

bulletin

Small Arms and Human Security

After the RevCon: a survey of multilateral processes on small arms

A decade or so of focus on gun violence and the arms trade at the global level has generated growing attention and resources to this issue, however difficult it is to gauge the impact of these efforts. At their core, the 2001 UN Programme of Action (PoA) on small arms¹ frames a range of action, research and information exchange at the national, regional and global levels. It has generated dedicated efforts on the marking and tracing of guns – now under the umbrella of a specific political instrument adopted in 2005² – and brokering.³ Further, a civil society campaign promoting the adoption of criteria to regulate weapons transfers has secured unprecedented government support for the elaboration of legally-binding guidelines.⁴

Yet the much-awaited conference to review progress on the implementation of the PoA (RevCon), held in mid 2006, spectacularly failed to agree an outcome document, momentarily threatening the continuation and effectiveness of global efforts to tackle the small arms problem.⁵ A few months later, States did recommit to the system of biennial reviews in a resolution adopted by vote at the fall session of the First Committee, the specialised body of the UN General Assembly dealing with disarmament and international security issues.⁶ However a lesson learned from the RevCon is the value of multiple or alternative processes to tackle this complex issue.

This article will scrutinise global efforts to tackle small arms proliferation. It will suggest a way of conceptualising action into manageable components, and proceed to map out relevant multilateral processes where these could be tackled, noting too that there may be risks involved in a fragmentation of the small arms agenda.

Also in this issue ...

The Human Rights Council and efforts to reduce small arms and light weapons related violence, Ambassador Luis Alfonso de Alba *page 3–4*

Weapons control at the Peacebuilding Commission, Carolyn McAskie *page 5*

A human security framework for global action on gun violence and the arms trade *page 6–7*

The OECD's Development Assistance Committee (DAC): Coordinating responses to armed violence, Mark Downes and Lisa Williams *page 8–9*

In Their Own Words: What are your three priorities in the coming two years relating to global action on preventing armed violence? *page 10*

News in Brief *page 11*

The value of global processes

The immediate reason for the RevCon's failure to agree an outcome document was the United States' objection to any continuation of the UN's role in monitoring small arms control efforts. The US argued that effective follow up should be limited to national and regional action: "An honest assessment of [progress registered] in the last five years will lead to the conclusion that effective follow-on action requires commitment on the part of states to meet agreed-upon obligations and serious engagement in regional bodies such as the OSCE, the OAS, and others."⁷ In contrast, other States that stated a position supported the continuation of the existing pattern of UN biennial meetings of states (BMS') and review conferences in some form or another, and discussed ways to improve or intensify this system. As the Chair of the meeting observed, "[t]he U.S. views on the follow-up are very different. . . Their position was unique."⁸

Admittedly the deadlock at the RevCon was also connected to much broader issues such as the UN reform process and the opposition of the US to multilateralism, as well as entrenched notions of sovereignty, freedom of trade, and civil liberties in a wider group of States. However, the argument presented – namely that global action has not delivered any concrete results – deserves critical and constructive consideration. Ending the UN's oversight seems a misguided response.

Action to address weapons availability and misuse must, of course, be taken at the national level. This is where laws are made and implemented, export control regimes drafted and applied, records kept, awareness raising campaigns launched, violence prevention programmes devised, disarmament and weapons collection exercises get underway, and where the success of all these initiatives should be measured in lives saved and improvements to human security.

National action is often informed and triggered by progress at the regional and global level. While only one legally-binding instrument on small arms exists at the global level – the UN Firearms Protocol⁹ – numerous regimes have been put in place at the regional level across Africa, Europe, and Latin America particularly. Legally-binding conventions and protocols have been adopted, partnerships established, and action coordinated

among neighbouring nations, ensuring the harmonisation of legislation and the coordination of disarmament exercises.

Due to the diversity of interests among the international community, progress at the global level is undoubtedly more difficult to achieve. Yet it is striking to note that the majority of regional instruments and declarations on small arms control have been adopted in the last six years, that is, immediately prior to or since the adoption of the PoA in 2001. Clearly the UN process has provided the impetus for such regional action to proceed, and regular UN global meetings set the pace for continued progress.

Meetings at the global level also provide a mechanism to check on progress towards meeting commitments by States from regions where no strong regional organisation and/or instruments exist. In such cases, the UN provides the only means by which pressure can be applied from below, by local civil society organisations, *and* from above, by the international community. Global meetings also provide a helpful forum for the exchange of information between regions, particularly for the coordination of international assistance.

Unpacking the agenda to reduce gun violence

The agenda on small arms is broad, particularly compared to other arms control processes. Efforts to curb gun violence and the arms trade must pursue five overarching objectives:

1. Regulate the use of small arms by state agents (police, military), and non-state actors (civilians, armed groups, private security companies)
2. Drain the existing pool of guns and ammunition (disarmament, weapons collection, stockpile management), so as to tackle too easy availability of weapons
3. Regulate the transfer of small arms (transfer criteria, embargoes, brokering activities, marking and tracing)
4. Reduce the demand for guns (strengthening the rule of law, linkages to development, gender considerations)
5. Assist survivors of armed violence (through recognition of their rights, analysis of their needs, and provision of adequate services)

Bound by the rule of consensus within the disarmament processes of the UN, States find it difficult to progress on such a broad agenda. An effective option is therefore to tackle various components in a range of forums. This now seems to be occurring, and the rest of the article charts some of these initiatives (see pp. 6–7 for an overview of multilateral processes).

