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MISSING PIECES A GUIDE FOR REDUCING GUN VIOLENCE THROUGH PARLIAMENTARY ACTION

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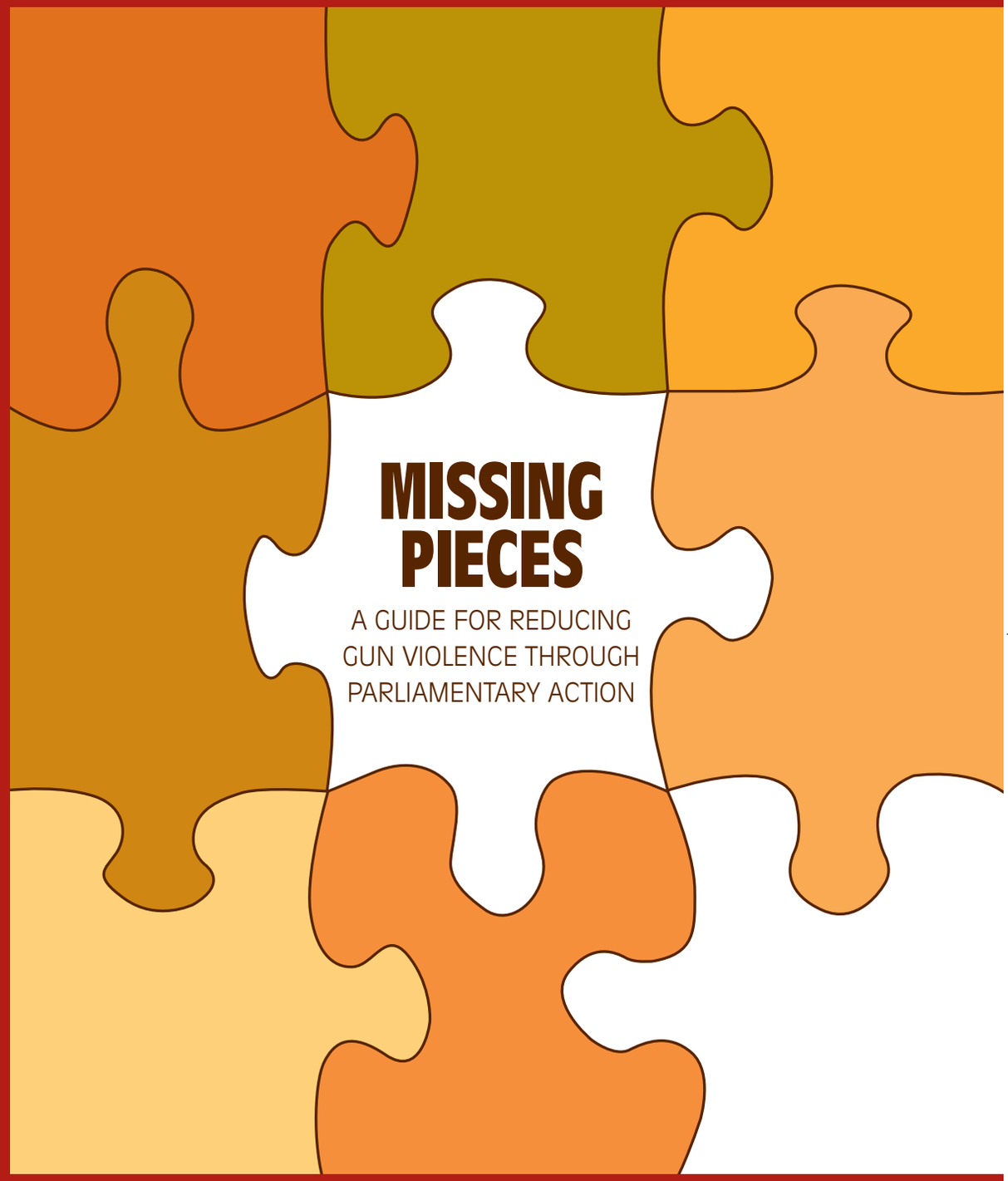
Centre for Humanitarian Dialogue

Inter-Parliamentary Union

HANDBOOK FOR PARLIAMENTARIANS No. 12 – 2007



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ACKNOWLEDGEMENTS

This handbook was compiled by Cate Buchanan and Mireille Widmer from the Centre for Humanitarian Dialogue.

Contributors to the original version are mentioned at the end of each theme.

It was refined with inputs from the Inter-Parliamentary Union, and in particular its co-rapporteurs on small arms and light weapons, Mr. François-Xavier de Donnea (Belgium) and Ms. Ruth Oniang'o (Kenya), as well as members of the Bureau of the First Standing Committee on Peace and International Security.

Additional comments were provided by Mr. Marc-Antoine Morel from the United Nations Development Programme, Ms. Julie E. Myers from the United Nations Children's Fund, and Ms. Rebecca Peters and Mr. Alun Howard from the International Action Network on Small Arms.

Design and layout: Richard Jones (rick@studioexile.com)

CONTENTS

LIST OF ILLUSTRATIONS

TABLES

BOXES

ACRONYMS AND ABBREVIATIONS

Armed groups See non-state actors

ASEAN Association of Southeast Asian Nations

ATT Arms Trade Treaty (formal title: Draft Framework Convention on International Arms Transfers)

BMS Biennial Meeting of States on small arms

Brokering The facilitation of arms transfers for financial gain. Brokers are used widely by states and private companies for legal arms sales, but are also associated with a range of illicit activities.

EU European Union

EUC End user certificate

DDR/DD&R Demobilisation, disarmament and reintegration

DFID Department for International Development (UK)

DRC Democratic Republic of the Congo

ECOMOG ECOWAS Cease-Fire Monitoring Group

ECOWAS Economic Community of West African States

HD Centre Centre for Humanitarian Dialogue

IANSA International Action Network on Small Arms

ICRC International Committee of the Red Cross

IDP Internally displaced person

IHL International humanitarian law

IOM International Organisation for Migration

IPPNW International Physicians for the Prevention of Nuclear War

JSSR Justice and security sector reform

MANPADS Man-portable air defence systems

MERCOSUR Mercado Común Del Sur

NATO North Atlantic Treaty Organisation

NGO Non-governmental organisation

Non-state actors Individuals or groups that do not represent state authority. Non-state actors can include civilians, armed opposition groups, insurgents, and private armies. They are typically not party to human rights law or multilateral agreements.

OAS Organisation of American States

OCHA Office for the Co-ordination of Humanitarian Affairs

ODA Official Development Assistance

OECD Organisation for Economic Co-operation and Development

OECD DAC Development Assistance Committee of the OECD

OSCE Organisation for Security and Co-operation in Europe

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

PrepCom UN Preparatory Committee meeting, January 2006

RevCon 2006 Review Conference on small arms, July 2006

SADC South African Development Community

SALW Small arms and light weapons

SSR See JSSR

UK United Kingdom

UN United Nations

UN Conference The 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

UNAMSIL United Nations Mission in Sierra Leone

UNDP United Nations Development Programme

UNIDIR United Nations Institute for Disarmament Research

UNIFEM United Nations Development Fund for Women

US United States of America

USA See US

WHO World Health Organisation

INTRODUCTION

The statistics are damning. There are currently an estimated 640 million small arms and light weapons in circulation – from handguns and assault rifles to shoulder-fired anti-aircraft missiles. The majority of this arsenal, or about 60%, is in the hands of civilians. A further seven to eight million new weapons are added to the global stockpile every year, as well as at least 10 billion units of ammunition. Guns are light, cheap, durable, easy to conceal and easy to operate, and therefore pose a pernicious threat to human security in countries at war and at peace alike.

While landmines kill or maim between 15 and 20,000 people a year, during the same time the use and misuse of small arms and light weapons take between 200,000 and 270,000 lives in countries 'at peace' alone through homicide and suicide – up to five times more, depending on estimates, than die directly from gunfire in situations of war. The number of war wounded and disabled ranges anywhere from two to thirteen times the number killed. The economic cost of this violence is staggering, and it is now well recognised that armed insecurity poses a grave threat to sustainable development. Shots do not even need to be fired for firearms to be used to threaten, coerce, intimidate and abuse, including by committing sexual violence at gunpoint. The trauma and pain guns leave in their wake take years to overcome, if at all.

PARLIAMENTARY ACTION

The role of parliamentarians is critical in turning the tide of gun proliferation and violence. By strengthening or creating national laws, improving implementation and enforcement, stimulating and leading public debate, parliaments set new standards for reducing the societal impacts of gun violence.

Missing Pieces: A guide for reducing gun violence through parliamentary action has been written for parliamentarians, their advisors and civil society to guide, inspire and suggest action. This special edition builds on the July 2005 publication, *Missing Pieces: Directions for reducing gun violence through*

the UN process on small arms control. Aimed at government officials engaged in the UN process on small arms control, it was distributed to over 3,000 individuals and organisations in four languages.

This success, as well as the recognition of the unique and pivotal role that parliamentary action can play in addressing the complex phenomenon of gun violence, prompted us to produce a new version which includes:

- updated information
- additional examples of action particularly at a national level
- profiles of the parliamentary leadership from around the world to address armed violence

The text was adapted together with the Inter-Parliamentary Union, and presented in draft form to its 115th Assembly in October 2006. It was then finalised based on comments received by the Bureau of the First Standing Committee as well as other parliamentarians.

THE GLOBAL RESPONSE TO ARMED VIOLENCE

The world has been slow to react to what is sometimes called a "global pandemic". Only in 2001 did the international community adopt the *UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (hereafter referred to as the Programme of Action or simply the PoA). This politically-binding instrument spells out a number of commitments that governments have made, including regulating small arms transfers and brokering activities; criminalising the illegal manufacture, possession, stockpiling and trade of small arms and light weapons; ensuring that weapons be marked and registered; enforcing arms embargoes; destroying surplus and confiscated weapons; raising public awareness; and implementing disarmament, demobilisation and reintegration programmes. (See Annex 2 for the full text of the PoA.)

Collectively referred to as the UN process on small arms control, there have been a set of UN-led meetings since 2001 to gauge implementation progress and areas for further attention. In mid-2006 a review conference was held to further reflect on progress and set future goals and targets. It regrettably failed to conclude any outcome document or provide guidance on the next cycle of implementation of the Programme of Action. The gathering and preparations for the conference did however enable participants, including numerous civil society organisations and parliamentarians, to take stock of the progress since 2001 and the gaps that require further attention.

A HUMAN SECURITY APPROACH: A PARLIAMENTARY AGENDA FOR ACTION

Reducing the human cost of gun violence and controlling the arms trade may appear to be ambitious and complex tasks, and indeed require tackling several interconnected factors. Some relate to the weapons themselves, which must be controlled, and some relate to individual and group behaviour, which must be influenced. The following human security framework for global action on gun violence identifies five overarching objectives for national action:

(1) Regulating the use of small arms by civilians, armed forces, and non-state armed groups;
(2) Draining the existing pool of excess guns and ammunition;
(3) Regulating the transfer, sale and shipment of small arms;
(4) Reducing the demand for guns; and
(5) Responding to the needs of gun violence survivors.

In May 2006 the Inter-Parliamentary Union adopted a landmark resolution on "The role of parliaments in strengthening control of trafficking in small arms and light weapons and their ammunition" (see Annex 1). *Missing Pieces* provides further guidance on how its provisions can be implemented in practice. Seven themes are explored where action and policy development from parliamentarians, law-makers and shapers and civil society are both possible and urgently needed. Each theme presents examples of successful initiatives, analysis for policy making and debate, and recommendations for action.

Theme 1 - Preventing misuse – national firearms legislation: Efforts to control guns and ammunition must address the fact that the bulk of the world's small arms arsenal is in the hands of civilians, and that civilian misuse is a primary source of firearm-related death and insecurity.

Theme 2 - Controlling supply: In a world where there is already an overabundance of conventional weapons, the lack of sufficient regulatory control over small arms production and trade, both legal and otherwise, contributes to widespread death and misery and inhibits sustainable development.

Theme 3 - Assistance to survivors of gun violence: Gun violence generates immense human suffering, yet treatment, rehabilitation, and reintegration processes are typically poorly prioritised. Much is needed to better understand this dimension and to identify populations at risk, in order to target

interventions to provide survivors of gun violence full enjoyment of and access to their rights.

Theme 4 - Focusing on gender: Clear understanding of the particular experiences of men and women—as perpetrators, victims and survivors of small arms violence—is needed to inform policy and action to better bring the crisis under control, including those factors that lead men and young boys in particular to arm themselves.

Theme 5 - Taking guns and ammunition out of circulation: Many countries are already saturated with weapons and ammunition, and controlling new transfers of weapons is not enough. While disarmament exercises are now fairly common at the end of armed conflicts, this theme provides some guidance on how weapons can be collected in a variety of settings.

Theme 6 - Addressing the demand for small arms: Though largely neglected to date, programmes that seek to change individual preferences for small arms – the so-called 'demand' factors – have been building momentum. This theme looks at human behaviour, the other facet of gun violence, and suggests a framework for influencing this essential aspect of the small arms equation.

Theme 7 - Justice and security sector governance: The evidence is clear that security and justice sector reform efforts must pay heed to a range of small arms control issues, including ensuring that guidelines on the use of force are followed, and that the state is able to fulfil its due diligence obligations by protecting its citizens.

The Centre for Humanitarian Dialogue and the Inter-Parliamentary Union hope that you will find this publication both a practical and an inspiring tool for undertaking action to end gun violence, and rigorously controlling the arms trade. Greater collective effort is required to tackle this problem. Parliamentarians are ideally positioned to help drive and consolidate this collective effort.

Martin Griffiths
Director
Centre for Humanitarian Dialogue

Anders B. Johnson
Secretary General
Inter-Parliamentary Union

A HUMAN SECURITY FRAMEWORK FOR ACTION ON GUN PROLIFERATION AND VIOLENCE BY PARLIAMENTARIANS, LOCAL AND NATIONAL GOVERNMENTS

OBJECTIVE 1 REGULATING THE USE OF SMALL ARMS

- Strengthening national gun laws, and regulating and reducing inappropriate access to guns in the hands of civilians
- Codifying 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

OBJECTIVE 2 DRAINING THE EXISTING POOL OF GUNS AND AMMUNITION

- 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
- States and private actors reaching the highest standards for managing stockpiles already in existence

OBJECTIVE 3 REGULATING THE TRANSFER OF SMALL ARMS

- The agreement *and* enforcement of an international treaty to regulate arms transfers 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 by states
- Identifying international guidelines for regulating transfers to non-state armed groups
- Developing mechanisms to strengthen the UN embargoes regime, including secondary sanctions for embargo busters and a rapid-reaction investigation unit
- Regulating the activities of arms brokers, including transport agents through a binding international agreement
- Implementing the 2005 UN agreement to mark and trace small arms
- Focusing on ammunition control, supply and safe storage
- Ratifying and fully implementing the 2001 UN *Firearms Protocol*

OBJECTIVE 4 REDUCING THE DEMAND FOR GUNS

- 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 requires urgent action
- Strengthening the rule of law, with particular attention to the efficient and fair administration of justice and security provision by the state
- Greater investment in (re)integration activities for combatants and those involved with fighting forces 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
- Undertaking awareness-raising initiatives to shift and change attitudes

OBJECTIVE 5 ASSISTANCE TO SURVIVORS

- Identifying and implementing good practices for meeting the needs of gun violence survivors
- Identifying linkages to existing disability support services and processes
- Ratifying and implementing the UN Disability Convention to enhance the rights of people with disabilities, with attention to those who survive armed violence

THEME 1 PREVENTING MISUSE: NATIONAL REGULATION OF SMALL ARMS

Worldwide, the majority of small arms and light weapons are held not by military personnel or law enforcement officers, but by private citizens.[1] As these guns are routinely misused, stolen or otherwise leaked into the illicit trade, it is imperative that gun ownership and access by civilians be adequately regulated and limited at the national level.

In the last decade, several countries—including Australia, Brazil, Belgium, Cambodia, Canada, Germany, Mauritius, Sierra Leone, South Africa, Turkey and the United Kingdom—have undertaken significant reforms to regulate and limit gun ownership by civilians. Many other governments—including those of Afghanistan, Argentina, Benin, Botswana, Burkina Faso, Burundi, Central African Republic, Democratic Republic of the Congo, Ecuador, El Salvador, Ghana, Guatemala, Ireland, Jamaica, Jordan, Lebanon, Liberia, Montenegro, Mozambique, Nicaragua, the Occupied Palestinian Territories, Panama, Papua New Guinea, the Philippines, Portugal, Rwanda, Senegal, Sweden, Thailand, Uganda, Uruguay and Yemen—are currently in the process of strengthening laws and policies.

Such reform is propelled mainly by local realities: massacres with guns that provoked widespread public outrage in Australia, Canada, and the UK; alarming levels of random and/or organised armed violence in Brazil and Thailand; and post-war or democratic transitional processes in Cambodia, Sierra Leone, and South Africa. These efforts have also been informed and reinforced by work at the international and regional levels, which increasingly has implied or explicitly called for more careful regulation of civilian ownership of and access to small arms and light weapons.

Several factors account for this. Firstly, many governments recognise a connection between armed violence and the uncontrolled, or loosely controlled, trade in and possession of guns.[2] There is also growing awareness that most of the problems posed by weapons availability and misuse are 'civilian'—that is, most guns are owned by civilians, and most victims

of gun violence are civilians. Finally, there is widespread acknowledgement amongst many governments that civilian-held firearms are an important contributor to the illicit trade in and misuse of weapons through theft, careless storage, and deliberate private sale.[3]

While momentum is gaining, many governments have yet to establish robust regulatory systems to adequately control civilian-held guns. Others have strongly crafted laws but fail to implement or enforce them. A number of examples throughout this theme demonstrate the central role of parliamentarians in developing national regulatory controls over small arms in circulation within state borders, improving existing standards and mechanisms and closing easily exploited loopholes.

Given that the regulation of civilian guns is an issue on which there is a lively debate and many special interests (including commercial gun producers, consumers and weapons industry supporters), it is important to approach the topic with a solid basis in accurate and informative statistical evidence and analysis.

HUMAN (IN)SECURITY: CIVILIANS AND GUN VIOLENCE

The Small Arms Survey estimates that 60 per cent of the global stockpile of 640 million guns are in civilian hands—including those of farmers, sporting shooters, criminal gangs, armed insurgents, collectors, private security guards, and citizens of all ages.[4] The role of civilian-used guns to undermine human security is well documented.

- Civilians are the principal victims of gun violence, with an estimated 200,000–270,000 people losing their lives to gun homicide or suicide in countries 'at peace' each year—up to five times as many than die directly in situations of war.[5]
- Worldwide, there are four gun homicides for every gun suicide. In North America and Europe, however, gun suicide rates surpass those of firearm homicides.[6]
- Injury, rape, robbery, and kidnapping committed with guns affect countless civilians around the world annually.[7] Arming can escalate violence, which fuels fear, which can in turn lead to further arming.
- The majority of users and abusers of guns globally are men.[8] They are also the primary victims of gun violence, particularly males between the ages of 14 and 44 years.[9]

- While women account for a substantial proportion of victims (especially of intimate partner violence), they account for a relatively small percentage of users.[10]
- Guns often fall into the hands of young people, contributing to suicides, interpersonal violence, and accidental deaths.[11] This is particularly concerning as the World Health Organisation (WHO) reports an 'alarming increase' in suicide among young people aged 15 to 25 years worldwide.[12]

TABLE 1 REPORTED FIREARM HOMICIDE, SELECTED COUNTRIES[13]

Country	Year	Population	Firearm Homicides	
			Number	Rate per 100,000
Australia	2003/4	20,264,082	53	0.24
Belarus	2002	10,293,011	38	0.38
Brazil	1998	188,078,227	25,663	14.38
Canada	2005	33,098,932	222	0.51
Colombia	2000	43,593,035	21,898	49.52
Ecuador	2000	13,547,510	1,321	10.16
Mexico	2002	107,449,525	2,606	2.58
South Africa	2000	44,187,637	10,854	24.22
United Kingdom	2004	60,609,153	32	0.13
United States	2003	298,444,215	11,599	4.0
Venezuela	2000	25,730,435	5,408	21.04

Some nations have high levels of civilian weapons possession and alarming rates of gun violence. For example, the public in South Africa owns six times as many guns as the police and military.[14] In Brazil, while the number of legally registered firearms (including those privately held by military and police personnel) is estimated at about seven million, the actual number of guns in private hands is believed to be closer to 15.6 million.[15] These countries have among the highest firearms homicide rates in the world (see Table 1).

A USEFUL FRAMEWORK: THE PUBLIC HEALTH APPROACH

A key aim of exercising greater control over civilian possession is to reduce the risks associated with gun misuse and to prevent death and injury. A

public health approach to gun violence includes isolating and controlling the cause of injury—in this case, small arms.

The relationship between gun ownership and gun death is complex. As with any social policy issue, proving a causal relationship between widespread weapons availability and gun violence is difficult, hampered by a lack of complete and reliable data and an inability to screen out mitigating factors.[16] On balance, however, empirical evidence supports the notion that making guns more difficult to obtain legally can help reduce certain types of violence, particularly those that are impulsive.[17] In particular, the presence of guns in the home has been shown to influence rates of suicide, accidents, intimate partner violence, and family murders.[18]

BOX 1 PREVENTING SUICIDE: FOCUSING ON THE GUN

The social stigma often attached to self-directed violence means that gun suicides are largely neglected—or sidelined—in efforts to prevent armed violence. In fact, the magnitude and patterns of gun suicide provide a compelling supporting case for improved small arms controls.

Suicide—a global health burden

An estimated 815,000 people commit suicide each year,[19] of which at least 50,000 (6 per cent) are completed with small arms,[20] compared to about 200,000 global gun homicides.[21] Gun suicides represent 1.4 per cent of the Global Burden of Disease,[22] but this burden is distributed unevenly across regions: almost half (48 per cent) of all suicides with small arms occur in Western Europe and North America. In the US, the gun suicide rate is ten times that of Africa and Southeast Asia.[23] However, suicides are often underreported in the global South for religious or cultural reasons, so the true firearm suicide rate may be much higher.[24] In Brazil, for example, public health experts believe that many gun deaths ruled by coroners to be of 'unknown cause or intent' are actually suicides.[25]

The suicidal urge is commonly impulsive and transitory, especially in youth, and many people who contemplate or attempt suicide eventually recover and lead healthy, fulfilled lives. But if a gun is available to use in a suicide attempt, the chances of survival are slim: 85 per cent of suicide attempts with a gun end in death, a higher completion rate than by other methods, such as jumping, laceration, and poison.[26] Those who do survive self-directed gunshots often suffer life-long head injuries that present a 'formidable challenge to reconstructive surgeons'[27] with significant social and psychological repercussions for the injured.

Unlike firearm homicides, which are primarily—but by no means exclusively—an urban and outdoor phenomenon, gun suicides routinely occur in the home and in rural settings.[28] In the US, rural communities experience a 54 per cent higher firearm suicide rate than urban communities. In England

and Wales, 36 per cent of suicides among farmers involve guns, whereas guns are used in only 4 per cent of suicides among non-farmers.[29] Information from other settings is not available.

