japan started a similar programme.

Donor assistance has led to improvements in the security sector through the training of a new generation of officers, although a lack of education and discipline remains a concern. In addition, a programme was begun to register and securely store all weapons in the hands of Ministry of Defence officers. A preliminary study showed that the military, the majority holder of small arms in Cambodia, did not know how many weapons they held and that weapons were so badly stored that 'leakages' into communities and internationally were commonplace. By the end of 2006 all military weapons will be registered in a centralised computer database and securely stored. Of particular importance was the decision by the government to destroy all weapons declared surplus by the registration project (and all illegal weapons collected from the civil population). By October 2005, over 175,000 weapons have been publicly destroyed in Cambodia.[113]

Amnesties, public awareness campaigns and 'weapons for development' projects bolstered public confidence moves to foster disarmament and the new arms laws. From 2000 to 2002 various consultations with civil society were organised by the government and EU ASAC to get their reactions and further suggestions on the draft law. A roundtable discussion was held in 2001 between representatives of the National Commission for the Management and Reform of Weapons and Explosives in Cambodia, EU ASAC and civil society organisations. Because of this extensive debate the law had already achieved a broad national constituency and popular acceptance even before it was approved by the National Assembly on 26 April 2005. The new law replaces the 1999 Sub-Decree 38 as well as the original UNTAC law of 1992. Some 20,000 copies of the new Arms Law were printed for wide distribution throughout the country, particularly to police posts and local (commune) offices in all 1,621 communes in the country. A further 100,000 pocket-sized copies of the Arms Law were distributed to individual law enforcement officers in 2005.

The new Arms Law prohibits private possession of a firearm without a license. The government is aiming for a 'gun free' society, and obtaining a firearm license will be extremely difficult for civilians. Self-defence is not considered a legitimate reason to receive a gun license, and there will be tough regulations on owning guns for 'sporting' purposes. For example, the government announced that the public shooting range in Phnom Penh will be closed under the law. The law will be followed by a three-month amnesty for weapons collection, advertised through a national awareness-raising campaign.

A review of injuries in Cambodia conducted by the ICRC between January 1991 and February 1995 found that weapon injury rates were seasonal.[114] Importantly, the ICRC observed that intentional firearm injuries affecting civilians made up by far the largest category of non-combat injuries: almost 60 per cent of those injured were civilians. Newly smuggled handguns have replaced AK-47's as the favourite weapon of criminals, while knives, axes and sticks are used instead in personal and criminal violence. However, overall Cambodia provides an unprecedented example of how to approach the challenge of arms control after war in a comprehensive manner, including the introduction of strict legislation on gun ownership, a registration and safe storage scheme for military and police firearms stocks, weapons collection and destruction, 'weapons for development' schemes, and public awareness programmes.

When the civil war ended in El Salvador in 1992, disarmament of the opposition force FMLN enjoyed limited success, with some 10,000 weapons handed in and destroyed. The Salvadoran armed forces underwent a similar reduction in forces and weapons surplus were collected. In 1996 a private association mounted a voluntary weapons collection and destruction scheme which managed to collect another 9,527 small arms in four years – but at the same time, between 1994 and 1999, another 70,889 new small arms were imported legally in the country. Strikingly, while authorised arms dealers sold 25,111 weapons between 1994 and 1998, five times as many weapons (121,483) were registered during the same period.[116]

A new gun law was adopted in 1999 and reviewed in 2002, which outlawed the circulation of arms in certain public places; banned the re-export of weapons to certain third countries; and prohibited craft production, as well as the possession and use of handmade weapons. However, these limited efforts did not lead to any noticeable impact on crime, arms proliferation, and poverty.

In 2001, UNDP decided to tackle the issue of armed violence. The 'Society without Violence' programme included a project entitled 'Strengthening Mechanisms for Small Arms Control', which consisted of three main components: the production of information to guide policy; legislative and institutional reform; and social awareness and public education.

The 'Firearms and Violence' Study was a joint undertaking of the Central American University, the Foundation for the Study of Applied Law, together with the national Statistics Department and the civilian police. Quantitative and qualitative data was collected from a wide range of sources, and the release of the report attracted widespread media interest, triggering a popular debate on the place of firearms in Salvadorian society.

One of its main findings is that El Salvador traditionally had permissive laws and lax control mechanisms which probably contributed to the normalisation of violence. As a result, arms were viewed by the population as a tool for personal defence. Enforcement of the laws was further hindered by the absence of a reliable firearms registry, inadequate screening of applications

for gun licenses, lack of capacity of law enforcement agencies to fulfil the duties prescribed by the law (in terms of registration and control), and lack of technological and human resources to use ballistic tests in crime investigations.