The PoA itself launched separate tracks to advance work on particular issues. Marking and tracing is an example already of a (non-binding) agreement in this area. A Group of Governmental Experts (GGE) has also started work on brokering activities, with 25 experts meeting in November 2006 to discuss the issue, and further

meetings scheduled for March and June 2007. The final report will feed into the 2007 session of the UN First Committee. This Committee also decided to establish another GGE to commence work by 2008 to “consider further steps to enhance cooperation with regard to the issue of conventional ammunition stockpiles”.¹⁰ Furthermore, the feasibility of a legally binding instrument establishing common international standards for the import, export and transfer of conventional arms will now receive the attention of the UN Secretary General before being further explored by another GGE in 2008.¹¹

Other aspects of the small arms agenda could be tackled within particular UN bodies or agencies. For example, the Human Rights Council should be able to address the human rights aspects of the issue including the misuse of small arms by state agents.¹² The UN Peacebuilding Commission is well placed to consolidate efforts to control and remove excess guns and ammunition from circulation in countries recovering from war.¹³ The UN Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS), launched in December 2006 and to be continuously refined, could also offer further guidance on these issues.¹⁴

Finally, recognition of the links between armed violence and development has triggered a number of promising initiatives, including the June 2006 Geneva Ministerial summit on Armed Violence and Development – Switzerland and others are now evaluating possible follow up to the declaration adopted by the summit – and the work undertaken by the OECD Development Assistance Committee.¹⁵

A risk of fragmentation?

Clearly there are many initiatives underway that present opportunities to advance policy and practice on small arms control. But are there risks involved in this diversity of approaches?

The fragmentation of global efforts could lead to the adoption of divergent or contradictory standards in different processes. As an example, the issues of transfer controls, brokering, ammunition controls and marking and tracing are clearly linked, and at a minimum any standards adopted should be consistent with each other.

Secondly, while certain issues will move forward faster, others could consequently remain stranded. Fragmentation of the agenda into different issues will indeed enable States to move forward on items ready for progress without being slowed down by the need to achieve consensus. But it could be that momentum will be lost to tackle more difficult issues, with pressing humanitarian problems left unaddressed.

The PoA provides a counterbalance of sorts to some of these risks in its call for consistent action at a variety of levels and through its comprehensive approach reminding us of all aspects of the problem. Regular information exchange meetings also provide continuous opportunities

to assess progress, whose importance cannot be underestimated. This is not to say that the system of BMS' in place over the past five years was ideal. However, rather than abandoning it a better option would be to make it more effective. Several States and the International Action Network on Small Arms have suggested proposals designed to improve the effectiveness of the meetings, which remain relevant.¹⁶ It will be up to States, in the coming months, to make this happen.

Where legal agreements are rare and political agreements more the standard, adoption by consensus can provide additional weight to the provisions and ensure greater accountability for implementation efforts. It may be a good thing that the UN process on small arms remains a consensus-based process – as long as other avenues exist to avoid paralysis at the global level. Diversifying the focus of multilateral action while continuing the UN process on small arms will also generate more realistic expectations on future biennial meetings and review conferences: they are not the be all and end all.

Endnotes

- 1 *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*, A/CONF.192/15 [hereinafter: PoA]
- 2 *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, A/60/88
- 3 In 2005 States decided to establish a Group of Governmental Experts to “consider further steps to enhance cooperation to prevent, combat and eradicate illicit brokering in small arms and light weapons”. See A/RES/60/81 of 11 January 2006.
- 4 See the Control Arms campaign at www.controlarms.org
- 5 As used here the UN process on small arms refers to the series of meetings instituted by the PoA, including biennial meetings of States and a review conference. For more detail on the RevCon itself, see Centre for Humanitarian Dialogue (2006), *The UN Review Conference on small arms control: Two steps backwards?* Available at: www.hdcentre.org/datastore/Small%20arms/ISS_Article.pdf
- 6 Resolution A/C.1/61/L.15/Rev.1. For more information on the First Committee, see Centre for Humanitarian Dialogue (2005), *Small arms control: A focus on the 2005 session of the UN First Committee*; an analysis of the 2006 edition is also forthcoming and will be available at: www.hdcentre.org/Small%20Arms%20Occasional%20papers. For the full list of First Committee Resolutions agreed or otherwise and other information on the 2006 First Committee go to: www.reachingcriticalwill.org/political/1com/1comindex1.html#2006; or www.acronym.org.uk/un/index.htm.
- 7 Fact Sheet, US Bureau of Political-Military Affairs, Washington, DC. 9 June 2006
- 8 Prasad Karyawasam quoted by Haider Rizvi (2006), *No Deal on Illegal Gun Trade*, InterPress Service News Agency, 7 July, available at: www.ipsnews.net/news.asp?idnews=33901
- 9 *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime*, A/55/255, 8 June 2001
- 10 See the full text of the Resolution: “Problems arising from the accumulation of conventional ammunition stockpiles in surplus” (A/RES/61/26)
- 11 See the full text of the Resolution: “Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms” (A/RES/61/55)
- 12 See article by Amb. Luis Alfonso de Alba in this Bulletin, *The Human Rights Council and efforts to reduce small arms and light weapons related violence*, p. 2
- 13 See article by Carolyn McAskie in this Bulletin, *Weapons control at the Peace-building Commission*, p. 5
- 14 See www.unddr.org for more information
- 15 See article by Mark Downes and Lisa Williams in this Bulletin, *The OECD's Development Assistance Committee (DAC): Coordinating responses to armed violence*, p. 8
- 16 See www.iansa.org/un/review2006/documents-english.htm; see also Conference Room Paper *Proposal for Chapter IV Follow-up* submitted by The Netherlands to the Review Conference: www.un.org/events/smallarms2006/pdf/SALW%20-%20CRP2%20Netherlands.doc

Opinion

The Human Rights Council and efforts to reduce small arms and light weapons related violence

by Ambassador Luis Alfonso de Alba

The use of small arms and light weapons to violate human rights is well documented. Human rights subject the use of force by States to certain rules, and oblige them to take action to prevent and punish weapons misuse by officials and private persons. States also have an obligation to provide for the highest standards of physical and mental health, which is directly relevant to survivors of armed violence.¹

Some of these issues have been addressed within the UN process on small arms, with various degrees of success. Most disappointing so far has been the failure to advance the question of regulating the possession and use of firearms by private actors.² Despite a large number of States indicating their concern for this issue, the staunch opposition of one State in particular has precluded any progress on identifying good practices and basic principles.

