

# NETWORK HPN paper

## Reconsidering the tools of war: small arms and humanitarian action

by Robert Muggah with Martin Griffiths

39

### ABSTRACT

Civilians and humanitarian workers are regularly killed, maimed and threatened with small arms. Although the presence of small arms does not, in itself, cause conflict, their ready accessibility and misuse are closely associated with physical and psychological disability, forced displacement and civilians' declining access to basic services in the context of conflict and social violence.

This paper provides a preliminary roadmap for humanitarian agencies to engage more proactively with the issue of small arms and light weapons. It reviews the dimensions of the problem, from both the disarmament and the humanitarian perspective, and presents a conceptual framework for understanding and measuring the humanitarian impacts of small

arms misuse. Its principal argument is that evidence of the magnitude and scale of the humanitarian impact of small arms is urgently required. Solid evidence is the bedrock of sound policy and intervention – and humanitarian agencies must lead the way.

Promising humanitarian responses to the threat of small arms are gradually emerging. These focus on curtailing the supply of weapons to regimes that regularly violate human rights, the enforcement of humanitarian law in violence-affected societies and operational reform to improve security in the field. A better understanding of the humanitarian impact of small arms will contribute to generating awareness among stakeholders, and can serve to inform interventions designed to reduce armed violence.

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# Executive summary

The world is awash with small arms. At least 640 million weapons are in circulation, and more than half a million people are killed each year as a result of their use. Millions more are disabled, or die from untreated injuries and secondary illness. Yet the human costs of small arms are so systemic and pervasive that they largely go unseen. Instead, research and policy focus almost exclusively on technical issues to do with production and stockpile management, transparency and oversight of the small arms trade and legal or normative regimes designed to reduce the flow of arms. Where the question of small arms has arisen in UN fora, the focus has been on supply-side measures designed to harmonise and tighten export criteria, development of marking and tracing mechanisms, and the reigning in of illegal brokering. These sessions have remained closed to most non-governmental actors, and their governmental participants have agreed that the focus of international action should remain on the illicit trade.

Small arms have yet to emerge as an issue of specifically humanitarian concern. With few exceptions, humanitarian language is absent from most international and national codes or conventions tied to regulating the trade in small arms and light weapons. Even as a growing number of advocates from the public health and human rights sectors are raising the profile of the issue, relief and development actors have been slower to react, and there is no comprehensive humanitarian response to small arms availability and use. The evidence is limited, and so awareness of the issue has not taken root. At field level, humanitarian actors often subsume small arms within a larger basket of 'security' concerns, without ever defining appropriate measures to reduce risk and vulnerability. Personnel at headquarters often fail to recognise the value of collating and analysing direct evidence, and are understandably preoccupied with the demands of rapidly responding to complex emergencies.

This paper argues that, in the light of the clear failure to adequately regulate small arms availability, a humanitarian perspective is more urgent than ever. Such a perspective shifts the debate away from the weapons themselves – their country of origin, the export and import regime through which they pass or stockpile management – and aims to assign a measurable human cost to the availability and use of these arms in regions of the world affected by systemic violence.



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*Santander, Colombia: a combatant reads a booklet on international humanitarian law*

Central to the humanitarian perspective is the recognition that intentional violence perpetrated with small arms has both short- and long-term consequences for human safety and well-being. Some of these impacts can be measured empirically, such as in epidemiological studies of fatal and non-fatal injuries and disability during, or in the aftermath of, armed conflict. Patterns of forced displacement and the militarisation of refugee camps, civilians' declining access to basic services and goods and the withdrawal of humanitarian assistance in areas affected by armed violence are all readily quantifiable. Other effects are less easily recorded, such as the long-term economic and psychosocial burden of disability or the behavioural responses of relief workers exposed to small arms use.

Although still very much in the formative stages, a number of humanitarian agencies have begun to address the small arms pandemic. Three overlapping, but distinctly humanitarian, responses to the availability and misuse of small arms have emerged. The first is a supply-side approach, focusing on constraining the transfer of weapons to regimes that violate human rights and international humanitarian law. The second approach aims to mitigate the impact of small arms on civilians through the rigorous appli-

cation of international humanitarian law and incentives to reduce the demand for weapons. The final approach, which takes an operational perspective, stresses the consequences of arms availability for relief workers and peacekeepers.

A humanitarian perspective would generate solid evidence by identifying, surveying and publicising the human costs of small arms, as well as tracing the relationship between the supply of these weapons and their effects on civilians. The international community must develop a greater awareness of the humanitarian impacts of small arms in areas affected by armed violence. Engaging with the humanitarian dimensions of small arms availability and use is both a moral and a practical imperative. A humanitarian perspective recalls the plight of the hundreds of thousands of people who are killed, injured and disabled by small arms, and the millions deprived of their homes and assets at gunpoint. It recognises that public awareness of the impact of small arms and preventive interventions to reduce the human cost of armed violence are only possible where there is systematic accumulation of evidence by humanitarian actors. A humanitarian perspective places the security and safety of people at the centre of a debate which has until now been dominated by a disarmament and arms control approach.



# Peddling in misery

Until recently, policymakers and disarmament experts, much less the humanitarian community, lacked a detailed understanding of the full scale or dimensions of the small arms issue. There are manifold reasons for this, tied primarily to the political climate and to the particular interests of domestic constituencies. The 1970s and 1980s were not conducive to a spirit of multilateral transparency on conventional arms. In a strategic environment dominated by nuclear weapons, small arms were seen as more-or-less inconsequential, a marginal or 'soft' issue. As a result, research was confined to a small group of spirited academics, investigative researchers and peace activists. From the beginning, research on small arms was concentrated almost entirely in the US, and focused exclusively on issues such as US and UK exports, as well as civilian possession and domestic abuse (Laurence, 1992; Goldring *et al.*, 1995). Studies on small arms production, trade and proliferation outside of the US tended to be anecdotal, and advocates and campaigners found it difficult to move the agenda forward.<sup>1</sup>

## The scale of the issue

There are at least 640m small arms in circulation, of which roughly 10% to 20% are powerful high-calibre weapons designed to military specification.<sup>2</sup> While robust data is hard to come by and the number of illegally-held arms unknown, it is estimated that more than half of these weapons are in private hands, with around 40% belonging to military forces. Police forces account for around 3%, and insurgent groups and non-state actors less than 1%.<sup>3</sup>

During the Cold War, small arms production was often confined to state-owned factories. The global small arms industry has, however, restructured in

the aftermath of the Cold War. Privatisation, together with licensed production, has contributed to the growing worldwide distribution of small arms production. More than 1,000 companies in 98 countries are involved in some aspect of production (see Figures 1 and 2). At least 30% of these firms are based in the US, and just less than half are in Europe (Austria, Belgium, France, Germany, Italy, Spain, Switzerland and the UK) and the Commonwealth of Independent States (CIS). Other major manufacturing states include Brazil, China and Israel, with new producers such as India, Pakistan, Singapore, South Africa and Taiwan close behind. The total value of production, including both military and commercial outputs, is estimated at approximately \$2.8 billion, with ammunition accounting for an additional \$4bn.<sup>4</sup>

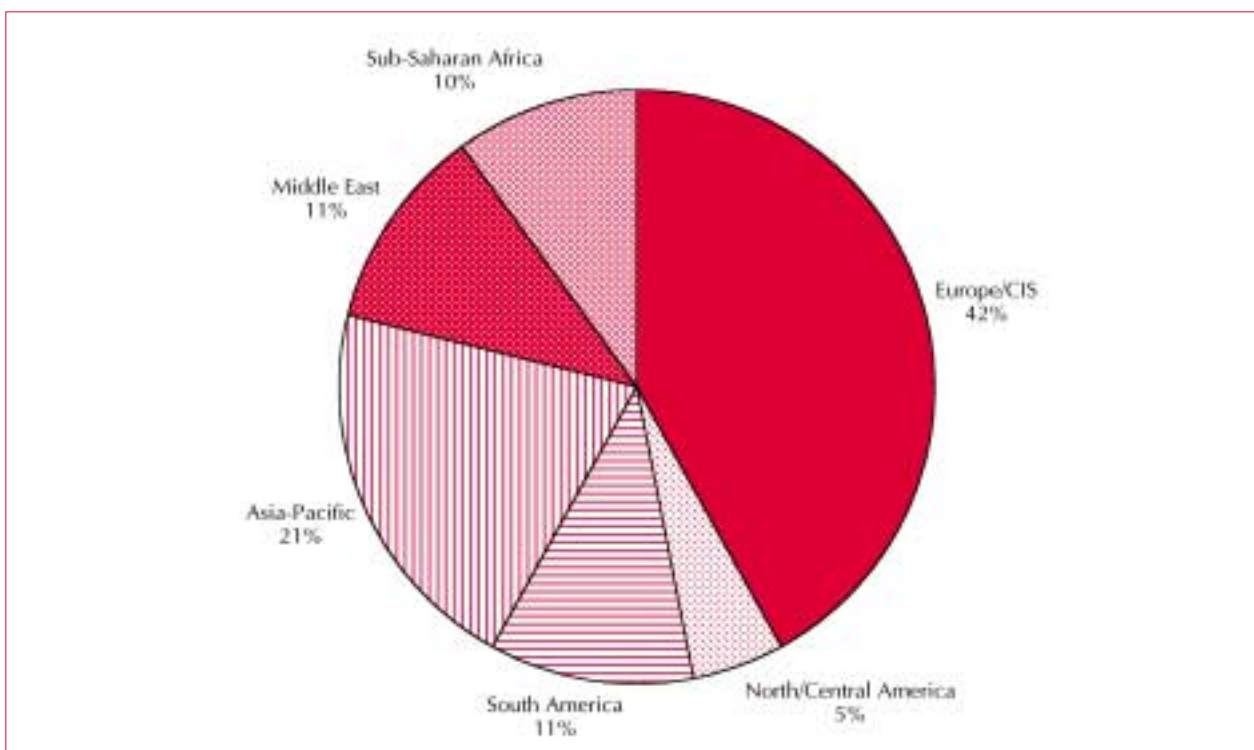
As for the small arms trade, the line between the legal and the illicit is murky. Only 50% of the global trade can be definitively documented through open sources and government export and customs reports.



*Unexploded ordnance on a Sarajevo street*



Figure 1: Global distribution of producing countries, 2001



Source: Small Arms Survey 2002

The illicit trade is estimated to be worth less than \$1bn (10–20% of the total trade); preliminary research indicates that at least 54 countries have been involved in supplying arms in defiance of arms embargoes.