The risk of suicide increases significantly with age; those over the age of 60 have three times the suicide rate of those 15–29 years old. While rates are similar for men and women early in life, by the age of 45, men commit suicide at twice the rate of women,[30] although women are two to three times more likely than men to make an attempt. There are no global statistics available yet on suicide by method, but the gender discrepancy between attempts and completion rates could be partly due to men's overwhelming access to and use of guns: in the US, men are almost eight times more likely than women to complete a suicide with a gun (the rates were 11.07 per 100,000 for men and 1.39 per 100,000 for women in 2002).[31]

A primary risk factor: The presence of a gun

Because of the particular lethality of guns and the relative ease of using them compared to many other suicide methods, doctors and suicide counsellors recommend that guns be removed from the environments of individuals who are at risk of suicide—such as those suffering from depression or who have recently had a traumatic experience, such as the loss of a loved one.[32] The WHO considers access to a firearm a significant independent risk factor for suicide.[33] This is supported by research in the US indicating that the mere presence of a gun in the home increases by a factor of five the risk that a suicide will take place there.[34] Even more compelling, suicide is the leading cause of death in the 12 months following a handgun purchase.[35]

Measures to reduce gun suicide

While reducing access to guns might not reduce the number of attempted suicides, it undoubtedly can reduce the rate of completed suicides, and thus considerably reduce self-directed mortality. A number of steps can help achieve this goal.

1. Institute mandatory waiting periods for gun licensing and/or gun purchase. Among the measures adopted by Canada in the 1990s to regulate gun ownership was a mandatory 28-day waiting period for a firearm certificate. Waiting periods can limit access to the most lethal tool to commit suicide by those who intend to kill themselves.

2. Screen small arms purchasers for serious mental illness. Many countries restrict or prohibit small arms ownership for those with serious mental illnesses that are associated with violence or self-harm. For these screening mechanisms to be effective, however, background checks must be able to access/check certain kinds of medical records. This is not yet routine.

3. Institute safe storage requirements. Requiring that guns be locked unloaded, with the ammunition locked away separately, can prevent some of the most tragic and preventable gun suicides—those committed by young people with guns kept by their parents. In 2002, the Norwegian Armed Forces changed

their policy and removed a large number of small arms from the homes of military personnel. By the end of 2004, there had been no incidents of firearm suicide using army guns in the home guard.[36]

4. Encourage gun-free homes. Public education campaigns highlighting the links between guns in the home and suicide (as well as homicide) should be promoted, and citizens encouraged to remove small arms from settings where they are more likely to end in the death of a family member than to protect.

Parliamentarians can ensure that national suicide prevention strategies are linked to the enforcement of gun laws that seek to reduce access to weapons to high risk groups (e.g. young people) or people with a history of mental illness. If such laws do not exist, parliamentarians can promote the development of such laws and enforcement processes.

RIGHTS-BASED ARGUMENTS: STATE RESPONSIBILITY

A compelling human rights case for careful regulation of civilian-held guns has also been put forward by the UN Special Rapporteur on Human Rights and Small Arms, Barbara Frey.[37] She has noted that under international human rights law, states are required to exercise due diligence to protect people within their territories from abuses, even when these are committed by private individuals. She also notes that states are required to take effective measures to minimise violence by not only criminalising acts of armed violence and enforcing criminal sanctions, but by preventing small arms from getting into the hands of those who are likely to misuse them by, for instance, adopting and enforcing minimum licensing requirements.[38] The state itself may be liable if it fails to investigate and prosecute massacres or take reasonable steps to regulate guns in order to protect citizens from homicides, suicides, accidents, a pattern of intimate partner or family violence, and/or organised crime (See Annex 5 for a list of instruments relating to controls of guns in the hands of civilians).

ILLICIT TRAFFICKING AND NATIONAL ARMS CONTROL

Regulation of civilian access to small arms is central to efforts to curb gun trafficking. There are two principal ways in which this connection can be demonstrated: the first one relates to leakages into the illicit trade through theft, and the second to cross-border flows of weapons when legislation is not harmonised.

'Illicit' firearms nearly always start out as legal weapons—that is, legally manufactured and legally sold. Worldwide, however, diversion of firearms from their legal owners to illegal purposes through loss or theft is a significant source of black market arms. The Small Arms Survey estimates conservatively (due to the absence of data from most countries and many regions of the world) that at least 1,000,000 firearms are stolen each year, with the majority of these taken in small-scale burglaries from private homes.[39] In South Africa, loss and theft from civilian owners is the single largest source of illegal arms:[40] each year, 20,000 guns are stolen from civilian owners, most of which are handguns.[41]

Guns in environments with looser controls can also pose problems in neighbouring countries. Jurisdictions that do have strong (or relatively strong) controls over civilian possession of arms find those controls undermined if guns can be easily and illegally imported from nearby places with less strict controls. In Canada, for instance, a country with moderately strong national gun laws, it is estimated that half of all handguns recovered in crime are illegally imported from the US, where laws are laxer.[42] Guns originating in the US also account for approximately 80 per cent of the arms recovered in crime in Mexico and most of the illegal firearms recovered in the Caribbean.[43] According to the Organisation of American States (OAS), Mexican territory is now a major conduit for gun trafficking from the US: 'Criminal organisations located along the northern border maintain a flow of guns to the drug producing regions of South America'.[44]

Similarly, in Southern Africa, Botswana's restrictive gun policies (and low armed crime rate) have been compromised by neighbouring South Africa's (previously) more permissive policies.[45] The country's police commissioner cited cross-border arms flows as contributing to a recent rise in armed crime: 'We collect a lot of firearms at the South Africa–Botswana border. It doesn't occur to some visitors to leave their gun behind when they visit our country. They don't understand how you can live without carrying a firearm'.[46]

APPROACHES TO NATIONAL ARMS CONTROL

"Tremendous gains can be made by States through simple measures such as the implementation of a licensing regime that establishes clear criteria for the lawful ownership and use of firearms. These criteria should include establishing a reasonable minimum age so as to keep

guns out of the hands of children, ensuring that prospective owners and users are screened for a history of violence or criminal activity and ensuring as well, that each individual possesses a basic knowledge of firearms safety."

—Canadian statement at the UN Review Conference, 26 June 2006

As noted, a number of countries have initiated and/or implemented significantly more restrictive gun control policies in the past decade. There is wide variation in the approaches being taken, but national arms control laws in most countries are based on a combination of the following: prohibiting/restricting certain *uses* of guns; prohibiting/restricting certain *users* of guns; and prohibiting/restricting certain guns.[47] In many cases, new laws establish or strengthen regulations in *all three* of these areas, as was the case with the overhaul of Belgium's national gun laws in 2006 (see Box 2).

BOX 2 HATE CRIME SPURS BELGIAN PARLIAMENT TO MODERNISE NATIONAL GUN LAWS

With a rate of firearm-related deaths of 3.16 per 100,000, over three quarters of which are suicides, Belgium is a country affected by small arms violence. As elsewhere, many of these deaths could be prevented through tighter controls on the acquisition, possession and use of firearms. In June 2006 the Belgian parliament took the long-awaited step of modernising its national gun laws, bringing standards into line with other European countries, including Holland, Germany and the United Kingdom. The new law improved a system riddled with loopholes in which anyone with a valid ID could instantly purchase a gun over the counter. Unfortunately, it took a high-profile killing for the government to act.

Reform of the previous regulatory system had been in the works since 2002 but stalled due to staunch opposition in some quarters. When in May 2006 a teenager bought a hunting rifle from an Antwerp gun store and—motivated by racism—used it the same day to kill an African nurse and the baby in her care, the legislation was quickly revived, revised and passed into law. It raises the threshold for owner licensing, improves the marking and registration of weapons, introduces tighter regulations of gun dealers, and raises penalties for breaking the law.

Under the new law, prospective gun owners must first obtain a license, requiring a three-month practical and theoretical procedure, including police screening and a physical and mental health check. The applicant must also prove familiarity with the law and with safe gun handling standards. Spousal approval will be sought before delivering a licence. The license is valid for five years and must be renewed. Importantly, each applicant must now show a "legitimate use", which, in addition to hunting and sports shooting, can include job-related duties, protection in the case of individuals

who can show proven risks, historical collecting, or cultural activities. Gun carrying is generally authorised for three years with the option of renewal, and the reasons given to justify the licence will be verified regularly, including at the time of renewing the licence.

The new law establishes improved marking and tracing measures, in line with the UN Firearms Protocol (which Belgium ratified in September 2004) and the 2005 UN instrument on marking and tracing. Now, all weapons made or imported into Belgium will be marked with a unique identification number and registered in the Central Register of Arms. Currently only 800,000 of an estimated 2,000,000 weapons in circulation in Belgium are registered – and many of them improperly or incompletely.

The new law carries new obligations for gun dealers, who must prove their professional competence and account for the origin of their income, as a way to avoid money laundering or illicit trade. Licenses to sell arms are granted for seven years after which it must be renewed. Finally, breaking the new laws can lead to up to five years imprisonment and/or a fine of up to EUR 25,000.

These laws still require fine-tuning. The new legislation does not address the marking and tracing of ammunition, controls on the manufacture or conversion of weapons. It will also be critical to review how the police forces are implementing the new laws, and what further training is required. Legislative measures responding to gun violence will always be a work in progress. But these laws are an important step in the right direction.

1. Prohibiting/restricting certain uses of guns

Defining "legitimate" use

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

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

Safe storage

Safe storage requirements are designed to reduce the risk that weapons will be stolen or used impulsively. Typical safe storage measures include unloading the gun, separating it from its ammunition, and the use of locked containers and trigger locks. In Indonesia, all guns licensed for shooting and hunting must be stored and used at a shooting club.[48]

Carrying guns in public

Some countries place restrictions on the conditions in which guns may be legally carried, such as the designated 'Firearm Free Zones' in South Africa.[49] The cities of Bogotá and Cali in Colombia have both experimented with bans on the carrying of handguns on holidays and weekends with some success.[50] Brazil's disarmament law prohibits all civilians from carrying firearms in public (an exception is made for civilians who need to carry a weapon to perform their jobs, e.g. security officers or hunters).

2. Prohibiting/restricting certain users of guns

Most countries screen and license potential owners, impose age restrictions, and undertake background checks. However, there are significant differences in approach. Some nations require formal safety training, whereas others also require the provision of references and waiting periods before purchase. Different categories of users are singled out to be restricted or prohibited from acquiring guns.

Convicted criminals

In most countries, being found guilty of a serious crime, such as murder, drug trafficking, or acts of terrorism, disqualifies an individual from acquiring guns in the future. In Canada, the law provides broad grounds for refusal: 'A person is not eligible to hold a licence if it is desirable, in the interests of the safety of that or any other person, that the person not possess a firearm, . . . ammunition or prohibited ammunition.'[51]

Violence in the home

Given the particular role of legally owned guns in the murder, injury, and intimidation of women and children in the home,[52] several countries have instituted screening mechanisms to prevent gun acquisition by those with a history of family violence, whether or not it resulted in a criminal conviction. Canada requires current and former spouses to be notified before a

gun licence may be issued. South Africa and Australia have specific prohibitions on issuing licences to those with a history of family violence. In the US, federal law makes it a criminal offence to possess a gun while subject to an intimate partner violence restraining order and 11 US states have laws that prevent individuals with a history of intimate partner violence from purchasing or possessing a firearm.[53]

Youth

Most countries prohibit the acquisition and ownership of guns by young people, although the age restrictions and type of guns vary. Many countries prohibit ownership of firearms until the age of 18. In South Africa, firearm owners must be at least 21 years of age. However, a licence can be issued if there are compelling reasons, such as the youth being a dedicated hunter or sportsperson.[54]

Serious mental illness

Because of the potential risks, particularly for suicide, many countries will refuse access to a small arms licence to individuals with a history of serious mental illness. However, given privacy and doctor–patient confidentiality, information about mental illness is often difficult to obtain. In Canada, applicants are asked questions that referees must verify. In Australia, health practitioners who have reason to believe that a patient should not be allowed to have a gun licence are required to report their concerns to police. In Austria, a psychological test is required before a handgun licence is issued.[55]

3. Prohibiting/restricting certain guns

Most countries prohibit the civilian possession of firearms whose inherent risk outweighs their utility.

Military assault rifles

A 2004 survey of 115 countries showed that of 81 respondents, 79 banned civilian possession of military assault rifles, although the definitions varied. Only Yemen and Kenya did not report specifically banning some or all military weapons.[56] Some of the nations prohibiting civilian possession of automatic weapons include Austria, China, Colombia, Guatemala, Hungary, India, Indonesia, Laos, Latvia, Malaysia, and Peru.[57]

Some countries go further and prohibit civilian possession of selective-fire military assault rifles, which can be converted from semi-automatic to

fully automatic fire.[58] Many also ban civilian possession of semi-automatic variants of fully automatic firearms because of their lethality and limited utility for civilian purposes. For example, Argentina, Australia, Bangladesh, Canada, the Czech Republic, France, Guyana, Lithuania, New Zealand, and the UK prohibit selective-fire and some semi-automatic military assault rifles, although definitions vary.

Handguns

Access to handguns is frequently banned or severely restricted, given their concealable nature and prevalence in criminal violence.[59] Some countries, such as Botswana and the UK, have completely banned civilian handgun ownership.[60] Others, such as Australia and Canada, allow handguns only for professional security guards and for target shooters who can prove that they are regularly involved in pistol sports.

Safety devices

One US state (New Jersey) passed a law in December 2002 mandating that only handguns that are personalised ('smart handguns') will be available for purchase in the state.[61] Personalised guns can use a range of technology, including unique biometric data, such as fingerprints and retina scans, to permit firing only by their authorised user.

Record keeping and registration of firearms

Record keeping and registration of small arms help prevent diversion to illegal markets. They also support the efforts of law enforcement to trace guns, investigate crime, and support criminal prosecution. Most nations have some method of registering guns in the hands of their citizens. Yet inconsistencies exist; for example, Austria and New Zealand require the registration of handguns, but not rifles and shotguns.[62]

The level of information required and the tools used also vary considerably. Mexico requires that owners are licensed and all guns registered.[63] Thailand provides a good standard by requiring that the gun itself should be marked to indicate the province of registration and a number.[64] Some jurisdictions have even begun to introduce ballistics testing as part of the record-keeping process. For example, Maryland and New York State in the US have laws requiring all new guns to have ballistics tests before they can be sold.[65]

Regulating the sale and possession of ammunition

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

The following examples demonstrate several approaches taken by societies regarded as 'peaceful' and those recovering from war.

PUBLIC CONSULTATION: THE CASE OF SOUTH AFRICA

As part of a process of social transformation, legislative reform requires broad involvement of citizens and parliamentarians. The development of the new arms law in South Africa presents an example of the power of a largely transparent and public process. Starting in 1999, a wide public consultation and parliamentary hearings were key features that created opportunities to challenge norms of possession and misuse as both a political and cultural issue. The draft law was subject to scrutiny by many interest groups within civil society which included weapons dealers and owners as well as health professionals, women's rights groups, violence prevention groups, human rights advocates and various community-based organisations.

Individuals and organisations were given six weeks to provide written submissions on the Bill, which was then debated in parliament over a six-week period through a public hearing process. This lengthy consultation period enabled the production of a final piece of legislation which reflected as far as possible the interests and concerns of all stakeholders. Throughout this period there was intense public debate on the merits of the law and its purpose. One of the results of this public process is that it appears to have shaped and influenced both public opinion in favour of stricter regulations, and altered behaviour of civilian gun owners in reducing the demand for firearms.[66]

The new Firearms Control Act was finally passed in October 2000 at its second hearing. Among its provisions are owner licensing requirements, background checks on gun owners, and limitations on the number of guns

that may be owned. In conjunction with a clampdown on illegally held guns, the Act is regarded as having helped cut gun-related deaths.

MOVING FROM RIGHTS TO RESPONSIBILITY: THE EXAMPLE OF AUSTRALIA

Prior to 1996, all eight Australian states licensed gun owners, but only five actually registered all guns. The murder of 35 people in Port Arthur, Tasmania in April 1996 was the catalyst for improved national arms control. Within weeks, prompted by public and media pressure, all state and territory governments committed to pass uniform laws including:

- registration of all firearms;
- stronger licensing provisions, including proof of genuine reason to own any gun; uniform screening, including a five-year prohibition on owning firearms for anyone convicted of intimate partner or family violence or subject to a restraining order; a safety course requirement; a minimum age of 18; a 28-day waiting period on each purchase; and strict storage guidelines;
- a ban on semi-automatic rifles and shotguns;
- improved controls on the trading of firearms, including the requirement of a separate permit for each gun; and
- a ban on private and mail order sales of small arms.[67]

The new laws were phased in between mid-1996 and mid-1998, and a one-time tax levy funded the government's buy-back of newly banned guns from their owners. The law resulted in the world's largest weapons collection and destruction exercise to date, with 700,000 guns taken out of circulation.[68]

TRANSITIONING FROM WAR AND VIOLENT CONFLICT

> *". . .we urge the international community present here to support States emerging from conflicts . . . in their search of solutions for the disarmament of their civilian population . . ."*
>
> —Angolan statement at the UN Review Conference, 27 June 2006

Traditionally, in negotiating peace, the disarmament focus is on the demobilisation and reintegration of combatants. Experience in several post-conflict settings, however, points to the importance of also dealing with

civilian gun possession where this is widespread.[69] Residual weapons left in the hands of the military, law enforcement agencies, private security companies and private civilians after various weapons collection initiatives will need to be controlled through legislative reforms. These must clarify the rules guiding weapons acquisition, storage and use.

Governments, the UN, and regional bodies have actively promoted the regulation of civilian firearms possession as part of transitions from war. Cambodia and Sierra Leone are prime examples of nations recovering from lengthy civil wars where a large number of civilians were armed; the governments of both have recognised that disarmament, demobilisation, and reintegration (DDR) programmes must be followed by and consolidated with strong gun control laws.[70]

BOX 3 THE ROLE OF PUBLIC AWARENESS: 'GUN FREE CAMBODIA'

In April 2005, the Cambodian National Assembly passed the Arms Law prohibiting private possession of a firearm without a licence. The government has set the goal of a 'gun free' society, and it is very difficult for private citizens to obtain a firearm licence. Self-defence is not considered a legitimate reason to possess a gun, and there are tough regulations on owning guns for 'sporting' purposes. For example, the government announced that the public shooting range in Phnom Penh will be closed under the law. Amnesties, public awareness campaigns and 'weapons for development' projects were important elements in the government's efforts, and bolstered public confidence moves to foster disarmament and the new arms laws. At least 20,000 copies of the new Arms Law were printed for wide distribution throughout the country, particularly to police posts and local (commune) offices in all 1,621 communes in the country. A further 100,000 pocket-sized copies of the Arms Law were prepared for distribution to individual law enforcement officers before the end of 2005.[71]

REGIONAL ACTION

In growing recognition that the cross-border movement of arms is directly related to how well states regulate their internal stockpiles, regional security agreements increasingly include provisions calling for careful regulation of small arms in the hands of civilians. The most relevant agreements include the European Union (EU) *Joint Action* (1998), the *Bamako Declaration* (2000),[72] the *Nadi Framework* (2000),[73] the Southern African Development Community (SADC) *Firearms Protocol* (2001), the *Andean Plan* (2003),[74] and the *Nairobi Protocol* (2004).[75]

The Nairobi and SADC Protocols are the most advanced and specific on the regulation of guns in the hands of civilians. One of the objectives of the Nairobi Protocol is to 'encourage accountability, law enforcement and efficient control and management of small arms held by States Parties and civilians'. Each of the 11 East African nations is responsible for incorporating into their national law:

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

In addition, the signatories agree to encourage the surrender of illegal guns by civilians and to develop local, national, and regional public education programmes aimed at encouraging responsible ownership and management of guns.

BOX 4 HARMONISATION OF NATIONAL FIREARMS LEGISLATION: LESSONS FROM THE GREAT LAKES REGION AND HORN OF AFRICA

By Francis Sang, Executive Secretary of the Regional Centre on Small Arms (RECSA)

In April 2004, states in the Great Lakes Region and Horn of Africa (Burundi, DRC, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, the Seychelles, Somalia, Sudan, Tanzania and Uganda) signed the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons. The Nairobi Protocol is a detailed legally-binding regional agreement, which entered into force in May 2006, and commits states to establishing controls across a range of areas including national firearms legislation, transfer controls, manufacturing, marking and tracing, brokering, and enforcement of arms embargoes.

In June 2005, the Regional Centre on Small Arms (RECSA) was established to co-ordinate action by member states. One of RECSA's first tasks was to coordinate the development of Best Practice Guidelines to inform the implementation of the Protocol through harmonisation of small arms legislation

across the region. A workshop on this topic was organised in September 2005, which produced a set of guidelines and an implementation plan to be carried out at both national and regional levels. Each Member State agreed to establish a legal drafting team by April 2006 to review their national small arms legislation and check whether it conforms to the Best Practice Guidelines.

In December 2005, a regional parliamentary workshop was held to highlight the important role that parliamentarians need to play in harmonising small arms legislation. With respect to the proliferation of illicit small arms and light weapons the workshop agreed on the following plan of action:

1. To lobby for creation of small arms resource centre in the parliamentary libraries to regularly update members on issues related to small arms and light weapons

2. To strengthen the link between parliamentarians and law enforcement agencies to ensure that legislation is not just a dead letter, but is implemented

3. To strengthen the existing parliamentary initiatives especially by building the capacity of parliamentarians to make policy on issues of peace building

4. To take personal commitments and interest in harmonisation of legislation on small arms and light weapons in the region.

The activities undertaken by RECSA and its partners with respect to implementing the Nairobi Protocol demonstrate what is possible if regional networks are engaged and strengthened. The efforts made to harmonise firearms legislation and the active involvement of parliamentarians serves as a model that could be emulated in other regions. Parliamentarians involved in the Great Lakes and Horn of Africa process are encouraged to share their experiences and lessons learned during the process – which is still ongoing – to help other parliamentarians develop similar strategies to collectively combat the small arms problem in their own regions.

Following a seminar by AWEPA (European Parliamentarians for Africa) held in November 2003 in Mombasa, Burundi, the Democratic Republic of the Congo and Rwanda have initiated a process to harmonise their respective firearms legislation. This led to a series of sub-regional parliamentary conferences between parliamentarians from the three countries aimed at harmonising their legislation. It is hoped that, once final agreement on harmonisation has been reached, it will serve as a model and catalyst for harmonising laws in the entire region.

INTERNATIONAL STANDARDS

In addition to the trend among governments to strengthen outdated, weak or incomplete national gun laws, several multilateral processes have encour-

aged greater national arms control. Most significantly, in May 1997, 33 countries sponsored a resolution in the UN Commission on Crime Prevention and Criminal Justice that emphasised the importance of state responsibility for effective regulation of civilian possession of small arms, including licensing owners, record keeping for guns, safe storage requirements, and appropriate penalties for illegal possession.[76] This effort culminated in 2001 in the adoption of a protocol on small arms trafficking—the *Firearms Protocol*.