In addition, the omission of references to human rights in that process remains a concern. Interestingly the newly created Human Rights Council could provide, from its very human rights perspective, a new opportunity to advance weapons control policy and practice.

The work of the Special Rapporteur

Since 2002, Barbara Frey, the Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons, has produced three reports which describe the adverse consequences for human rights of the misuse of small arms by state and private actors, in peacetime and in situations of armed conflict, and detail States' obligation to prevent the transfer of small arms into situations where they are likely to be used to commit serious human rights abuses. Frey also developed a set of *Draft Principles on the prevention of human rights violations committed with small arms and light weapons* (Draft Principles) that reaffirm and further elaborate a number of relevant human rights obligations.

Draft Principles: main features

The Draft Principles are divided in two parts: obligations with regard to State agents (e.g. police, military forces), and due diligence to prevent human rights abuses by private actors (e.g. civilians, armed groups, private security companies).

For State agents the Draft Principles reaffirm the obligation to uphold and affirm human rights, including the right to life, liberty and security of the person. This obligation requires the adoption and enforcement of strict rules and regulations regarding the use of force, as well as the prosecution of arbitrary or abusive use of force by independent and competent authorities. They call for the proper storage and management of weapons, and appropriate selection and training of law enforcement officers, particularly with regard the proper use of guns and ammunition. Special care is mandated for the use of lethal force.

The Draft Principles also detail measures States need to take in order to fulfil their duty of due diligence and prevent human rights abuses by private actors. These include licensing requirements, such as the need for a valid reason, training, minimum age, mental fitness, requested purpose, no prior criminal record or record of misuse, including acts of family and partner violence. Licenses must be renewed periodically. In addition, governments must ensure proper controls over the manufacturing, marking and tracing of small arms, and investigate and prosecute offenders. The Draft Principles encourage the development of disarmament, demobilisation and reintegration programmes and weapons collection activities. Finally, international transfers that would violate States' obligations under international law shall be prohibited, "including in circumstances in which such arms are likely to be used to commit serious human rights violations".

The way ahead

The late Human Rights Commission adopted in 2005 a set of Principles and Guidelines for remedy and reparation of victims and also took note of an updated set of principles to combat impunity developed by an independent expert appointed by the Secretary General of the United Nations.

In September 2006 the Sub-Commission on the Promotion and Protection of Human Rights acknowledged the Special Rapporteur's final report, endorsed her Draft Principles, and decided to transmit them to the Human Rights Council (A/HRC/2/2; A/HRC/Sub.1/58/36, 11 September 2006).

Drawing from the recommendation by the Sub-Commission it would be natural for the Human Rights Council to consider and adopt the principles proposed by the Special Rapporteur and to ask for their wide dissemination, inviting States, rapporteurs and other future Council mechanisms, such as the "universal periodic review"³, to give due consideration to these principles.

The right to life, liberty and security of the person, and the principle of due diligence are clearly relevant to the Human Rights Council and it is important that States' practices are examined by it to generate higher standards that would have an impact on the promotion and protection of all human rights.



▲ Former UN Secretary-General Kofi Annan, left, shakes hands with Amb. Luis Alfonso de Alba of Mexico, the president of the session, during the opening meeting of the Human Rights Council at the UN in Geneva, 19 June 2006. (AP Photo/Keystone/Salvatore Di Nolfi)

The Human Rights Council could provide new impetus to advance practice in three key aspects of gun violence and control the arms trade: regulating the *use* of small arms, regulating the *transfer* of guns and ammunition, and advocating *assistance* to survivors of armed violence. It can particularly provide clarity on States' obligations with regards to small arms misuse, as well as review individual States' practices and legislation in a constructive manner. It is a tool worth exploring to complement work undertaken in the UN process on small arms.

This article was written by Ambassador Luis Alfonso de Alba, Permanent Representative of Mexico to the United Nations Office in Geneva and current President of the Human Rights Council.

Endnotes

¹ *Universal Declaration of Human Rights* (1948), art. 25(1); *International Covenant on Economic, Social and Cultural Rights* (1976), art. 12(1).

² The 2001 UN Programme of Action on small arms only calls for the criminalisation of the illegal possession of small arms. See Paragraph II.3 of the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (2001)

³ UNGA Res. 60/251 stipulates that the Council will "... undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States"

Weapons control at the Peacebuilding Commission

by Carolyn McAskie

The Peacebuilding Commission (PBC) is a new inter-governmental advisory body of the United Nations that aims to build peace in countries newly emerging from war by ensuring sustained international attention to post-conflict countries. It represents an acknowledgement on the part of the international community that efforts to establish lasting peace in many countries have not been wholly successful, and that an institutional framework is needed to provide more strategic, coordinated and effective support to countries emerging from violent conflict.

Weapons availability and misuse are invariably features of such environments, and their destabilising effects hinder the transition to long-term peace and sustainable development that the PBC aims to facilitate. Although guns are one of many challenging issues that immediately arise in post-war settings, given the link between security and development, and the role small arms play in fuelling insecurity, effective weapons control is a crucial element of peacebuilding.

What can the PBC do?

The PBC was created following the 2005 World Summit Outcome by Resolutions of the Security Council and the General Assembly.¹ It was mandated to provide advice to the Security Council and to propose strategies for peacebuilding and recovery. It will also bring together all relevant actors to marshal resources, to develop best practices, to provide recommendations to improve the coordination of all relevant actors, and to ensure predictable financing for early recovery activities. It is supported by a small Peacebuilding Support Office (PBSO) within the UN Secretariat.