As a result, a new law was proposed which significantly tightened earlier provisions, including:

- a ban on carrying guns in public places;
- limitations on the size and calibre of arms permitted;
- limitations on the quantity of arms and ammunition per person;
- better screening procedures for applications;
- age limit raised to 21;
- confiscation of weapons during criminal investigations;
- a ban on weapon possession for individuals with a history of domestic violence;
- new fees for permit applications;
- obligation to purchase and use an external locking mechanism to prevent accidents;
- obligation to contract accident and third party compensation insurance.

In parallel, a public awareness and education campaign was launched in 2002. Campaign messages focused on the right of children to a safe future, as this message was above party politics and would resonate with all segments of society. Education of the youth was considered key, and girls and boys contributed to the development of logos and messages. Activities included exchanges of toy weapons for school supplies; exhibition of sculptures made of recycled toy weapons; distribution of t-shirts and caps with the campaign's logo, role plays, workshops on non-violent conflict resolution, and the production and transmission of radio shows. As men aged 18 to 35 had been identified as the principal perpetrators *and* victims of gun violence, some campaign messages were also targeted at them, for example at sport events. Specific information was also developed for and distributed to gun owners and manufacturers as potential blockers of the process. In addition, weapons-free zones were designated. Finally, a mass media advertising campaign was commissioned from a professional advertising agency.

ANNEX 3 CASE STUDY OF HAITI[117]

The Caribbean state of Haiti is a veteran of disarmament efforts. The Small Arms Survey reports that disarmament and weapons control was attempted as far back as 1915.[118] Since the early 1980s, small scale efforts have been launched by various national, regional and international actors – mostly coercive weapons collection, but also some buy-back schemes and voluntary disarmament campaigns. All failed to reduce the number of weapons in circulation or increase human security. At least three UN missions have also been dispatched over the last twelve years.[119] The latest one, MINUSTAH, was established by UN Security Council Resolution 1542 in April 2004, with a mandate to demobilise armed groups, restore and reform the judiciary, organise elections, promote national dialogue, and implement a programme of economic and social rehabilitation.[120]

The challenges are daunting. In 2005 Haiti ranked 153 out of 177 in the UNDP Human Development Index. Three of the country's eight million people live in the capital Port-au-Prince and its giant slums. It is uniquely both a fragile and a failing state, neither in civil war nor in 'post-conflict transition'. Between September 2003 and December 2004 alone, at least 700 people were fatally wounded by armed violence.[121] An estimated 210,000 small arms are in circulation, in the hands of various armed groups, self-defence groups, criminal gangs, private security, state forces, and numerous civilians.

Armed groups and criminal gangs are hardly distinguishable, and enter into complex relationships with the population – families have siblings identifying with different, sometimes competing armed groups. Most groups follow political goals only insofar as their allegiance can be bought by political parties bent on coercively widening their support base. Each group is headed by a permanent core consisting of a leader and approximately six to eight 'assistants'. The rest of the troops will offer their services to various groups for a fee – armed groups will feature several dozen such mercenary foot soldiers.

Disarming such fluid groups is challenging and needs to be well considered, as previous UN missions have learnt at their own expense. UNDP and MINUSTAH are working as an integrated team to proceed with disarmament and weapons control strategies currently resting on five pillars: DDR, youth, gender, community disarmament, and justice and security reform, including legislative reform. While some of these activities are pursuing longer-term objectives than others, interestingly they are to be implemented in parallel, with DPKO taking the lead on short-term security questions and UNDP focusing on longer-term reintegration and community-building issues.

Criteria for admission in the DDR programmes have been kept deliberately strict and limited to an estimated 6,000 'combatants' – corresponding to the top echelons of armed gangs – to be identified by the communities. They will be eligible for a reintegration package subject to a probation period, and including personal counselling, career planning, micro credit grants, and up to USD 1,200 in kind. While re-education and rehabilitation will as far as possible be carried out in conjunction with the families, specialised reintegration is envisaged for particularly difficult cases, involving for example drug abuse, HIV/AIDS, or overtly violent behaviour.

Unusually, the DDR programme is not based on a political agreement among the different armed factions. Although elections were held in February 2006, in the absence of a peace agreement, no plans were drawn up with regards to DDR, weapons control and security sector reform. Gang members that will enter the DDR programme can therefore not be offered amnesty from prosecution, and integration into police forces is not an option.

Women and youth will enter parallel, medium-term DDR processes designed to cater to their specific needs. These gender and youth pillars will also take a wider focus on violence prevention and peace promotion activities. Women, like men, play a dual role in the violence, sometimes supporting criminal and armed activities, but often also resisting violence and acting as a peace vector. These diverse roles will be taken into consideration and capitalised upon in the disarmament programme.

In addition, a community disarmament programme will supplement the DDR process and target residual guns spread in the population – ordinary civilians are by far the most heavily armed constituency in Haiti. Both

collective incentives in the form of a 'weapons for development' (WfD) programme, and individual incentives primarily in the form of livestock, will be offered in exchange for disarmament. A lottery will also be organised, whereby people handing in a gun will have a chance of winning a house. It is hoped that this formula will prevent the problem encountered in the Sierra Leone WfD programme where many serviceable guns, in the absence of individual incentives for disarmament, seem to have been sold in neighbouring countries.