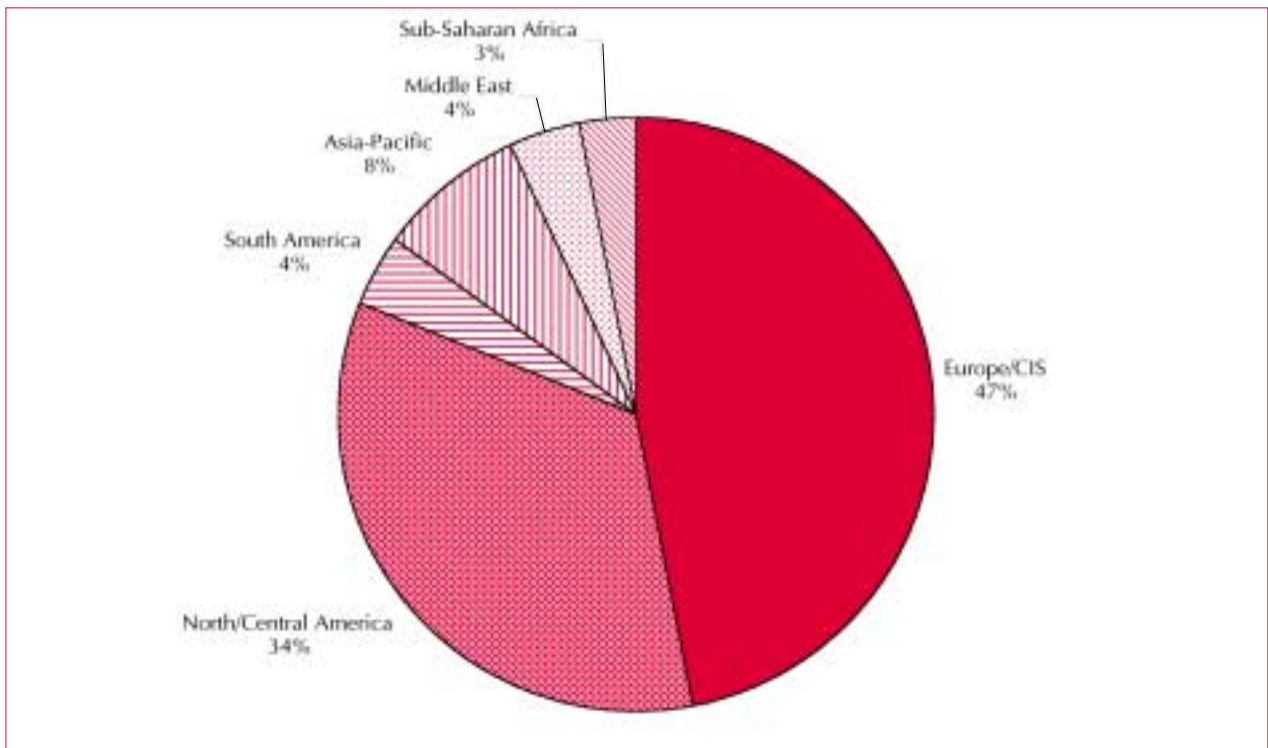
#### Box 1: Problems of definition

After more than a decade of acrimonious debate, the UN's member states are still unable to agree on a suitable definition for small arms and light weapons. According to the *Report of the UN Panel of Experts (A/52/298)*, produced in August 1997, small arms are defined broadly as 'those weapons designed for personal use'; light weapons are 'those designed for use by several persons serving as a crew'. Specifically, 'small arms include revolvers and self-loading pistols, rifles and carbines, sub-machine guns and recoilless and assault rifles. Light weapons include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft and anti-tank guns, portable launchers and small mortars and ammunition of calibres less than 100mm' (UN, 1997). For the purposes of this paper, 'small arms' denotes both categories of weapon, unless otherwise stated.

State-led production of small arms fell dramatically following the dissolution of the Soviet Union, since these were, in general, unprofitable industries with low economic returns. The overall demand for small arms also slackened over the same period, as client states and proxy wars lost their financial backers in the US and the Soviet bloc. As a result, throughout the 1990s weapons producers and brokers increased their reliance on new clients in South-East Asia and Latin America. Producing states, particularly in Central and Eastern Europe, also sought to bolster sales by supplying arms to wars in Africa and Europe.

At the same time, older stockpiled weapons have cascaded into risk-prone areas (Homer-Dixon, 2001). Military-style rifles, mostly AK-47s, G-3s and the Fusil Automatique Legere, are among the weapons most commonly used by armed combatants and criminals in Kenya, Sudan and the Greater Horn of Africa. Handguns such as .32s and 9mm pistols, as well as grenades and explosives, are the most commonly used weapons in atrocities and common crime in Colombia, Brazil and throughout South and Central America. Many of the small arms in circulation in Brazil, Colombia and Peru originate from the stocks of opposing forces in Nicaragua, El Salvador and Guatemala. Following the cessation of hostilities in these countries, many of these weapons were either retained by their owners (in some cases to be sold

Figure 2: Global distribution of small arms companies, 2001



Source: Small Arms Survey 2002

later), or routed back to civil wars in Colombia and Peru.<sup>5</sup> Rough estimates suggest that, for every 1,000 weapons collected from former combatants in Central America, another 100,000 remain in circulation, and unaccounted for (UNIDIR, 1997). In Southern

Africa, weapons used in Mozambique's civil war, which ended in 1992, have found their way into clandestine markets in South Africa. In the Balkans, protracted conflict has attracted a steady flow of weapons from Eastern Europe via Albania.

### Box 2: Lethal weapons and the virulence of war

Television screens and print media the world over are saturated with images of men brandishing a deadly array of military hardware. To many, genocide, massacres and conflict-related deaths are automatically equated with the widespread availability of small arms. Yet weapons that find their way into civilian hands are notably diverse in their stopping power. A crucial attribute conditioning the virulence of war is the weapon's 'lethality': the degree to which it can inflict damage on one or more vital organs or structures. Lethality is in turn not shaped exclusively by the 'type' of weapon used, but also the context in which it is used, the vulnerability of the 'victim' and ballistics.

In relation to context, unrestrained arms availability is closely linked with the collapse of public institutions and the inability of the state to ensure a modicum of civilian security. In such environments, first aid is limited, evacuation capabilities have collapsed and inadequate medical treatment may increase mortality rates. Other factors relate to the location of weapons use and the relative vulnerability of those exposed. For example, organised and formal militaries go to some lengths to protect themselves from the effects of fragmenting munitions, through reinforced bunkers and sandbags.

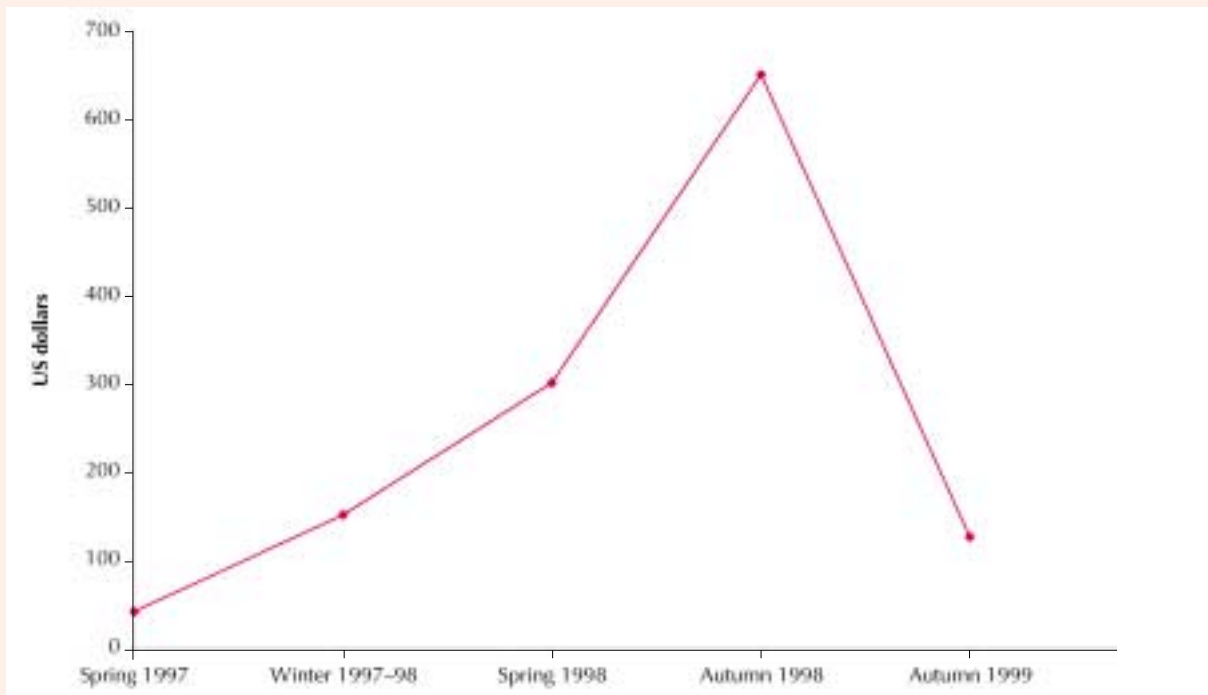
Ballistics has a bearing on lethality. Analysis of the non-combat use of assault rifles in Central and South-East Asia indicates that these weapons figure prominently in personal disputes. Another scenario, seen from Afghanistan to Albania, is the accidental discharge of assault rifles. In each case, the victim tends to be close to the weapon, and the increased kinetic energy carried by the projectile inflicts greater tissue damage, and with it the increased possibility of lethal injury.

**Box 3: From Albania to Kosovo: a tide of small arms**

In March 1997, Albania was brought to the brink of civil war and state collapse. Angered over allegations that the regime of Sali Berisha had defrauded thousands of their life-savings through ‘pyramid’ financial schemes, Albanian citizens pillaged massive weapons stockpiles built up during the dictatorship of Enver Hoxha. A virtual flood of small arms was unleashed into civilian hands. In just a few days, an estimated 80% of the country’s military arsenal had been looted, including almost a quarter of a million AK-47 assault rifles, some 25,000 machine guns, nearly 1.5bn rounds of ammunition, 3.5m hand grenades and 1.4m anti-personnel mines. The government quickly recovered most of the larger items, like armoured vehicles and artillery, but the vast majority of the country’s official inventory of 643,000 firearms remained unaccounted for.

The absence of coherent or comprehensive arms control policies across the various states in the region, coupled with lax controls on collected surplus weapons, led to black-market trading from one simmering Balkan conflict to the next. Hundreds of thousands of looted assault rifles are reported to have resurfaced in black markets in Kosovo, but strong demand rapidly exhausted supplies. Predictably, prices began to rise. By early 1998, AK-47s were trading in Albania for some \$300 each, considerably more than their wholesale market value. As the conflict in Kosovo intensified, the price of weapons continued to rise: by summer 1998, Kalashnikov rifles were trading for \$650. At this point, the market shifted as traders began importing small arms from elsewhere, with many new weapons flowing into the region from Croatia. Although NATO had indicated that peacekeepers would try to fulfil the promise made at the Rambouillet talks to disarm the Kosovo Liberation Army (KLA), this was in practice impossible.

**Figure 3: Black market AK-47 prices in Albania, 1997–99**



Source: Small Arms Survey (2001; 2002)

With Serbia defeated and its troops withdrawn in late 1999, Kosovo was awash with small arms. The majority of former soldiers appear to have held on to their weapons, though some appeared a year later with the Albanian National Liberation Army (ANLA) in Macedonia. Others turned up in markets as far afield as Northern Ireland. When fighting resumed in Macedonia in early 2001, weapons began to flow back into the Balkans. It is a sad irony that, even as the government of Albania has rearmed through NATO’s Partnership for Peace programme, the Logistics Department of the Public Order Ministry is plagued by allegations that it is illegally selling weapons.