The inaugural meeting of the Organisational Committee of the PBC was held on 23 June 2006. The frequency of the meetings has not yet been determined, although the Secretary-General has suggested it meet “perhaps on a quarterly basis”². Country-specific meetings, which include national governments, donors and International Financial Institutions will be held more regularly. The first of these were held in October for Sierra Leone and Burundi – the first two countries under consideration by the PBC. Follow-up meetings were held in December with the third meetings expected sometime in March 2007.

A multi-year Peacebuilding Fund was also launched in October to support interventions and ensure the immediate release of resources. The Fund will consist of voluntary contributions from Member States with a target of USD 250 million. The Fund has currently received some USD 165 million pledges and contributions.

A focus on disarmament and weapons control?

Disarmament and weapons control is a relevant issue for consideration by the PBC. Clearly the insecurity caused by the misuse of small arms increases the risk or likelihood of a relapse into violent conflict, especially where there is dissatisfaction with the perceived progress of post-war recovery, continued underlying tensions between previously warring factions, and high numbers of armed individuals, including but not limited to former combatants.

In his report “In Larger Freedom”, the Secretary-General noted that the PBC “could play a particularly important role by focussing attention and consolidating good practice on vital cross-cutting issues, such as demobilization, disarmament, reintegration and rehabilitation . . .”³ He also stressed the role of the PBC in risk reduction and noted that the PBC “can add an important dimension to United Nations preventive efforts by providing better tools for helping States and societies reduce the risk of conflict”.⁴

These recommendations have been heeded for the Peacebuilding Fund, which can be used for the implementation of peace agreements, as well as critical interventions designed to respond to imminent threats to peacebuilding processes such as “reintegration of ex-combatants disarmed under a disarmament, demobilization and reintegration programme”.

Already the issue of weapons availability and misuse is high on the agenda of both countries under consideration by the PBC. As one example, the need to disarm both former combatants *and* civilians is reflected in the experiences of Burundi and Sierra Leone. The civil society report on Burundi emphasises this issue,⁵ and at the PBC meeting on Burundi, the Foreign Minister, Antoinette Batumubwira, elaborated on national efforts, noting that a great deal was being done to reduce the number of weapons in people’s possession. Similarly, the Peace Consolidation Strategy in Sierra Leone suggests establishing a ‘Sierra Leone Early Warning, Tracking and Response System’ involving the training of community level ‘peace’ monitors to track cross-border illicit trafficking, including influxes of illicit arms.

Possible ways forward

The possibilities for the PBC to advise on issues relevant to weapons control activities are wide-ranging, but the way forward is still being charted. One example of PBC engagement might be to actively promote the principles of the new UN *Integrated Disarmament Demobilisation and Reintegration Standards* (IDDRS), which provide a comprehensive set of policies, guidelines and standard operating procedures for UN agencies on all aspects of DDR.

DDR programmes are just one aspect of disarmament, weapons control and armed violence reduction efforts. Areas where further guidance could be developed include linkages between DDR and security sector reform;

A human security framework for global action on gun violence and the arms trade

Objective 1 Regulating the use of small arms	
Priorities	Related international processes
<ul style="list-style-type: none"> Identifying international guidelines on regulating the civilian possession of guns Dissemination of international humanitarian law and human rights standards and approaches, including to armed groups Strengthening justice and security sectors, including the training of security forces in the appropriate use of force Prosecution of war criminals, including armed groups Prohibition of certain types of guns/ammunition deemed to be excessively injurious or inhumane 	<ul style="list-style-type: none"> UN Human Rights Council (due diligence, jus) OECD-DAC Guidelines on armed violence reduction Convention on Certain Conventional Weapons (including on ammunition) Implementation of the Geneva Declaration on Armed Violence and the Protection of Victims
Objective 2 Draining the existing pool of guns and ammunition	
Priorities	Related international processes
<ul style="list-style-type: none"> Collecting and destroying surplus guns and ammunition in a transparent manner that includes public participation in the process where possible and appropriate Consolidating benchmarks of success on effective disarmament and demobilisation in war-affected nations, including targeting guns and ammunition in the hands of civilians States and private actors reaching the highest standards for managing stockpiles already in existence Security sector reform, which can lead to reductions and greater accountability of weapons stockpiles 	<ul style="list-style-type: none"> OECD-DAC Guidelines on armed violence reduction and destruction, DDR UN Peacebuilding Commission (disarmament) UN Integrated DDR Standards (IDDRS) (focus on disarmament) UN Group of Governmental Experts on Ammunition
Objective 3 Regulating the transfer of small arms	
Priorities	Related international processes
<ul style="list-style-type: none"> Adoption of arms transfers criteria drawing upon humanitarian and human rights law, the promotion of peace and security, and respect for UN and regional arms embargoes and including provisions to ensure transparency and accountability Adoption of guidelines for regulating transfers to non-state armed groups Improving compliance and cooperation in the enforcement of UN arms embargoes Regulating the activities of arms brokers, including transport agents and financiers Adoption of regulations on the marking and tracing of small arms and ammunition Increased ratification and full implementation of the UN Firearms Protocol by all States 	<ul style="list-style-type: none"> UN General Assembly First Committee (transfer of arms) UN consultations and Group of Governmental Experts on Arms Transfers UN Group of Governmental Experts on brokering UN Human Rights Council (due diligence) UN Security Council (embargoes)
Objective 4 Reducing the demand for guns	
Priorities	Related international processes
<ul style="list-style-type: none"> Paying attention to gender considerations that both influence gun (mis)use and action to end small arms violence. In particular, the issues associated with the use of guns by young men Strengthening the rule of law, with particular attention to the efficient and fair administration of justice and security provision by the state Investigation of and investment in (re)integration activities that respond to local realities The inclusion of activities to tackle gun violence or small arms control into programming by development, human rights, health, and humanitarian agencies Awareness-raising initiatives to shift attitudes and change behaviour Supporting community-level violence prevention programmes 	<ul style="list-style-type: none"> Geneva Declaration on Armed Violence and the Protection of Victims OECD-DAC Guidelines on armed violence reduction Peacebuilding Commission (gender, rule of law) UN Integrated DDR Standards (focus in demobilisation) UNDP/WHO Armed Violence Prevention Programme
Objective 5 Assistance to survivors	
Priorities	Related international processes
<ul style="list-style-type: none"> Identification of best practices for meeting the needs and rights of gun violence survivors Identifying linkages to existing disability support services and processes The full implementation of the UN Disability Convention to enhance the rights of people with disabilities, as well as defining the responsibilities of States to meet their needs and rights Including survivors of armed violence in policy and programme development 	<ul style="list-style-type: none"> OECD-DAC Guidelines on armed violence reduction UN Peacebuilding Commission UN Human Rights Council (right to health, non-discrimination) Mine Ban Treaty process Explosive Remnants of War process