As the activities falling under these four pillars have been planned together, implementation will be closely coordinated under the guidance of the communities themselves. A number of 'Neighbourhood Development Committees' (CDC) will be formed in each of the four major slums in Port-au-Prince, consisting of one woman, one man, one youth of either gender, one elder/wise person, and one opinion leader designated by the community. In each slum, all CDCs will then elect among themselves the members of a 'Centre for Violence Prevention and Development' (CPVD) of the same composition. The Committees and CPVD will work together to identify the candidates for DDR, coordinate with the national police, provide medical services, set up violence prevention programmes, etc. In addition, an orientation centre will be set up for the re-education and reintegration of target groups who cannot be reintegrated back with their families.

A final pillar of activities will focus on justice and security sector reform, including capacity building of law enforcement agencies, registration and licensing of firearms, and updating the outdated weapons legislation.

ANNEX 4 CASE STUDY OF MONTENEGRO[122]

According to statistics gathered by the Montenegrin police, citizens own 100,000 legally registered firearms.[123] The total number of firearms in circulation is estimated by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) between 168,000 and 246,000.[124] The high level of weapons possession in Montenegro is explained by several factors, including the violent conflicts that took place in the region. Although the main battle grounds were situated outside of Montenegro, large numbers of weapons were distributed to the Reserve Defence Force in the late 1990s, many of which are now probably in civilian hands. Montenegro is also regarded as both a recent and potential transit route for the illegal trafficking of arms.[125]

Small arms appear to be the primary tool used in violence and crime in the Republic of Montenegro, accounting for 85% of all homicides committed, with handguns being the weapon of choice for assaults. Guns are primarily misused by young men involved in late evening bar or gang fights, but also in celebratory shootings and suicides. Low levels of trust in the police further encourage the private possession of weapons for self protection.

Aware of the threat potentially posed by the widespread availability of guns, several international and regional bodies are encouraging and supporting reforms, including SEESAC, UNDP, OSCE and the Council of Europe. Between March and May 2003, the Ministry of Interior launched an arms amnesty entitled "Respect Life – Give back the hidden weapons". This initiative however did not prove very successful, as relatively low numbers of weapons were collected due to a short amnesty period; no incentives on offer; the lack of a targeted awareness campaign; political uncertainty about the future of the then Union; and low levels of technical knowledge within Montenegrin institutions about integrated approaches. It did however raise the issue significantly within the Montenegrin political environment.[126] Between September and December 2003 a survey was commissioned by SEESAC and UNDP, and undertaken by the Small Arms Survey. Its findings, published in July 2004, highlighted the extent of the problem, and shed light on public perceptions of guns and insecurity.

A new law on firearms was adopted in July 2004, replacing the earlier former Yugoslav Arms Law of 1992. According to the new legislation, carrying arms in public places is prohibited, with the term 'public place' broadly defined. The law provides a list of prohibited weapons and ammunition. Gun licences are subjected to proof of a valid reason and the ability to handle a gun. The age limit was raised from 18 to 21. Individuals with a criminal record, under criminal investigation, or with conditions indicating that the weapon might be misused (frequent alcohol consumption or disruptive behaviour, including family violence), will not be eligible for a licence. All weapons are to be registered, and arms dealers have to notify the authorities of arms sales. The acquisition of firearms by private security companies is also regulated.

A public opinion poll conducted by the NGO Network 'Akcija' and CEDEM-Podgorica shows overwhelming public support for a crackdown on unauthorised possession of weapons, with 73.3% of respondents "totally agreeing" and a further 14.5% "partially agreeing". In a 'perception survey' completed by the UNDP in May 2006, 74% of respondents believed there are too many weapons in Montenegro society. Furthermore, a majority of respondents believed that people should not be allowed to own firearms in Montenegro (46.1% of respondents said 'No, people should not be allowed to own firearms'; 43% said 'Yes, people should be allowed to own firearms'; and 10.9% answered undecided).

In parallel, a strategy for the control and reduction of small arms and light weapons was finalised in July 2005 by the Montenegrin Ministry of Internal Affairs, with technical support from UNDP. Its long-term goal is the development of a centralised registry of small arms and light weapons in the hands of civilians, police, army, or other bodies. The strategy aims to control weapons effectively and reduce illicit possession. It also seeks to reduce weapons and ammunition stockpiles in order to contribute to the country's sustainable development. Operational goals include the full implementation of national laws and international agreements; data collection; securing stockpiles; strengthening police cooperation with regional and international organisations; establishing partnerships with civil society and awareness raising; etc. A national commission has been established to coordinate and supervise the implementation of the strategy.