The *Firearms Protocol,* which entered into force in mid-2005, criminalises illicit trafficking, and necessitates that guns be marked at the point of manufacture, import, and transfer from government into private hands. States are also required to consider establishing a system of regulating arms brokering. In April 2005, the 40th ratification triggered the process of the Protocol entering into force.[77] It is the first legally-binding international agreement on small arms control. (See Annex 3)

The discrepancy between progress at the national level and debates on this issue in the UN process on small arms is significant. Since 2001 there have been two 'Biennial Meeting of States to Consider the Implementation of the PoA' (BMS', held in July 2003 and July 2005). These reporting meetings threw this in to strong relief, with some 70% of governments voluntarily reporting on their national firearms legislation.[78]

RELEVANCE TO THE UN PROGRAMME OF ACTION

An early draft of the PoA explicitly called on states to regulate civilian possession and use of arms in order to curb illicit gun trafficking.[79] These references were dropped in the final version of the consensus document at the insistence of the US, in collaboration with China and Cuba.[80] However, while direct reference to national arms regulation was dropped, the PoA calls on all participating states to implement legislative or other measures required to criminalise 'the illegal manufacture, *possession* [emphasis added], stockpiling and trade' in small arms.[81] The PoA also calls on states to adopt 'all the necessary measures to prevent the . . . possession of any unmarked or inadequately marked SALW'[82], as well 'to identify . . . groups and individuals engaged in the illegal trade, stockpiling, transfer, possession . . . and take action under appropriate national law . . .'[83] Additionally, states are exhorted

> to ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, **holding** [emphasis added] and transfer of SALW within their jurisdiction. These records should be organised and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.[84]

In practice, this commitment requires the establishment of a small arms registration system.[85]

RECOMMENDATIONS FOR PARLIAMENTARIANS

Governments are increasingly acting to strengthen small arms control measures, including the regulation of civilian-held guns, in efforts to address gun violence and the negative effects of the arms trade. Parliamentary action is crucial when it comes to reviewing and updating national gun laws. Encouragingly, there is a rich body of evidence and lessons to draw from in efforts to strengthen national gun laws.

1. Parliamentarians can instigate reviews of current national laws and policies on arms possession and use, as well as the implementation of existing laws. As a benchmark, laws and policies can be brought into conformity with the recommendations laid out in the 1997 Resolution of the UN Commission of Crime Prevention and Criminal Justice.[86] These include licensing, registration, and safe storage requirements, among others—all of which would help reduce misuse and diversion of legal firearms to illegal markets. In addition, governments should seriously consider the importance of passing federally uniform, rather than subnational, arms control laws. Doing so would impede arms trafficking from lesser to more regulated provinces.

2. Parliamentarians can convene public hearings or inquiries to ascertain views on the arms trade and gun violence and possession in the country. Seeking the views of diverse sectors of the population is a useful, transparent and publicly accountable method of informing changes to laws and has been a feature of the success in several government reform efforts including in South Africa, Australia, and El Salvador.

3. Parliamentarians can advocate for legislation that will:

- *Promote gun owner responsibility by registering firearms*. Individuals permitted to own firearms must be responsible for them. Development of systems of accountability should also be agreed, with losses reported and investigated quickly. Governments could agree to hold individuals accountable for weapon loss through serious disciplinary action. Support for safe storage facilities and awareness-raising campaigns could help promote responsibility of gun owners for ensuring that society is not harmed with their weapons.
- *Define minimum criteria for private ownership of guns by introducing a national system of licensing.* At a minimum, criteria for acquiring guns should include the capacity to handle a gun; age limit; proof of valid

reason; and a security screening based on criminal records or history of violence, including intimate partner violence. Licences should also be required to acquire ammunition.

- *Prohibit civilian possession of military-style rifles,* including semi-automatic firearms that can be converted to fully automatic fire and semi-automatic variants of military weapons. This measure has been effectively implemented in countries such as Canada and Cambodia, and in 2004, East African governments signed the *Nairobi Protocol,* which binds State Parties to 'the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns'.
- *Ensure that national measures are harmonised with other efforts to prevent violence against women*. Women face particular risks from gun violence in their homes at the hands of their intimate partners, and access to guns is a major risk factor for femicide. National regimes should include specific clauses that prohibit access to guns if the person seeking to own a gun has a history of violence, particularly against intimate partners or family members.

Contributors to the original version of this theme included Cate Buchanan, *Centre for Humanitarian Dialogue;* Wendy Cukier, *SAFER-Net Canada;* Adele Kirsten, *Institute for Security Studies;* Emile LeBrun, consultant; and Lora Lumpe, *Amnesty International USA*. Comments and suggestions from reviewers were received from Peter Batchelor, *UN Development Programme;* Nicolas Florquin, *Small Arms Survey;* Keith Krause, *Small Arms Survey;* Dr David Meddings, *World Health Organisation;* Brian Parai, *Government of Canada;* Rebecca Peters, *International Action Network on Small Arms;* Daniël Prins, *Government of the Netherlands;* Dr Garen Wintermute, *Violence Prevention Research Program*, *University of California.*

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ENDNOTES

1 'Small arms' generally refers to grenades, assault rifles, handguns, revolvers, light machine guns. 'Light weapons' generally refers to anti-tank and anti-aircraft guns, heavy machine guns, recoilless rifles. The terms guns, firearms, small arms and weapons are used interchangeably throughout this publication.

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34 Kellermann, Arthur et al (1992), 'Suicide in the home in relation to gun ownership', *New England Journal of Medicine*, Vol. 327, Issue 7, pp. 467–472

35 Wintemute, Garen et al (1999), 'Mortality among recent purchasers of handguns', *New England Journal of Medicine*, Vol. 341, Issue 21, pp. 1583–1589

36 Telephone interview between Christian Ruge, FAFO and Brigadier Geir Anda, Commander, Norwegian Defence Staff Press and Information Office, Oslo. Communicated to the HD Centre, 18 May 2005.

37 Ms. Frey was appointed as the UN Special Rapporteur on Human Rights and Small Arms in April 2003, and was tasked with preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper prepared for the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2002/39), which considered the diverse legal and practical issues involved in the questions of (a) the trade and carrying of small arms and light weapons; and (b) the use of such weapons in the context of human rights and humanitarian norms, and offered recommendations for further action and research. She presented the final report of the study in August 2006.

38 Frey, Barbara (2006), *Prevention of human rights violations committed with small arms and light weapons* : Final report submitted by Barbara Frey, Special Rapporteur, in accordance with Sub-Commission resolution 2002/25 (A/HRC/Sub.1/58/27), para 42. Available at: http://hrp.cla.umn.edu/documents/A%20HRC%20Sub.1%2058%2027.pdf

39 The estimated figures for annual US gun theft alone are 500,000–1,820,000. *Small Arms Survey 2004*, pp. 60–61

40 Chetty, Robert, ed. (2000), *Firearm Use and Distribution in South Africa*, National Crime Prevention Centre, Firearms Programme, Pretoria, p. 45

41 Gould (2004), *Hide and Seek,* p. 200

42 Francis, Geoffrey (1995), 'Illicit firearms in Canada: Sources, smuggling and trends', *Royal Canadian Mounted Police Gazette*, Vol. 57, Issue 2, pp. 22–24

43 In the first eight months of 2003, Mexican officials reportedly asked the US government to trace more than 17,000 US-origin guns recovered from crimes in Mexico. Grillo, Ioan (2003), 'Illegal arms pervasive in Mexico and most obtained from the US', *Houston Chronicle*, 12 October 2003

44 Organisation of American States (2002), *Evaluation of Progress in Drug Control 2000–2002*, OAS, Mexico, p. 8

45 Botswana does not issue handgun licences to individuals; the only people who can possess and carry firearms are serving members of the police and defence force. Hunters are subject to strict control, with only 400 licenses issued annually, by lottery—200 for shotguns and 200 for rifles.

46 Gun Control Alliance (South Africa), *Facts and Figures—Botswana: A Lesson for South Africa*. Available at: www.gca.org.za/facts/briefs/09botswana.htm

47 Based on Zimring, Franklin (1991), 'Firearms, violence and public policy', *Scientific American*, November, pp. 24–30

48 Cukier, Wendy et al. (2003), *Emerging Global Norms in the Regulation of Civilian Possession of Small Arms*, SAFER-Net, Toronto (updated in 2004)

49 South Africa, Firearms Control Act (No.60 of 2000), Section 140

50 Villaveces, Andres et al. (2000), 'Effect of a ban on carrying firearms on homicide rates in two Colombian cities', *Journal of the American Medical Association*, Vol. 283, pp. 1205–1209

51 Canada, Firearms Act (1995), chap. 39. Available at: www.laws.justice.gc.ca/en/F-11.6/59627.html

52 Hemenway, David et al. (2002), 'Firearm availability and female homicide victimization rates across 25 populous high-income countries', *Journal of the American Medical Women's Association*, Vol. 57, pp. 100–104

53 Richardson, Vigdor, Elizabeth and James Mercy (2002), 'Disarming batterers: The impact of domestic violence firearm laws', in Jens, Ludwig and Philip Cook (eds.), *Evaluating Gun Policy: Effects on Crime and Violence*, Brookings Institution, Washington, DC. However, the commission of a violent misdemeanour does not always result in the abusers' guns being surrendered.

54 South Africa, Firearms Control Act, chap. 5: Competency Certificate, sec. 9 (5) (a) and (b)

55 Cukier et al. (2003), *Emerging Global Norms*

56 Cukier, Wendy (2005), *The Feasibility of a Global Ban on Civilian Possession of Military Assault Weapons*, Report prepared for the Small Arms Working Group of the Peacebuilding and Human Security: Development of Policy Capacity of the Voluntary Sector Project for the Canadian Peacebuilding Co-ordinating Committee

57 Cukier (2005), *The Feasibility of a Global Ban*

58 From a public safety perspective, there is little difference between fully automatic and semi-automatic military assault. A fully automatic AK-47 fires 20 rounds in 2.4 seconds, a semi-automatic Norinco AK-47 takes 4.6 seconds. See Cukier et al. (2003), *Emerging Global Norms*

59 UN (1998), *International Study on Firearm Regulation*, p. 33. Available at: www.uncjin.org/Statistics/firearms

60 UN (1998), *International Study on Firearm Regulation*

61 The law mandates that only personalised handguns will be available for purchase *three years* after they become commercially available. See State of New Jersey (2002), 'McGreevey Signs Law Requiring Childproof Handguns', press release, December 22. Available at: www.njstatelib.org/NJLH/lh2002/govmess/ch130gov.htm. See also Eisenberg, Anne (2005), 'Ready, aim, ID check: In wrong hands, gun won't fire', *New York Times*, 6 January

62 This information was taken from SAFER-Net country profiles for Australia, Austria, Germany, India, and Japan. Available at: www.ryerson.ca/SAFER-Net

63 SAFER-Net (2001, last update), country profile: Mexico. Available at: www.ryerson.ca/SAFER-Net. Accessed 10 March 2004

64 SAFER-Net (2001, last update), country profile: Thailand. Available at: www.ryerson.ca/SAFER-Net. Accessed 10 March 2004

65 Boesman, William and William Krouse (2001), *National Integrated Ballistics Information Network*. Available at: www.boozman.house.gov/UploadedFiles/SECOND%20AMEND%20-%20Ballastic%20Fingerprinting.pdf

66 Kirsten, Adèle et al. (2006), *Islands of Safety in a Sea of Guns: Gun-free Zones in South Africa,* Small Arms Survey, Geneva. For more information, see South Africa case study, Annex 6

67 Australasian Police Ministers' Council, 10 May 1996 and 17 July 1996, Consolidated Resolutions Relating to Legislative Issues

68 *Small Arms Survey 2004*, p. 184

69 See Buchanan, Cate and Mireille Widmer (2006), *Civilians, guns and peace processes: Approaches and possibilities*, Centre for Humanitarian Dialogue, Negotiating Disarmament Briefing Paper No. 1. Available at: www.hdcentre.org/Negotiating+Disarmament

70 On Cambodia, see the European Union's Assistance on Curbing Small Arms and Light Weapons in the Kingdom of Cambodia (EU ASAC) at: www.eu-asac.org/and_cambodia/cambodia_small_arms.html; on Sierra Leone, see www.undp.org/bcpr/smallarms/docs/proj_sierraleone.pdf

71 Email communication with David de Beer, project manager of the EU's Assistance on Curbing Small Arms and Light Weapons in the Kingdom of Cambodia (EU ASAC), November 2005

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

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

74 OAS (2003), *Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, OAS Decision 552, 25 June 2003. Available at: www.comunidadandina.org/normativa/dec/D552.htm

75 The countries that negotiated the agreement are Burundi, the Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Sudan, Tanzania, and Uganda. For the text of the agreement, see www.saferafrica.org/DocumentsCentre/NAIROBI-Protocol.asp

76 UN Commission on Crime Prevention and Criminal Justice, Sixth Session (1997). The resolution was sponsored by Angola, Australia, Botswana, Brazil, Brunei, Burundi, Canada, Colombia, Croatia, Fiji, France, Gambia, Germany, Greece, Haiti, Italy, Japan, Lesotho, Malaysia, Mexico, Morocco, the Netherlands, the Philippines, Poland, Qatar, South Korea, Romania, the Russian Federation, Saudi Arabia, Sweden, Tanzania, Thailand, and Tunisia.

77 Information is available at: www.unodc.org/unodc/en/crime_cicp_signatures_firearms.html

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

79 The UN *Draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, version L4 Rev.1 called on States to undertake the following: 'To put in place adequate laws, regulations and administrative procedures to exercise effective control over the legal manufacture, stockpiling, transfer and possession of small arms and light weapons within their areas of jurisdiction. To ensure that those engaged in illegal manufacture, stockpiling, transfer and possession, can and will be prosecuted under appropriate penal codes. . . . To seriously consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes'.

80 Prepared remarks of John Bolton (USA), 9 July 2001. Available at: www.un.int/usa/01_104.htm. See also IANSA (2001), 'Press Conference by International Action Network on Small Arms,' 20 July. Available at www.notes.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/f3073dc0c5af587285256a92006d47c4?OpenDocument

81 UN (2001), *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, A/CONF.192/15, July, para. II.3

82 Ibid, para. II.8

83 Ibid, para. 11. 6

84 UN (2001), *Report of the United Nations Conference*, para. II.9

85 This observation was made by Regehr, Ernie (2001), 'The UN and a small arms Program of Action: Measuring success', *Ploughshares Monitor*, December. Available at: www.ploughshares.ca/CONTENT/MONITOR/Monitor01list.html

86 See UN Commission on Crime Prevention and Criminal Justice, Sixth Session (1997), *Firearm Regulation for the Purpose of Crime Prevention and Public Health and Safety: Draft Resolution II*, E/CN.15/1997/21. Available at: www.uncjin.org/Documents/6comm/21_2e.pdf

THEME 2 STEMMING THE FLOW OF SMALL ARMS – CONTROL ISSUES

Relatively few of the countries most affected by gun violence are major producers of small arms, so weapons are often sourced abroad.[1] Frequently, such foreign-supplied arms are repeatedly recycled within or across borders for years, amplifying the impact of the initial sale. Given the havoc they cause in some areas, an international response to prevent fresh arms supplies is required. This theme examines the most common ways that guns are trafficked and provides key recommendations for policies to stop illicit transfers and those supplies—whether technically 'authorised' or not—that are particularly damaging to human security.

Global arms transfers take several forms: weapons may be sold, bartered, or given away free. Many governments concern themselves with illicit trafficking, where they consider legality to be based narrowly on whether a deal had government approval.[2] Yet the illicit trade is intimately connected to the legal trade—and sometimes the two are hard to distinguish. In fact, the question of what is a legal arms deal, as opposed to an illegal one, hinges on the question of what is allowed under national and international law, and the absence of adequate national laws covering arms trading is one of the main challenges. A wilful lack of transparency on even the authorised trade by many states, including some major producers and exporters, further muddies the picture.[3]

International arms transfers fall into three categories:

- *authorised arms transfers* that are explicitly approved by governments of both the export and import countries, as well as any transit countries with trans-shipment controls in place (as noted below, the fact that a transfer is authorised by a government does not preclude it from being in breach of international law and/or having grave consequences for human security);
- *grey market transactions* that involve arms shipments officially declared for one destination or client—and approved by a government on that

basis—but that are then diverted to an unauthorised user, sometimes in violation of an international arms embargo; and
- *'black market' or strictly illegal transactions,* in which neither the export nor import was approved by the relevant authorities and the entire deal is conducted in the shadows, taking advantage of lax controls and the extensive networks of criminal syndicates.

Governments often approve small arms deals with little, if any, consideration of the consequences, including basic questions such as who will receive the guns or ammunition, how they will use them, and what repercussions the inflow of weapons may have on the security environment for civilians—whether, for example, the (mis)use of the guns will fuel violence and human rights abuse. Grey market deals provide an easy cover for transfers to human rights abusers and those subject to arms embargoes. Moreover, where governments fail to crack down on illegal gun sales and the criminals that misuse them, the widespread availability of guns enables armed attacks against civilians. Gun trafficking threatens lives and livelihoods in myriad ways. Yet it appears that competition for markets and financial profits inhibit restraint, and unfortunately supplier countries commonly rationalise that 'if we don't sell it, someone else will', a reasoning often inconsistent with their overall foreign, security and development policy objectives.

EXISTING PROCESSES

A number of initiatives to regulate arms transfers have taken place, led by governments, parliamentarians and NGOs. Approaches that offer some promise or lessons for the future are profiled below.

RELEVANCE TO THE UN PROGRAMME OF ACTION

Regulating the illicit trade in small arms is the core organising principle of the PoA, and is referenced explicitly and implicitly throughout the document. The agreement of states to pursue supplemental measures, legally binding instruments on marking and tracing, and brokering further bolsters this supply-side focus of the PoA. Nevertheless, the authorised trade in small arms—from which much of the illicit trade originates—was purposely excluded from the scope of the PoA.

Section 2, Article 11 of the PoA specifically calls on Member States to 'assess applications for export authorisations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of states under relevant international law'.

1. Transfer criteria

Governments have international legal responsibilities with respect to their decisions to permit small arms transfers. Under the PoA, Section 2, Article 11, states declared that they would 'assess applications for export authorisations' according to criteria 'consistent with the existing responsibilities of states under relevant international law'. The *Agenda for Humanitarian Action,* agreed to in December 2003 by State Parties to the Geneva Conventions, calls on governments to 'make respect for international humanitarian law one of the fundamental criteria on which arms transfers are assessed'. States are encouraged to incorporate such criteria into national laws or policies and into regional and global norms on arms transfers.[4]

States' obligations go beyond the duty to respect arms embargoes and make them binding within their territories. Where supplying countries make weapons and ammunition available even though they have reason to believe these may be misused, they might become complicit in the resulting armed atrocities. As pointed out by the UN Special Rapporteur on the prevention of human rights violations committed with small arms and light weapons, international law 'could be interpreted to prohibit [states] from transferring small arms knowing they will be used to violate human rights'.[5] The reports of the Special Rapporteur have pointed out that small arms availability and misuse are intimately connected, and that international standards on arms transfers must be clarified and strengthened if arms-enabled abuses are to be prevented.

BOX 5 IMPROVING TRANSFER CONTROLS STARTS AT HOME: NEW ZEALAND

By Phil Goff, Minister for Disarmament and Arms Control, New Zealand

Despite the disappointing outcome of the 2006 United Nations Small Arms Review Conference, New Zealand remains firmly committed to upholding the UN Programme of Action. The priority now should be on getting the international small arms agenda back on track. We will work with others in ensuring that this is achieved.

The Programme of Action remains very relevant to New Zealand's immediate region. Dangerous security situations within countries such as Timor Leste, Solomon Islands and Bougainville could have been much more tragic but for the progress achieved in removing and destroying firearms from their communities.

The development of transfer controls regulating the trade in small arms and light weapons will help curb the proliferation of these weapons into the wrong hands. New Zealand has been active in support of the transfer control initiative, launched by the UK. We have also been an active supporter of the separate and more ambitious UK proposal on an arms trade treaty.

Civil society has played an important part in mobilising the UN to action on the small arms issue. The New Zealand delegation to the Review Conference was strengthened by the participation of three different NGO representatives. The Government greatly values the contribution NGOs make in drawing global attention to the suffering inflicted by small arms.

There are also important reasons for governments to adopt a prohibition of arms transfers to a 'peaceful' country where the local authorities are unable to rein in private individuals and groups who act with impunity. When exporting nations realise that guns and ammunition provided legally are being diverted and used in deadly crime, they likewise should act to avoid complicity in bloodshed. In 1996, for example, the US barred gun exports to Paraguay when it was discovered that many guns used in violent crime in neighbouring Brazil were US-sourced, transferred legally to Paraguay and then illegally trafficked over the Brazil–Paraguay border. This policy seems to have led to changes: in 2000, after negotiations with the Brazilian government, Paraguay committed itself to a three-year moratorium on all firearm imports.[6]

The UN *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components, and Ammunition* (*Firearms Protocol*), which entered into force on 3 July 2005, provides that legal transfers of guns require agreements between the governments involved.[7] (See Annex 3 for information on ratifications and signatures). Yet the *Firearms Protocol* also embodies some of the weaknesses of efforts targeting only 'illicit' transfers: it only covers commercial transfers, thereby exempting state-to-state transactions, and it does not specify the criteria against which arms transfer decisions should be weighed. Further, it is limited to barrel firearms, which means that some weapons categorised by the 1997 UN Panel of Governmental Experts on Small Arms as 'small arms and light weapons', such as explosives and landmines, are not covered.[8]

NGOs have taken the lead in pushing for international criteria to govern arms export. The Control Arms Campaign, launched in October 2003 by the International Action Network on Small Arms (IANSA), Oxfam, and Amnesty International, advocates for an 'Arms Trade Treaty' (ATT) prohibiting transfers when the guns and ammunition in question are indiscriminate, of a nature to cause superfluous injury or unnecessary suffering, or when there is knowledge that arms will be used for breaches of the UN Charter or for serious violations of human rights and international humanitarian law (IHL).[9]

At the Annual Meeting of the International Parliamentary Forum on Small Arms and Light Weapons in Mexico in October 2005, the Control Arms campaign launched an initiative called: the Global Parliamentary Action, which called on parliamentarians around the world to give their personal support for a global ATT, and asked them to carry forward the initiative within their own parliaments. Many parliamentarians became actively engaged on the issue and provided support to the Control Arms campaign. For example, 61 members of the Danish parliament, from all political parties, showed their support for the Control Arms campaign by joining the Million Faces petition leading up to the 2006 Review Conference.

Following the disappointment of the 2006 Review Conference (RevCon), which proved unable to agree on a concrete way forward on transfer controls, the First Committee of the UN General Assembly agreed in October 2006 to set up a Group of Governmental Experts "commencing no later than 2008, to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms." This marks the first step towards the establishment of an ATT, which will create legally binding arms controls and ensure that all governments control arms using the same international standards. However sustained attention to this issue is required to guide and encourage progress, and several states still need to be brought on board.