Notes

1 Universal Declaration of Human Rights, 1948

2 International Covenant on Civil and Political Rights, 1976

3 UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the 2001 UN Convention against Transnational Organised Crime (known as the Firearms Protocol of the Vienna Protocol)

4 International Covenant on Economic, Cultural and Social Rights, 1976

<p>Justice and rule of law) Production (JSSR, national firearms legislation) Weapons (CCW) (injurious or inhumane weapons or on Armed Violence and Development</p>	<p>Related international standards</p> <ul style="list-style-type: none"> • Due diligence standard (responsibility of States to take action to prevent and punish violations of human rights by private persons) • Right to life, liberty and security of the person (UDHR¹, ICCPR²) • 1949 Geneva Conventions and their Additional Protocols • 1997 resolution of the UN Commission on Crime Prevention and Criminal Justice • UN Firearms Protocol³ • Draft Principles on the prevention of human rights violations committed with small arms and light weapons • UN Declaration on the Elimination of Violence against Women • 1979 Code of Conduct for Law Enforcement Officials • 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials • Rome Statute of the International Criminal Court (proceedings of war crimes and abuse of force) • 2003 Agenda for Humanitarian Action, adopted at the 28th International Conference of the Red Cross and Red Crescent
<p>Production (stockpile management, collection nt) on disarmament) unitation (managing stockpiles)</p>	<p>Related international standards</p> <ul style="list-style-type: none"> • OSCE Best Practice Guide on Small Arms in Disarmament, Demobilisation and Reintegration Processes, 2003 • UN Integrated DDR Standards (IDDRS) • UNSC Resolution 1325 on Women, Peace and Security (on women's rights and roles in peacebuilding processes, including DDR)
<p>Transfer controls, marking and tracing, brokering) al Experts on transfer controls ering</p>	<p>Related international standards</p> <ul style="list-style-type: none"> • UN Charter (embargoes) • 1949 Geneva Conventions and Additional Protocol I of 1977 (obligation to 'ensure respect' for international humanitarian law) • 2001 Articles on the Responsibility of States for Internationally Wrongful Acts (prohibit aiding and assisting States in violating international law) • UN Firearms Protocol • International Tracing instrument • 2003 Agenda for Humanitarian Action (Action 2.3.1 and 2.3.2)
<p>Development Production (development, gender, rule of law) law, reintegration) obilisation and reintegration) gramme</p>	<p>Related international standards</p> <ul style="list-style-type: none"> • UDHR Article 28: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." • UN Millenium Development Goals • 2003 Agenda for Humanitarian Action, Action 2.3.4 • UNSC Resolution 1325
<p>Production on discrimination)</p>	<p>Related international standards</p> <ul style="list-style-type: none"> • Right to the highest standard of physical and mental health (UDHR, ICESCR⁴) • UN Convention on the Rights of People with Disabilities • UN World Programme of Action concerning Disabled Persons • UN Standards Rules on the Equalisation of Opportunities for People with Disabilities • Mine Ban Treaty art. 6.3 • ERW Protocol



▲ Carolyn McAskie, Assistant Secretary-General for Peacebuilding Support, pictured here in Geneva on 13 January 2003. (AP Photo/Keystone/Sandro Campardo)

efforts at controlling guns in the hands of civilians; or interventions aiming at shifting attitudes, reducing violent behaviour and thereby preventing armed violence. The IDDRS focuses on refining practice amongst UN agencies.

As an advisory body, the PBC could facilitate the engagement of governments and civil society in key principles contained within this groundbreaking policy document.

In countries where the PBC has been given an advisory role, it can ensure that efforts are better coordinated between UN agencies, local and international NGOs, donors, under the guidance of national governments. It can also help identify lessons learned, and ensure that previous lessons are applied.

The PBC is a new body with a challenging mandate to address gaps in the international community's support to countries recovering from conflict. Like many new organs, the PBC is finding its way and will evolve through its practice but this may take time. How the PBC will address issues of weapons control and disarmament remains to be seen, but I am optimistic that the PBC will ensure that integrated peacebuilding strategies focus on all relevant issues including weapons control.

This article was written by Carolyn McAskie, Assistant Secretary-General for Peacebuilding Support.

Endnotes

1 S/RES/1645 and A/RES/60/180 respectively of 20 December 2005

2 *In larger freedom*, paragraph 32

3 'In larger freedom: towards development, security and human rights for all' Report of the Secretary-General, Addendum: Peacebuilding Commission – Explanatory Note by the Secretary-General (A/59/2005/Add.2), paragraph 8, p. 3

4 *Ibid* at paragraph 5

5 Ir. Emmanuel Nshimirimana, Global Partnership for the Prevention of Armed Conflict (GPPAC) Focal Point and President of the follow-up committee, *Contribution of Civil Society in Peace Process in Burundi*, October 2006, p. 3

Opinion

The OECD's Development Assistance Committee (DAC): Coordinating responses to armed violence

By Mark Downes and Lisa Williams (OECD Directorate for Development Cooperation)

The international community has reached a consensus about the importance of the nexus of security and development. If states are to avoid a downward spiral wherein insecurity, criminalisation and under-development are mutually reinforcing, it is widely recognised that socio-economic development and security dimensions must be tackled simultaneously.