ANNEX 5 CASE STUDY OF SIERRA LEONE

A brutal civil war in Sierra Leone lasted from 1991 to 2002.[127] In October 1999 the UN Mission in Sierra Leone (UNAMSIL) was established and embarked on a DDR programme targeting some 45,000 combatants. Despite a rocky start, this is widely considered "one of the most successful exercises in disarmament and demobilisation ever conducted under the auspices of a complex UN peace operation."[128] It benefited from, as well as reaffirmed, some key lessons discovered the hard way in previous DDR exercises, including the importance of local ownership of the process; the need for consistent support by the international community; the advantage of rooting disarmament in the peace process; the possibility of gradual implementation to build confidence in the process; the challenge of elaborating appropriate eligibility criteria; the need for clarity and forethought on the type of arms covered; and the overall importance of reintegration. By the time of elections in May 2002, the country had been declared 'disarmed.'

However, the DDR programme did not attempt to bring civilian-held arms under control. In order to boost confidence in the legitimacy of the new national government, a second disarmament campaign was conducted by national and security institutions to recover weapons held by civilians prior to presidential elections in May 2004. Although some 9,000 weapons were collected,[129] this initiative failed to make great progress, and revealed the constraints still faced by the police in terms of logistical capacity and lack of trust of the population. However, it did provide an opportunity for reviewing the legislation pertaining to firearms acquisition and use, as well as national regulations on import and export of small arms.

Indeed, the Arms and Ammunitions Act no. 14 (1955) was an outdated relic from the country's colonial era.[130] After the war it became important to address both military and civilian holdings of weapons, with the difference between civilians and combatants often not clear. Weapons held by armed groups sometimes 'leaked' into the civilian population, and the DDR process did not collect all types of weapons.[131] The licensing procedure was highly centralised and protracted, leaving much room for evasion, with outdated penalties not serving as a serious deterrent.

A legislative proposal was drafted – without consulting civil society – and submitted to Cabinet for approval in September 2004. Weapons holder have to be 25 years of age, mentally fit, approved members of the community, and self-protection is not a valid reason for owning a gun.

Recognising that the second disarmament campaign did not eliminate all the illegal weapons or significantly reduce the insecurity that arms generated, the UNDP also initiated an 'Arms for Development' (AfD) project. It recognised that disarmament is more than collecting small arms, aiming to also address the demand for guns, with an objective of establishing gun-free communities. Implemented from November 2002 to December 2003, the project aimed to:

- establish the arms registry and database to record weapons surrendered, legitimate holdings and transfers of legitimate weapons back to their owners;
- set up small arms data collection procedures;
- implement a new Firearms Licensing procedure to legally authorize and control purchases and transfers of firearms; and
- continue reviewing the Arms, Ammunition and Explosives Act.[132]

In 2003 the AfD project was launched by the Government of Sierra Leone and UNDP. Relying on community ownership and active participation, the project encourages the voluntary surrender of weapons. The initiative targeted communities, rather than individuals, with development projects as incentives. Once all the weapons in a given chiefdom have been surrendered, the police undertake a verification exercise with monitoring from UNDP and the consent of the local community and authorities. If no weapons are found, an arms-free certificate is awarded to the chiefdom, which will entitle it to a grant for community development projects such as a stadium, a market centre, schools or health posts. By October 2006, 30 chiefdoms have been certified arms free and activities are being implemented in 81 of the targeted 145 chiefdoms. Interventions are planned in all chiefdoms by the end of 2007.

The project also sought to extend the firearms licensing process to the provinces, and build the police capacity to effectively implement the new law. The Sierra Leone Police Force was restructured, and the force rose

from a wartime number of less than 5,000 to 9,700 officers, to rise further to 10,500 by 2007.[133] The concept of 'Local Needs Policing' was introduced to include a participatory approach to policing. This operates in conjunction with 'Local Police Partnership Boards', chaired by civilians.

The AfD however was not synchronised with the gun licensing process. The population was invited to surrender all firearms, under the assumption that legitimate weapons holders would be allowed, after obtaining a proper gun license, to get back their guns. Delays in passing the legislation generated uncertainty as to when people would retrieve their guns. Hunters have been encouraged to find alternative livelihoods, and UNDP provided them with wire traps or fishing nets.

Evaluating the success of these various efforts is difficult as no survey was conducted beforehand on the community's perception of weapons and security. Sierra Leone now has relatively low crime rates, with the exception of the capital Freetown.[134] The most common crime is rape and intimate partner violence, which prompted the police to develop 'Family Support Units'. Police are not armed, with the exception of the armed response unit. However, chiefdom police forces are also operating, which do not report to the elected government.

Another lesson learned in Sierra Leone is the need for a regional approach to disarmament. The UNDP is currently developing and monitoring a regional framework for security in the Mano River Basin Region, to be linked to the National Commission on small arms.

ANNEX 6 CASE STUDY OF SOUTH AFRICA[135]

Guns are a unique feature of South African life, especially over the last 50 years – whether it was small arms and light weapons distributed by the apartheid government to the young white conscripts to defend the nation, or in the hands of the white commandos spread throughout the country as the civilian-military arm of protection, or to the leaders of the 'homelands' (of which more than 40,000 guns are now unaccounted for). The response of the liberation movements to this highly militarised and well-armed state and citizenry was to arm themselves. In the latter years of apartheid, weapons in the hands of the youth as members of the self-defence or self-protection units became more common.