> *"Just as we cannot be vocal on governmental wrongs but silent on human rights, we cannot be critical of the illegal trade at weapons but unconcerned with the legal trade that contributes to it. Common core global principles based on existing legal obligations and transparency are critical for us to tackle this out of control problem arms problem [sic] and its impacts."*
>
> —Costa Rica statement at the UN RevCon, 27 June 2006

At the national and regional levels, a number of arms supplying states have progressively adopted minimum arms transfer criteria. There have been further strides since 2001 to codify transfer criteria for small arms. In December 2002, the Wassenaar Arrangement[10] adopted the Best Practice Guidelines for Exports of Small Arms and Light Weapons. The guidelines identify the circumstances under which exporters should avoid authorising arms transfers, including the risk of contributing to terrorism, prolonging or aggravating armed conflict, or diversion to unauthorised recipients.[11]

In December 2003, the Wassenaar Arrangement also agreed to Elements for Export Controls of MANPADS, which calls on members to restrict exports of man-portable air defence systems (MANPADS) only to governments or their authorised agents and to take into account other factors, including the potential for misuse in the recipient country.[12] (See Annex 5 for more instruments of relevance to small arms transfers)

BOX 6 LEGAL CHALLENGES FOR RESTRICTING ARMS TRANSFERS

The Draft Framework Convention on International Arms Transfers (also known as the Arms Trade Treaty or ATT) has gathered growing international attention since 2003.[13] Since then, over one million people have signed up in support of its principles, and in December 2006 some 153 governments aligned themselves to moving forward on such an initiative through the adoption of a General Assembly resolution calling for an examination of the feasibility of an arms trade treaty.[14] However, some important issues will need to be clarified in the coming months:

1. Clarifying the international legal basis for rules prohibiting transfers
As it currently stands, the ATT proposal attempts to codify existing international law with reference to the obligation of states under the law of state responsibility. This law prohibits states from aiding and assisting other states in the commission of an internationally wrongful act, which can include serious breaches of IHL or human rights law. What happens, however, when weapons are transferred to non-state armed groups that are not directly covered under the concept of state responsibility?

The emerging international criminal law notion of 'complicity' might assist, as it encompasses the positive obligation of state officials to investigate the end-use of the weapons they transfer, as they may incur responsibility for making violations possible by providing material assistance to the perpetrators. Rules against complicity are intended to ensure states do not become accomplices in the violent behaviour of others, whether other states, armed groups, corporations, or individuals.

In addition, there are clear positive obligations on states to ensure respect for IHL, and this is widely accepted as including obligations towards preventing or punishing breaches of IHL abroad. There is also a developing notion that states must co-operate in the protection and fulfilment of human rights beyond their borders. In both cases, these rules provide support for strict criteria to prohibit transfer where the guns are likely to be used to commit human rights or humanitarian law abuses.

2. Clarifying the precise criteria of prohibition
Existing proposals list very general criteria, such as 'violations of human rights'. It is likely that when states sit down to negotiate criteria for arms transfers, there will need to be a good deal of discussion to give more precision to these general phrases. For both human rights and humanitarian law criteria, there is a firm basis in existing international standards to list

more serious types of abuses that would give rise to a prohibition on transfer.

Consideration should be given also to identifying situation-specific criteria that would address directly the types of cases in which transfers should always be prohibited. For example, criteria could prohibit transfer to any state or territory where the International Criminal Court is investigating or prosecuting war crimes or crimes against humanity, or to any state that has not met minimum international standards in regard to national use, control, and stockpiling of guns and ammunition.

3. Clarifying the standard of proof

A key question involves determining the standard of proof on the transferring state. It would seem insufficient to prohibit transfers only where the state had *knowledge* that doing so breached the criteria. At a minimum, a notion of *constructive knowledge* should be used, whereby if certain factors were present knowledge or awareness could be imputed. Otherwise, there is a real risk that states that lack diligence or turn a blind eye to abusive behaviour on account of a lucrative deal will not be caught by the prohibition.

An alternative to constructive knowledge is the use of the 'likelihood' formulation. This is the standard chosen by the *EU Code of Conduct*.[15] In order to be useful, this standard needs to be substantiated with indicators. It could be stipulated that the 'likelihood' of arms being used to perpetrate violations of international law will be assessed in light of statements made by UN bodies, or will depend on the adoption by the recipient nation of certain key instruments on, for instance, use of force by law enforcement officials.

4. Identifying enforcement measures

Too little attention has been given to means to enforce international transfer criteria. In order to be effective, any international treaty in this area must include obligations on states to criminalise serious violations, such as the conduct of national officials who issue licences knowing that the transfer fails to meet the criteria or the conduct of an arms manufacturer that circumvents national export controls. Some kind of international monitoring body will be necessary, as states will often have divergent interpretations of the criteria. No matter how many indicators are codified in an eventual convention, there will always be room for disagreement.

An international body or agency would also be a way to guarantee that a nation wanting to invoke its right to self-defence in order to import guns and ammunition despite its poor human rights record could argue its case before a neutral third party.

2. Embargoes

Arms embargoes represent a key instrument to prevent small arms from falling into the wrong hands. It is now common practice for the UN Security Council to impose arms embargoes on parties (state and non-state) to a conflict as a response to the existence or impending threat of violent

conflict.[16] By February 2007 there were mandatory territorial arms embargoes in force against Côte d'Ivoire, Lebanon, and Somalia.[17] Non-state actors are also subject to arms embargoes. Currently, every state in the international community is prohibited from transferring arms to non-state groups in the Democratic Republic of Congo, Liberia, Rwanda, Sierra Leone and in Sudan, as well as to Al-Qaida and associated persons.[18] Under article 41 of the UN Charter, states have a legal obligation to abide by embargoes enacted by the Security Council and a duty to implement measures to ensure that persons within their jurisdiction also comply with the embargoes.

Increasingly, regional instability, human rights and humanitarian law concerns motivate the imposition of arms embargoes but, for political reasons, the pattern of imposition is by no means consistent. Despite the difficulties that permeate their implementation and enforcement, the fact that arms embargoes are viewed as a necessary element of the international community's reaction to violent conflict is significant. Even where the Security Council calls upon states to halt the flow of arms to a war or conflict zone without pronouncing a mandatory embargo, its action reinforces the idea that weapons transfers in violent circumstances are never innocent.[19]

There has been some progress recently to improve the effectiveness of arms embargoes. The establishment of UN investigative panels to monitor different sanctions regimes has been a major development.[20] The publication of hard-hitting panel reports documenting embargo violations has helped focus attention on the problem and pushed some arms suppliers, brokers, and private traffickers to re-evaluate the risks of engaging in such deals. The investigative panels have identified consistent problems that compromise the effectiveness of arms embargoes, such as:

- lax arms export controls in supplier countries;
- allies in the governments of other countries who provide cover and sometimes financing for embargoed parties; and
- uncontrolled arms brokers and transport agents who will supply arms to anyone for the right price.

Although UN arms embargoes are obligatory, governments and individuals that are caught in violation do not face real or punitive consequences. This is especially true of governments that serve on the Security Council, such as France during a mid-1990s scandal over arms sales to Rwanda. A range of other countries also provided arms to forces subsequently engaged in genocide.[21] Individuals who facilitate sanctions busting, including cor-

rupt government officials, arms brokers, and transport agents, operate with near-total impunity. National authorities often fail to implement UN sanctions into national legislation, so any violation becomes nearly impossible to prosecute, especially where gun control and justice systems are weak. Parliamentarians can call for clarification of existing law or policies and work to close any loopholes.

> *"The 114th Assembly of the Inter-Parliamentary Union . . . urges parliaments to make violations of arms embargoes a criminal offence under national law; and, in the event of breaches of arms embargoes, to trigger the specific action prescribed for each particular embargo."*
> —IPU resolution, 114th Assembly, 12 May 2006 , para. 16

Another problem is that UN investigative panels have always been *ad hoc,* time bound, and assigned to look at individual embargoes. This arrangement means that there are gaps in monitoring, institutional memory is lost as panels expire, opportunities for a more comprehensive analysis across several embargoed countries are missed, and follow-up does not happen. One solution to these problems would be for the UN to establish a permanent sanctions unit to receive and analyse reports of violations and ensure critical follow-up, complemented by experts who would conduct investigations as needed.

BOX 7 BREAKING THE DEADLOCK: GUNS AND ARMED GROUPS

Taking into account that non-state armed groups are so often responsible for systematic human rights abuses against civilians, the Canadian government in 1999 proposed the development of a global convention to limit small arms transfers to such groups.[22] Years later, the issue is still the subject of debate. After much disagreement, the 2001 UN Conference failed to reach a consensus on how to address the issue. As a result, the PoA does not contain any guidelines on this important question, and a deadlock emerged, preventing constructive efforts to contain the vast destruction arising from armed violence by various armed groups.

Despite a precedent from the EU to outlaw the sale of military-style small arms to armed groups, this approach does not appear promising at the global level.[23] Instead, the persistent opposition of some states to a blanket ban on arms transfers to non-state groups obliges the international community to explore other avenues to address the wide array of problems raised by the misuse of weapons by such groups. Possible responses extend beyond traditional supply-side measures to take into consideration the factors driving the demand and misuse of weapons by armed groups. (See Annex 5 for relevant instruments of international law)

TABLE 2 ENTRY POINTS FOR ACTION ON ARMED GROUPS AND SMALL ARMS CONTROL FOR PARLIAMENTARY ACTION[24]

Problem		Possible responses
'Supply' How do armed groups get weapons?	Legal/grey market transfers	Adopt human rights and IHL criteria for arms transfers
		Ban transfers to groups known to commit egregious human rights violations
	Through arms brokers	Introduce robust legislation on brokering and ensure prosecution of unscrupulous arms brokers and shipping agents
	Embargo busting	Better equip the UN to monitor and enforce arms embargoes; establish a UN embargoes unit
	Trafficking	Ratify and implement the UN *Firearms Protocol*
		Tighten border controls
	Weak stockpile management (e.g. looting of armouries)	Review the procedures and facilities for safe storage and registration of guns and ammunition
'Demand' How can the demand for weapons be reduced?	Addressing inequality and insecurity	Manifestations of inequality and insecurity need to be identified and addressed on a case-by-case basis (for example, unequal distribution of resources, access to power, trafficking in conflict goods)
	Disarmament	Effective disarmament that goes beyond weapons collection related to cease-fires and peace agreements and includes 'weapons for development' projects, long-term arms control initiatives, regulation of all civilian users, and detailed reintegration strategies

'Misuse' How/why do armed groups misuse weapons?	Lack of respect for human rights and IHL norms	Engage with groups to increase awareness of and respect for international law, especially standards for civilian protection, for example, by facilitating training programmes and information exchange
		Publicise abuses, to bring pressure to bear on the armed group
	Lack of accountability	Find ways for non-state actors to agree to instruments on human rights and IHL; child soldiers protocol; landmines treaty
		Bring the leaders of groups responsible for gross abuses of human rights and IHL to justice where appropriate and feasible through special tribunals and the International Criminal Court
	Due or in response to abuses committed by government or opposing forces	Ensure impartiality in approach, by giving sufficient weight and attention to government abuses; UN Special Rapporteurs, independent commissions, or ombudsmen can play a useful role in identifying issues and options for action
	Linked to criminal activities	Strengthen the justice and security sectors
		Empower the communities to enter into dialogue with the armed groups and armed gangs living in their midst, through dialogue and community-based security building

3. Moratoria

Voluntary and mandatory moratoria can often be effective ways to limit the proliferation of guns and ammunition. Unlike embargoes, moratoria do not necessarily imply punishment for actions or activities, and are preventive in nature. They can apply to a single country, to sub-regions, or entire regions; be initiated by importing or exporting states; and can cover only selected types of weapons. For example, a number of governments that are not party to the 1997 Mine Ban Treaty have moratoria on the export of anti-personnel mines.[25]

On 14 June 2006, Member States of the Economic Community of West African States (ECOWAS) signed the new ECOWAS Convention on Small Arms and Light Weapons. This instrument replaces the 1998 non-binding ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons, which had proven incapable of preventing new supplies of guns and ammunition from entering West Africa. Among the many examples of violations, Côte d'Ivoire was known to have imported 'considerable amounts of military hardware, notably from China'.[26] The Convention now prohibits all international transfers of small arms within the sub-region unless a Member State obtains an exemption from the ECOWAS Secretariat. The Secretariat decides on an exemption based upon stringent criteria reflecting the obligations of all governments under relevant international law. The Convention also harmonises laws on private gun possession across the sub-region, requiring users to obtain a renewable license from their national authorities, and requiring proof of a genuine need for gun possession.

4. Marking and tracing

One challenge to the enforcement of arms controls is the difficulty of determining the origin of the guns that are misused in violent conflict and human rights crisis zones around the world. The UN *Firearms Protocol* provides that guns must be marked at the point of manufacture, import, and transfer from government into private hands. Yet as noted above the *Firearms Protocol* only covers commercial transfers, thereby exempting state-to-state transactions. Further, it is limited to barrel firearms.

As part of the PoA, governments committed themselves to developing an international regime on the marking and tracing of small arms. The *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* was formally

adopted at the 2005 session of the UN General Assembly's First Committee with a vote of 145 in favour, 0 against, and 25 abstentions, primarily from Latin American and Caribbean countries. They expressed deep regret that consensus on a legally binding instrument could not be achieved, and that ammunition was not included in its scope.[27]

5. Brokering controls

> *"The 114th Assembly of the Inter-Parliamentary Union . . . encourages parliaments to promote greater international and, where appropriate, regional efforts to develop common standards to strictly control the activities of those brokering or otherwise facilitating arms transfers between third countries."*
>
> —IPU resolution, 114th Assembly, 12 May 2006 , para. 7

Arms brokers have been at the centre of many of the most troubling arms deals, including to areas of intense violence and gross human rights abuses and violations of the laws of war. Brokers help arrange all types of transactions and are used to facilitate government-approved sales, as well as grey market and black market deals. Governments may use their services for legal or covert transactions.

Arms brokers, shipping agents, and other private actors effectively operate in a profitable legal vacuum. As of April 2006, 37 nations had established controls on arms brokering with at least 27 having reviewed or introduced new legislation since 2001. Of the 37 states that have controls, at least 25 have a requirement for the registration of arms brokers, 30 have a system of licensing individual transactions and 15 operate some form of extra-territorial controls.[28] This is an area where parliamentarians can be active, asking for information on brokering laws and procedures and tightening any loopholes or anomalies.

More progress has been made at the regional level, with the issue of brokering meriting inclusion in instruments from Africa to Europe to the Americas, including:

- the Southern African Development Community (SADC) *Firearms Protocol* of August 2001;[29]
- the EU *Common Position on Brokering* of June 2003;[30]
- the guidelines on brokering—known as *Elements for Effective Legislation on Arms Brokering*—adopted by the Wassenaar Arrangement in 2003;[31]

- the Organisation for Security and Co-operation in Europe (OSCE) *Best Practice Guide on National Control of Brokering Activities* of 2003;[32] and
- the *Nairobi Protocol* of April 2004.[33]

The strongest criteria are offered by the regrettably non-binding model regulations on brokering promulgated in late 2003 by the Organisation of American States (OAS), which prohibit brokering activities that will or threaten to lead to genocide or crimes against humanity, violations of human rights or international law, war crimes, the violation of UN Security Council embargoes, or similar sanctions, among other criteria.[34]

At the global level, the UN *Firearms Protocol* contains a recommendation to 'consider' establishing a system of regulation of arms brokering, including registration, licensing, and/or disclosure of brokering detail on import and export licence applications (Article 15). In 2005, four years after the Programme of Action had called for the development of 'common understandings' of issues surrounding brokering, the UN General Assembly finally agreed to establish a Group of Governmental Experts (GGE) to further examine this issue. This is inexcusably slow, as such a GGE will not be empowered to start negotiating an actual instrument on this issue. In the meantime parliamentarians can be active in establishing the highest national standards so that when global action is agreed, various nations have strong frameworks to bring into the negotiations. NGOs continue to call for a binding treaty on arms brokering that would close the legal gaps and make brokered deals subject to scrutiny on the basis of human rights and IHL criteria.[35]

6. End-user controls

A linchpin of well-functioning government arms export controls is the so-called end-user certificate (EUC). This is a document that identifies the purported client for an arms deal and contains certain commitments regarding how the requested guns will be used and/or whether they may be retransferred. Thorough end-use monitoring can ensure that weapons are only exported to appropriate destinations, that they are duly received by the authorised recipients, that they are used appropriately once delivered, and that they are not then forwarded to unauthorised parties.

Unfortunately, the widespread problem of falsified and fraudulent EUCs undermines the integrity of end-use controls. Illicit arms brokers commonly make or obtain improper EUCs that they use to arrange shipments

to embargoed groups and other undesirable users. Yet governments have made almost no progress to halt such fraudulent practices. From time to time, some governments have expressed interest in multilateral approaches to improve end-use controls, but to date no common approach has been forged on this basic issue.[36] Sweden has proposed the establishment of an expert group within the UN framework to study the feasibility of developing an EUC system at the regional and global levels, including information exchange and verification, but the initiative has not met with much support.[37]

BOX 8 IMPROVING AMMUNITION CONTROLS

> . . . small arms and light weapons used in conflict require frequent supply of ammunition and therefore enhanced controls on ammunition and its explosive components and the manufacturing technology to produce them could be of particular value in dealing with the existing dissemination of small arms and light weapons and reducing the incidence of their use in conflict or post-conflict situations.
>
> —Report of the Group of Experts on the problem of ammunition and explosives, 1999[38]

Efforts to stem the human security crisis of armed violence undoubtedly warrant a focus not only on weapons transfers, but also on ammunition. Without ammunition, guns are non-functional. Ammunition comprises a sizable part of the global authorised trade in small arms, but it is poorly documented and illicit trafficking of ammunition is thought to be widespread.[39]

Acknowledging the importance of better understanding the policy issues related to ammunition, in 1997 the UN General Assembly agreed to a study of the issue. An Experts Group reported in 1999. However, little was done on the issue at a global level until October 2006 when the UN General Assembly First Committee decided to appoint a new GGE to consider ammunition stockpiles.

The word 'ammunition' does not appear in the text of the PoA. However, if the scope of the instrument's coverage is guided by the 1997 UN Panel of Experts' definition of 'small arms and light weapons', it may be construed to include ammunition. Ammunition is also explicitly or implicitly part of the scope of a number of regional instruments, including the *ECOWAS Convention*, the *EU Code of Conduct*, *the OAS Model Regulations*, and the *SADC Protocol*, among others. Nevertheless, states have rarely tightened ammunition supply controls, either because they believe it to be too difficult, or ancillary to the 'main concern': the weapons themselves.[40] And the issue was dealt a further blow when states failed to include ammunition within the scope of the *International Tracing Instrument*.

One recent important exception to this trend is Brazil's Disarmament Statute, passed in December 2003, which requires that all Brazilian-produced ammunition for the military and police be stamped with its lot number,

which should help prevent leakage to criminal elements, and provides for long prison sentences for violations.

A Small Arms Survey review suggests that clamping down on ammunition supply may present fewer challenges than previously thought:[41] ammunition production is less diversified and easier to identify than small arms manufacture, and bullets are less durable than the guns that fire them.[42] In addition, some measures, such as marking, are well suited to control ammunition (ammunition markings cannot be tampered with, unlike gun markings). Finally, tracing ammunition would be particularly useful in crime investigations as often cartridges are the only thing left on a crime scene. Parliamentarians can encourage a greater focus on ammunition regulations, while working to increase their transparency in reporting authorised ammunition transfers.

RECOMMENDATIONS FOR PARLIAMENTARIANS

This theme has considered a wide variety of measures to prevent transfers that undermine human security, whether they are 'authorised', grey market or diverted transactions, or strictly illegal transactions. Limiting the scope of efforts to 'illicit' transfers is clearly insufficient, given that all three types of transactions are intertwined, as are the actors that engage in them. Some recommendations for legislators include:

1. Adopt and enforce arms transfers criteria into national law based on strong human rights and IHL principles. To reduce the likelihood that small arms transfers will cause indiscriminate or unnecessary suffering or reach human rights abusers, governments must adopt into national law strict arms export criteria, while at the same time endorsing the need for a binding international instrument on arms transfers. As international export criteria may be slow to develop, regions can develop their own codes of conduct for arms exports.

2. Strengthen and enforce arms embargoes and criminalise embargo busting. Parliamentarians can facilitate the adoption into national law of criminal prohibitions against arms transfers in violation of Security Council arms embargoes, and enforce those laws by prosecuting violators. Parliamentary questions can also ascertain the government's compliance with them. In parallel, the creation of UN arms embargo monitoring mechanisms could provide the infrastructure to monitor embargo enforcement and suggest consequences for violations.[43]

3. Develop an international regime for the standardisation, authentication, verification, and continued monitoring of end-user commitments. Strengthening national and international end-use monitoring must be a top priority for arms exporting nations. Governments should begin efforts by developing a common end-user certificate that cannot be easily replicated or forged, and complementing it with a registry of authorised signatures. The Security Council, the UN Secretary-General, or the General Assembly could initiate such an effort by naming a UN working group to take the lead.

4. Address arms brokering through legally binding measures, including by moving toward the negotiation of an international instrument on arms brokering. Too few governments regulate the activities of arms intermediaries, and there are inconsistencies in national controls where they exist. Illicit brokers can readily avoid existing controls by working from other jurisdictions. Such strong national measures must urgently be put in place. In addition, a global initiative will enable governments to clamp down on this truly transnational problem. Interested governments may choose to act through the UN or, failing that, create alternative forums to negotiate such a treaty.

5. Ratify international instruments on arms transfers. In particular, the UN *Firearms Protocol* should be more widely ratified to demonstrate widespread support for its principles and enhance the harmonisation of rules at the global level. Parliamentarians can advocate for the signing, ratification and most importantly implementation into national law.

6. Drive development of an ATT and ensure commitment. Although wide support was shown for the resolution commencing work on an ATT, there are still a number of states that do not actively support the development of an ATT.[44] The negotiation and drafting of an ATT promises to be a long process, with concrete results unlikely to appear before 2010. Parliamentarians can help build support domestically for such an instrument.

Contributors to the original version of this theme included Lisa Misol, consultant; David Petrasek, *Centre for Humanitarian Dialogue;* and Rachel Stohl, *Centre for Defence Information*. Comments and suggestions were received from Michael Crowley, *Omega Foundation;* Heidi Grau, *Government of Switzerland;* Keith Krause, *Small Arms Survey;* Lora Lumpe, *Amnesty International USA;* and Guy Pollard, *Government of the UK*.

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ENDNOTES

1 The USA, the Russian Federation, and Brazil are some of the important exceptions.

2 While transfers not approved by governments are clearly illicit, the international community has already articulated a wider definition of illicit transfer. The *UN Disarmament Commission Guidelines on Conventional Arms Transfers* have defined illicit trafficking as 'that international trade in conventional arms, which is contrary to the laws of States and/or international law'. The PoA and the 2001 Conference were concerned with the 'Illicit Trade in Small Arms and Light Weapons in All Its Aspects'—a compromise wording that sought to encapsulate both definitions of 'illicit'. Section 2, Article 11 of the PoA specifically calls on Member States to 'assess applications

for export authorisations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law'.