In practice, the recent experiences in Kosovo, Timor Leste, Sierra Leone and the Democratic Republic of Congo have highlighted a range of operational lessons for the international community in helping to build peace and prevent countries slipping back into conflict in the aftermath of war. One critical lesson is that the international community needs to work together to ensure that violent conflict is more effectively prevented and responses to the outbreak of violence are better managed.

The Organisation for Economic Cooperation and Development (OECD), whose 30 member countries represent two-thirds of global economic power, is an important platform for discussing these issues. Its Development Assistance Committee (DAC), established in 1961, has worked with this goal in mind, and has been at the cutting edge of conflict, peace and security policy. The DAC develops guidelines which explore the political, methodological and technical aspects of development cooperation, and in many cases has led international policy in the area of conflict prevention and security system reform.

The DAC's Network on Conflict, Peace and Development Cooperation (CPDC) is the international forum that brings together conflict prevention and peacebuilding experts from bilateral and multilateral development agencies, including from the UN system, the European Commission, the International Monetary Fund (IMF) and the World Bank. The Network focuses on making donor engagement in conflict-affected countries more effective.

Conflict Prevention

In 1998 the DAC *Guidelines on Conflict, Peace and Development Co-operation* paved the way for bridging the gap between humanitarian assistance and longer-term development. Building on this work, in 2001 Ministers and Agency Heads of the DAC endorsed the *Guidelines on Helping to Prevent Violent Conflict*. This policy document identifies how to help partner countries develop the

structural stability required for managing and resolving disputes through peaceful means, democratic norms, and the application of sound principles of governance and the rule of law. It provides concrete guidance for donors on conflict prevention initiatives and covers key areas such as security and armed violence, peace processes, justice and reconciliation, working with business and grappling with the political economy of war. The guidance underscores the importance of peace and conflict impact assessments, and explicitly recognises that development aid influences conflict and peace environments.

Security System Reform (SSR)

The manner in which the security system operates is central to the concerns of the poor and vulnerable. Ineffective policing, weak justice and penal systems, and corrupt militaries mean that the poor suffer disproportionately from crime and fear. In 2001, the CPDC began to focus on the role that Security System Reform (SSR) can play in stabilising conflict prone or fragile states and in creating an environment conducive to political, economic and social development. SSR seeks to increase partner countries' ability to meet the range of security needs within their societies in a manner consistent with democratic norms and sound governance principles, including transparency and the rule of law. SSR goes well beyond the narrower focus of security assistance to the armed forces, government intelligence and policing. It also incorporates: judicial and penal institutions; elected and duly appointed civil authorities responsible for control and oversight (e.g. Parliament, the Executive, and the Defence Ministry); and civil society institutions, including the media. The 2004 *DAC Guidelines on Security System Reform and Governance: Policy and Good Practice* not only provided donors with a new direction and understanding of the security-development nexus, but also led them to question how their programmes are designed, implemented and evaluated. The SSR Guidelines are now widely recognised as the international point of reference for SSR policy and are widely utilised by both donors and multinational organisations, including those outside of the development arena.

To translate DAC policy into practice at field level, the CPDC Network is now completing an *Implementation Framework for Security System Reform (IF-SSR)*. The IF-SSR is a field handbook that provides a platform to reach out to non-development actors and to partner countries. It helps frame the inputs provided by diplomatic and security policy communities within a developmental approach. In addition, it provides a framework for supporting partner countries to develop locally owned processes and governance systems to address the diverse security and justice needs of their people through greater coordination and integration of development and security policies and practices. The IF-SSR aims to facilitate greater coherence across government depart-

ments and instruments. The final version of the IF-SSR will be available in January 2007.

Security-related expenditures

The DAC also determines what activities are eligible for Official Development Assistance (ODA)—official expenditure which is judged to be for the promotion of economic development and welfare of developing countries. In March 2005, as part of a clarification process, the DAC agreed that “security system reform to improve democratic governance and civilian control” and “enhancing civil society’s role in the security system to help ensure that it is managed in accordance with democratic norms and principles of accountability, transparency and good governance” constituted activities that could from then qualify as ODA. However, a blanket exclusion remains on the supply or financing of military equipment or services and use of military personnel to control civil disobedience. Similarly, training the military in non-military matters, such as human rights, and extending the coverage of peacekeeping activities, are excluded.

The CPDC benefits from strong partnerships with NGOs and civil society whose experience and perspective has been invaluable in the development of its policy guidance. These partnerships will become even more valuable as the CPDC begins to develop guidance for evaluating conflict prevention and peacebuilding activities, more practical/operational guidance for supported armed violence reduction initiatives, and work on how to translate early warning into early action. The Network is also involved in developing training on its policy guidance to help mainstream the issue of conflict prevention and peacebuilding into broader development policy and to facilitate greater coordination and coherence across and between donor governments.

This article was written by Mark Downes and Lisa Williams, OECD Directorate for Development Cooperation. For further information on the OECD DAC Network on Conflict, Peace and Development Cooperation (CPDC), please contact the authors at: mark.downes@oecd.org or lisa.williams@oecd.org.