### Small arms: questioning the discourse

The responsibility for elaborating normative and practical instruments to regulate small arms, as with nuclear, chemical or biological weapons, has traditionally been the preserve of the disarmament community, and the focus of international action has consistently been on the illegal trade in small arms. Efforts to cast the problem as one of 'illicit' and 'criminal' activity draw on traditional biases within the arms control and law enforcement communities. It also sits well with governments that are loath to consider the political dimensions of the small arms trade in international fora. The US government, for example, backed by right-wing politicians and the gun lobby, has banned all references in multilateral negotiations to civilian possession and the transfer of small arms to non-state actors. Discussion has been further complicated by the absence of universally binding norms or standards to regulate the possession or use of small arms. Only very rarely have the effects of such weapons been discussed in any detail. Instead, the issue is cast in vague and abstract terms associated with regional security or



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*A child soldier in barracks, Kisangani, DRC*

#### Box 4: The UN and small arms

In the UN, the debate on small arms has tended to focus on supply-side measures designed to harmonise and tighten export criteria, introduce marking and tracing regimes and rein in illegal brokering. Sessions have remained closed to most non-governmental actors and, more importantly, the focus of action has remained on the illegal trade.

This pattern continued largely unchanged in the UN conference on the 'Illicit Trade in Small Arms and Light Weapons in All its Aspects', held in New York in July 2001. Government disarmament experts dominated the conference. Nonetheless, some humanitarian language crept into the Programme of Action that emerged. Humanitarian priorities are acknowledged in Preambular paragraph 2, where it is noted that states are 'gravely concerned at ... the excessive accumulation and uncontrolled spread [of small arms] ... which have a wide range of humanitarian and socio-economic consequences'. Paragraph 3 observes that 'small arms and light weapons ... sustain conflicts, exacerbate violence, contribute to the displacement of civilians, undermine respect for international humanitarian law [and] impede the provision of humanitarian assistance to victims of armed conflict'. Nevertheless, the Programme of Action still views the small arms issue primarily through a classic arms control and disarmament lens.

peace and stability, suggesting that the magnitude and scale of the problem is still little understood.

### Small arms, new wars

The small arms issue is evolving amid apparent changes in the wider landscape of armed violence – the emergence of what some commentators have termed 'new wars' (Duffield, 2001; Macrae, 2001; Kaldor, 1999). These new wars are fought, not by large, organised armed formations, but by an array of more-or-less disorganised, fragmented non-state actors and militia groups operating in the vacuum left by collapsed or damaged post-Cold War states. They are marked by collusion between warring parties and access to profit through the exchange of conflict goods, such as hardwoods and diamonds (Cooper, 2001; Keen, 2001; Leader, 2001; Reno, 2001). They are also characterised by a particular blurring of the distinction between combatant and civilian. In some contexts, so-called 'lifestyle warriors' have emerged – young men who soldier by day, and return to their fields and families at night. In

the Congolese capital Brazzaville, competing militia factions that trade gun and mortar fire during weekdays share weekend festivities. Civilians actively aid, or are coerced into supporting, insurgents in Colombia and Sri Lanka. Civilians are also serving as cover for the operations of insurgency movements, as targets for reprisals, as shields against attacks, as political tools for international assistance and as a principal target of ethnic cleansing and genocide. As a result, in today's conflicts at least one civilian is killed for every soldier that dies.

Of the 30 to 50 conflicts that occurred each year between 1989 and 1995, more than 95% took place in developing countries. In these environments, small arms, not heavy weapons, are the predominant tools of conflict. The non-state groups that populate the new landscape of violence are unlikely to receive or make effective use of sophisticated or heavy weapons

systems, which are costly, require concealment, need advanced training and may impede mobility. Sophistication renders heavy weapons difficult to deploy in battlefield settings, as well as hard to maintain because skilled personnel may be lacking. Relative cost also helps to determine the choice of arms in most violence-affected areas. The AKM series of assault rifles is available worldwide at prices as low as a few dollars. Even more sophisticated weapons, including infrared night-vision equipment, have hit global markets at discount prices. As costs plummet, the ease of acquisition rises, especially for those groups that derive significant profit from exploiting conflict resources like diamonds and hardwoods. Evidence suggests that casualties of today's new wars are overwhelmingly a consequence not of heavy conventional weapons, missiles or even landmines, but rather lightweight and mobile small arms (ICRC, 1999; Meddings and O'Connor, 1999; Michaels *et al.*, 1999).



# 2

## Counting the humanitarian costs of small arms

There is no doubt that the human impact of small arms availability and use is considerable and far-reaching in all corners of the world. More than half a million people are fatally wounded as a result of small arms use each year, whether through intentional violence, such as homicide or suicide, or unintentionally, through accidental shootings. According to the World Health Organisation (WHO), the ‘gross estimate of global deaths from all forms of homicide, war and suicide in 1998 stood at 2,272,000 ... from war, the number totalled 588,000’ (cited in Small Arms Survey, 2001: 236). Approximately 52% of war-

related fatalities among civilians and combatants, or 310,000, were attributed to small arms, and more than half of all victims were from sub-Saharan Africa (Murray *et al.*, 2002). Arguably the most commonly reported, if under-researched, impacts of small arms emerge from armed conflicts and societies struggling under the weight of widespread social violence.

### Basic indicators

A first step to generating public awareness and designing appropriate and preventive interventions relates to the systematic documentation of the

Table 1: Key indicators of humanitarian impacts

	Humanitarian impact	Primary indicators
Direct effect	Health-related effects	<ul style="list-style-type: none"> <li>• Firearm homicide rates</li> <li>• Firearm suicide rates</li> <li>• Unintentional firearm injury rates</li> <li>• Intentional firearm injury rates</li> <li>• Firearm-related disability rates</li> <li>• Psychosocial and psychological trauma associated with armed violence</li> </ul>
Indirect effect	Violence-induced displacement	<ul style="list-style-type: none"> <li>• Number of refugees and internally-displaced people (IDPs)</li> <li>• Incidence of firearm-related death and injury among refugees and IDPs</li> <li>• Incidence of armed intimidation and assault among displaced people</li> <li>• Arms availability in refugee/IDP camps</li> <li>• Mortality rates among displaced and relocated people</li> <li>• Social/physical welfare of refugees/IDPs</li> </ul>
	Collapsing access to basic goods and services and declining social capital	<ul style="list-style-type: none"> <li>• Social and physical welfare of the population</li> <li>• Child soldiers</li> <li>• Household access to basic commodities and services</li> <li>• Community cohesion</li> <li>• Declining access to public goods</li> <li>• Sexual violence</li> </ul>



© ICRC/Didier Breghard

An Afghan fighter in the Andarab Valley: Afghanistan is one of the world's most armed societies

humanitarian impacts of small arms. Contributions from public health specialists, epidemiologists and social scientists have helped chart a rough path forward. There is, for instance, an extensive literature on the physiological impacts and wound ballistics associated with firearms and the human body. Since the late 1980s, a growing body of literature on the impact of small arms on public health has also developed, particularly in the US and Canada (see, for example, Krug *et al.*, 2002; Coupland, 2001; Miller and Cohen, 1995; Cook and Ludwig, 2000; Small Arms Survey, 2001 and 2002).

The key areas of *humanitarian* impact are death and injury, displacement induced by armed violence and collapsing access to basic services and the means of survival. Table 1 sets out these impacts, and the primary indicators associated with them. Central to the development of basic indicators is reliable and verified data on the number, profile and types of injuries and their causes, and the risk factors associated with small arms and their distribution. There are many challenges associated with collecting statistics on humanitarian impacts, including the absence of standardised or comparable definitions and methods

for collecting and collating data, the logistical obstacles that can face data-gatherers, limitations in the geographic and demographic coverage of surveillance systems and attitudinal and cultural issues that contribute to the under- and over-reporting of incidents. A major reason why the quantitative and qualitative dimensions of these effects are under-appreciated is that often only affected people themselves can describe them. Although not discussed in detail in this paper, researchers are increasingly drawing on participatory action research to understand key risks, and community-based solutions to reduce the human cost of small arms availability and misuse.<sup>6</sup>

### Health-related effects

Objective indicators of small arms use include the health-related effects on civilian populations, such as fatal and non-fatal injury, as well as long-term disability and psychological and psychosocial trauma. While the larger burden of mortality experienced during episodes of armed violence is attributable to the secondary costs of war, such as morbidity arising from malnutrition, disease and preventable illness, evidence from the Small Arms Survey indicates that the availability of firearms is a key influencing variable on the likelihood of fatal and non-fatal injury and morbidity.<sup>7</sup> In areas where armed violence is particularly virulent, increases in malnutrition rates and infectious disease are extremely high, demonstrating an empirical relationship between small arms misuse and morbidity among vulnerable groups.<sup>8</sup> Where small arms are readily accessible and both legal and customary forms of dispute resolution are weakened, the resort to weapons and the risk of a violent outcome increases.<sup>9</sup> While cultural, social and economic factors loom large in determining if an individual will resort to violence, the presence of a weapon – whether used in criminal and domestic violence or war – conditions the severity of the humanitarian impact.

In conflict situations, small arms contribute to an increase in the *scale* and *pace* of killing, the likelihood of illness and the possibility of violations of international humanitarian law. The case of Sierra Leone is indicative. Immediately following the invasion of the country's capital, Freetown, by the Revolutionary United Front (RUF) in 1999, a senior government forensic pathologist reported that more than 7,330 people – almost 1% of the city's population – had been fatally shot in a single month. Thousands more suffered lacerations, mutilations and firearm injuries. Additional surveys carried out over the same period recorded that 60% of all war injuries were gunshot-related, that 11% of all victims were under the age of 15 and that 43% were women (Salama *et al.*, 1999).



**Box 5: Health-related impacts: caveats to the data**

There are serious caveats concerning available data regarding injury and death from small arms. Death and injury from war wounds occur predominantly among young men in the South – the part of the world where armed conflicts are most prolific, and death and injury data weakest. Since the reliability of health statistics frequently mirrors a country's level of development, many incidents go unreported. Even in those rare instances where criminal or tribunal investigations are conducted, they frequently underestimate the magnitude of death and injury attributable to small arms. Often, the only recorded incidents occur in a hospital, where a death certificate is completed. But the majority of deaths occur away from hospitals and clinics: injured victims often seek treatment from alternative sources, and their families frequently bury the fatally injured immediately. Moreover, international firearm-related mortality rates are difficult to compare because the vehicle – small arms – is rarely included in the International Classification of Disease (ICD) categories of homicide, suicide, unintentional deaths or deaths of undetermined intent. As observed by Etienne Krug, Kenneth Powell and Linda Dahlberg (1998: 215), 'even within these categories, the information on the firearm components is not separately provided in the WHO's *Health Statistics Annual*, the most common source of data for cross-national comparisons of mortality rates'. Official death reports from many war-affected countries must therefore be interpreted with great caution and awareness of the limitations at each step in the recording process. At this stage, it is often more instructive to review trends and patterns of death and injuries attributable to small arms in areas experiencing systemic social violence, rather than seeking longitudinal cross-country comparisons.