3 *Small Arms Survey 2005: Weapons at War*, Oxford University Press, Oxford, pp. 109–113

4 International Conference of the Red Cross and Red Crescent (2003), *Agenda for Humanitarian Action*, Geneva 2-6 December. Available at: www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p1103/$File/ICRC_002_1103.PDF!Open

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6 E-mail communication with Pablo Dreyfus, Viva Rio, 5 April 2005

7 UN (2001), *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*, reproduced in UN document A/CONF.192/15, 20 July

8 Available at disarmament.un.org/cab/smallarms/docs/rep52298.pdf

9 See www.iansa.org/control_arms/index.htm or www.controlarms.org

10 The Wassenaar Arrangement is an organisation of 33 of the world's largest arms exporters from five continents dedicated to promoting transparency and greater responsibility regarding the arms trade, including Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, South Korea, Romania, the Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, the UK and the US.

11 Available at: www.wassenaar.org/docs/best_practice_salw.htm

12 Available at: www.wassenaar.org/2003Plenary/MANPADS_2003.htm

13 The text of the *Draft Framework Convention* is available at: www.iansa.org/documents/2004/att_0504.pdf. Information on the campaign to support the ATT can be found at: www.controlarms.org

14 The full text of the Resolution (A/RES/61/89) is available at: http://daccessdds.un.org/doc/UNDOC/GEN/N06/499/77/PDF/N0649977.pdf?OpenElement

15 European Union (1998), *European Union Code of Conduct on Arms Exports*, 8 June, reproduced in UN document A/CONF.192/PC/3 of 13 March 2000

16 Embargoes are also imposed by regional organisations, most notably by the EU and the OSCE.

17 UNSCR 1572 (Côte d'Ivoire); UNSCR 1701 (Lebanon); UNSCR 733 (Somalia)

18 UNSCR 1493 (DRC); UNSCR 1521- modified by UNSCR 1683 (Liberia); UNSCR 1011 (Rwanda); UNSCR 1171 (Sierra Leone); UNSCR 1556 (Sudan); UNSCR 1390 (Taliban)

19 In a recent resolution on the situation in Burundi, the Security Council expressed "its deep concern over the illicit flow of arms provided to armed groups and movements, in particular those which are not parties to the peace process under the Arusha Agreement" and called upon "all States to halt such flow" (S/RES/1545, 21 May 2004, para. 18).

20 The UN has established expert panels to investigate the violation of sanctions and embargoes in Liberia, the Democratic Republic of the Congo, and Angola, among others. See, for example, the announcement of the findings of the Expert Panel on Liberia at: www.un.org/News/Press/docs/2001/sc7196.doc.htm

21 Investigative reports in the mid-1990s exposed the role of France, South Africa, Israel, Albania, Bulgaria, and others in arms supplies to Rwanda before and immediately after the 1994 genocide. See Human Rights Watch (1994), *Arming Rwanda: The Arms Trade and Human Rights Abuses in the Rwandan War*, January; Human Rights Watch (1995), *Rearming With Impunity: International Support for the Perpetrators of the Rwandan Genocide*. Vol. 7, No. 4, May; and Amnesty International (1995), *Rwanda: Arming the perpetrators of the genocide*, AI Index: AFR

02/14/95, June. For an analysis of the efforts by arms traders to hamper the work of the 1995 UN Commission of Inquiry, set up to establish how the arms got through see www.amnesty.org/ailib/intcam/terror_trade_times

22 Canadian Mission to the UN in New York (1998), 'A proposed global convention prohibiting the international transfer of military small arms and light weapons to non-state actors'. Available at: www.nisat.org/export_laws-regs%20linked/canada/discusion_papera_proposed.htm

23 European Union (1998), *Joint Action of 17 December 1998 Adopted by the Council of the European Union on the Basis of Article J.3 of the Treaty of the European Union on the European Union's Contribution to Combating the Destabilising Accumulation and Spread of Small Arms and Light Weapons*, 1999/34/CFSP of 17 December. Available at: projects.sipri.se/expcon/eusmja.htm

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25 These states include India, Israel, Kazakhstan, Pakistan, Poland, the Russian Federation, Singapore, South Korea, and the US.

26 Amnesty International (2003), 'Mercenaries and arms pour into Côte d'Ivoire', *Terror Trade Times*, Issue 4, AI Index ACT 31/002/2003, 4 June. Available at: web.amnesty.org/pages/ttt4-article_5-eng

27 See box 8: Improving ammunition controls

28 IANSA and Biting the Bullet (2006), *Reviewing Action on Small Arms 2006: Assessing the First Five Years of the Programme of Action*, p. 165. Available at: http://www.iansa.org/un/review2006/redbook2006/index.htm

29 Southern African Development Community (2001), *Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region*, 14 August. Available at: www.grip.org/bdg/g2010.html

30 EU (2003), *Council Common Position 2003/468/CFSP of 23 June 2003 on the Control of Arms Brokering*, OJ of the EU, 25.6.2003, L156/79-80. Available at: europa.eu.int/eur-lex/en/dat/2003/l_156/l_15620030625en00790080.pdf

31 Available at: www.usun-vienna.usia.co.at/wassenaar/public03e.html

32 Available at: www.osce.org/fsc/documents/salw/

33 *The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, Nairobi, 21 April 2004. Available at: www.saferafrica.org/DocumentsCentre/NAIROBI-Protocol.asp

34 Organisation of American States (2003), *Amendments to the Model Regulation for the Control of the International Movement of Firearms, their Parts and Components and Ammunition, Proposed by the Group of Experts—Broker Regulations*, OEA/Ser.L/XIV.2.34 CICAD/doc1271/03, 13 November 2003, art. 5 (Prohibitions). Available at: www.cicad.oas.org/en/Assemblies/CICAD34/ENG/Day2/ModelRegArms_Brokers.htm

35 IANSA is promoting a model text produced in 2001 by the Fund for Peace. See www.iansa.org/issues/arms_brokers.htm

36 In December 2003, the OSCE adopted guidelines on arms exports that emphasised the importance of national-level end-user controls. The topic has been raised at the UN as well, including at the level of the Security Council, and some governments have argued for co-ordinated efforts. See www.osce.org/fsc/documents/salw/ and www.un.org/News/Press/docs/2004/sc7984.doc.htm

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38 UN General Assembly (1999), *Report of the Group of Experts on the problem of ammunition and explosive,* A/54/155, 29 June, sec. 9, p. 4

39 *Small Arms Survey 2005*, pp. 97–121

40 *Small Arms Survey 2005*, pp. 31–32

41 *Small Arms Survey 2005*, pp. 31–32
42 ICRC (1999), *Arms Availability and the Situation of Civilians in Armed Conflict*
43 High-Level Panel on Threats, Challenges and Change (2005), *A more secure world*, para. 180 (a)
44 The number of states that voted in favour of the resolution increased from 139 at the First Committee in October 2006, to 153 at the General Assembly on 6 December 2006. However, a number of states abstained from voting on the resolution, including China, the Russian Federation and most Middle Eastern countries, and one state voted against it (United States).

THEME 3 CONSIDERING THE NEEDS OF GUN VIOLENCE SURVIVORS

Debates on how arms control efforts should be strengthened consistently fail to acknowledge or address the needs of those who survive gun violence. This is not tangential to the small arms control agenda, rather it drives to the heart of efforts seeking to reduce the human cost of gun violence and is an area where parliamentarians can be particularly engaged. As used here, the term 'survivors' describes two broad groupings of people: those who themselves have been physically injured, intimidated or brutalised through armed violence; and those who are related to, love, work with, care for or are otherwise negatively impacted upon by someone who has been a victim of gun violence.

Policymaking on gun control can *and* should be essentially *preventive*—with the primary goal of reducing gun violence and injury occurring in the first place. Yet despite best efforts at numerous levels, gun violence is likely to be a feature of human relations and landscapes for years to come. So in addition to preventive work, it is essential that the needs of existing and future survivors and the people who care for them are appropriately considered and addressed.

This theme provides an overview of what can be termed 'victim assistance' for survivors of armed violence, and highlights ways to incorporate this overlooked issue into the national and global agendas on weapons control.[1] Unlike many of the themes in *Missing Pieces,* assistance for gun violence survivors is in a sense 'at square one,' confounded by a significant absence of research and policy-relevant information and complicated by the variety of settings in which armed violence occurs. This theme therefore seeks to introduce broad areas for consideration.

THE GROWING BURDEN OF GUN INJURIES

Violence, including homicide and suicide, and other injuries account for 9 per cent of global mortality and are a leading cause of disability.[2] According

to the World Health Organisation (WHO), "[g]lobal data on the impact of small arms on the health of individuals are far from complete. What data is available, however, suggests that hundreds of thousands of people are killed each year by those weapons. Millions more survive their injuries but are left with permanent physical disabilities and mental health problems."[3]

Injuries and permanent disabilities impede effective employment, well-being, and reintegration into community and family life. The long-term effects are not just physical, but include psychological impairment, depression, suicidal behaviour, and substance abuse. Victims of violence are also themselves at increased risk of committing violence against others.[4] This presents real challenges for national efforts to promote public safety and security. One study found that exposure to gun violence approximately doubles the probability that an adolescent will perpetrate serious violence over the two subsequent years.[5]

The combined fatal and non-fatal injuries due to the misuse of guns—in the hundreds of thousands per year—can impede or reverse hard-won development gains, and investments in education and health. Realising the value of such investment is critical to any nation's future.

Violence is among the leading causes of death for people aged 15-44 years worldwide, accounting for 14% of deaths among males and 7% of deaths among females.[6] Young men are particularly vulnerable to death and injury in just about every setting: high-income and low-income, war-torn, peaceful or countries in transition, from intentional, accidental or self-directed gun violence.

It is estimated that in 50 years time, there will be six-million men missing from the Brazilian population as a result of dying from homicide—the vast majority of these deaths are gun-related homicide.[7]

Women and girls require particular attention when thinking about assistance to survivors of gun violence, with well-documented vulnerability to sexual violence at gunpoint in all settings. Assistance in this case implies that law enforcement agencies, emergency health services and social services must be alerted to their special needs and trauma, and respond quickly and appropriately. The stigmatisation of victims of sexual violence also needs to be addressed urgently. This is an area where parliamentarians can work to ensure harmonised approaches across various sectors of government.

PUBLIC HEALTH AND THE SMALL ARMS ISSUE

Violence is a learned behaviour. It can be unlearned, as can many public health problems . . .[8]

Public health provides a useful schema for understanding the types and timing of prevention approaches. This is relevant for policy development and preparedness to care for and rehabilitate survivors of gun violence, including:

1. Primary prevention, which seeks to prevent a problem from occurring in the first place by building resilience in the populations and communities at large.

2. Secondary prevention, which focuses on groups and individuals particularly likely to commit violence and aims to "keep these individuals from engaging in violent activity."[9] Focus populations for secondary prevention might include, for example, young men in particularly violent settings.[10]

3. Tertiary prevention, which involves care of the disease or injury, and aims to minimise the worst aspects of the problem. For those surviving gun violence this often includes access to rehabilitation services, psychosocial support and trauma counselling, and access to employment.

THE PHYSICAL AND MENTAL IMPACTS OF A GUN INJURY

The severity of the injury—and the likelihood of permanent disability—are affected by the technical specifications of the ammunition used, for example, the bullet size, the type of tip (e.g. hollow-tipped, round nose), material (e.g. fragmenting), velocity and 'flight pattern'. These factors influence bullet trajectory through the body and the subsequent damage to tissue, organs and bones. Bullets produce damage through laceration and crushing of tissue and bones in the direct path of the projectile, and via cavitation. When a bullet enters the body, a temporary vacuum is opened for a few thousandths of a second behind it, much like the vacuum created by a torpedo travelling under water. The greater the speed of the bullet, the larger the initial cavity: a large cavity may be 30 to 40 times the diameter of the bullet. After the bullet has gone through, a lasting cavity—or wound track—will remain. The pressure applied by the temporary cavity on surrounding tissues and organs provokes injuries far from the bullet path and therefore hard to detect, particularly to soft organs. It is also capable of fracturing bones several centimetres from the bullet track.[11]

Contrary to common belief, bullets do not typically travel in a straight line. Depending on the type of ammunition and other factors, the projectile usually "tumbles" into a body (known as "yaw"), resulting in a wound cavity that is much larger than the diametre of the bullet itself, and considerably more traumatic. If the bullet fragments, each fragment will follow a distinct path, thereby multiplying the effect of a single bullet.[12] Ammunition design and control are important but long neglected issues for consideration in small arms control processes. Parliamentarians can be instrumental in controlling or banning inappropriate ammunition types, and dangerous access.

. . . [T]he new ExtremeShock™ Explosive Entry tactical defense rounds represent the ultimate refinement in lethal bullet technology. The compressed Tungsten-NyTrilium™ Composite fragments upon impact, leaving a wound channel of catastrophic proportions.[13]
—Advertisement for a bullet

Immediate impacts from gunshots include soft tissue injuries, bone fractures, and vital organ damage. Injuries to the extremities often result in fractures, which if left untreated, may lead to haemorrhages and infections or to permanent disability due to joint or bone deformities. Brain and spinal cord injuries are more difficult to treat, leaving irreversible damage such as paralysis, sexual dysfunction, limited movement, seizure disorders, incontinence and severe facial disfigurations.

My body from the breast down, I couldn't feel it. Imagine just seeing shit in your bed without having felt it . . . I wanted to kill myself . . . I promised myself that when I get discharged, I would drink everyday. It was living hell . . . I felt as if I'm alive above my tummy, downwards I felt dead. I even burned my legs with cigarettes.
—Erny, South Africa[14]

Injuries and disabilities sustained through armed violence are also associated with psychological problems and can result in flashbacks, anxiety and fear, self-destructive behaviours, low self-esteem, depression, suicidal behaviour and action, and alienation from friends and family.[15] As a result, "health care professionals face complex issues related to acute care and rehabilitation. Mental health professionals must be prepared to help gunshot wound survivors cope with the psychological repercussions of their injuries."[16]

. . . the mental and social costs to the individual who is injured are impossible to calculate. The repercussions of severe injury to the central nervous system can send survivors of shootings on an emotional roller coaster. Some say they experience a wide array of emotions: anger, anxiety, depression, desensitisations toward death and injury.[17]

In the longer-term, survivors of armed violence and their carers may face difficulties reintegrating into socio-economic life. This is particularly important as people with disabilities are often the poorest of the poor. The challenge goes beyond financial assistance to include the reintegration of survivors into their communities, ensure positive economic prospects and a return to a healthy life. The creation of such opportunities should therefore be prioritised.

DISABILITY

A person with a disability may belong to a wide grouping, including those with mental, visual, hearing, speech, or mobility disabilities.[18] The UN estimates that approximately 10% of the population of the world—about 600 million people—are affected by disabilities.[19] About 80% of people with disabilities live in low-income nations.[20] What portion of that figure is due to interpersonal violence, or gun violence, is not clear—highlighting the need for reliable data collection to develop and monitor public policies. Periodically, however, focused data becomes available and a stark picture emerges. One study by the International Rescue Committee in one of the world's largest refugee camps found that the single largest cause of physical disability was from gun shot injuries—32.4 per cent of all cases.[21] This study highlights not only the need for better injury reporting in areas affected by armed conflict but the importance of focusing on populations at particularly high risk, such as refugees and internally displaced people.

BOX 9 INFORMATION COLLECTION: AN EXAMPLE FROM CAMBODIA

Information on the number of survivors of armed violence, their medical needs and the costs of long-term rehabilitation and reintegration is scarce, and data collection and injury surveillance systems are needed to ensure that the services provided are adequate. Such systems have already been put in place by some countries seeking to respond to the needs of mine victims. For example, in Cambodia, the Mine/UXO Victim Information System is maintained by the Cambodian Red Cross and Handicap International.[22] Each

survivor or their relatives are interviewed to collect information on casualties and the circumstances of the incident. Witnesses to the incident are also interviewed to crosscheck the information. Survivors are provided with information on available services. Monthly reports on casualties are then issued to facilitate the planning of actions. Such existing data collection systems could be emulated or extended to victims of small arms and light weapons. A recent report on assistance to victims of explosive remnants of war (ERW) acknowledges that "[i]n the longer term, the prospect of turning ERW and landmine casualty databases into more general disability or injury databases would be beneficial to better understand the disability situation and needs in a country."[23]

High proportions of physical disabilities due to gunshot injuries are also a reality in Guatemala, still recovering from a long civil war and one of the most violent countries in the region. The NGO Fundación Transiciones provides medical and psycho-social care to Guatemalans living with disabilities. It reports that some 20% of its 'client' base is disabled or traumatised due to gunshot wounds – from gang violence, civil war, and accidents. And support for long-term rehabilitation remains insufficient.[24]

There are three important elements relevant for policy making for people with disabilities: prevention, rehabilitation, and the equalisation of opportunities. In the context of gun injury prevention, this means reducing the likelihood of impairment or, when it has occurred, preventing further negative physical, psychological and social consequences. Rehabilitation refers to efforts to enable individuals to reach an optimal level of functionality, providing them with tools to change their life. These can include infrastructure and devices to compensate for the disability, or facilitating (re)adjustment into communities and societies. Finally, the equalisation of opportunities is the process by which society makes health and social services, the environment, cultural life, leisure opportunities, and educational and work opportunities equally available to all its members.[25]

BOX 10 PREVENTION AND REHABILITATION: IDEAS IN ACTION

A significant percentage of gun injuries are spinal cord injuries, which can result in paralysis that leaves survivors wheelchair-bound for life.[26] Along with the considerable rehabilitation needs these injuries generate, there is also the difficult challenge of reintegrating the injured back into their communities. The barriers to successful reintegration can seem almost insurmountable when a victim's background includes a non-supportive home environment, armed group or gang affiliations, a criminal record, and economic and educational deficits.

Yet model programmes exist to assist survivors of gun violence that can be adapted for replication in diverse settings. Two programmes in the city of Chicago (USA) focus on the disabling injuries that guns cause: one is designed to help short-circuit the cycle of gun violence in heavily affected communities; the other assists survivors cope with and overcome the life changes that a serious injury brings.

The 'In My Shoes' project of the Schwab Rehabilitation Hospital serves a number of high-crime neighbourhoods in suburban Chicago.[27] It pairs a staff person with a volunteer who has been paralysed or otherwise seriously injured by a gun, who together visit schools and community centres to discuss how 'one shot can change everything'. The volunteers share their experiences of gun violence, provide a perspective from 'the other side' of the injury, and convey what therapy is like and how people's attitudes change toward a person with disabilities. Since 1997, this project has reached about 24,000 at-risk youth.

'Disabling Bullet', a project of the University of Illinois at Chicago, aims to help young people seriously injured by a gun shot wound adjust to their new life.[28] The programme uses peer mentors—from the same economic and ethnic backgrounds and who themselves have been disabled for more than one year—to help recently injured youth navigate available services and support. Mentors help the newly injured locate jobs, understand disability laws, access educational opportunities, and secure housing. The relationship is also designed to provide safe space to discuss a wide range of issues, from violence to sexuality.

COUNTING THE COSTS

In the long run it is far more cost-effective for governments to invest in prevention efforts than to continually absorb the costs of treatment and rehabilitation, as well as the financial drain to society in years of lost productivity that come with gun injuries. States must not only bear much of the direct costs of emergency medical treatment and care (which victims are often unable to afford); gun violence also drains health systems—which may already be thinly stretched in low-income countries—diverting essential health resources from other pressing health priorities.[29]

In the US the estimated costs of gun-related violence including psychological costs and quality of life have been calculated at USD155 billion per year, or equivalent to 2.3% of GDP.[30] While these costs are very high, in poorer countries they can be even greater relative to national economic productivity. Brazil spends 10% of its annual GDP treating victims of violence, Venezuela consumes 11% and Colombia and El Salvador consume up to 25% each of their GDP.[31]

El Salvador provides an example of how the cost of firearm violence could be allocated to firearms owners. Recognising that firearms repre-

sent a public health hazard, in December 2004 El Salvador introduced a tax on the manufacture and trade in firearms similar to that imposed on tobacco and alcohol sales. Its proceeds go towards a 'Solidarity Fund for Health', to be invested towards health promotion, prevention of injuries, and medical services. It entered into effect in 2005 and its impacts are yet to be measured. Some USD 20 million is expected to be collected annually combined from all three items. Although the fund is not directed specifically at survivors of gun violence, part of the fund is generated from tax imposed on large firearm producers and retailers, placing a degree of responsibility on gun dealers and ultimately consumers to contribute to the costs of gun violence. Parliamentarians can advocate for a similar tax and distribution of funds to health and justice services.[32]

SURVIVORS IN COUNTRIES RECOVERING FROM WAR

War-affected populations are particularly vulnerable to injuries and disabilities from guns. Very little is known about the magnitude of debilitating injuries in violent conflict. This is not surprising given the difficulty of collecting information and undertaking population surveillance in war zones.

The international community of governments, mediators and UN agencies can be active in ensuring that the needs of the war wounded—combatants and civilians—are included in peace agreements, particularly that assistance to survivors is included in any post-war recovery needs assessments. In Sierra Leone, for example, the 1999 peace agreement requires the Government to "design and implement a programme for the rehabilitation of war victims", without specifying however what this entails.[33] In Liberia, the 2003 peace agreement states that "The NGTL [National Transitional Government of Liberia] in formulating and implementing programs for national rehabilitation . . . shall ensure that the needs and potentials of the war victims are taken into account and that gender balance is maintained in apportioning responsibilities for program implementation."[34]

National governments must also ensure that the aspirations of those disabled in war are adequately factored into disarmament, demobilisation and reintegration (DDR) processes, particularly reintegration strategies. Given some of the challenges, an emphasis on quality over quantity—a tough proposition for donors and disarmament programme managers—needs to be consistently applied.

War can take a serious toll on health systems, including the flight of medical personnel. Numerous life threatening issues exist in such contexts, ranging from the security of staff and equipment to the availability of clean blood. In addition, few countries recovering from war have well developed psycho-social support services.

BOX 11 SURVIVING VIOLENCE IN BURUNDI

"At the beginning, family and friends were taking care of me, they came to visit, and were taking turns to watch over me. But now they are tired. It has been more than two years and a half that I have been here. They are not coming anymore, or only very rarely. My neighbours in the ward have taken over and take care of me now when I need something."

—Pierre Claver, 30 years old, Burundi, shot in the back while sitting in a bar with some friends in April 2003. Caught in crossfire between army and rebel fire he is paralysed and lived at the Médecins Sans Frontières Centre for Lightly Wounded, until it closed January 2006. The attack left two people dead and eight injured.[35]

Gun violence is still a major cause of injury in Burundi. An estimated 100,000 to 300,000 weapons are in circulation, many having been distributed to civilians during the war. Records from a hospital for war wounded run by MSF Belgium show that in 2005, 25% of the case load was related to firearm injuries compared to 11% for grenades and 0.4% for landmines. Patients accessing treatment in public hospitals have to support the entire cost of treatment, and people are literally imprisoned in the hospital as long as the bill is not paid.[36]

Treatment for gunshot injuries typically costs USD 100 or more—an impossible sum for most Burundians.[37] Even doctors, who earn USD 60 a month, would struggle to pay for treatment at the hospitals where they work. As a result, about 1 million people cannot access primary healthcare. Furthermore, no services exist to respond to longer-term rehabilitation and trauma counselling needs. As people with disabilities become a burden for their families, they even risk finding themselves rejected by the communities.

The government acknowledges this situation but it has weak response capacity. International assistance for survivors is scarce: the most visible services offered are the classic reintegration packages for ex-combatants and child soldiers funded by the World Bank. No provisions were made in the peace agreement for civilians who have been injured or left disabled by the war or the continuing levels of violence since the peace agreement. They are in effect left behind as the country desperately wants to look towards the future.