Further resources and websites

OECD DAC Network on Conflict, Peace and Development Cooperation (CPDC, 1998) www.oecd.org/dac/conflict

DAC Guidelines on Helping to Prevent Violent Conflict (CPDC 2001) www.oecd.org/dac/conflict/preventionguidelines

DAC Guidelines on Security System Reform and Governance (2004) www.oecd.org/dac/conflict/ssr

OECD DAC Network on Conflict, Peace and Development Cooperation (CPDC) ‘Preventing Conflict and Building Peace – a manual of Issues and Entry Points’ (2006) www.oecd.org/dac/conflict/issuesbriefs

Conflict Prevention and Peace Building: What Counts as ODA? www.oecd.org/dataoecd/32/32/34535173.pdf

■ In Their Own Words

What are your three priorities in the coming two years relating to global action on preventing armed violence?

Luis Fernando Carranza Cifuentes

Director for Multilateral Policy, Ministry for Foreign Affairs, Guatemala

There is no doubt that the world should do more on preventing armed violence. The problem posed is to determine how countries around the world face the challenge to prevent armed violence. In Latin America, for instance, armed violence is often caused by activities carried out by organised crime. In other parts of the world, armed violence is caused by internal conflicts, some of them triggered by ethnic and religious differences. In that regard, the international community should put forward regional initiatives that firstly identify the causes of armed violence and then suggest possible actions. Secondly, countries should start quantifying the costs of armed violence. Guatemala and UNDP recently carried out a study that revealed the cost of violence, which adds up to more than 2 billion dollars a year, meaning that those resources could have been better used in preventing diseases and strengthening the justice system. Thirdly, countries should develop partnerships with civil society to sensitise societies in understanding the root causes of armed violence and its negative consequences.

Camilla Waszink

Programme Officer, Arms Unit, International Committee of the Red Cross, Switzerland

More vigorous efforts are needed to establish stricter controls on the availability of arms and ammunition. We support on-going efforts to establish global standards for regulating arms transfers based on States' responsibilities under international law, including international humanitarian law. Strict regulation of arms brokering activities and controls on the availability of ammunition are also urgently needed. This normative work must be combined with concrete action to enhance the protection of civilians and reduce the suffering caused by armed violence. For the ICRC, this includes reducing the vulnerability of people and communities at risk, promoting compliance with international humanitarian law by those using weapons and assisting the victims. Strategies to prevent and reduce violence also deserve greater attention.

María Pía Devoto

Asociación para Políticas Públicas (APP), Argentina
Policy-making at the global level is not enough to reduce armed violence. It is also necessary to focus on the people,

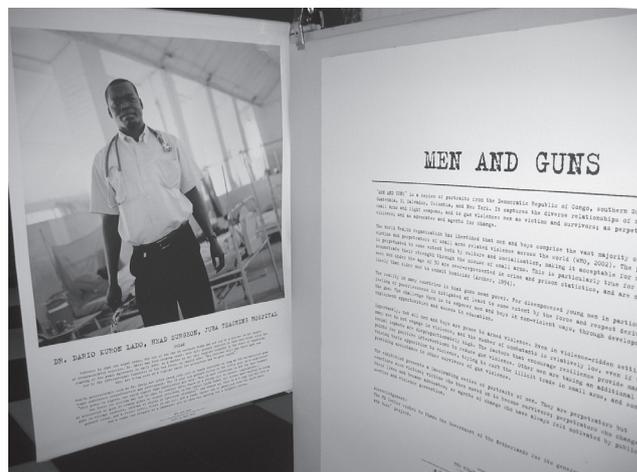
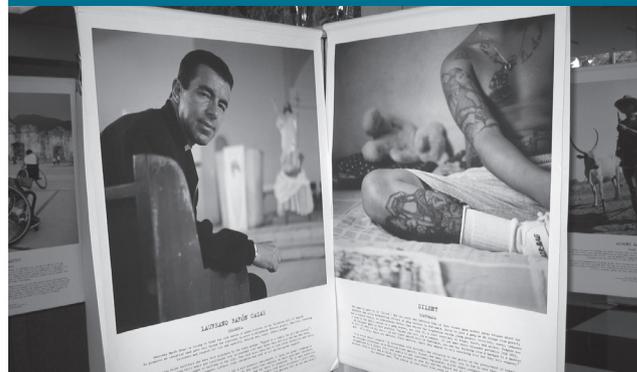


Photo exhibition on Men and Guns

The HD Centre, with the support of the Government of the Netherlands, developed an exhibition aimed at raising awareness through a visual medium of the diversity of men's relationships to gun violence. The photo exhibition includes 16 portraits of men as victims or survivors (eg. of gang violence, gun crime, warfare); perpetrators of armed violence (eg. as members of rebel groups or gangs); and resisters or transformers of gun violence (eg. as NGO activists and advocates, as government policy makers or programme implementers, or as role models for non-violence). The photographs are accompanied by short narratives based on interviews with the subjects. The pictures were printed on canvas to allow the exhibition to be rolled up and easily mailed for future displays. It was first shown in New York at the Review Conference on small arms in June 2006, and is now available for display. Please contact the HD Centre for further information, hdcsmallarms@hdcentre.org.



by reducing poverty and understanding the linkages between small arms and development. For example, armed violence reduction should be included in development programmes. It is also essential to strengthen regional and sub-regional institutions and agreements; while governments do not always agree at the global level, they may do so at the regional and sub-regional level to control arms and combat trafficking with their neighbouring countries (e.g. the MERCOSUR Presidents Declaration in 1998, and the Bamako Declaration in 2000). Also, coordination and information exchange among governmental agencies at the local level should be improved. All these measures combined with accountability and transparency policies, and working together with the civil society at all levels, will significantly reduce armed violence.