In Rwanda, massive inflows of small arms into the country from Egypt, South Africa, the Democratic Republic of Congo (DRC), France and Russia, among others, contributed to the genocide of 1994.<sup>10</sup> Media coverage was perhaps partly responsible for the general impression that the violence was committed exclusively with machetes. While documents obtained in Kigali reveal that a huge number of machetes, hoes, axes, knives and razors were imported in the months preceding the genocide, peacekeepers also noted that an estimated 85 tons of small arms had also been distributed throughout the country (Small Arms Survey: 206). According to Goose and Smythe (1994), 'much of the killing was carried out with machetes, but automatic rifles and hand grenades were also commonly used. Their wide availability helped Hutu extremists carry out their slaughter on a horrendous scale. The huge piles of Tutsi bodies massacred in Rwanda since April are now juxtaposed

with the huge piles of rifles in Goma, Zaire, that were confiscated from fleeing Hutu'.

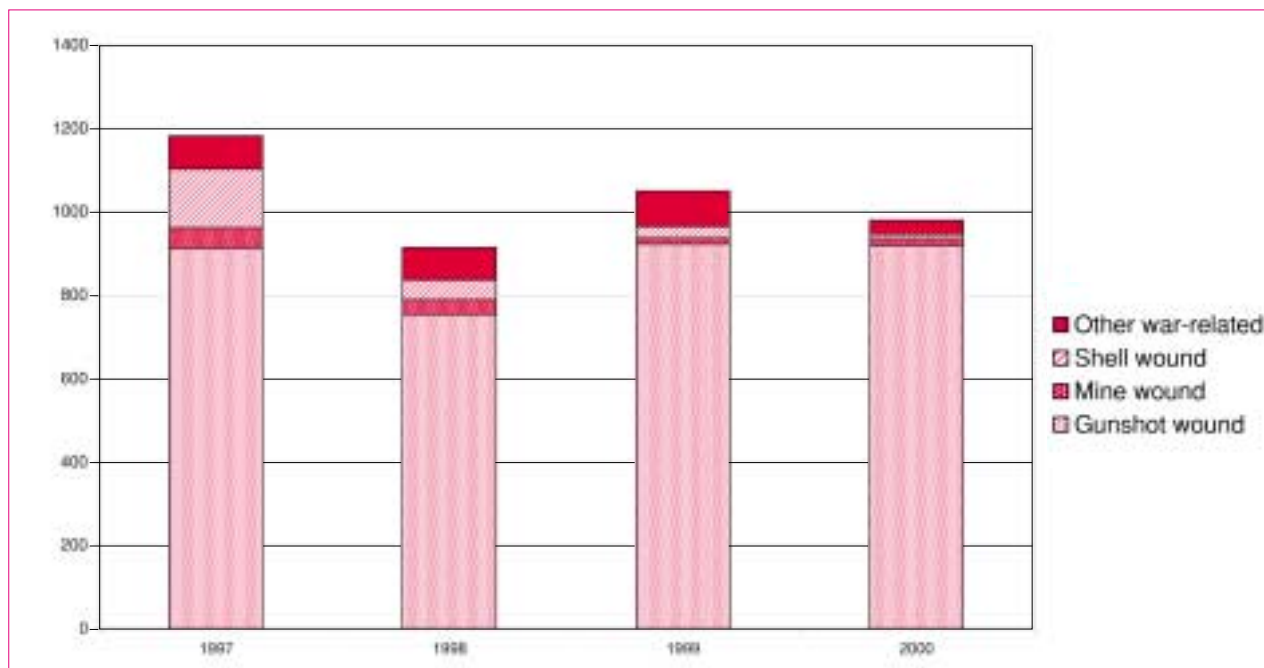
The wound database of the ICRC, established in 1991, includes records on all patients wounded in war who have been admitted to Red Cross hospitals on the Afghan border of Pakistan, in Kabul and Khandahar, in Khao I Dang on the Cambodian border of Thailand, in Butare in Rwanda, in Novi Atagi in Chechnya and in Lokichokkio on Kenya's north-western border with Sudan. Between January 1991 and July 1998, 18,877 of the 27,825 patients admitted registered injuries resulting from bullets, shells, bombs and mines. The rest were admitted as a result of burns, blunt trauma wounds or for reconstructive surgery. According to data on admissions to the ICRC's Lokichokkio hospital between 1997 and 2000, given in Figure 4, around half of all admissions were war-wounded, mostly from

**Table 2: Patients admitted to Red Cross hospitals by cause of injury, 1999<sup>11</sup>**

Cause of injury	Total patients	Estimated number of civilian patients	Estimated percentage civilian <sup>1</sup>
Bullet	8,432	2,866	34
Fragment <sup>2</sup>	5,759	1,785	31
Mine <sup>3</sup>	4,686	1,218	26
Total	18,877	8,305	44

Notes: <sup>1</sup> Women and girls, boys under 16, men aged 50 or above; <sup>2</sup> Includes shells, bombs and mortars; <sup>3</sup> Anti-tank and anti-personnel mines

Figure 4: Patients admitted to the ICRC hospital at Lokichokkio, 1997–2000



Source: Muggah and Berman, 2001

southern Sudan. Of these, the vast majority of registered patients demonstrated gunshot wounds.

A basic epidemiological finding is that, for every fatal small arms-related injury in situations of armed conflict, there are likely to be many more non-fatal injuries. Estimates from countries not affected by conflict, such as the US, indicate that three people suffer non-fatal injuries for every person killed. Ratios of injured to killed tend to be lower in situations of under-development and armed conflict. This is generally because wounded patients lack access to vital health care. Under-reporting and inconsistent monitoring often confound a detailed appreciation of the injured-to-killed ratio, as does the fact that the number of war-wounded who actually receive treatment (and are therefore 'counted') is not necessarily representative of the total number of people injured in a particular confrontation. Furthermore, although agencies such as WHO, the ICRC and MSF document some injury types in their field operations, many do not differentiate statistically in their formal reporting between lesions attributable to fragmenting bombs and artillery fire, weapons other than firearms, or secondary effects such as malnutrition or disease (Muggah and Berman, 2001).

Arms-related death and injury do not necessarily decrease significantly when wars come to an end. ICRC analysis of patient data from Afghanistan, for instance, indicates that weapons-related casualties decreased by less than 35% during the 18 months

following the cessation of a particularly volatile inter-factional conflict (Michaels *et al.*, 1999; Coupland and Samnegaard, 1999). Another study, drawing on field-hospital data from Cambodia, noted that civilians accounted for over 40% of combat-related casualties, but over 70% of all non-combat weapons casualties. The study reveals that the threat of arms-related death or injury to civilians in non-combat settings can surpass rates experienced during conflict periods (Meddings and O'Connor, 1999). In Central America, firearm homicide rates fluctuate between 30 and 50 per 100,000, which is equal to the rates in some of the most volatile war zones on the planet. Similar trends are apparent in otherwise 'peaceful' areas of East Africa. Firearm injury rates are often between two and four times higher.

In addition to immediate trauma, small arms also cause long-term disability. These injuries carry a disproportionately high cost, even if they are difficult to quantify using conventional methods. If properly funded, the cost of physical rehabilitation and prosthetic limbs alone could easily absorb the entire health budget of a developing country. Although not discussed in this paper, the cost and productive losses of fatal and non-fatal firearm injuries can be measured through the use of composite economic indexes such as years of potential life lost (YPLL) and disability-adjusted life years (DALYs). A seminal study produced by Krug *et al.* (1998) concluded that war is 'an important factor contributing to firearm

mortality ... in 1990, war was estimated to be the sixteenth cause of DALYs lost throughout the world, but by 2020, it is projected to be the eighth leading cause of DALYs lost'. At the global level, WHO (2001) puts inter-personal violence, self-inflicted injuries and war injuries among the top five largest contributors to the global burden of disease for people aged between 15 and 44 years.

The humanitarian impact of small arms also includes psychological and psychosocial damage. Community studies in El Salvador, for example, have documented increased psychosocial stress correlated with greater collective exposure to armed violence. The relationships between the extensive exposure of Kosovar Albanians, Sri Lankans and Vietnamese to armed violence and psychological effects have also been documented (Cardozo *et al.*, 2000; Ugalde *et al.*, 2000; Leaning *et al.*, 1999). Even where well-functioning trauma systems are in place, considerable long-term morbidity and disability often go undetected. Psychological stress associated with armed conflict accounts for a significant share of the overall impact on public health (Summerfield, 2000; Petty and Bracken, 1996).

Small arms availability and use disrupt referrals, immunisation programmes and monitoring and surveillance (Small Arms Survey, 2002; WHO, 2001; Ugalde *et al.*, 2000). Such disruptions can generate a host of secondary consequences, including high mortality rates among children. Indeed, there is a strong correlation between high rates of armed violence, deteriorating public services and proportionately higher death rates for children from non-violent causes. A recent International Rescue

Committee (IRC) study confirms this association in parts of the DRC: 'while only ten per cent of all deaths ... were attributed to violence, there is a strong association (across both time and space) between higher violence rates and higher death rates from infectious disease'.

#### Forced displacement

One in every 120 people on earth is designated either internally displaced, or a refugee. The UNHCR (2001) estimates the number of refugees at 12.8m, and the Representative of the Secretary-General for Internally Displaced People puts the number affected by internal displacement at between 20m and 25m. Small arms-related intimidation and insecurity are a key factor inhibiting sustainable repatriation or resettlement. The UNHCR (2001: 283) has acknowledged that 'armed conflict is now the driving force behind most refugee flows'. The UN has repeatedly observed that 'in many recent and current internal armed conflicts, combatants deliberately intimidate, attack and displace local populations to further their pursuit of economic control over natural resources'. In such cases, combatants rely on, even profit from, civilian displacement.

Most people appreciate the persuasive power of a weapon. Small arms are frequently used to perpetrate widespread and systematic massacres and clearances, even where machetes or knives may be the most visible weapons to the journalist. In Rwanda in 1994, Bosnia in 1992–94 and Kosovo in 1998, entire segments of the civilian population were targeted with small arms. In 1999, widespread violations of human rights took place against ethnic Albanian Kosovars in the course of mass

#### Box 6: The militarisation of refugee camps in Kenya

Kenya's formally-designated refugee camps – Dadaab and Kakuma – house more than 200,000 Sudanese, Ethiopian, Somali, Central African and even West African refugees. These refugees are subjected to armed violence on a daily basis. A large proportion of refugee women collecting firewood are raped at gunpoint by armed assailants. The prevalence of firearms in and around Dadaab – and the insecurity this generates – has seriously affected the capacity of UNHCR to carry out effective 'care and maintenance'. Armed police escorts accompany all personnel in and around camps, and strict curfews have been imposed. The mobility of staff, their accessibility and visibility to refugees and even to some extent their motivation to be out among their beneficiary populations have all been undermined.