During its political transition (1990-1994) and since 1994, recorded violent crimes increased consistently. Guns were no longer just in the hands of the state but became increasingly available across all sectors of society, altering the nature of conflicts in the home and within and between communities. Between 1994 and 1999, violent crime increased by 22% but since 2000 there has been a gradual 'stabilisation' and downward trend in most of the violent crime categories.[136]

Civilians now own 3.7 million firearms, while the police and the army have 567,000 firearms.[137] Furthermore, loss and theft from civilian owners is the single largest source of illegal arms.[138] Each year, 20,000 guns are stolen from civilian owners, most of which are handguns.[139]

In 1996, the South African government developed the National Crime Prevention Strategy (NCPS). Several priority crimes were identified, one of which was firearm crime. The Ministry of Safety & Security developed a comprehensive firearms control strategy which included establishing a committee to review the 1969 gun laws, forging regional links to combat illegal trafficking, and developing partnerships with other ministries to tackle the problem of gun crime.

In January 1997, the Minister of Safety and Security appointed a committee to elaborate policy proposals to reduce the amount of weapons in circulation. The committee was made up of a police official and four representatives of civil society organisations or institutions. This included a community activist, a researcher, a gun control advocate, and a representative from the gun owners association. The committee report, presented in June 1997, identified the gaps and weaknesses in the existing systems and recommended a more comprehensive approach to deal with the problems of the misuse and abuse of firearms through the drafting of entirely new legislation. This included improved systems for the tracking and eradication of illegal firearms trafficking, the need for greater accounting systems, and the need for stricter controls over civilian possession.[140]

It took another two years of research and intensive national and international consultation with various interest groups and foreign governments before the department of Safety and Security completed the Firearms Control Bill (FCB) that was gazetted in December 1999, putting it into the public domain. As with other legislation in the new democratic South Africa, this Bill was subject to scrutiny by many interest groups within civil society which included weapons dealers and owners as well health professionals, women's anti-violence groups, human rights advocates and community-based organisations. The availability of accessible information for the public contributed to a wide understanding of the nature and extent of the problem already in early stages of the debate.[141]

Individuals and organisations were given six weeks to make written submissions on the Bill. It received one of the highest number of submissions of any Bill during this initial period in South Africa when the old apartheid legislation was being disbanded and new norms were being established. It was debated in Parliament over a six-week period in public hearings. Public participation from a broad spectrum of society enabled the production a final piece of legislation reflecting wide ranging interests and concerns. After some details of the legislation were refined, the Bill was passed as an Act in October 2000 at its second hearing.

One of the primary aims of the Firearms Control Act (FCA) is to establish a comprehensive and effective system of arms control and management in order to control the supply, possession, safe storage, transfer and use of firearms and to detect the criminal or negligent use of weapons.[142] The Act significantly strengthened existing regulation over the possession and use of firearms:

- Criteria for obtaining a license were expanded to include:
  - competency certificate which includes training in knowledge of the law and use of a firearm
  - a demonstrated lack of substance dependence
  - minimum age raised from 16 to 21.

- Increased administrative controls were adopted such as:
  - limits on the number of firearms that any one individual can own
  - regular licence renewals
  - a license may be revoked if an owner is posing a threat to himself/herself or his/her community.

- Greater police powers and stricter penalties such as:
  - stricter penalties for offences committed under this Act, e.g. 25 years for illegal possession of a firearm
  - search and seizure powers without warrants.

In addition, provision was made for the declaration of certain public areas (such as schools, places of worship, bars) as Firearm Free Zones.[143]

The FCA is an important tool to combat crime as it strengthens the powers of the police and the courts, enhancing their capacity to act against the misuse of legal guns and the illegal use of firearms. However as acknowledged by Mluleki George, Chairperson of the Safety and Security Portfolio Committee: "No one piece of legislation will solve the problems of crime in this country."[144]

The regulations took four years to come into effect and the law was finally promulgated in July 2004. This was perhaps the most difficult process to manage due to a number of factors such as lack of capacity and the departure of key individuals both within the government and civil society. During this period sections of the Act were promulgated such as the Firearms Free Zone provision and the de-registration of all air guns.[145] However, once again weak capacity as well as a lack of clarity on the exact meaning of the section allowing for the declaration of firearm free zones in any public place, made full implementation impossible.