Photos © Centre for Humanitarian Dialogue

Towards an Arms Trade Treaty

On 7 December 2006 a resolution to commence work on an arms trade treaty was adopted at the UN General Assembly by an overwhelming majority of States – 153 in total – with only one vote against (the United States) and 24 abstentions. The resolution calls on the Secretary-General to establish a Group of Governmental Experts (GGE) to examine the feasibility and draft parameters for a legally binding instrument establishing common international standards on the import, export and transfer of conventional arms. The GGE is to commence work in 2008. The resolution follows widespread mobilisation of civil society on this issue for the past three years. It should be noted that another GGE is already considering the issue of arms brokering, and a GGE on ammunition is due to commence work by 2008. All three issues are closely related.

Source: www.controlarms.org and IANSA.

Nepal: Weapons management agreement signed

Maoist rebels and Nepal's interim government signed a disarmament agreement on 29 November, with both sides agreeing to place weapons into secure storage monitored by the UN Mission. The agreement provides for the cantonment of Maoist soldiers and their weapons at designated sites, and the confinement of government soldiers to barracks unless they are required to provide security for prominent officials, and for patrolling national parks, borders, banks, airports and power generation sites. UN monitoring teams will be provided unlimited access throughout the process to ensure the agreement is being implemented. See www.gorkhapatra.org.np/content.php?nid=7190 for the full terms of the agreement.

Source: IRIN News, 29 November 2006

Brazil: Parliament approves final report of two year investigation into weapons deviation

Following two years of investigations, Brazil's Parliamentary Hearing Commission into illicit firearms trafficking presented its final report, which seeks to address the deviation of arms by organised crime in Brazil. Recommendations include the compulsory disabling of triggers for guns owned by collectors; the ratification of a resolution that imposes 150% export tax on firearms and ammunition exported to South and Central America (including the Caribbean); the merging of the Sinarm (the National Weapons System) with the Sigma (Military Weapons Management System) and identification markings on ammunition sold to civilians. The report confirms the link between the legal and illegal gun markets noting that most guns used by criminals start out in the hands of legal owners, and recommends improvements to the gun laws. The only proposal that did not pass – as a consequence of pressure of the Brazilian

armed forces – would have transferred monitoring and inspections of the commerce in firearms, explosives and ammunition from the army to the Federal Police. For more details and to see the full text of the report (in Portuguese) see: www.comunidadessegura.org/?q=en/node/31126

Source: www.iansa.org

ICRC/Swiss initiative on private military and security companies

In recent conflicts, private military and security companies have increasingly been used by a number of states. Although this phenomenon and the issues it raises have been the subject of much academic discussion, there is no international regulatory framework specifically focusing on this industry and its activities, and no intergovernmental process exists to specifically discuss the challenges and ways to meet them. Switzerland, in cooperation with the International Committee of the Red Cross (ICRC), has launched an international initiative to promote respect for international humanitarian law and human rights law with regard to private military and security companies operating in conflict situations. Two experts meetings took place in 2006, and participants agreed that elaboration of (nonbinding) good practices to assist states in promoting this issue would be useful. For further information on the initiative see: www.dv.admin.ch/content/sub_dipl/e/home/thema/psc.html

Source: Swiss Federal Department of Foreign Affairs and International Committee of the Red Cross.

Australian study: gun laws have saved lives

An Australian study released in November 2006 has highlighted an accelerated decrease in firearm deaths since the country significantly strengthened its gun laws in 1996. The new study came several months after pro-gun academics published a report claiming the gun laws had no effect on firearm deaths. Because firearm death and injury rates had already been dropping prior to 1996 amendments, the authors said the reduction in injuries and deaths post-1996 was a continuing trend and not a result of the amended law. The new study, published in the journal *Injury Prevention*, notes the downward trend, but says gun deaths declined significantly faster after 1996, most likely due to the new laws. "The total number of gun deaths per year fell from 521 in 1996 to 289 in 2003, suggesting that the removal of more than 700,000 guns was associated with a faster declining rate of gun suicide and gun homicide," said Philip Alpers, one of the report's four authors. Australia's gun laws were reformed following the murder of 35 people at Port Arthur in Tasmania – the largest massacre by a single gunman ever recorded in any country. The study concludes that removing large numbers of rapid-firing firearms from civilians may be an effective way of reducing mass shootings, firearm homicides and firearm suicides. The study can be downloaded at: <http://ip.bmj.com/cgi/content/abstract/12/6/365>

Source: www.iansa.org and www.clarin.com

The Centre for Humanitarian Dialogue is an independent and impartial organisation, based in Geneva, Switzerland, dedicated to dialogue on humanitarian issues, the resolution of violent conflict and the alleviation of its impacts on people. The HD Centre facilitates high-level, low-key dialogue amongst principal actors to armed conflict as well as other stakeholders such as NGOs and UN agencies.

This work is complemented by research and policy efforts to advance action on contemporary humanitarian challenges such as the nature of non-state armed groups, mediation techniques, justice and the rule of law, and arms availability. In 2001 the HD Centre established the Human Security and Small Arms Programme which undertakes a variety of projects aimed at furthering understanding about the human cost of weapons availability and misuse, as well as advocating options for action.

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

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

All rights reserved. The copyright of this publication is owned by the Centre for Humanitarian Dialogue.



Join our mailing list

I want to receive an e-mail notification of the *Human Security and Small Arms Bulletin* as well as other events and publications of the Centre for Humanitarian Dialogue

I want to receive a hard copy of the *Bulletin* (indicate below in which language and the quantity)

English — French — Spanish — Portuguese — Arabic —

Name and title _____

Organisation _____

Position _____

Address _____

Post/zip code _____

Country _____

Telephone _____

Fax _____

Website _____

E-mail _____

Please copy and complete this form and mail it to Mireille Widmer, Centre for Humanitarian Dialogue, 114 rue de Lausanne, Geneva, 1202, Switzerland, e-mail it to widmer@hdcentre.org or fax it to +41 22 908 1140

bulletin
Small Arms and Human Security

Editor

Mireille Widmer (widmer@hdcentre.org)

Design and production

Richard Jones (rmjones@onetel.com)

Exile: Design & Editorial Services