According to official UN reports, there are strong suspicions that the camps are being used to traffic in arms. Significant numbers of weapons once used in Sudan, Somalia and Uganda are being trafficked back into the refugee camps and surrounding areas of Turkana and Kenya's north-east (Ifo, Dagahaley and Hagadera). Bullets and guns have become a form of convertible currency, part and parcel of a 'gun economy', and have been absorbed into local customary livelihoods. This is a lethal addition to traditional conflicts over livestock, water and grazing rights. Clan-based militias and arms syndicates are gradually replacing clan elders as a key unit of political organisation.

deportations by the Serbian army, leading to NATO's 78-day air war. A survey administered by Vincent Iacopino and Ronald Waldman in 1999 noted that more than 30% of all Kosovar households reported at least one of the following abuses among members: shooting, threat at gunpoint, firearm homicide, torture, disappearance and sexual assault. In Colombia, it is widely accepted that a large proportion of the country's significant internal displacement is the result of massacres of civilian populations. The vast majority of these violations are carried out with small arms; nine out of ten atrocities committed against civilians in Colombia by the military, guerrillas or paramilitaries employ small arms.<sup>12</sup>

From Srebrenica to Goma, some of the worst small arms-related violations against civilians have occurred during transit, or in so-called 'safe areas'. This is largely because designated settlements populated by displaced people are highly insecure.<sup>13</sup> Camps are typically squeezed against an international border, or located on desolate and inhospitable land. It is now commonly accepted that locating a refugee or IDP camp near an international border, particularly where there is a conflict nearby, will never allow the settlement to be free of refugee warriors or armed actors. Camps have been targeted by domestic and foreign security forces, and used as 'training grounds' and recruiting bases for non-state actors. The case of Afghanistan is telling. Just prior to the US-led attack on Afghanistan in late 2001, reports noted that recruitment drives were increased in Pakistani refugee and Afghan IDP camps. *Taliban* authorities were returning weapons confiscated in 1995 and 1996 in order to bolster their strength; the spokesperson for UNHCR noted the agency's 'extreme concern' over 'the militarisation of internally displaced people' (AFP, 26 October 2001). Host governments have supported the use of refugee camps for cross-border counter-insurgency activities in Ethiopian camps in eastern Sudan, Khmer camps in Thailand and Salvadoran and Nicaraguan camps in Honduras. In the mid-1990s, refugee camps in Africa's Great Lakes were used to supply and accommodate Rwandan military and militia groups. Once these armed forces had regrouped and been trained, the camps became launching-pads for cross-border military operations against adversaries in Rwanda.

The militarisation of refugee camps presents a problem to the country of origin, to the country of asylum or temporary settlement and to the international community. Particularly in refugee-hosting countries, the presence of small arms in refugee

camps has resulted in a decline in offers for asylum. According to Melvern (2000), 'hosting refugees is increasingly perceived to represent a threat to state security'. At the very least, the use of small arms in camps raises concerns regarding the obligation of UNHCR and its implementing partners to protect refugees, and the extent to which it can intervene to control arms flows into and out of temporary settlements. The Inter-Agency Network on Displacement has noted that 'the lack of safe and unhindered access to vulnerable populations represents one of the major constraints on the provision of protection and assistance to displaced populations'.

UNHCR recognises that curtailing the sale or transfer of small arms would contribute to greater stability and security, and would reduce people's incentive to flee in the first place. In response to growing threats to refugees in camp situations, UNHCR has begun to deploy international police advisors to improve security and law-enforcement capacities, for instance in Kosovo Albanian camps and in Burundian camps in Tanzania. In many cases, UNHCR has hired host-country soldiers to ensure security in the camps, or funded firewood collection programmes to promote reforestation, as well as indirectly to reduce women's exposure to armed violence. It has also established a permanent working group on safety, as well as camp security surveys. In response to increasing camp militarisation, key interventions called for by UNHCR (2000: 1–2) include disarming exiled groups that have access to weapons; curtailing the flow of arms into refugee areas; and disarming exiled soldiers and other armed elements.

#### **The impact on access to basic goods**

The humanitarian impacts of small arms are not necessarily short-term, or even immediately visible. In many areas not typically associated with armed conflict, arms availability can generate a climate of fear among civilians and, in some cases, a culture of violence that can last for generations. Perception surveys from Guatemala, for example, indicate that many urban residents feel more insecure today than they did during the height of the war there. Among households, perceptions of insecurity can influence decision-making, access to food, water, shelter, mobility and commerce, and investment in productive resources such as labour and land. In short, the prospects for development are seriously undermined by the unregulated availability of small arms (Muggah and Batchelor, 2002).

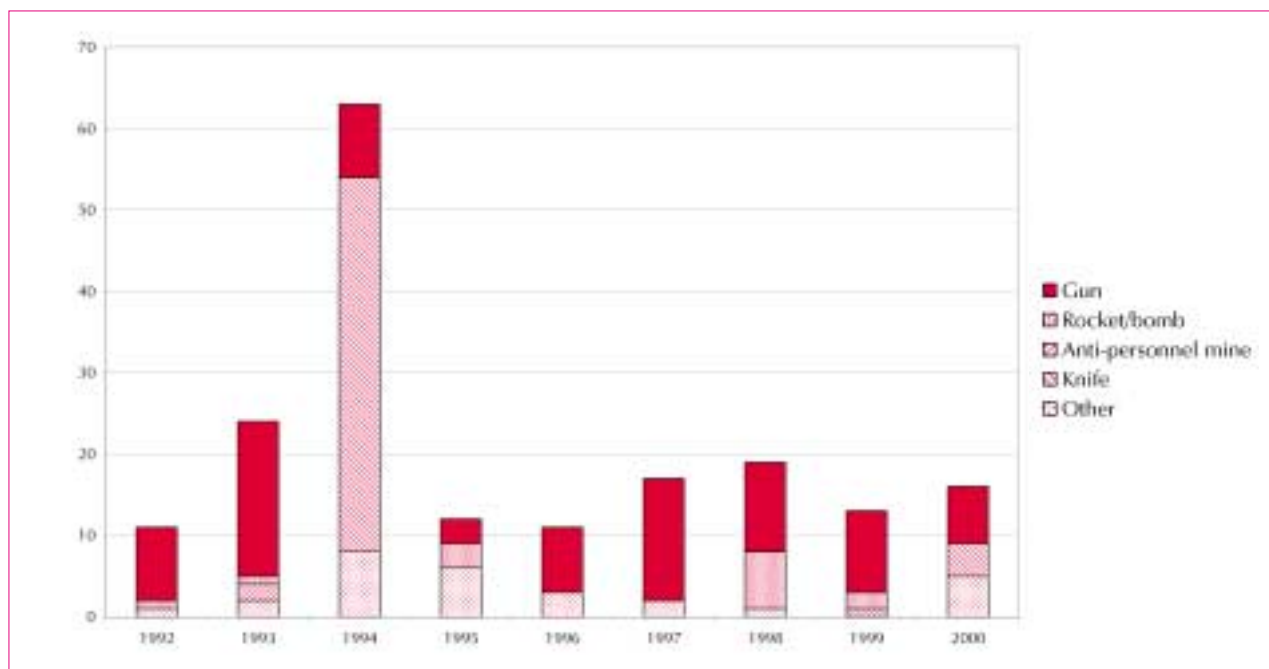
Small arms affect basic aspects of life in myriad ways. Humanitarian workers have noted persistent food insecurity among households in arms-saturated areas – even where those locations are 'benefiting' from

substantial agricultural and food aid – indicating a relationship between armed violence and access to basic entitlements (Muggah and Berman, 2001). In Kenya, services like schooling and healthcare have deteriorated or collapsed in areas where small arms availability and use are high. Literacy and school enrolment rates in arms-affected regions are well below the national average; according to a long-serving UNICEF programme officer, armed violence around Lokichokio in the early 1990s ‘made families keep their children from attending schools. As a result, all of the schools have clustered around this [UNICEF-Operation Lifeline Sudan] and other UN compounds’ (Muggah and Berman, 2001). The introduction of military-style automatic rifles into customary conflicts has undermined livelihoods and traditional migration patterns among pastoral groups in the north-east. In Colombia, as in many countries where forced displacement is common, key income-earning assets, including land and livestock, can be abandoned, stolen or disposed of following armed intimidation and massacres. Predictably, declining production also affects trade, reducing the opportunities for vulnerable groups to exchange assets for other commodities. In this way, the terms of trade rapidly decline in areas where small arms are readily available. Armed blockades and armed crime affect regional and local economies, increasing the costs of commodities such as gasoline and imported food.

Their low cost and accessibility make small arms particularly attractive commodities to unemployed, humiliated or disenfranchised young people, particularly adolescent males. Young unemployed men are most commonly the perpetrators as well as the victims of armed violence. According to the Congolese government, ‘the majority of young ex-combatants in the region want employment ... and it is unemployment that is the principal cause of war in Congo-Brazzaville’ (Muggah and Berman, 2001).

Weapons can also assume a symbolic role in the violent repression of women.<sup>14</sup> Small arms have been documented as tools of rape in war for centuries. They facilitate gender-specific atrocities, and raise the risk threshold for women (Dybdhal and Pasagic, 2000). Marija Olujic (1998) has reported that some 20,000 women were raped at gunpoint by Bosnian Serb soldiers as part of a deliberate strategic campaign to dehumanise and demoralise their opponents. Women may be recruited, often at gunpoint, into armed factions, where they may be subjected to sexual abuse and ritual humiliation, and put into situations of extreme insecurity. Women can also suffer a systemic decline in their access to basic goods and services through the loss of husbands and children to fatal and non-fatal injuries. This, in turn, leads to dramatic transformations in their earning power and social status, which extend well beyond the individual to the social and communal realm.

Figure 5: UN civilian deaths from hostile actions, 1992–2000



**Note:** The UN's security coordinating body UNSECOORD estimates that the UN had an average of 70,000 staff and dependants over the last decade.

**Source:** Muggah and Berman 2002



### Small arms and humanitarian operations

A further humanitarian impact of small arms concerns their effect on humanitarian personnel and operations, limiting or curtailing their access to people in need. The impacts of small arms on relief personnel range from the explicit targeting of staff by warring parties and criminals to the opportunity costs that stem from the diversion of relief aid and unproductive expenditures on security, transport and logistics. A study of death and fatal injuries among humanitarian workers over the last decade observed that, among UN, NGO, Red Cross and ICRC personnel, almost 70% of those killed were fatally wounded in acts of 'intentional violence' (Sheik *et al.*, 2000). This compares with 17% killed in vehicle accidents. Data gathered from medical journals

suggests that violent deaths among humanitarian workers are increasing in real terms, and that 'banditry was an important cause of death [with] most victims dying in the crossfire or in cold blood'. Available evidence also shows that, between 1992 and 2000, the annual firearm homicide rate among UN civilian staff was between 17 and 25 per 100,000 (Muggah and Berman, 2001). Between 1990 and 1999, more than 93 ICRC delegates were killed with small arms, and some 280 injured. Since January 1994, more than 240 UN personnel have been taken hostage or kidnapped at gunpoint in 63 incidents.