When the FCA came into full effect, several new structures and positions had been created to ensure the effective implementation of the Act. This included Firearms Registration Centres and the training of police officers as Designated Firearms Officers. In January 2005 the renewal process for all existing licensed firearms owners commenced. This will be staggered over a five year period. The government also declared a three-month amnesty on 1 January 2005, which was subsequently extended until 30 June 2005. The amnesty was limited to firearms, their parts and ammunition and although there were no prosecutions for the possession of an illegal firearm, ballistics were being conducted on all guns handed in and a person can face prosecution if his/her firearm is linked to a crime. The amnesty was deemed a success, with a total of 94,631 firearms collected during this period.[146]

Information indicates that the new gun laws have helped reduce firearm homicide rates. Since 2001 a steady decrease in fatal violence in four major cities has been observed.[147] Due to the reduced demand for guns as well as stricter licensing requirements for dealers, only 60 of the 720 previously licensed gun dealers are in operation.[148]

ENDNOTES

1   See the back page for a description of the project this focus is included within, 'Negotiating Disarmament'. This paper was improved with the thoughts of those that gathered at the HD Centre on 14 November 2005 for the meeting of the same name to explore trends, research and policy issues. It draws on prior work of the Human Security and Small Arms Programme in identifying global policy options related to the issue of guns in civilian hands. For further information see theme one in *Missing Pieces: Directions for reduction gun violence through the UN process on small arms control,* Centre for Humanitarian Dialogue, 2005

2   Call, Charles T and William D Stanley (2001), 'Protecting the People: Public Security Choices after Civil War', *Global Governance* 7:2, April-June

3   For a detailed analysis on this point see Jensen, Steffen and Finn Stepputat (2001), *Demobilizing Armed Civilians,* CDR Policy Paper, Centre for Development Research

4   For more on this see *Missing Pieces: Directions for reduction gun violence through the UN process on small arms control;* See also the prepared remarks of the then USA Under Secretary of State for Arms Control and International Security Affairs John Bolton, 9 July 2001. Available at: www.un.int/usa/01_104.htm

5   Tschirgi, Necla (2003), *Peacebuilding as the link between security and development: Is the window of opportunity closing?* International Peace Academy, December, p. 2

6   See Jensen, Steffen and Finn Stepputat (2001); and for example, ICG Asia Briefing (2004), *Nepal: Dangerous Plans for Village Militias.* International Crisis Group, Kathmandu/Brussels, 17 February

7   The concept of "remobilisation" is attributed to Zelda Holtzmann's comment at the 14 November 2005 experts meeting related to this issue

8   See, for example, UN (1997), *Report of the UN Panel of Governmental Experts on Small Arms in pursuance of GA Resolution 50/70B,* A/52/298, 27 August, p. 2

9   World Health Organisation (2002), *World Report on Violence and Health,* Geneva, p. 25

10 In terms of gender, this trend is generally reflective of other forms of interpersonal violence as well. For example, studies show that boys are more likely than girls to carry guns to school, to have been in a fight, and to have witnessed violence outside the home. See WHO (2002)

11 *Small Arms Survey 2002: Counting the Human Cost,* Oxford University Press, Oxford, p. 79

12 *Small Arms Survey 2004: Rights at Risk,* Oxford University Press, Oxford, p. 175; Human Security Centre (2005), *Human Security Report 2005: War and peace in the 21st century.* Oxford University Press, Oxford and New York, p. 30

13 Call, Charles T and William Stanley (2002), 'Civilian Security'. In Stedman, S. J., D. Rothchild and E. M Cousens (eds), *Ending Civil Wars: The implementation of peace agreements,* Lynne Rienner Publishers, Boulder and London, p. 304

14 Call and Stanley, (2001), p.3

15 See Bourgois, Philippe (2004), 'The continuum of violence in war and peace: Post-Cold War lessons from El Salvador', in: Scheper-Huges, N. and P. Bourgois (eds.), *Violence in War and Peace: An Anthology,* Blackwell Publishing, Oxford; Also noted by Jacqueline Bloch, Sociedad sin Violencia, El Salvador at 14 November 2005 experts meeting on this issue

16 Background paper written for the HD Centre by Gary Barker for the meeting 'Peace processes, guns and gender: An analysis of practice, policy and potential' at the HD Centre on 5 December 2005. A summary of that meeting is available at: www.hdcentre.org/datastore/Small%20arms/Neg_Dis/Gender_smallarms_summary.pdf

17 See Call and Stanley (2003), p. 218: "Far-reaching public security reforms are unlikely to be implemented if not written directly into peace agreements"

18 See Annex 1A 'Agreement on the Military Aspects of the Peace Settlement' of the General Framework for Peace in Bosnia Herzegovina; Chapter 7, Article 1, para 2 of the Interim Agreement for Peace and Self-Government in Kosovo; and the Military Technical Agreement Between the International Security Force ("KFOR") and the Governments of Federal Republic of Yugoslavia and the Republic of Serbia

19 Article 2(e) of the Agreement on a Cease-Fire and Separation of Forces, in respect of Georgia, signed in Moscow on 14 May 1994, notes that 'All volunteer formations made up of persons from beyond the frontiers of Abkhazia shall be disbanded and withdrawn' [presumably this would cover armed civilians]