ACTION AND POLICY DEVELOPMENT FOR ASSISTANCE TO SURVIVORS

A key lesson learned from the landmines process is that assistance strategies need to be part of the overall health system of a nation and not developed in isolation or competition with often limited resources.[38] "In many con-

texts it will not be possible to achieve a comprehensive and integrated victim-services policy, but the coordination of policy development between the different sectors that interact with victims of violence is a reasonable policy strategy for strengthening victim services. . . .It is equally important to identify institutional policies guiding service provision to victims of violence, for example in hospitals, specialised medical and forensic services, police stations and counselling centres."[39] Assistance to survivors of gun violence raises the same challenge – identifying where support services and assistance can be integrated into existing systems using approaches that would develop, strengthen or re-orient services, rather than creating vertical specialised services in resource-limited settings.

Studies in a number of low income countries note that low-cost sustainable improvements can be made to health care through training of 'first responders' and existing medical staff, as well as better organisation of existing resources and equipment.[40] This is a critical policy response governments can ensure exists or provide assistance for. The WHO notes that ". . .50-80% of trauma deaths occur before arrival at hospital in both developed and developing countries, rapid and effective trauma care can substantially reduce death and disability following injury."[41] One study confirmed that improvements in the provision of pre-hospital trauma care are possible by training those most likely to be at the site of an accident first.[42] As one example, long distance truck drivers in Ghana—often first on the scene of road-accidents—were trained in basic emergency trauma care to bolster weak formal emergency medical services with positive results. The same type of approach can be considered in many instances for trauma care related to gun violence.

> *Much of what low income countries need to do to prevent deaths occurring soon after injury is well within the reach of these economies—they are simple and relatively inexpensive interventions which are not being instituted yet. And most don't require surgeons—but first aiders, nurses, drivers . . .*
>
> —Dr. Olive Kobusingye, Ugandan trauma surgeon and prevention advocate[43]

Another study of mine-affected areas in Kurdistan and Cambodia also noted the value of investing in training, and providing or reorganising supplies and equipment. In these settings where ambulances still remained unavailable, death rates among injured people fell from 40 to 9 per cent thanks to training of first responders, and advanced training in trauma

care to existing medical staff.[44] Parliamentarians can be proactive in asking for assessments of first responder capability and identifying areas for improvement.

The coordinated participation of a number of stakeholders is needed to develop and administer assistance services for those affected by small arms injuries:

Health professionals—The care of victims involves planning for emergency and rehabilitation medical services, developing effective communication protocols, ensuring efficient emergency transportation and organising longer-term treatment once the patient is stabilised. Professional health and medical organisations can be instrumental in developing policy informed by a reliable evidence base to provide accessible and relevant services, appropriately trained providers and support to the numerous (often unpaid) care-givers who assist survivors. In some settings assistance measures also need to include security both for affected individuals and health care providers.[45]

Non-medical personnel—The fast and effective treatment of gun injuries relies not only on health professionals, but other professionals, such as police and transport workers. Particularly in settings with weak infrastructure or where medical professionals are scarce, basic training in first aid treatments and secondary prevention skills can be a very effective investment in improving survival rates.

Parliamentarians and policymakers—While the 'bottom up' approach taken by hospitals and health facilities is a critical stop-gap, victim assistance simply will not improve overall without leadership from ministries of health and justice or interior and coordination across other agencies (for example, employment and social services) and local governments/municipalities.

Supporters and caregivers—The burden of providing the bulk of care to disabled and seriously injured victims often falls to the formal and informal network of family, friends, and other community members. A large proportion of care falls on women—mothers, wives, sisters, partners—often decreasing their opportunities to engage in economic activities, and contributing to the deterioration of their own health.[46] Yet these actors are more often than not, overlooked and under-resourced in the life-long help they provide.

Survivors—Often voiceless in key decisions that affect their future, armed violence survivors need to become more active in informing service options

and efforts to raise awareness among government decision makers and communities. This means not only individual engagement at the local level but involvement in collective advocacy, including through civil society efforts to improve care.

Donors—Particularly in low-income settings and in countries recovering from war, donors have an important role to play in supporting national responses to armed violence and the needs of survivors.

BOX 12 THE USAID LEAHY WAR VICTIMS FUND

Based on the vision of US Senator Patrick Leahy, the US Department for Aid and Development (USAID) has a programme for survivors of armed violence that is worthy of attention and replication. Through the provision of support and assistance to national and international organisations and NGOs, USAID distributes some USD 14 million to assisting survivors of war related violence every year. Named in honour of Senator Patrick Leahy, who advocated for its creation, the War Victims Fund focuses on cost-effective quality services for those injured in war in order to facilitate a return to work and social life. It places a strong emphasis on 'orthopedic assistance within a framework of social and economic integration of the disabled', and works to strengthen national policies on disability in a wide range of countries including Angola, Sri Lanka, Lebanon, Nicaragua and Senegal. The work of the fund particularly aims to include people with disabilities in both the development and implementation of activities.[47]

DEVELOPMENTS AT THE GLOBAL LEVEL

> *"The issue of victim support is another area where more needs to be done. The matter is of significance due to the socio-economic implications that victims and in some cases their dependents have been made to experience. Therefore, we call on the international community to increase funding in this area."*
>
> —Zambian statement at the UN Review Conference, 27 June 2006

The right to health is recognised and protected under international law, including in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, to which over 140 states are party. Authoritative bodies have determined that this right includes ". . . medical care and necessary social services, and the right to security in the event of . . . disability . . . or other lack of livelihood in circumstances beyond his (sic) control".[48] Further, in 1993, at the Vienna

World Conference on Human Rights, 171 states affirmed that "any direct discrimination or other negative discriminatory treatment of a disabled person is . . . a violation of his or her rights."[49] There are, therefore, clear human rights obligations on states regarding the provision of medical and rehabilitation services to the injured or disabled victims of armed violence.

RELEVANCE TO THE UN PROGRAMME OF ACTION

Assistance to survivors is not explicitly referred to in the PoA. It does, however, refer to some categories of people victimised by small arms misuse such as women, children and the elderly but does not elaborate beyond that. Similarly, while assistance is mentioned in relation to the disarmament, demobilisation and reintegration (DDR) of ex-combatants, no mention is made of civilian survivors of armed conflict or people living in situations of high criminal violence. The implications of how this omission affects implementation remain unexplored.

The UN Disability Convention

Sweden, Italy and Ireland among other states advocated from the mid-80s for an international treaty to recognise and protect the rights of disabled people. However, it was not until December 2001, led largely by the efforts of Mexico, that the UN General Assembly adopted a resolution to establish an Ad Hoc Committee "to consider proposals . . . (for a convention) based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination. . ."[50] The framework aims to be inclusive of social development and poverty reduction standards and objectives, as well as premise human rights principles.

The Convention was adopted on 13 December 2006 and stands to make a remarkable contribution in this complex area. It represents a shift in focus from how the disability arose to how people with disabilities can have effective access to their rights. Specifically, Article 16 recognises that people with disabilities are at higher risk of violence, injury, and abuse, and that states should take appropriate legal measures to "promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services." Article 25 asserts the need for the "highest attainable standard" of health services, noting gender-sensitive design and implementation. Parliamentarians should now ensure that this Conven-

tion comes before parliament for ratification, and work to review and adapt legislation to ensure implementation of its provisions.

Similar commitments are enshrined in the UN World Programme of Action concerning Disabled Persons (UN GA 37/52), and regional plans such as those embodied in the African Decade of Disabled Persons (2000-2009).

In developing strategies for implementing this groundbreaking treaty at a national level, parliamentarians can advocate for ratification and incorporation into national law. In addition, opportunities to connect implementation to recognition and service provision for survivors of armed violence are present for parliamentarians to act upon.

The WHO Global Campaign for Violence Prevention

The WHO's global campaign is based on the recommendations from the first ever World Report on Violence and Health (2002). It aims to "raise awareness about the problem of violence, highlight the crucial role that public health can play in addressing its causes and consequences and encourage action at every level of society."[51] Goals from this campaign are of significance for national action and include:

1. Create, implement and monitor a national action plan for violence prevention
2. Enhance capacity for collecting data on violence
3. Define priorities for, and support research on, the causes, consequences, costs and prevention of violence
4. Promote primary prevention responses
5. Strengthen responses for victims of violence
6. Integrate violence prevention into social and educational policies, and thereby promote gender and social equality
7. Increase collaboration and exchange of information on violence prevention
8. Promote and monitor adherence to international treaties, laws and other mechanisms to protect human rights
9. Seek practical, internationally agreed responses to the drugs trade and the global arms trade

The WHO proposes four practical country-level recommendations to strengthen services for the victims of violence:

- advocate for improvements in the quality of services;
- conduct a policy audit and situational analysis;
- improve emergency medical services and trauma care; and
- involve the community in the design of specialised services.[52]

RECOMMENDATIONS FOR PARLIAMENTARIANS

1. Support the development of injury surveillance systems. The scarcity of data on survivors of armed violence renders the provision of adequate services difficult. Models exist of efficient data collection and injury surveillance systems. Existing injury databases can be expanded upon to include gun violence. International agencies collecting data on deaths, injuries, peaks of violence in violence affected situations should pass these on for the development of national health plans and development strategies. Guidelines on consistent information collection, as well as appropriate strategies to hand over this information to national agencies, should also be considered.

2. Assess where gaps may exist in service provision. Although the right to health recognises the primacy of prompt treatment for all injured persons, regardless of the context or the legal status of the actors, the reality sometimes falls considerably short of this. Governments have a responsibility to ensure that adequate health facilities and medical personnel are available to serve the medical needs of all victims of gun violence. Parliamentarians can be particularly instrumental in conducting investigations and consultations on where standards and services could be improved. This should include emergency response systems, trauma care, and rehabilitation services. Gaps can be identified as part of National Action Plans on small arms as called for in the UN Programme of Action.

3. Include gun violence survivors in programme design and intervention activities. Victims of non-fatal small arms fire are a constituency that can help identify risk factors and contribute perspectives to interventions and policy development. Through health service providers, advocacy organisations and government agencies, their opinions and input can be gauged and may well provide insights not well understood, including how to reduce the demand for guns. Weapons control initiatives should also actively include survivors in their advocacy and policy efforts.

4. Look beyond emergency medical care. Pre-hospital and emergency medical treatment is important, and features among the essential services

to be provided to survivors of armed violence. Of equal concern is the healing of trauma associated with the violence, and ensuring a return to a productive life. This is often identified as a priority by survivors. Also, ensuring access to appropriate services entails not only the existence of those services, but also some support to ensure access by those individuals in need. This can take the form of specific funds, as developed in El Salvador for example.

5. Promote support for programmes designed to prevent armed violence. Working to end gun violence in the first place is the most cost-effective and obvious way to limit injuries and disabilities. There are many approaches that have been shown to be effective in preventing violence, particularly small arms violence, but these are often not prioritised or funded. There is a need to develop, implement and monitor the effectiveness of these programmes in settings with high rates of gun violence.

6. Support ratification and implementation of the Convention on the Right of Persons with Disabilities. This new Convention fills an important gap in pushing for recognition and realisation of the rights of people with disabilities. Parliamentarians should ensure that it comes before parliament for ratification, and work to review and adapt legislation to ensure implementation of its provisions.

Contributors to the original version of this chapter include Cate Buchanan, *Centre for Humanitarian Dialogue;* Emile LeBrun, consultant. Comments and suggestions were received from Dr. Olive Kobusingye, *World Health Organisation Regional Office for Africa;* Dr. Paul Kowal, *World Health Organisation;* Dr. David Meddings, *World Health Organisation;* Rebecca Peters, *International Action Network on Small Arms;* Paul Vermeulen, *Handicap International;* Dr. Andrés Villaveces, *University Hospital Geneva;* Camilla Waszink, *International Committee of the Red Cross*.

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12 Prokosch (1995), pp. 191-192. The tendency of a bullet to tumble early on entering the body is dependent on the angle and incidence on impact, the shape of the bullet nose, and the stability of the bullet.

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17 HELP Network (2002), p. 14

18 The WHO distinguishes between impairment, disability and handicap: an impairment is any loss or abnormality of psychological, physiological, or anatomical structure or function; a disability is any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being; and, a handicap is a disadvantage for a given individual, resulting from an impairment or disability, that limits or prevents the fulfilment of a role that is normal, depending on age, sex social and cultural factors, for that individual and it is therefore a function of the relationship between disabled persons and their environment. See www3.who.int/icf/icftemplate.cfm for more information

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50 Adopted resolution 56/168 in December 2001, see also the Ad Hoc Committee on a Comprehensive and International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. Working Group, Document A/AC.265/2004/WG.1, UN General Assembly. New York, 5-16 January 2004
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THEME 4 WOMEN, MEN AND GUN VIOLENCE: OPTIONS FOR ACTION

The term gender has become a synonym for women when gender actually refers to the socially constructed roles, behaviours, and attributes of men *and* women in a given society (as opposed to 'sex', which is biologically determined). Applying a gender perspective to the small arms issue—understanding the different ways that *men, women, boys, and girls* engage in, are affected by, and respond to gun violence—is key to developing effective solutions to the problem. For parliamentarians an appreciation of gender and gun violence is crucial to devising effective policy.

This theme explores two key concepts—gender equity and gender specificity—as they impact gun violence. A gender equity approach implies working with both men and women to *reduce risks* and *bolster resilience* to insecurity and violence. Gender specificity examines the different impacts on men and women of armed violence—and developing programmes that take into account these particular risks.

DIFFERENTIATED IMPACTS FOR WOMEN AND MEN

A growing global effort to collect information on gun violence that is broken down into age, ethnicity, and sex is helping challenge some overgeneralisations that hinder a more refined understanding of the impacts of small arms misuse. These include statements like '80% of the victims of armed violence are women and children'.[1] This claim may be true in some contexts, particularly recent wars in some African nations; but in general, it is primarily men—young, poor, socially marginalised men most of all—who are killed or injured through gun violence.[2] Men are also more likely to commit gun violence: in almost every country, a disproportionate percentage of gun owners and users are men.[3] Statistics from situations of war and peace show that:

- over 90 per cent of gun-related homicides occur among men;[4]

- boys are involved in 80 per cent of the accidental shootings that kill about 400 children and injure another 3,000 in the US each year;[5] and
- of those who commit suicide with a gun, 88 per cent are men and 12 per cent are women.[6]

Although women are not the majority of homicide victims, when they are killed—and it is overwhelmingly men who kill them—guns are often a preferred weapon. Studies on the murder of women (referred to here as 'femicide', or 'intimate femicide' if the perpetrator is a current or ex-partner, or a rejected would-be lover) show that guns can be a lethal element in displays of men's power over women. In South Africa, one murdered woman in five is killed with a legally owned gun.[7] Some 50 per cent of women murdered each year are killed by men known intimately to them—four women a day, or one every six hours.[8] The intimate femicide rate was estimated at 8.8 per 100,000 female population 14 years and older, the highest ever reported on the murder of women anywhere in the world where it has been studied.

UNDERSTANDING GENDERED EFFECTS

The misuse of guns affects communities on many levels, making it challenging to quantify who is worst harmed by their ready availability and misuse. Improved data collection is one part of bridging this knowledge gap.

It is critical to note that women are subject to a disproportionate range of non-fatal threats involving the misuse of small arms, often commensurate with their low status or lack of legal protection in many contexts: peace or war, developed or developing nations.[9] Accounts from both war zones and 'peaceful' communities illustrate the risks to women and girls from gun violence or the threat of it: 'They took K.M. who is 12 years old, in the open air. Her father was killed by the Janjawid in Um Baru, the rest of the family ran away and she was captured. . .more than six people used her as a wife (raped her); she stayed with the Janjawid and the military for more than 10 days'.[10]

Guns do not necessarily have to be fired to pose a serious security threat and are often used to threaten and intimidate. Gun 'brandishing' (prominently displaying, waving, or otherwise drawing attention to the weapon) is a common form of intimidation, especially against women: 'He would take the gun out of his pocket and put it over there. It would be right in

front of me. He didn't point it at me, he just let me know it was there.'[11] Globally, multiple, or 'family' murders (including of women and children) appear to be more common where guns are used in the home to intimidate and perpetrate intimate partner violence. A high percentage of these murders conclude with the suicide of the perpetrator.[12]

CHOICES AND ACTION

A common but unhelpful stereotype in the analysis of armed violence identifies women as *victims* (often with children), while men are seen as violent *perpetrators*. Clearly, not all men are violent or pro-gun (just as not all women are naturally suited for conflict resolution), and research and policy attention is needed to better understand why many men and boys choose *not* to engage in gun violence. In order to improve the effectiveness of policies and programmes to prevent gun misuse, additional research is needed on those who seek to 'do the right thing' and avoid violent behaviours, as well as on the ways that women and girls may sustain, encourage, or commit gun violence.

RELEVANCE TO THE UN PROGRAMME OF ACTION

The PoA has few references to gender. Men, who make up the largest number of direct victims *and* perpetrators of gun violence, receive no explicit mention. Women are referred to as particularly vulnerable, along with children and the elderly: 'Gravely concerned about its [the illicit trade in small arms] devastating consequences for children…as well as the negative impact on women and the elderly . . .' (Preamble). It is not clear how the omission of men's vulnerabilities to gun violence and the weak references to women affects implementation.

1. Men, masculinities, and guns

Across cultures, the largest number of acts of violence are committed by men. This behaviour appears to be the product of society and history rather than biology: men's near monopoly of gun use can be seen as a manifestation of a lifetime's socialisation into violent expressions of manhood and cultures in which male gun use is regarded as the norm.[13]

In times of war, men and boys are actively encouraged and often coerced into taking up the roles of combatants. In countries characterised by violence, war, or high levels of gun possession, young men may use guns

as part of a rite of passage from boyhood into manhood. Guns may also be positively associated with manhood in contexts where their use was valued and encouraged as part of a widely supported liberation movement, such as the AK-47 as a symbol of the anti-apartheid struggle in South Africa.[14] Even in peacetime, boys may be socialised into a familiarity and fascination with guns, or gun-like toys.[15] In the US, where boys are the most frequent victims of accidental shootings, studies show they neither learn to distinguish toy guns from real ones, nor can resist touching a gun if they find it by accident.[16] Research among young men involved in organised armed violence in ten countries finds that carrying guns is seen as an effective means of gaining status and respect.[17] Soldiers, snipers, other gun users, and armed male role models in television, film, and violent computer games are often cult heroes, with guns routinely glorified in the popular media.[18]

Men dominate both the formal security sectors of states, such as the military and police, as well as non-state armed groups, gangs, and militias.[19] It is also important to think about *which* men are most vulnerable to taking up arms. It is usually poor, marginalised men who take up badly paid and unprotected jobs in the informal security sector,[20] end up in armed gangs, and are recruited or volunteer to fight wars. From Boston to Bangkok, men are using guns 'in order to prove their masculinity, or to defend their masculine honour, or to challenge others'.[21]

In wartime, many men make significant efforts to stay out of the fighting and go to great lengths to protect their families. The number of combatants and people involved in violence has in fact been relatively low in recent conflicts. Even in settings where gang involvement by young people may be prevalent, the vast majority of young men do not participate in gang activities, and when interviewed, most young men in these settings say that they fear gangs and gang-related violence.[22] It is important to understand why *and* how large numbers of young men do not use arms and violence, and actively oppose such violence.

A number of promising programmes are being implemented to shift rigid and sometimes violent attitudes about being a man. 'Men As Partners' in South Africa[23] works in collaboration with the military, unions, and schools to engage men in alternative views about manhood, as does the Conscientizing Male Adolescents' project in Nigeria and the 'Program H' initiative in Latin America and India[24]. Another striking example is the 'White Ribbon Campaign'[25], started in Canada in the early 1990s after a man who had not been accepted into a graduate programme in Montreal

entered a classroom and killed fourteen female students. The campaign—of men speaking out against violence against women—is now active in over 40 countries worldwide. In 2005, a group of organisations came together to form a global network to engage men and boys in gender equality and violence reduction. 'MenEngage' seeks to assist the hundreds of mostly small programmes working worldwide to engage boys and men in questioning rigid and often violent views of manhood and, in the process, improve the health and well-being of men, boys, women and girls.[26]

Other programmes have been set up to promote employability and employment for disadvantaged youth. The 'Alliance for African Youth Employment' was launched in 2004 by the International Youth Foundation with the US Agency for International Development (USAID), Nokia and Lion's Club.[27] This initiative will provide young people in rapidly urbanising areas of South Africa, Malawi, Mozambique and Rwanda with job training, career counselling, direct placement in internships and jobs, and the skills to create their own businesses.

2. Women's multiple roles

Although much of their work goes unrecognised, women play multiple roles in situations of war and armed violence. Also, while women have been largely excluded from formal security policy making, there are many examples of women working at the local level to build peace, prevent violence, and encourage disarmament all over the world. The US Million Mom March[28], the Israeli Women in Black[29], the Sierra Leonean Mano River Women's Peace Network[30], and the Bougainvillean Inter-Church Women's Forum are just a few examples.

> *I realized how dangerous it was to have a gun in my home [after nearly pulling the trigger during a fight with her husband]. I hid it in the house and told my husband it was stolen from my car. This was before I heard about the Arms Exchange Programme – I heard about the weapons exchange and decided to get rid of it once and for all. Now I am not so scared.*[31]

In Brazil, by contrast, interviews with young women reveal how they can facilitate men's use of violence by hiding or transporting guns, drugs and money, ferrying messages to criminals in prison, or acting as a lookout for police or rival gangs. They also subscribe to the image that a gun-toting man is sexy and desirable: 'Sometimes guys will even borrow guns,

just to walk around with them, to show off for the girls. . . . They use them because they know that pretty girls will go out with them'.[32] This is significant, given that in 2001, 24 young men in Rio de Janeiro city were killed with a gun for every one woman who died the same way.[33] One effective civil society effort to address the problem in the country resulted in the 2001 "Choose Gun Free! Its Your Weapon or Me" campaign, which aimed to encourage women not to condone male violence.

3. National gun laws and consequences for safety

Improving national gun laws can have important and positive consequences when analysed from a gender perspective. Following the world's largest peacetime massacre by a single gunman in May 1996, Australia's laws were harmonised and improved by mid-1998.[34] The resulting laws included a ban on the ownership of semi-automatic and pump-action rifles and shotguns, and clauses prohibiting civilians from owning a range of weapons. There was also a five-year minimum prohibition against owning guns for those who are subject to restraining orders or have been convicted of any violent offence. In some states, prohibitions of up to ten years are being issued. Registration of small arms was regarded as essential for police to be able to effectively remove weapons in situations of intimate partner violence and enforce prohibition orders.