The available data shows that humanitarian agencies are often working in violent circumstances. This data does not, however, necessarily indicate a growing

Table 3: Fatal small arms injuries among selected UN organisations, 1992–99

	UNHCR	UNDP	UNICEF	WFP	Total
1992	Ethiopia (2)	0	Somalia (1) Sudan (2)	Pakistan (1)	6
1993	Afghanistan (1) Bosnia (1)	0	Somalia (1) Uganda (1)	Angola (3)	7
1994	Burundi (1) Iran (1) Ethiopia (1) Rwanda (11) Somalia (1)	Mozambique (1) Rwanda (17)	Cameroon (1) Egypt (1) Rwanda (11)	Angola (1) Burundi (1) Rwanda (1) Somalia (1) Uganda (3)	53
1995	0	0	Angola (1) Burundi (1) Nigeria (1) Somalia (1)		4 7
1996	Kenya (1) Zaire (1)	Rwanda (2)	Comoros (1) Somalia (1)	Angola (1)	
1997	Rwanda (1)	Rwanda (1)	Sudan (1)	Ethiopia (2) Rwanda (2)	7
1998	0	0	0	Angola (1) Burundi (1) Sudan (2) Uganda (1)	5
1999	0	Colombia (1) Jamaica (1) Somalia (1)	Burundi (1)	Angola (1) Burundi (1)	6
<b>Total</b>	<b>22</b>	<b>22</b>	<b>28</b>	<b>23</b>	<b>95<sup>15</sup></b>

Source: Muggah and Berman (2001)

**Box 7: Humanitarian operations and insecurity in Somalia**

For the past decade, aid operations in Somalia have been severely constrained by the presence of heavily-armed clans and armed bandits. Evacuations and the temporary suspension of programmes are common. A recent IRIN report (2000a) is illustrative: 'following the firing of AK-47s on a single-engine 9 seater Caravan (with no injuries or damage sustained to the aircraft), plans to resume work in Kismayo anytime soon are severely curtailed ... Kismayo is off limits for all UN operations until it becomes clear who carried out the attacks and until the threat has been removed. Elsewhere in Merka (70km south of Mogadishu), the UN has also been forced to suspend flights'.

In response to these 'security threats', security officers in Somalia conducted a survey to determine whether UN agencies could resume humanitarian operations after a six-month suspension. IRIN (2000b) reported that they 'were attacked at the UN WHO compound by a group of 30–40 men bearing small arms ... UN programmes had ceased after unidentified militia men sprayed gunfire at a European Community humanitarian plane'. Other incidents reported over the same period included a bomb on the roof of the WHO compound, and a grenade attack at the WHO compound and the offices of the Coordinating Committee of the Organisation for Voluntary Services. According to the same report, 'attempts to impose curfews, gun control and disarmament have been limited – as there is no authority here'.

*trend* in violence against aid workers. This is because the number of humanitarian agencies operating in dangerous environments has increased dramatically in the last decade. The growing number of incidents in real terms has to do with, on the one hand, agencies and their personnel working in ever-more insecure environments, and on the other, the availability of small arms in conflict and post-conflict zones, and the propensity of armed actors to use them.

Personal safety and security is a major source of stress for expatriate field staff working in violence-prone areas. The ICRC estimates that approximately 50% of its international and national staff suffer from emotional and behavioural difficulties during and following their assignment. According to a UN survey,

'armed conflict, mines, gunfire, murder, banditry, car-jacking, robbery, the narcotics trade, substance abuse and other criminal activities in the ... surrounding area were reported stress factors'. The psychological stress of working in situations where one's personal safety is continually jeopardised, of enduring extended separation from family who are constantly aware of loved ones' extreme danger, and of being surrounded on a daily basis by armed violence – all of these factors contribute to critical levels of stress and the potential for psychological trauma. If the safety of personnel cannot be adequately ensured, assistance and protection cannot be effectively provided. This damages access for beneficiaries to the basic services and supplies of which humanitarian agencies are often the main, or only, providers.





## Searching for a humanitarian response

The small arms issue has begun to move up the humanitarian agenda in recent years. Two key factors account for this. The first relates to the momentum that gathered during the campaigns to ban landmines, the development of the International Criminal Court (ICC) and the UN convention on child soldiers, and the encouragement these developments provided to disarmament campaigners to take on small arms.<sup>16</sup> The second factor is tied to the growing insecurity experienced by aid workers in the field, and more importantly, the perceived insecurity of the beneficiary populations they are seeking to aid and protect. Humanitarian and development practitioners, exposed to the impact of small arms in the course of their daily work, have started to take note and voice their concerns. The issue has been taken up by a number of UN agencies and NGOs, and websites on the subject have been developed for the UNDP, UNICEF, OCHA, WorldVision, CARE and others (see, for example, Oxfam-GB 2001; ICRC 1999). Humanitarian actors acknowledge that civilians are insecure, that their staff are regularly exposed to armed violence and criminality, and that small arms are frequently a key element in the various safety and security challenges they face.

A set of overlapping approaches for addressing the consequences of small arms has evolved:

- a *supply-side approach* that focuses on constraining the transfer of weapons to regimes that systematically violate human rights and international humanitarian law;
- a *human impact approach* that aims to mitigate the effects of weapons on civilians through the application of international humanitarian law and demand-related incentives; and
- an *operations approach* that stresses the damaging consequences of arms availability for relief workers and peacekeepers.

### The supply-side approach: strengthening controls and advocacy

A supply-side approach seeks to strengthen supplier-country controls and end-user conditionality in order to prevent the export of small arms to regimes that are known to violate international humanitarian law and human rights. Proponents of this approach stress that, while Article 51 of the UN Charter recognises the right of states to arm themselves in self-defence and to acquire weapons for military and police forces, Article 1 of the Geneva Conventions emphasises their simultaneous obligation to respect and ensure respect for international humanitarian law: 'the knowing provision of arms into situations where serious violations of international humanitarian law occur or are likely to occur should be considered a matter of grave concern'. In its strongest form, advocates of this approach contend that countries supplying weapons are accessories to the abuses committed with them – even genocide.

An important concern among disarmament advocates is whether to focus campaigning efforts on black and grey markets, or on legally transferred weapons. The question is relevant because 'it is unknown whether, in general, the legal or the illegal small arms trade contributes more directly to ongoing warfare and repression around the world' (Lumpe, 2000: 2). A humanitarian perspective, however, is a reminder that the impacts of small arms availability and use on human health and well-being are the same regardless of the source.

Proponents of the supply-side approach call for increased accountability and government scrutiny of small arms transfers, from the point of production to end-use certification. Advocacy networks such as the International Action Network on Small Arms (IANSA) and the Humanitarian Coalition on Small Arms, as well as organisations such as the UN High

**Table 4: Recent legislation and official commitments on small arms**

Organisation or country <sup>17</sup>	Type of intervention
European Union (1998)	EU Code of Conduct on Arms Transfers EU Joint Action on Small Arms
Latin America and the Caribbean (2000)	Brasilia Declaration (on the Illicit Trade in Small Arms and Light Weapons)
North Atlantic Treaty Organisation (2000)	NATO Parliamentary Assembly Resolution on Small Arms Control
Organisation of African Unity (2000)	Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons
Organisation for Security and Cooperation in Europe (2000)	OSCE Document on Small Arms and Light Weapons
Southern African Development Community (2001)	Declaration Concerning Firearms, Ammunition and Other Related Materials in the Southern African Development Community
United Nations (2001)	United Nations Programme of Action to Prevent, Combat, Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects
Germany (2000)	Policy Principles for the Export of War Weapons and Other Military Equipment
UK (2001)	Export Control Bill

**Box 8: Selected codes of conduct and the small arms trade**

Both the EU's Code of Conduct on Arms Exports and the OSCE's Document on Small Arms and Light Weapons initially sought to ensure that recipient states would comply with international humanitarian law and human rights criteria prior to the granting of export licences. While the codes demand that human rights and international humanitarian law should be taken into account, there are no specific obligations with respect to the transfer of small arms to abusive regimes. Significant gaps remain, particularly with respect to issues of brokering and licensed production, which leave ample opportunity for evasion. With problems like this in mind, the Canadian government proposed a convention prohibiting the international transfer of small arms to non-state actors in 1998, but this has received little support.

An international code of conduct has been proposed by a group of Nobel Peace Prize laureates and NGOs, led by former Costa Rican President Oscar Arias. Their Framework Convention on international arms transfers seeks to establish a legally-binding text that would make the approval of arms exports contingent on principles of human rights, humanitarian law, sustainable development and peace and stability.

Consistent pressure on governments by advocates has led to the adoption of guidelines and codes at the national level, notably in South Africa and the US. The US export control system is considered by many to be one of the world's best, and efforts have been made to reinforce it with a formal code of conduct. In Western Europe, both Germany and the UK have also undertaken to impose controls on the transfer of weapons to rights-abusing regimes, though as yet there is little evidence that this is working as envisioned.

Commissioner for Human Rights (UNHCHR) and Amnesty International, have called for stringent codes of conduct for the small arms trade. Other civil society actors, including the Oscar Arias Foundation, Ploughshares Fund Canada, and regional networks such as the newly-created West African Action Network on Small Arms (WAANSA) and the South Asian Partnership (SAP) group have also lobbied forcefully for codes of conduct to constrain the spread of small arms. Such codes would aim to improve transparency on arms transfers, limit the list of permissible recipients and strengthen post-transfer oversight.

A host of alternative strategies to reduce small arms transfers to abusive regimes and groups has also been developed. Prominent tools commonly invoked bilaterally by states and multilaterally by the UN are sanctions and embargoes. Multilateral embargoes – both legally-binding and non-binding – have been initiated by the UN, the EU and the Organisation for Security and Cooperation in Europe (OSCE). Unilateral arms embargoes have also been imposed by countries such as the US and the UK; the US maintains a policy to ‘deny licenses, other approvals, exports and imports of defence services destined for 20 countries, in addition to those countries on which the UN maintains a standing arms embargo’ (Small Arms Survey, 2002: 133).

The record on sanctions and arms embargoes is patchy at best. Even the most preliminary research indicates that at least 54 countries have been linked to shipments of small arms in violation of arms embargoes effective in 2001. The UN famously reported the case of end-use violations between Bulgaria, Romania and UNITA in Angola in what is known as the Fowler Report (UN, 2000). While the UN has, since 1992, held member states responsible for the activities of their nationals and transport agents, ‘embargo-busting’ continues. One school prefers targeted or ‘smart’ sanctions to minimise the indirect effects on civilians, while many critics insist that sanctions and embargoes are merely a substitute for more resolute action, excusing states from their legal and moral obligations to actively punish abusive regimes.<sup>18</sup>

Other proponents of the supply-side approach have sought to ‘name, blame and shame’ actors known to supply violators of human rights. Both Human Rights Watch and Amnesty International have documented illicit small arms transfers to abusive regimes, identifying perpetrators and publicly denouncing those responsible. An Amnesty report released in 2001, entitled *Human Rights Abuses with Small Arms*, is one such example. The report illustrates the range of

#### Box 9: The EU and a practical response?

Since adopting the 1998 Joint Action on Small Arms, the EU has supported practical measures to reduce small arms availability in affected countries. Several initiatives, in South-East Asia, Southern Africa, the Caucasus, Latin America and West Africa, have received significant attention.