20 See Annex 2 : Withdrawal, Cease-Fire and Related Measures in the Cambodia Peace Agreement

21 Article II, para 3 of Annex 1A

22 See the article by Abi Allam, Fadi and Gina Rivas-Pattugalan in the Centre for Humanitarian Dialogue (2004), 'Grappling with Guns: The Lebanese experience', *Bulletin on Small Arms and Human Security,* Issue 2, February, p. 5

23 See www.iss.co.za/AF/profiles/Sudan/darfur/compax/ for the text of the agreement

24 Spear (2002), p. 148

25 Call and Stanley (2001)

26 The 'Negotiating Disarmament' project specifically aims to fill this knowledge gap by producing a guide for negotiators and parties involved in peace processes on how to tackle various aspects of disarmament and weapons control

27 Wilton Park Conference Centre (2002), *Post-conflict reconstruction: Lessons learnt and best practice.* Conference WP691, 30 September–4 October, Summary available at www.wiltonpark.org.uk

28 See Mazurana, Dyan and Khristopher Carlson (2004), *From Combat to Community: Women and Girls of Sierra Leone,* Women Waging Peace. Available at www.womenwagingpeace.net/content/articles/SierraLeoneFullCaseStudy.pdf; See also more generally Barth, Elise Fredrikke (2003), *Peace as Disappointment – The reintegration of female soldiers in post-conflict societies: a comparative study from Africa,* PRIO

29 See various Small Arms Survey yearbooks and the International Action Network on Small Arms (IANSA) website for links and resources

30 *Small Arms Survey 2003: Development Denied,* Oxford University Press, Oxford, p. 314

31 The latter is consistent with global norm development on this crucial point. Nations as diverse as Brazil, Liberia, Australia, Cambodia, the UK among others have all revised and strengthened gun laws around this principle

32 For example, since 1998 the UNDP has prioritised strengthening national gun laws as part of its overall efforts in countries transitioning from war and armed violence. See UNDP (2005), *Securing Development: UNDP's support for addressing small arms issues,* July

33 Jensen, Steffen and Finn Stepputat, (2001), p. 26

34 Civil society is generally conceived as a homogeneous group with a progressive agenda. However, this is hardly the case, with most civil society groups representing vested interests. This reality is not dealt with in this paper, but needs to be borne in mind given that the small arms issue is unique for its pro-gun interest groups who can in certain settings block efforts to reduce armed violence

35 UNDP (2003), *Armas de Fuego y Violencia*, San Salvador; See also, Richardson, Lydia and William Godnick (2004), *Assessing and reviewing the impact of small arms projects on arms availability and poverty: a case study of El Salvador,* UNDP/BCPR Strengthening Mechanisms for Small Arms Control project. Centre for International Cooperation and Security, University of Bradford

36 For more information, see case study, annex 5

37 Muggah, Robert (2005), *Securing Haiti's Transition: Reviewing human insecurity and the prospects for disarmament, demobilization and reintegration.* Small Arms Survey, Geneva. (Occasional Paper No. 14)

38 For more information, see case study, annex 3

39 Call and Stanley (2001) refer to the work of Tracey Fitzsimmons to highlight the anecdotal evidence base that women in transitional settings experience heightened levels of intimate partner violence due to cultures of violence instilled during war periods. *The Post-Conflict Transcript: Women in Central America, Haiti and Bosnia,* paper presented at the Latin American Studies Association conference, Miami, March 2000; See also *Women, War, Peace* www.women-warpeace.org; Jefferson, LaShawn R. (2004), In War as in Peace: Sexual Violence and Women's Status, *Human Rights Watch World Report.* Available at hrw.org/wr2k4/15.htm#_Toc58744964

40 Comment made by a 'practitioner' at small arms reduction and control meeting, December 2005

41 See Mugumya, G. (2005), *From Exchanging Weapons for Development to Security Sector Reform in Albania: Gaps and Grey Areas in Weapon Collection Programmes Assessed by Local People.* UNIDIR, Geneva, July; Mugumya, G. (2005b), *Exchanging Weapons for Development in Cambodia: An Assessment of Different Weapon Collection Strategies by Local People.* UNIDIR, Geneva, April; Mugumya, G. (2004), *Exchanging Weapons for Development in Mali: Weapon Collection Programmes Assessed by Local People.* UNIDIR, Geneva, August

42 This is hinted at in Koyama, S. (2006) *Comparative Analysis of Evaluation Methodologies in Weapons Collection Programmes,* UNIDIR, Geneva

43 Steffen and Stepputat (2001), p. 25

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58 For more on 'demand side' analysis see Atwood, David, Anne-Kathrin Glatz and Robert Muggah (2006), *Demanding attention: Addressing the dynamics of small arms demand.* Small Arms Survey and Quaker United Nations Office, Geneva

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63 See the work of Society Without Violence in El Salvador. For more information, see El Salvador case study, annex 5

64 See www.eu-asac.org/programme/arms_law.htm

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66 Tschirgi, Necla (2003), p. 12