The new law included a buy-back component that resulted in the collection and destruction of one-fifth of the entire national gun stockpile. As tools to murder both men and women, guns are now simply less available, a phenomenon that may also be contributing to a reduction in the overall homicide rates, as would-be killers substitute guns with other, less lethal, weapons.[35] From 1996 to 2001, the gun homicide rate for women dropped 65 per cent, compared to a 54 per cent drop for men. During the same period, the overall gun death rate for women (including suicides) dropped 56 per cent, compared to a 40 per cent reduction for men.[36]

Spousal notification laws can also be an efficient mechanism to prevent gun acquisition by men with a history of family violence, whether or not it resulted in a criminal conviction. Canada requires current and former spouses to be notified before a gun licence may be issued. South Africa and Australia have specific provisions on issuing licences to those with a history of family violence. In the US, federal law makes it a criminal offence to possess a gun while subject to an intimate partner violence restraining order, and eleven US states have laws that prevent individuals with a history of intimate partner violence from purchasing or possessing a firearm.[37]

BOX 13 INTIMATE PARTNER VIOLENCE AND GUN CONTROL IN BRAZIL: EXAMPLES OF PARLIAMENTARIANS CONNECTING THE DOTS

Guns play a significant role in intimate partner and family violence in Brazil. It is estimated that every 15 seconds, a woman suffers violence in the home. The 2003 study by the Perseu Abramo Foundation indicates that 2.1 million Brazilian women suffer from domestic violence (beatings, spankings, physical torture, rape) each year. The presence of a gun in the home heightens the probability of a lethal outcome. This is particularly troubling as Brazil has some 17 million guns in circulation.

Brazil is the only country in Latin America that does not have specific legislation to deal with this problem. Under current legislation, such violence is considered a misdemeanor, tried in small claims courts together with traffic disputes, rather than as a human rights violation. Ninety percent of the cases end in "conciliation," rather than prosecution, with the offender paying a very small fine as the only "punitive" measure.

Following the adoption of the Disarmament Statute in 2003, any police officer convicted of violence against women will have their gun license suspended, and the offender's superiors are responsible for ensuring they cannot carry out armed functions for the duration of the suspension. Unfortunately, the general prohibition on the carrying of guns by the civilian population does not fully protect women from gun violence in the home, as restricting licenses to carry guns only impedes people from taking guns into the street.

In 2002, a group of women's rights organisations came together to propose Brazil's first legislation on domestic violence against women. A provision has been incorporated in the proposed domestic violence legislation to better protect women from guns, supported by the lobbying efforts of NGOs and parliamentarians across the country. Whilst previous attempts to include spousal consent in the 2003 gun laws failed, an opportunity to close that legal loophole was presented in the context of the domestic legislation. Gaps however remain to be closed: the legislation uses the term 'carry' but not 'own' (in Portuguese, the terms are quite close: *porte* and *posse,* respectively). Thus, as it stands, the legislation restricts convicted abusers' rights to carry a gun but not to own one.

4. Building gender-aware programmes

"There is a need to pay greater attention to the needs of our women and children, who have been the most affected by gun violence. At the same time, equal if not more attention needs to be paid to young men who in most cases are often both the victims and perpetrators of violence through the use of small arms. There is need in this connection to pursue the strengthening of national and regional programmes that address youth crime."

—Jamaican statement at the UN Review Conference, 26 June 2006

Those devising policy and programmes often speak exclusively to men about finding solutions to security problems, from how to undertake disarmament and weapons control to the need to find alternatives to oppressive policing. Planners often fail to consider the implications of the roles of men and women, and boys and girls, in fighting forces; do not design consultation processes to involve women, children and youth; or poorly recognise existing anti-violence activities usually led by women. The gender-blind approach has entrenched the misconceived notion that women have no interest in, knowledge about, or influence over attitudes to gun use and possession, or disarmament.

> *I know some [organisations] that deal with former combatant boys. They help to rehabilitate them, send them to school, help them to be engineers, teachers, whatever [they] want to be. They provide food, clothing, [and] medical facilities. But I don't know of any kind of rehabilitation centres for women. Most of the women only tell their friends [that they were combatants]. You hardly find women combatants saying that the government should try to help them.*
> —Agnes from Liberia[38]

Sierra Leone provides an example of the impacts of this failure. While the UN Mission in Sierra Leone (UNAMSIL) was initially praised as 'a success and a model for [a] robust and successful mandate that moved from peacekeeping to sustainable peace building', for 'a successful disarmament and demobilisation programme', and for its ongoing work in reintegration, the mission is now known to have initially failed women and girls involved in fighting forces.[39] Determining who qualified to join the programme was a complex process, which UNAMSIL tackled by collecting basic information from combatants that included identifying the person's commander, a test in which a weapon was dismantled and reassembled, and strict guidelines on what qualified as a weapon. Eligibility requirements almost guaranteed the exclusion of females, especially girls, who were rarely eligible for the 'one person, one weapon' approach. The results of this approach are difficult to assess because reliable figures are unavailable, but one estimate suggests that while at least 10,000 women are thought to have been associated with armed groups, of the 72,490 demobilised adult combatants, only 4,751 were women; and of the 6,787 children, a mere 506 (7.46 per cent) were girls.[40]

I felt powerful when I had a gun. As long as you are holding a gun, you have power over those who don't. It gave me more status and power.
—Girl who was a part of an armed group in Sierra Leone[41]

As in other places, Sierra Leonean women and girls associated with fighting forces report being forced to hand over their guns to their commanders and claim that these guns were then sold on to civilians who reaped the benefits, which included material support, retraining, and placement in reintegration programmes. The ease with which girls and women were intimidated was compounded by the fact that first-hand information often did not reach them. For the most part, the girls are now living on the streets in Freetown, and report high levels of drug and alcohol addiction, depression, frustration, and violent rage, which have also been directed at the authorities.[42]

The United Nations is now making more concerted efforts to address these issues. Gender components currently exist in 11 peacekeeping operations[43] and in the Department of Peacekeeping Operations (DPKO), new standard operating procedures on DDR have been developed in which gender issues are taken into account, and the Secretary General announced the development of more gender-sensitive approaches to early warning efforts, and a proposal to further advance gender-equitable participation in all aspects of the elections process.[44] Investment in training and institutional support would further help advance these processes.

RECOMMENDATIONS FOR PARLIAMENTARIANS

Decision-makers can no longer afford to remain in the dark about the complexities of how men and women, boys and girls view, use, and misuse guns, and how those attitudes and behaviours translate into risks and vulnerabilities. These recommendations can be enacted at a national level by parliamentarians:

1. Restrict the acquisition of guns and ammunition by those who commit intimate partner or family violence. Standards are required to ensure that perpetrators of intimate partner violence—and those particularly at risk of perpetrating it—do not have access to guns. That means legal prohibitions on gun ownership for abusers and that record keeping and other supporting mechanisms should be in place to enforce them. Law enforcement should have the authority and mandate to confiscate guns on the basis of likely threat, not prior conviction of intimate partner violence.

2. Fully meet existing international norms relating to gender and gun violence. There are numerous international standards that protect women's rights to equality, non-discrimination, and to protection against gender-based violence, as well as the rights of children and youth. International law places obligations on states to prevent and punish violence against women, children and youth and, where they fail to take adequate steps to do so, it may amount to a human rights violation, even when such violence is perpetrated by private actors. The prohibition of discrimination implies that women must be treated equally in all realms of social, political and economic life, and women's equal and full participation in decision-making concerning protection against gun violence is the surest means to ensure their concerns are addressed. (See Annex 5 for relevant instruments of international law)

3. Direct attention to young men as a group particularly vulnerable to gun violence. Evidence clearly suggests that young men are exposed to a range of risks that can be mitigated at different levels by governments and NGO activity through targeted programming and early intervention to tap into positive, non-violent models of manhood. A small number of interventions have begun to work with young men to question some of the traditional norms related to manhood that may encourage various forms of violence, including use/ownership of firearms. In addition to educational opportunities and meaningful employment opportunities for low-income young men, there is also a need for gender-specific attention to how boys are raised and comprehensive efforts—involving governments, civil society, families, and communities—to promote non-violent models of manhood.

4. Train law enforcement officials to better understand the small arms issues related to the prevention of gender-based violence. Local law enforcement officers are often the first to respond to, and intervene in, instances of gender-based violence (including homophobic attacks). Police must therefore be trained to enforce laws such as prohibitions on the ownership of and access to firearms. Law enforcement officers also need to be accountable for the safety and appropriate use of their own guns, particularly if such guns are not stored between shifts in police stations.

5. Include the perspectives of men and women in the development of policies to prevent gun violence. Male decision makers dominate research and policy on small arms control and violence prevention. Parliamentarians can advocate for mechanisms, such as panels, consultative committees,

and recruitment processes to ensure that women (the suggested international minimum is 30 per cent) are involved in decision-making and other activities that inform security policies, such as changes to national gun laws, or disarmament activities. In addition, gauging the opinions of civil society actors, particularly women's organisations, is important given the low priority often accorded to their views and expertise.

Contributors to the original version of this chapter include Cate Buchanan, *Centre for Humanitarian Dialogue;* Vanessa Farr, *UN Institute for Disarmament Research;* Michael Flood, *Australian Research Centre in Sex, Health and Society, La Trobe University;* and Jessica Galeria, *Viva Rio*. Comments and suggestions were received from Sanam Anderlini, *Women Waging Peace;* David Atwood, *Quaker United Nations Office*; Gary Barker, *Instituto Promundo*; Jackie Cock, *University of the Witwatersrand;* Wendy Cukier, *SAFER-Net;* Sarah Douglas, *UN Development Fund for Women;* Cynthia Enloe, *Clark University*; Keith Krause, *Small Arms Survey*; Henri Myrttinen, *Indonesian Institute for Social Transformation;* Florence Tercier Holst-Roness, *International Committee of the Red Cross*.

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43 Email from Comfort Lamptey, Gender Advisor, UN Department of Peacekeeping Operations, 22 February 2007

44 UN News Centre, New York, 20 October 2004

THEME 5 TAKING WEAPONS OUT OF CIRCULATION

Simply strengthening controls on the supply of guns will be of limited value in locations already saturated with guns: it is important to simultaneously reduce the number of unregulated weapons in circulation. This is especially the case in nations recovering from violent conflicts or with high rates of armed violence, where there are a great many risks associated with small arms circulation. Guns end up on the illegal market, where they are easily available for criminal or political purposes, and government-owned weapons not adequately managed and secured may be looted or sold by authorities illegally. It is now widely accepted in these circumstances that unless they are confiscated and collected—and preferably destroyed—guns will often end up back on the streets.

ELEMENTS FOR SUCCESSFUL DISARMAMENT

Efforts to remove weapons from circulation have been part of strategies to prevent armed violence and reduce insecurity in different contexts, including:

- disarmament at the end of an armed conflict, usually including a formal DDR process and sometimes further efforts to mop up guns remaining after the formal disarmament;
- voluntary firearms collection as a crime prevention tactic;
- gun amnesties due to legal reforms on private possession of firearms; and
- forcible confiscation of illegal weapons.

Past and on-going efforts provide a growing body of experience from which to learn and improve future programmes. Part of the reason why our knowledge of what works and what does not work is still far from complete is that there is no systematic method to make such assessments. There is growing recognition of some key principles.

BOX 14 MOPPING UP WEAPONS AFTER WAR: THE SIERRA LEONE EXPERIENCE

The DDR programme carried out in 1999 to 2002 by the UN Mission in Sierra Leone (UNAMSIL) following the civil war is widely considered one of the most successful DDR exercises ever conducted by a UN peace operation. However, as is the case with most DDR exercises, armed civilians were not included. Given the scale of weapons availability amongst civilians after many years of war, this was a serious concern for the government.

The Community Arms Collection and Destruction programme was started in January 2001 to collect arms that were not part of the DDR process, such as hunting rifles and pistols, and weapons in the hands of non-combatants. It was managed by the Sierra Leone Police with the assistance of UNAMSIL. The weapons collection programme collected some 9,660 weapons and 17,000 rounds of ammunition. In conjunction new laws were developed to modernise the country's outdated gun laws.

Recognising that this second disarmament campaign did not eliminate all the illegal weapons or significantly reduce the insecurity that guns generated, an Arms for Development (AfD) initiative was launched by the Government of Sierra Leone and UNDP in 2003 to address not simply the collection of guns, but also the factors motivating the demand for guns, and the establishment of gun-free communities. The initiative aimed to:

- stem the illicit cross-border trade in guns into Sierra Leone;
- implement a community arms collection programme based on the voluntary surrender of small arms in exchange for community development projects and to develop alternative means of livelihood to the production and use of firearms, and to transfer legitimate weapons back to their owners;
- develop and implement an effective legal framework for firearms control in Sierra Leone, including reviewing the Arms and Ammunition Act.

Relying on community ownership and active participation, the project encouraged the voluntary surrender of weapons. The initiative targeted communities, rather than individuals, with development projects as incentives. Once all the weapons in a given chiefdom have been surrendered, the police undertake a verification exercise with monitoring from UNDP and the consent of the local community and authorities. If no weapons are found, an arms-free certificate is awarded to the chiefdom, which will entitle it to a grant for community development projects such as a stadium, a market centre, schools or health posts.

New national laws for firearms control have also been prepared by a task force comprising the staff of the Attorney-General's Office, experts from the Police and the UNDP. The draft legislation was completed in November 2005 and submitted to Cabinet for final approval. The next step is for the Minister of Internal Affairs to submit the draft to Parliament for adoption. The Government of Sierra Leone was expected to pass the new Arms and Ammunition Act in early 2006. Under the proposed legislation, weapons

holders have to be at least 25 years of age, mentally fit, approved members of the community, and self-protection is not a valid reason for owning a gun.

Experience in Sierra Leone serves to illustrate the importance of ensuring DDR programmes incorporate comprehensive weapons reduction schemes that include guns in the hands of civilians. However, it also highlights the need to ensure that community collection schemes are appropriate to the context in which they are conducted. Parliamentarians are well placed to provide information and insights regarding the communities where collection programmes are planned. They are also in a position to provide input on legislative processes regarding the revision or creation of firearms legislation.

The local knowledge and understanding that parliamentarians have and their ability to drive policy and legislative reform is especially useful to international actors engaged in designing and implementing development and reconstruction programmes in countries recovering from war. Parliamentarians could actively engage with such organisations during the recovery phase, especially with regard to the development of appropriate DDR programmes.

1. The establishment of clear objectives and impact indicators

It is crucial to establish clear and concrete objectives, both in terms of process (number of weapons to be collected, from whom, and timelines) and impact. This requires a thorough analysis of weapons holding in a given context, including baseline numbers of weapons circulation, predominant forms of violence (criminal, political, intimate partner and family), categories of weapons owners and users, new sources of weapons and supply routes, attitudes to and perceptions of guns and disarmament, legislative and institutional framework, etc. The number of weapons collected alone is not necessarily indicative of an impact on human security.

While the ultimate goal is usually to reduce armed violence and improve human security, only local experiences of security can determine appropriate impact indicators. In contexts where baseline data is scarce and/or unreliable, this requires enhancing the national capacity for data collection – an activity that parliamentarians can encourage.[1]

Efforts to measure impact will also enable practitioners and researchers to document and clarify the value of weapons collection. More analysis is needed to examine the impact and value added of weapons collection compared to alternative violence reduction measures.

Further impacts and social changes must also be considered. Collection initiatives can, for example, promote collaboration and dialogue between different actors in the community, which in turn can prevent or reduce violence.[2] By placing gun control on the public agenda, disarmament pro-

grammes often spur discussion about the role of small arms in society and may lead to a questioning of the issues. Parliamentarians can be active in promoting such debate and establishing public inquiries to gauge input into new laws and policies.

2. The provision of appropriate incentives

The earliest efforts at weapons collection were often 'buy-back programmes' offering cash in return for guns. While these may make sense in cultural settings where the individual dominates the collective, there is ample evidence demonstrating how cash rewards can have undesirable consequences. They have encouraged holders and owners to take advantage of such programmes to make a profit on their guns, only to replace them by cheaper or better guns available on the illegal market, thereby fuelling the black market. In certain situations, cash rewards can be seen as unduly rewarding violent behaviour, as only weapons holders will be able to access them. Testimonies from Afghanistan also illustrate how ex-fighters have been forced into sharing their cash rewards with former commanders.[3]

Where several disarmament, demobilisation and reintegration (DDR) processes occur in parallel in the same region, and the cash rewards vary, ex-combatants are encouraged to cross the border to find 'the best deal'. This dilemma is clearly illustrated in the cases of Liberia and Côte d'Ivoire, two neighbouring countries where ex-combatants who turned in a weapon were offered USD 300 and USD 900 respectively. Even when cash is used as a reinsertion payment for ex-combatants and not intended as a direct payment for their guns, this distinction may not always be apparent to the ex-combatants. The international community's learning curve seems to be particularly flat on this point.

It is, therefore, a positive development that processes treating disarmament and reintegration separately are being replaced by programmes linking the social and economic reintegration of ex-combatants directly to disarmament by offering a comprehensive assistance package to those who turn in guns. The UN Development Programme (UNDP) and the International Organisation of Migration (IOM) pioneered this approach in Congo-Brazzaville in 2000.[4] This is also the model used by the on-going Afghan New Beginnings Programme (ANPB), which aims to demobilise over 100,000 ex-combatants and to reintegrate mujahedin into civilian life by offering them jobs and educational opportunities. A particularly innovative example is a scheme offering individuals training and jobs in de-mining

agencies.[5] The DDR component was completed in June 2006, with the programme managers – UNDP and UNAMA – estimating that 25% of the ex-combatants have found a long-term and sustainable activity. In order to ensure sustainability of the overall DDR effort, ANBP and UNDP, in agreement with the Afghan Government, are looking at a Reintegration Support Project (RSP) to last until December 2007 and follow up DDR.

Collective incentives benefiting a whole group or community are also increasingly used. The risk of commercialising guns is lower when offering collective benefits. After violent conflict, it may also avoid the impression that ex-combatants are rewarded for their participation and behaviour during the war and reduce the risk of resentment by the local community. The most frequently used collective benefits have been those that either contribute to social and economic welfare, such as schools or roads in so-called 'weapons for development' schemes, or those that can reduce public insecurity, for instance by providing equipment for the local police.

The 'weapons for development' approach underscores the acknowledgement on the part of implementing agencies of the links between security on the one hand and socio-economic development on the other.

When providing collective benefits, one of the challenges is to determine the type and number of guns that must be collected in order for the community to achieve the reward. This can be problematic because it implies knowing, to some extent, the number of guns in circulation before the project gets underway and the relative insecurity associated with different weapons. Interestingly, a survey conducted in one Cambodian district where a weapons for development programme was carried out showed that for many people, improved community security was considered a sufficient reward and in fact valued more than the development projects they 'received'.[6]

3. The inclusion of ammunition

The issue of small arms control cannot be adequately addressed without a specific focus on ammunition (see Box 8 for more detail). The absence of matching ammunition to weapon type renders a gun non-functional. Taking ammunition out of circulation will have a more immediate impact on reducing gun violence than collecting and destroying weapons. Anecdotal evidence suggests that ammunition 'shortages' are a real phenomenon and could perhaps be induced with international and co-ordinated efforts. Enhanced efforts to collect and destroy ammunition should be undertaken as part of a more comprehensive strategy to control its availability.

In addition, ammunition stockpiles, often stored alongside explosives, have proven to have fatal consequences for civilians if left poorly managed. In January 2002, a military ammunition storage facility caught fire in Lagos, Nigeria, setting off explosions that resulted in the death of over 1,000 people.[7] In April 2003, a flare gun was reportedly used to intentionally ignite an ammunitions dump in Baghdad. The resulting explosion killed up to 40 people.[8] In May 2005, a hidden ammunitions and weapons storage facility in Bashgah, Afghanistan, exploded, killing 28 and injuring more than 70.[9]

4. Integrated approaches

Weapons collection is only one aspect of the transitional process aimed at establishing security after armed conflict. Other issues to be addressed include restructuring the armed forces, security sector reform, democratisation and transitional justice, repatriation of refugees and the internally displaced, economic recovery, and longer-term socio-economic development. All these elements are to some degree mutually dependent and vary in form across contexts. Unless some disarmament and weapons control measures are in place, the environment will often remain too insecure to pursue these other aims or they are likely to be undermined. Conversely, weapons collection efforts will often not be successful unless alternative security guarantees are also offered. Weapons are often held in response to perceptions of insecurity, and therefore weapons collection exercises will have better chances of success if linked to reforms of the security sector, for example to promote models of community policing.

> *". . . projects and programmes that try to persuade people to hand in their weapons only work if people feel safe and secure, and have real alternatives to violence. That is why integrating small arms control into national development planning frameworks will help to ensure that decisions are made locally, reflect national and local priorities and help donors unlock more resources"*
>
> —UK statement at the UN Review Conference, 27 June 2006

Lessons learned in Sierra Leone demonstrated that disarmament should be conceptualised as 'an integral and extended process of national recovery through security-building rather than as a technical process of post-conflict weapons collection and demobilisation'[10]. The design and implementation of small arms control efforts should also more broadly involve govern-

ment departments such as political affairs, development, disarmament, health, justice, trade, civil society, and, where relevant, international institutions and UN agencies.

5. Comprehensive weapons security and control

If the aim is to prevent or reduce an excessive spread of guns in a community, efforts to remove existing weapons from circulation *and* control supply must go hand in hand. This is partly a question of preventing new arms transfers into an area. However, guns leaked, stolen, or sold from government stocks are another key source of supply in many contexts. Enhancing national capacity in the area of stockpile management can prevent theft and losses from government arsenals. Regular assessments to identify and destroy confiscated and surplus stocks will also reduce the risk that excess stocks will be diverted and enter the illicit market. The same concerns apply to the storage and disposal of weapons collected as part of a weapons control programme.

Cambodia provides an unprecedented example of how to approach the challenge of arms control after war in a comprehensive manner. The government, with the support of the EU, is attempting to reduce weapons availability and misuse through a wide-ranging strategy, which includes the introduction of strict legislation on gun ownership, a registration and safe storage scheme for military and police firearms stocks, weapons collection and destruction, 'weapons for development' schemes, and public awareness programmes.

BOX 15 WEAPONS WILL NOT BE TOLERATED IN PEREIRA

By Juan Manuel Arango Velez, Mayor of Pereira, Colombia

A combination of social factors has led authorities in Pereira (a city in west-central Colombia) to address the problem of small arms and light weapons in the area. These included the high number of homicides committed with guns, as well as the realisation that verbal aggression almost always leads to a fatal ending when guns are available. Keeping the peace was further impeded by the imbalance amongst those carrying guns, with the organised delinquency far better armed than public law enforcement agencies.

This diagnosis led us to rethink citizen culture to tackle new social behaviours. A culture of good citizenship is the best way to ensure cooperation with public law enforcement, and therefore must be the goal of a policy of public security, based on a bi-polar model of both repression and education. One of the tools for achieving this is the promotion of a culture

of disarmament. The city understood early on that disarmament exercises, beyond taking thousands of weapons out of circulation, must also change the perception citizens have of the role guns play in their security.

A proposal to collect illicit firearms and discourage the use of weapons by civilians was put forward in Pereira. This included an education campaign whereby young people, who previously belonged to violent groups, toured schools and colleges of the city with the message "no to arms". A public consultation process also took place to raise awareness on the use of firearms by civilians. In July 2006, over 130,000 votes opposing the possession of weapons by civilians were registered: 91% of the total number of votes registered.