The first, in Cambodia, sought to assist in the formation of national legislation on arms control; improved record-keeping; more accountable police–civil society relationships; the destruction of surplus weaponry; and capacity-building for non-governmental action on small arms awareness. Approximately \$1.8m was allocated to the initiative between 1999 and 2001. Another, Operation Rachel, involved 12 separate weapons collection and destruction efforts in Mozambique between 2000 and 2001, at a cost of \$200,000. The EU also contributed \$90,000 in 2000 to a joint OSCE/DPKO voluntary weapons collection programme in South Ossetia (Georgia). The EU is also involved in building capacity among law-enforcement officers in Latin America, and developing a database for firearms imports and exports, in cooperation with the UN’s Lima Centre for Peace and Disarmament. Finally, the EU contributed \$1.9m in 2001 to support the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, which is designed to operationalise the implementation of the ECOWAS Moratorium on the import, export and manufacture of light weapons, announced in 1998.

human rights abuses carried out with small arms. Violations described in the report include police brutality and torture, violence over land rights, massacres and extra-judicial killings, the excessive use of force and electoral violence. Another example is the study carried out by Barbara Frey in 2002, on behalf of the UNHCHR’s Sub-Commission on the Promotion and Protection of Human Rights. Mandated by Resolution 2001/120 in August 2001, the study appraises the extent to which the trade, possession and use of small arms violate human rights and humanitarian norms. Studies such as these seek to embarrass violating parties, tarnish their image and encourage changes in behaviour.

#### The human impact approach: civilians first

A second approach, endorsed by operational arms of the UN, the ICRC and major international relief agencies, seeks to heighten international and domestic awareness of the impact of small arms–



*A child plays at war, Pec, Serbia*

© ICRC/Boris Heiger

Proponents of this approach are particularly concerned that the accessibility of small arms, particularly to poorly-trained and undisciplined soldiers, acts as a multiplier of violence.

This approach is grounded in a heightened awareness of persistent violations of international humanitarian law. The purpose of international humanitarian law is to impose limits on how conflicts are conducted, including how weapons are used in them, and to impose prohibitions on the use of certain weapons in war (Levie, 2000; De Mulinen, 1987). The principal sources of international humanitarian law that relate to small arms are the St Petersburg Declaration of 1868, the Hague Conventions of 1899, the four Geneva Conventions adopted in 1949,

related violence on non-combatants and vulnerable groups. Referred to here as the 'human impact' approach, it aims to reorient attention away from technical concerns with supply, and towards more operational and demand-driven field activities focused on improving the protection of civilians against armed violence. This approach arises from concerns over the legal and operational implications of the civilian possession of small arms, and the strategic targeting of non-combatants in conflict.

and the two Additional Protocols to the Geneva Conventions, which were adopted in 1966 and entered into force in 1977. The four Geneva Conventions relate to: sick and wounded combatants in the field; sick and wounded and shipwrecked members of the armed forces at sea; the treatment of prisoners of war; and the protection of civilians in times of war. The Protocols relate to the protection of victims of international armed conflict, and the protection of victims of non-international armed conflict. The Geneva Convention

#### **Box 10: Disarmament, demobilisation and reintegration in Liberia and Sierra Leone**

In August 1996, the Buja II Agreement put an end to seven years of civil war in Liberia. Under the agreement, the Economic Community of West African States Cease Fire Monitoring Group (ECOMOG) was mandated to supervise the disarmament of the warring parties, under the watchful eye of the UN Observer Mission in Liberia (UNOMIL). The disarmament and demobilisation programme, carried out between November 1996 and February 1997, was successful to the extent that elections were held soon after its completion. In return for weapons, combatants received demobilisation cards, which entitled them to one month's-worth of food rations and a promissory note for other benefits such as medical care, agricultural supplies or participation in a food-for-work initiative. However, no effective weapons-related legislation or stockpile management was put in place. Persistent under-funding further damaged the programme, as promised entitlements were not delivered.

In neighbouring Sierra Leone, the government, ECOMOG and the UN Mission in Sierra Leone (UNAMSIL) sought to disarm Revolutionary United Front (RUF) forces. Some 12,695 weapons and 253,535 rounds of ammunition were retrieved between November 1999 and May 2000, when some 500 UN peacekeepers were taken hostage and nine killed. The quality of the weapons collected was poor, and because the small arms were not destroyed, they were subsequently recaptured by rebels. The programme had a number of shortcomings: inoperable weapons were accepted; non-combatants were accepted as bona fide members of the RUF; collected weapons were not immediately disabled by the disarmament programme; and the \$300 cash payment for handing weapons fuelled demand, as people sought additional arms so as to gain additional payments (Small Arms Survey, 2002: 289–90). Quite apart from the programme itself, the initiative proved particularly ineffective given the intensive rearmament of rebels between 1999 and 2000, despite an international arms embargo and the ECOWAS moratorium of 1998.



also criminalises the act of genocide.<sup>19</sup> Also included in the corpus of international humanitarian law are customary laws of war and treaties prohibiting certain weapons, such as the 1980 UN Convention on Certain Conventional Weapons and the Anti-Personnel Land Mines Convention, the so-called 'Ottawa Treaty'.

The primary purpose of international law, including treaties and customary law, is to lay down rules prescribing the conduct of states, not to regulate the behaviour of individuals. Nonetheless, international humanitarian law has adapted to reflect the nature of contemporary internal conflicts, and is evolving to deal with individuals or non-state actors. According to Emanella-Chiara Gillard (2000: 45), this shift was necessary since 'legal practice must adapt to the changing dynamics of conflict if it is to have any realistic expectations of protecting civilians'. The findings of the international war crimes tribunal for the former Yugoslavia note that 'international law ... must gradually turn to the protection of human beings'.

International humanitarian law does not aim to resolve the underlying causes of conflict, but to minimise the humanitarian impact of conflict, including from the misuse of small arms. Supporters of the human impact approach are adamant that, even where judicial systems are breaking down, there should not be a legal vacuum with respect to international law. On the contrary, although difficult to apply, it is argued that it is precisely in such situations where international humanitarian law is most urgently required. To reduce the vulnerability of civilians, humanitarian agencies seek to disseminate information about, and educate warring parties in, humanitarian law in an attempt to influence their behaviour. The ICRC, which is mandated with this task, has recommended the education of armed forces about the basic precepts of international humanitarian law as a vital first step to reducing civilian casualties.<sup>20</sup> Agencies have also sought to better apprehend the underlying causes of atrocities against civilians in order to improve their own interventions. Even as they acknowledge the complex motives underpinning conflict and small arms use, some agencies have initiated practical interventions, combining sensitisation campaigns and development programmes with voluntary disarmament. While conceptually innovative, it remains to be seen whether measures such as disarmament, demobilisation and reintegration (DDR) will be successful in practice.<sup>21</sup>

Some agencies have publicised and advocated against instances of armed abuse; in November 2000, for instance, MSF mounted an advocacy campaign in Angola to highlight abuse of international humanitarian law by the warring parties there (DuBois,

2001). This kind of approach is, however, too radical and controversial for some; publicising atrocities can make it more difficult and dangerous to deliver assistance, and can compromise access to the very people that advocacy is seeking to protect.

### The operations approach: improving the security of aid work

A third humanitarian perspective on small arms is referred to here as the operations approach. It is a reaction to the impact of arms availability on the quality and effectiveness of humanitarian action. It stresses the need to improve security and protection for humanitarian operations within a deteriorating security environment. Rather than trying to reform the entire situation, it seeks a pragmatic field-based response to allow the work to go on.

Some aid agencies are moving quickly to improve their safety and security management. There are a variety of initiatives and inter-agency projects under way, mostly related to incident reporting, research, training, advocacy and improved efforts to coordinate and share information at field level. While the majority of these initiatives are well conceived, many are *ad hoc* and improvised. In most cases, they do not build on problem analysis, evidence-based management or a sophisticated advocacy strategy. As a result, there are critical weaknesses, confusions and unnecessary duplication. The fact remains that, in far too many aid agencies, senior managers do not recognise the problem, or do not feel that they can usefully intervene.

Faced with the threat of armed attack, almost always with small arms, humanitarian agencies have in some cases resorted to armed protection, military guards and private security companies to reduce their vulnerability and exposure. UN humanitarian convoys use military or armed escorts in almost half of the 20 or so complex emergencies where the Office for the Coordination of Humanitarian Affairs (OCHA) is involved. NGOs use armed protection on a regular basis in four conflict-affected countries: northern Iraq, Somalia, Russia (Ingushetia/Chechnya) and northern Kenya. Agencies also occasionally use armed escorts on a case-by-case basis in volatile security situations, for example Rwanda, or if an escort is required at a border, as between Pakistan and Afghanistan (Barry and Jefferys, 2002). All of these actors are potentially uneasy collaborators for aid agencies.

At the request of the UN Deputy Secretary-General's Task Force on Security Policy, OCHA is preparing generic guidelines on the use of armed protection by aid agencies. However, disagreement reigns. Concerns arise in relation to the perceptions

of other stakeholders, and the contribution of armed protection to the overall security environment. There is a vociferous debate within the humanitarian community about the circumstances in which such strategies should be acceptable, and to what degree. The decision to take armed protection relates to three core issues: principles, context and management (Small Arms Survey, 2002).

The use of armed protection raises a number of important questions:

- is the use of force to protect aid agencies justified under certain conditions?;
- can the use of armed protection threaten the neutrality and impartiality of humanitarian action?;
- could the use of armed protection in fact escalate the security risk?;
- could armed protection contribute, directly or indirectly, to a 'mini-arms race'?; and
- who could be the legitimate providers of armed protection?

Some argue that force can be used in a principled, measured and accountable fashion (Van Brabant, 2001a). Force, in this view, can be for the public good, and enhance the security of aid workers, and hence the availability of assistance and protection for civilians. Furthermore, while few doubt that agencies prefer to avoid armed protection, in some extreme situations many lives may be at risk if insecurity prevents the delivery of assistance.

If an agency decides to use armed protection, key questions are: who provides it?; does it increase or decrease risk?; and who benefits from it? The question of the provider is vital. Choices range from national police or army personnel to armed guards

hired privately by the agency, from tribal warriors to members of an international peacekeeping force. Each cluster of actors has a particular image in any given context, and like the aid agencies themselves, each is part and parcel of the political economy of their environment. Furthermore, the adoption of armed protection may in some situations actually *increase* the risk of armed attack (Van Brabant, 2001). If the conditional use of force is agreed in principle, and careful analysis reveals that an acceptable provider is available, the next question concerns management. Should the management of armed guards be directly coordinated by the agency, or by an external command? Key questions that would need to be resolved relate to: who has authority and responsibility for the selection, hiring and firing of guards, the choice of weaponry, rules of engagement, supervision and disciplinary action; what ethical and legal framework and personal code of conduct will apply to the armed guards; and who provides the armed guards with their equipment, food, board and transport.

Ultimately, many UN and NGO staff are uncomfortable with engaging with armed actors. This is both a product of latent anti-militarism, as well as legitimate criticism of the political and economic agendas of internationally-deployed soldiers and security personnel. Criticism has been levied against national and international military actors as a result of their use of torture (for instance in Somalia), rape (in Guinea), drug-smuggling (as in Afghanistan), hardwood trafficking (for example in Cambodia and Myanmar) and extra-judicial killings (in West Africa). Some international forces have also been criticised for their lack of discipline and accountability. If engagement is to proceed, a greater level of confidence in, and oversight of, such actors will be required.