67 Muggah (2005), *Listening for Change,* p. 18. The author warns however that local participatory approaches are not always feasible or even appropriate – for example where tensions are still running high, or where trauma is such that a discussion around the effects of violence is not appropriate

68 See UK Ministry of Defence website, www.mod.uk/issues/cooperation/ssdat/. See also Bryden, Alan and Heiner Hänggi, (Eds). (2005), *Security Governance in Post-Conflict Peacebuilding, Geneva Centre for the Democratic Control of Armed Forces, Geneva, p. 23:* "Following the lead of the UK, Western donor countries and multilateral development actors such as the OECD and UNDP embedded SSR into development assistance policies and programmes. . . Finally, SSR gained most practical relevance in the context of externally-assisted reconstruction of fragile and failed states as well as states emerging from violent intra- or inter-state conflict"

69 Available at: www.smallarmsnet.org/docs/saaf07.pdf

70 The *ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials* was adopted by Heads of State on 14 June 2006. The Convention requires civilian applicants for a gun license to meet a number of conditions including minimum age and proof of genuine need. All guns must be registered and the

gun license must be renewed after a certain time. In addition the Convention requires a 21-day 'cooling off' period before gun purchase, safe storage of each gun and also limits the number of guns possessed, among other restrictions. The Convention text is available at: www.iansa.org/regions/wafrica/documents/CONVENTION-CEDEAO-ENGLISH.PDF

71 South Pacific Chiefs of Police Conference and Oceania Customs Organisation (2000), *Towards a Common Approach to Weapons Control ('Nadi Framework')*, Nadi, 10 March. Available at: www.smallarmssurvey.org/source_documents/Regional

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74 *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*. Available at: www.smallarmssurvey.org/source_documents/Regional

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76 UN General Assembly (2005a), World Summit Outcome, A/60/L.1, 15 September, paragraphs 97-105, pages 25-26. Available at: www.un.org/summit2005/documents.html

77 The Commission is the subject of a special addendum to *In larger freedom*. See UN General Assembly (2005b), Addendum: Peacebuilding Commission: Explanatory note by the Secretary-General, A/59/2005/Add.2, 23 May 2005. Available at www.un.org/larger freedom/add2.htm

78 Carolyn McAskie, former Special Representative of the Secretary-General for Burundi, is the Assistant Secretary-General in the Peacebuilding Support Office. Staff will initially consist of 15 people

79 UN General Assembly (2005b), para 8, page 3

80 See www.undp.org/bcpr/smallarms/index.htm. See also the special edition of *Conflict, Security & Development* on the intersection between security and development (Vol. 4, Number 3, December 2004); Muggah, Robert and Peter Batchelor (2002), *"Development Held Hostage": Assessing the effects of small arms on development*. UNDP, New York; DFID (2003), *Tackling Poverty by Reducing Armed Violence: Recommendations from a Wilton Park Workshop, 14–16 April 2003,* DFID, London

81 UNDP (2005), p. 20

82 Opening speech at the 2005 session of the Conference on Disarmament, delivered on behalf of the Secretary-General by Sergei Ordhonikidze, Director-General, United Nations Office at Geneva. Available at: www.unis.unvienna.org/unis/pressrels/2005/sgsm9690.html; See also International Peace Academy (2005), *Achieving the Millennium Development Goals in conflict contexts,* IPA Policy Brief, June

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84 Signatories include Afghanistan, Australia, Austria, Bulgaria, Brazil, Canada, Chile, Costa Rica, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Indonesia, Ireland, Jamaica, Japan, Jordan, Kenya, Republic of Korea, Lebanon, Liberia, Mali, Mexico, Morocco, Mozambique, New Zealand, Nigeria, Norway, Papua New Guinea, Senegal, Slovenia, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, the Netherlands, Timor Leste, United Kingdom. The full text is available at: http://content.undp.org/go/newsroom/june-2006/governments-agree-to-armed-violence-reduction-measures-.en

85 See UNGA (2006), *Report of the Secretary-General on Disarmament, demobilization and reintegration,* A/60/705, 2 March

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88 Prepared remarks of John Bolton (USA), 9 July 2001. Available at: www.un.int/usa/01_104.htm. See also IANSA (2001), 'Press Conference by International Action Network on Small Arms,' 20 July. Available at www.notes.reliefweb.int/w/rwb.nsf/6686f45896f15dbc 852567ae00530132/f3073dc0c5af587285256a92006d47c4?Open Document

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93 Elli Kytömäki and Valerie Yankey-Wayne (2006), *Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports,* UN Institute for Disarmament Research

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96 UNGA Draft resolution A/C.1/60/L.34/Rev.1, *Addressing the humanitarian and development impact of the illicit trade in small arms and light weapons*. Lead Sponsor: Netherlands (introduced 12 October 2005) Available at: www.reachingcriticalwill.org/political/1com/1com05/res/L.34Rev1.pdf

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