# Conclusion

While small arms are not in themselves the *cause* of conflict, these weapons are the primary *means* by which combatants and civilians violate international humanitarian law and human rights on a massive scale. Every year, at least 310,000 men, women and children are intentionally shot and fatally wounded in war – and many millions are left disabled, or die from untreated injuries and secondary illness. As these types of weapons become more readily available, their contribution to human suffering in conflict and instability will increase. The availability of such weapons in societies embroiled in or emerging from war poses a long-term challenge to the humanitarian community. But the humanitarian costs of small arms are often so systemic, so pervasive, that people do not see them for what they are.

The unregulated availability of small arms threatens the safety and security of humanitarian personnel and those they seek to assist. The magnitude and severity of the problem must be better understood. Preliminary studies indicate that it is possible to collect extensive data from UN and humanitarian agencies on the use of small arms. This should be encouraged – and provisions exist within the UN Programme of Action (2001) for government support in this regard. Ultimately, whether resources are provided or not, the fact remains that good data forms the basis for good policy.

States have a primary responsibility for addressing violations of international humanitarian law and ensuring the safety of their civilian populations. The development of norms with respect to international humanitarian law and the formulation of informal and formal standards of good conduct are necessary steps to make both states and non-state actors more accountable. But the humanitarian community must also come to the table, and engage more proactively on the issue of small arms availability and misuse.

Ultimately, a humanitarian perspective on small arms can provide a vital space for achieving agreement in an arena dominated by politics and commercial interests. Although disagreements exist within the humanitarian community over how best to approach the issue, all parties basically agree that a humane approach to small arms control is desirable. This would aim to reduce the impact of armed violence on civilians, and reduce or eliminate their exposure to violations by means of these weapons. In essence, a humanitarian perspective enables all concerned to focus on the practice, rather than the narrative, of war.

At the most general level, UN agencies and NGOs, policymakers, practitioners and researchers must broaden the small arms debate to encompass humanitarian concerns. The language and discussion of small arms should reflect as clearly and comprehensively as possible the short- and long-term human costs of availability and misuse, rather than technical or normative approaches to arms control. As this paper shows, the scale and magnitude of the human costs extend well beyond intentional injury and death. The insecurity generated by the widespread availability and use of small arms undermines fundamental human rights and security.

Humanitarian agencies should also undertake empirical studies for advocacy purposes, as well as begin an internal dialogue about the extent of the humanitarian impact of small arms. Aid agency staff cannot be expected to monitor small arms flows or arms smuggling in their theatre of operations. Nevertheless, the humanitarian community could reflect on how the international campaign to ban landmines, for example, used investigations into the effects of anti-personnel mines to mobilise a broad constituency around the issue. Although the small arms issue is not as neatly defined, much of the success of the land mine campaign derived from a

humanitarian strategy based on the accumulation of evidence from the field. Importantly, it began with focused studies to inform a campaign, rather than the other way around. In this regard, it should be recalled that victims of small arms outnumber victims of landmines by a factor of 20 – and that small arms are an equally urgent humanitarian issue.

Donor governments should support NGOs and governments to collect and analyse data on the effects of small arms. This would foster awareness of the issue among policy-makers, and strengthen partnerships between governments and NGOs. As a first step, case-specific material must be gathered systematically, research must be supported and government, UN and NGO representatives should be sensitised to the importance of collecting and reporting on the impact of small arms. Epidemiological surveillance and monitoring is vital to inform evidence-based interventions, and to evaluate the success of these initiatives.

Humanitarian actors should encourage information-sharing on the issue of small arms and their effects. Greater priority must be attached to collecting and sharing information between public institutions, multilateral agencies and international and national NGOs, where this is possible and appropriate. At the very least, traditional intelligence-gathering by the security personnel of agencies could incorporate issues related to small arms, such as domestic and regional legislation governing weapons, the management of national stockpiles and the leakage of weapons into civilian hands, and the relative success or failure of collection and destruction programmes.

Such data can provide critical early-warning indicators, and allow humanitarian agencies to assess risk, and plan appropriately for contingencies.

Finally, while there are clear instances where armed violence is so endemic that physical protection is required, the UN and NGOs should continue to adopt clear and transparent norms discouraging weapons use in the field. Symbols condemning possession and prohibiting weapons on humanitarian premises, such as those used by the ICRC and others, can effectively inculcate norms of non-possession. Furthermore, agencies could consider supporting measures to improve transparency and oversight, so as to ensure that the aid infrastructure is not being used to facilitate arms proliferation or trafficking. Such a regime would rely on the regular reporting of incidents associated with small arms misuse, intelligence regarding the presence and types of weapons seen in the region in question, and effective screening of sub-contracted transport agents and security providers.

So how to move forward, with a community that is not inclined to speak with one voice, is operationally-focused more than evidence-based and often, to some extent, dependent on the agendas and interests of its funders? This paper argues for the generation of better evidence of the consequences of small arms, a strong voice from the field on humanitarian issues, a clearer definition of campaigning goals that are acceptable to a broad range of humanitarian actors, and public leadership by humanitarians who believe in the value of reflection, as well as action.

# Notes

<sup>1</sup> The formative work in this area is Smith, 1993. See also Karp, 1994; Boutwell *et al.*, 1995; Singh, 1995; and UNIDIR, 1995. For a comprehensive review of the literature on small arms control, see [www.small-armsurvey.org](http://www.small-armsurvey.org).

<sup>2</sup> The calibre, design and velocity of ammunition and firearms can be divided into commercial and military specifications. Single-shot and semi-automatic hunting rifles (for example, .22s), pistols and revolvers (.38 or .9mm) are designed for civilian and sporting use, with the 'stopping power' adjusted according to the user. Most semi-automatic and fully automatic weapons are designed to secure maximum military advantage, and do not conform to these restrictions.

<sup>3</sup> These estimates are based on figures drawn together in Small Arms Survey, 2002.

<sup>4</sup> Like the defence industry more generally, the small arms sector has consolidated in recent years through mergers and acquisitions. This is partly as a result of cuts in defence spending, but also stems from the decline in demand as a result of downsizing. Some of the world's most familiar producers have been acquired by larger defence companies, or by the more prominent small arms producers. See Small Arms Survey, 2002.

<sup>5</sup> Bounds and Wilson (2002) reported on the single largest shipment of illegal weapons known to have made the trans-American crossing. The Nicaraguan police are known to have exchanged 3,000 AK-47s for new Israeli-made weapons with a Guatemala-based Israeli arms company, Girsá, which was to sell them on to the Panamanian police. In November 2001, the Nicaraguans loaded the arms on a ship from Mexico destined for Panama, and two Panamanians took custody. The ship bypassed Panama and docked by night at the remote northern Colombian port of Turbo. A convoy of lorries collected the 14 containers and disappeared into Uraba, a known smuggling route to and from Central America. It is not known where the weapons were destined.

<sup>6</sup> Methods aimed at revealing people's own perspectives, such as victimisation surveys and participatory research, are considered in Small Arms Survey, 2002. The use of participatory action research to measure the impacts of armed violence in Pakistan, Bangladesh, India and Sri Lanka are detailed in Banerjee and Muggah, 2002. Moser and MacIlwaine (1998) have also drawn on participatory methods to appraise violence, including armed violence, in Colombia, Guatemala and Jamaica on behalf of the World Bank's Voices of the Poor initiative.

<sup>7</sup> According to Murray *et al.* (2002), measuring direct

mortality (battle deaths) is exceedingly difficult – though indirect measurements (for example household surveys), media reports and other sources give very approximate numbers. A ratio of 9:1 has been the accepted ratio of indirect to direct conflict deaths, but there is little evidence to substantiate this.

<sup>8</sup> See, for example, the findings of five epidemiological studies carried out by the IRC (2001) in the Democratic Republic of Congo.

<sup>9</sup> The fact that millions die each year, not from direct acts of armed violence, but because the various functions of armed violence deprive them of access to health services, is not a novel finding (see, for example, Ghobarah *et al.*, 2001; and Leaning *et al.*, 1999).

<sup>10</sup> The Small Arms Survey (2001: 206) describes how the Egyptian government sanctioned arms deals of over \$26m, that South Africa provided more than \$5.9m-worth of arms, and that Rwanda's Structural Adjustment Programme (SAP), negotiated in the early 1990s, freed up resources for still more arms purchases from neighbouring and foreign governments.

<sup>11</sup> The ICRC does not request information on non-combatant status, only on the sex and age of patients. A retrospective analysis of approximately half of all patients admitted to ICRC hospitals in the areas given since 1991 revealed that 35% were females, males under the age of 16 or men over 50. See Coupland and Samnegaard (1999) for a discussion of these figures, and the severity of wounds associated with in-patients.

<sup>12</sup> See, for example, Comisión Colombiana de Juristas (2000) and Medicina Legal y Ciencias Forenses (2000) for more detailed analysis of who is committing armed atrocities in Colombia.

<sup>13</sup> There is a large literature on the placement of camps; see, for example, Cernea and McDowell, 2001; Cohen and Deng, 1998; Colson, 1971; Crisp, 1996; and Harrell-Bond, 1996 and 1986.

<sup>14</sup> On the social construction of small arms, see Cock, 2000; and Fitamant, 1999.

<sup>15</sup> An earlier study by Muggah and Berman (2001) noted higher rates, with an additional eight deaths, though these are not included in the figure given here for lack of additional geographic data.

<sup>16</sup> For a comparative analysis of all four campaigns, see Hubert, 2000.

<sup>17</sup> For more information on German and UK export policies relating to small arms, see [www.projects.sipri.se/expcon/natexpcon/Germany/frg\\_guide.htm](http://www.projects.sipri.se/expcon/natexpcon/Germany/frg_guide.htm), [www.projects.sipri.se/expcon/natexpcon/UK/qsp.htm](http://www.projects.sipri.se/expcon/natexpcon/UK/qsp.htm) and [www.dti.gov.uk/export.control/notices/2000/notice115.htm](http://www.dti.gov.uk/export.control/notices/2000/notice115.htm).

<sup>18</sup> See, for example, BICC ([www.bicc.de/general/conversion-studies/no6/content.html](http://www.bicc.de/general/conversion-studies/no6/content.html)) and SECO ([www.smartsanctions.ch/links.htm](http://www.smartsanctions.ch/links.htm)) for more on 'smart' sanctions.

<sup>19</sup> The UN Convention on Genocide was agreed in December 1948, and came into effect in January 1951. Only eight people have been convicted for their role in the Rwandan genocide, and only one person convicted as a result of actions in the war in Bosnia.

<sup>20</sup> With regard to Afghanistan, for example, Michael

Ignatieff (1997) notes that 'the ICRC cannot end the flow of arms from Pakistan and Russia; and can't enforce a ceasefire – it can only get factions to observe some basic rules'. These include: (1) not shooting at the wounded; (2) not attacking ambulances; (3) not targeting hospitals; (4) not attacking civilians; and (5) not torturing prisoners. See also De Mulinen (1987).

<sup>21</sup> See Small Arms Survey (2002: 279-321) for a detailed analysis of weapons collection measures.

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