We received positive responses from cities such as Bogotá, Medellín, Cali, Ibagué and others, who share our vision of a society where weapons would only be found in the hands of forces that are authorised to hold weapons. Indeed, the public consultation process held in Pereira inspired several major cities in Colombia to pursue public initiatives aimed at restricting the legislation pertaining to the possession and carrying of firearms.

A society without arms may appear to be a utopian ideal, but we will never know what can be achieved if we do not try. In the case of Pereira, we have succeeded in reducing the homicide rate by 23% during the first eight months of 2006, a positive indicator that has been attributed to the reinforcement and commitment of the police force, and to the disarmament message that forms part of our programme on citizen culture, security and coexistence: "Pereira ConVida" (Pereira with Life).

6. Destroying guns

> *"The 114th Assembly of the Inter-Parliamentary Union . . . encourages parliaments to urge their governments to destroy, in public view and wherever possible, all illicit SALW that are recovered by the national authorities in the context of armed conflict and crime, including SALW recovered in the context of DDRR programmes, and to dispose of such SALW in a safe, environmentally responsible and cost-effective manner."*
>
> —IPU resolution, 114th Assembly, 12 May 2006 , para. 29

To ensure that collected weapons are permanently removed from circulation, the preferred method is destruction—usually in a public way that aids verification and confidence building. In Sierra Leone, destroyed guns were recycled into agricultural tools, which were then provided to ex-combatants as reintegration assistance. This programme cleverly combined efficiency, utility, symbolism, and environmental concerns.[11]

Many governments also provide significant financial and technical support to countries that need assistance with stockpile security and destruction of surplus weapons, either bilaterally or channelled through other organisations or mechanisms including the OSCE, the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, and North Atlantic Treaty Organisation's (NATO) Partnership for Peace (PfP) Trust Fund. For example, NATO PfP small arms destruction projects have been completed or are in progress in a number of countries in Eastern Europe and the Caucasus, including Albania, Georgia, Ukraine, and Serbia and Montenegro.

7. Confidence-building measures

Weapons collection and DDR are often implemented in highly charged political environments. It is therefore important to be as transparent as possible about the objectives of these exercises and the procedures involved. Common questions include: Will guns and ammunition *really* be destroyed? If not, will they be kept safely? Will they fall into the wrong hands? Providing information and communicating with the public through media and other means, including the organisation of public destruction ceremonies, have proven successful in increasing confidence and accountability. Civil society organisations, including NGOs, churches, and the private sector, have all participated actively in weapons collection programmes around the world and constitute a key channel of communication. If handled well, a disarmament programme may in fact *contribute* to confidence building. Parliamentarians can be particularly active in establishing weapons collection schemes and explaining the process to the public.

8. Take stock – Learn lessons

Even very basic lessons learned are continually, if not consistently, ignored. As an illustration, in May 2004, US forces in Iraq launched a gun buy-back programme in Baghdad, offering people large cash sums in exchange for guns. It was these cash payments that attracted participants rather than a genuine wish to disarm, and the money has been used in some cases to buy new guns.[12] The programme did not have any noticeable impact in terms of reducing the vast number of military weapons in various hands in Iraq—let alone increasing human security.

> *'We sell [the Americans] the old ones and buy new ones on the black market', said Ali Mohsin [an Iraqi citizen]. 'I sold one AK-47 that I*

did not need, but what I am really good at is firing a rocket-propelled grenade launcher.'[13]

INTERNATIONAL STANDARDS

IN THE PROGRAMME OF ACTION

The PoA places significant emphasis on stockpile management and the collection and destruction of weapons.[14] It recognises that restricting the number of weapons in circulation is necessary to prevent the illicit trade in small arms and light weapons *in all its aspects.* It singles out for specific note the need for states to 'ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons within their jurisdiction' (Section II, para. 9).

The PoA also makes specific reference the reduction of small arms in post-conflict settings, calling on states to 'develop and implement, where possible, effective disarmament, demobilisation and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons' (Section II, para. 21). It does not, however, refer to wider arms reduction efforts.

Efforts are nevertheless being undertaken to improve approaches at the international level, perhaps most notably by key actors like UNDP. The UN has developed a set of Integrated Disarmament Demobilisation and Reintegration Standards (IDDRS) to foster an integrated approach to DDR implementation across UN agencies.[15] An Inter-Agency Working Group comprised of fifteen UN departments, agencies, funds and programmes came together to exchange experiences and collect best practices.[16] The IDDRS were launched in December 2006, together with an operational guide, a briefing note for senior managers, and a web-based resource centre.[17] The standards are focused on combatants from armed forces and armed groups, but also recognise the importance of other arms management measures, and linkages to rule of law and security sector reform.

GUN AMNESTIES AND LEGAL REFORM IN 'PEACEFUL' SETTINGS

From Australia to Brazil, Thailand, and South Africa, gun amnesty programmes have been regularly used by governments as a tool to get small arms out of circulation, usually prompted by an overhaul of national gun laws. Such programmes aim to encourage gun holders and owners to hand in their firearms voluntarily during the amnesty period, after which

the new legislation will be enforced. As an incentive, there is usually a 'no questions asked' policy and participants are offered financial compensation for their guns.

> *After I purchased the gun it seemed pointless having it and I needed somewhere to get rid of it. That's why a gun amnesty would have been good for me.*
>
> —Asher D of rap group So Solid Crew, previously convicted for gun possession[18]

It is difficult to draw any conclusions on the direct impact that amnesty programmes have had on gun violence, whether criminal, self-directed or between intimate partners. This is primarily because it is hard to isolate the impact of one measure from other variables affecting gun violence (for example, youth employment schemes, city planning schemes, or restrictions on alcohol sales). The incidence of firearm-related deaths in countries like Australia and the UK is also low relative to that of many other countries, and even a small change can have a strong impact on statistics. The trends in data so far are not uniform. However, the Australian example does indicate that the introduction of stricter gun laws, combined with the removal of a portion of civilian-held weapons from circulation, have led to a significant decrease in firearm-related deaths.[19]

The Brazilian process also suggests that tighter gun controls combined with a reduction in weapons availability can help reduce rates of firearm-related deaths and injuries. Following the adoption of the Disarmament

BOX 16 NO MONETARY INCENTIVES TO SURRENDER GUNS IN ARGENTINA

In December 2006 the Argentinean Senate decided to pass into law a proposal to disarm civilians. The programme declares a "national emergency" in terms of possession, manufacturing and trade in firearms, munitions and explosives. It provides for a gun collection programme, a ban on the import, manufacture and sale of replica guns, a national inventory of all guns (including those held by state agencies), a requirement that the military and police report to the parliament all lost or stolen guns, and the creation of both a national commission on small arms and a firearms policy consultative council, which will include experts from civil society.

The amnesty and collection programme will last for an initial period of six months and, unlike the buy-back schemes in Australia and Brazil, will not allow monetary incentives for the surrender of weapons. The results of this model of weapons collection are yet to be assessed, but it is hoped they will contribute to the growing body of evidence with regard to the effects of amnesty programmes and legal reform.

Statute in 2003, the government conducted the second largest gun buy-back campaign in the world, collecting approximately 470,000 guns. A combination of the requirements under the new legislation and the reduction in weapons availability through the buy-back scheme led to a 92% decline in legal commerce in firearms and an 8.2% decrease in the overall homicide rate (the first drop in 13 years). Similarly the number of firearm injuries medically treated decreased, with a comparison of the first 7 months of 2003 with the first 7 months of the buy-back campaign showing a 10.5% decrease in Rio de Janeiro and a 7% decrease in São Paulo.[20]

RECOMMENDATIONS FOR PARLIAMENTARIANS

As the issues related to gun violence and small arms control evolve, it is worth noting the move towards more comprehensive, long-term, and sustainable programmes where weapons collection is a part of the process rather than an end goal.

1. Ammunition control is critical. Guns are dependent on available and functional ammunition to be effective. Particular efforts should be made to effectively and safely collect, control, store, and destroy ammunition.

2. Support weapons collection initiatives combined with other measures. These could include the establishment of adequate procedures for stockpile management and security; destruction of surplus, seized, confiscated, and collected small arms; police reforms towards models of community policing; the establishment of adequate regulations on gun possession; and efforts to prevent illicit arms supplies to the country or region in question.

3. Communicate clearly the objectives and process of any weapons collection programme. Transparency can build confidence in the process and help the public form reasonable expectations of a weapons collection exercise. Awareness raising programmes can also help shift perceptions of guns from a tool leading to increased security to one that actually decreases personal safety. Parliamentarians can be key communicators of reform efforts.

4. Sustained data collection efforts are essential, and should be adequately resourced. These include detailed assessments of weapons in circulation, but also of perceptions of insecurity, predominant forms of violence (crim-

inal, political, intimate partner or family), categories of weapons owners and users, new sources of weapons and supply routes, attitudes to and perceptions of guns and disarmament, etc. Such data helps plan and shape weapons collection programmes, and evaluate their impact.

Contributors to the original version of this theme include Camilla Waszink, consultant, currently working for the Mines-Arms Unit of the *International Committee of the Red Cross.* Comments and suggestions were received from David de Beer, *European Union Assistance Programme on Curbing Small Arms and Light Weapons in the Kingdom of Cambodia;* Josephine Bourgois, *Viva Rio;* Zoe Dugal, *UN Development Programme-Sierra Leone;* William Godnick, *International Alert;* and Maximo Halty, *UN Development Programme.*

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ENDNOTES

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13 Hauser, Christine (2004)

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THEME 6 MOTIVATIONS AND MEANS: ADDRESSING THE DEMAND FOR SMALL ARMS

There has only been physical disarmament, not disarmament in the mind. The gun is something these people use to live. It is their tool to survive.

Man in Mazar e-Sharif, Afghanistan, September 2004[1]

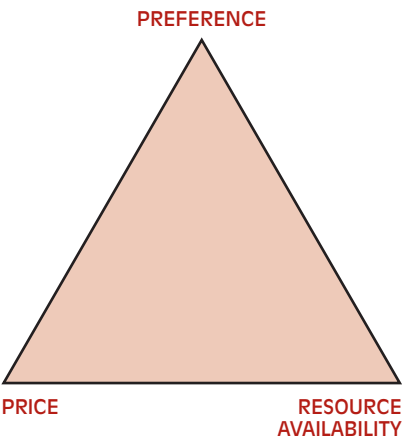
Supply and demand have become shorthand terms for describing broad factors affecting the spread, use, and misuse of guns; approaches to managing them; and means for reducing their negative effects. Understanding what drives individuals and groups to possess and use guns—the demand side of the equation—is equally important for efforts to reduce availability and misuse. In fact, all sides of the equation must be taken into account simultaneously if the international community is to respond adequately to the problem of gun violence.

Guns can change hands several times—from manufacture to stockpile; to broker, trader, and exporter—before they reach their first user. Factors can be identified at each step in the life cycle of a weapon to explain *why* guns are acquired. This theme looks at factors affecting demand by civilians, communities, and non-state armed groups as end-users of guns; offers an explanatory framework for thinking about demand; identifies possible responses to the factors driving acquisition of guns at the individual and group levels; illustrates demand interventions that have taken place in Papua New Guinea, South Africa, and the US; and discusses the relevance of this for policy development and action by parliamentarians and civil society.

DEMAND IN THEORY

According to economic theory, demand for a commodity (e.g. guns) is a function of individual and group *preference*, *price* (monetary and non-monetary), and *resource availability*. While preferences determine the moti-

vation to acquire or not a gun, prices and resources constrain the means to do so. The diagram below illustrates a demand framework; all three dimensions of demand provide crucial elements and opportunities for interventions.



Preference refers to overlapping social, cultural, economic, and political motivations. This category could include, for example, socially constructed ideas about masculinity, a perceived need for self-protection, or a desire to carry out a livelihood option, requiring a gun, whether legitimate or criminal. Multiple preferences can operate at the same time.

A further distinction needs to be made between *deep* preferences, corresponding to universal and immutable needs such as the need for personal security or identity, and *derived* preferences, or coping strategies for dealing with a challenge to a deep preference—for example, the acquisition of a firearm in reaction to a need (deep preference) for personal security. Importantly, acquiring a gun will probably be only one of several options for satisfying a deep preference. The extent to which one option is preferred over others will be influenced by such factors as cultural patterns and the degree to which there are available substitutes. For example, the derived preference for small arms might be stimulated by the familiarisation with, or normalisation of, guns in a particular society.

Derived preferences are dynamic across time and space. For example, a homeowner's preference for regarding a gun as necessary for family protection may change if he/she feels community-watch schemes or changes to policing begin to provide sufficient security, even as his/her deep preference—for security for their family—remains an important motivating concern. It is also important to recognise that preferences are not necessarily confined to the individual, but can also be collectively realised.

"Our approach to the complex problem of illicit small arms must be an integrated and comprehensive one. . . . we will never be able to stop the flow of illicit weapons as long as we only focus on the supply.

Today, we know more about the complex relationships between the demand for small arms and poverty, insecurity, injustice and the abuse of natural resources."

—Norwegian statement at the UN Review Conference, 26 June 2006

While discerning individual and collective preferences is key to comprehending demand for guns in any particular situation, this alone is insufficient.

The extent to which the desire for acquiring a gun can be fulfilled will also be a function of the perceived, real, and relative *price* of small arms in a given setting and the availability and price of acceptable substitutes. Where gun prices are relatively high, they can be a function both of a strong preference for small arms and limited supply. Prices can be reflected in non-monetary ways. For example, the price of an AK-47 in a particular setting may be high due to well-enforced penalties for illegal possession (in this case, the price is the high personal cost of incarceration).

Preferences and price are also related to *resource availability*, or affordability. One may have a high preference for obtaining a weapon, and the price may be low, but if personal or group resources are lacking, demand cannot be fulfilled. Resources may be monetary, but also exchangeable commodities (e.g. animals, timber, and people), as well as such resources as organisational capacity, access to enabling networks (e.g. arms brokers), and even guns themselves (as tools for obtaining income or for stealing other guns).

A constellation of relationships are at work in shaping demand in any particular setting. The framework also suggests that particular policy choices or interventions, if uninformed by an understanding of all three factors, can produce results that may be the opposite of what was intended. For example, economic incentive schemes aimed at providing alternatives to criminality may merely increase the resources available for the purchase of guns (the relative price will fall), possibly driving up demand, if preferences—for example, the 'macho' symbolism of high-powered guns in some cultural settings—are not simultaneously addressed. Moreover, in some communities, the choice to acquire a gun is not necessarily taken individually, but influenced by a series of collective decision-making processes and cultural influences.

It also suggests that policy choices may be equally enriched by examining why some societies ultimately do *not* choose to acquire small arms: '. . . generating a more sophisticated understanding of the preferences,

resources and prices influencing the demand for firearms could usefully inform both disarmament and development interventions.'[2]

BOX 17 INSTITUTIONALIZING VIOLENCE REDUCTION: MINISTRIES OF PEACE

There is growing global support for the idea that peace and violence reduction—including the devastating societal impacts of gun violence—should be institutionalised within government with leadership at the ministerial or cabinet level. A formal Ministry of Peace would promote peace and violence reduction much the way Environment Ministries are designed to protect the environment.

In 2004, as member of the House of Representatives and Democratic candidate for president of the United States of America, Dennis Kucinish formally proposed the establishment of a federal Department of Peace in the United States (a Ministry of Peace would be the equivalent proposal in the parliamentary system). The next year, a bill to establish the department was introduced in the House with over 60 co-sponsoring members of Congress; shortly thereafter a version of the same legislation was introduced in the Senate. If established, this cabinet level agency would be headed by an Under Secretary for Peace and Nonviolence.

Addressing armed violence and its impacts is an important feature of the proposed agency. Among its many responsibilities, the Department of Peace would:

- analyse existing policies, employ successful, field-tested programs, and develop new approaches for dealing with the implements of violence, including gun-related violence and the overwhelming presence of handguns;
- develop new policies and incorporate existing policies regarding crime, punishment, and rehabilitation;
- develop policies that address domestic violence, including spousal abuse, child abuse, and mistreatment of the elderly;
- counsel and advocate on behalf of women victimised by violence;
- develop new programs that relate to the societal challenges of school violence, gangs, racial or ethnic violence, violence against gays and lesbians, and police-community relations disputes;
- assist in the establishment and funding of community-based violence prevention programs, including violence prevention counselling and peer mediation in schools;

This idea is catching on elsewhere in the world. In October 2005, an international People's Summit for Departments of Peace was held in the UK that drew representatives from Asia, North America, Europe and the Middle East. National campaigns for departments of peace are currently underway in at least nine countries. More information is available at www.peoplesinitiativefordepartmentsofpeace.org.

TABLE 3 POSSIBLE RESPONSES TO THE KEY FACTORS INFLUENCING GUN ACQUISITION AND USE

Motivations	
Deep preference	**Possible responses**
Personal security	• Institute or strengthen community policing • Reform justice (courts, penal) and security (police, military) sectors • Take guns out of circulation • Improve street lighting and public infrastructures (such as paved roads) • Promote gun-free zones in schools, workplaces, churches, market/shopping places, and sporting facilities
Social and economic stability Particularly in war-affected nations	• Provide education and employment opportunities, particularly for youth • Stigmatise corruption • Support reintegration of ex-combatants and ex-criminals • Reform war economies; crack down on trafficking in conflict goods (timber, diamonds, etc.)
Individual status, identity, and belonging	• Challenge images of violent masculinity and offer alternatives • Look at the role of art, sport, media, and entertainment in normalising and condoning gun possession and misuse • Encourage social customs dissociating guns from power, pride, and manhood
Violent conflict, political identity, and group status	• Increase capacity for non-violent conflict resolution • Improve public participation in government • Acknowledge and act to redress inequalities and injustice that influence recourse to violence and human rights abuses

Means	
Price	**Possible responses**
Monetary value of guns (relative to other goods, particularly substitutes)	• Restrict supply, leading to an increase in the prices of small arms
Increasing the *cost(s)* of illegal possession and misuse	• Strengthen national gun laws to ensure small arms ownership is subject to criteria (e.g. age, proof of need, safe storage), all owners require a renewable licence, and all guns are registered • Improve response and efficiency rates of police to requests for assistance from citizens

Social controls and possibility of ostracism	• Engage communities in development and disarmament schemes (e.g. UNDP Arms for Development programme), rather than individuals in buy-backs, in order to promote greater social cohesion and change attitudes to gun possession • Create public education programmes to change attitudes to guns and gun violence and to generate support for alternative behaviour (e.g. through the establishment of gun-free zones)
Reducing ease of access	• Crack down on open gun markets • Subject firearms acquisition to owner licensing, registration of weapons, stockpile management, storing guns away from ammunition and other controls
Resource availability	**Possible responses**
Expected income, wealth, grants, and credits	• Transform economies dependent on conflict goods such as opium and diamonds, and encourage alternative sustainable livelihoods • Combat illicit trafficking in drugs • Encourage the evolution *and* improvement of justice and security sectors

UNDERSTANDING DEMAND AT THE PERSONAL OR COMMUNITY LEVEL

In recent years, increasing attention has been paid to understanding the factors driving demand for small arms at the personal and community level. This work is revealing existing interventions by community-based organisations and others aimed at reducing levels of violence by addressing demand (although programmes are rarely labelled as such). Key drivers include inadequate public safety and police corruption, lack of economic opportunity for youth, grievances arising out of the abuse of fundamental human rights, cultural attitudes towards guns, including the relationship between masculinities and guns, inadequate or disrupted conflict management practices, and the inadequacy or failure of reintegration programmes for ex-combatants.

Key principles for contributing to violence reduction and lessening the demand for guns include:[3]

- initiatives aimed at strengthening self-worth, identity, and positive social roles for individuals, especially children and youth—and particularly boys, as guns are often culturally associated with particular and narrow conceptions of masculinity;

- programmes focused on community economic and social development, with broad participation in creating jobs, housing, recreation opportunities, and schooling;
- approaches to improve the capacity to resolve conflict non-violently, including conflict management training and direct inter-group peacemaking, taking note of traditional processes;
- policies to strengthen governance by establishing community policing; reforming and training the police; and working towards an honest, independent judiciary; and
- broad efforts to improve public access to government, increase public participation in government, and end the marginalisation of some groups and women.

INTERNATIONAL PROCESSES

RELEVANCE TO THE UN PROGRAMME OF ACTION

The word 'demand' is only mentioned once in the PoA. In paragraph 7 of the Preamble, states note their concern for the 'close link between terrorism, organised crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons', and stress 'the urgency of international efforts and co-operation aimed at combating this trade simultaneously from both a *supply and demand perspective*' [emphasis added].[4]

Indirect references to a demand perspective are nevertheless found in a number of other places in the PoA. For example, the document acknowledges concern for the 'implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons'; while many areas in the PoA imply the need to understand and address demand, including the focus on disarmament, demobilisation, and reintegration of ex-combatants; the emphasis on the special needs of children; the recognition of the need to 'promote dialogue and a culture of peace by encouraging . . . education and public awareness programmes'; the recognition of the need to make 'greater efforts to address problems related to human and sustainable development'; and the references to elements for which the shorthand is 'security sector reform'.

At the global policy level, increasing attention has been given to linkages between small arms and development (including poverty reduction strategies), and justice and security sector reform. This is encouraging as both issues in fact address key demand factors. The March 2005 decision by the Organisation for Economic Co-operation and Development's Development

Assistance Committee (OECD DAC) to allow Official Development Assistance (ODA) to be used for "technical co-operation and civilian support for . . . controlling, preventing and reducing the proliferation of small arms and light weapons"[5] clearly establishes this link for the donor community. In addition, at the fall 2005 session of the UN General Assembly, states adopted resolution 60/68 which calls upon states *inter alia* to "develop, where appropriate, comprehensive armed violence prevention programmes integrated into national development strategies, including poverty reduction strategies".[6] Such decisions reflect the understanding that weapons control and reduction is often a prerequisite to sustainable development. Conversely, socioeconomic development should lead to a decrease in the demand for weapons.

> *"The 114th Assembly of the Inter-Parliamentary Union . . . calls upon parliaments to promote full implementation by their governments of their pledges under the United Nations Millennium Declaration to ensure the achievement of the Millennium Development Goals, a measure which requires disarmament and the reduction of armed violence."*
> —IPU resolution, 114th Assembly, 12 May 2006 , para. 35

It is however critical to start identifying precisely which approaches are effective and which are not. Focusing on youth violence, the World Health Organisation (WHO) has identified a spectrum of prevention strategies, ranging from social development programmes to incentives to complete secondary schooling and pursue higher education, mentoring programmes, family therapy, public information campaigns, or promoting the safe and secure storage of firearms.[7] Some approaches, however, have already been proven ineffective in isolation, including gun buy-backs, trying young offenders in adult courts, or individual counselling. More research is central to identify which strategies may offer the most promise.

DEMAND REDUCTION IN PRACTICE

The past decade has witnessed a marked increase in initiatives around the world aimed at reducing armed violence and small arms availability.

Though often popularly perceived as a heavily armed society, there are comparatively few commercially manufactured firearms in Papua New Guinea.[8] A wide variety of guns are nevertheless available, and they are being used to devastating effect.[9] Violence in Mendi, the capital of the

Southern Highlands, peaked to unprecedented levels between 2001 and 2002. At least 120 men and women, primarily from two tribes, were shot and killed and hundreds more were intentionally wounded. During previous inter-group conflicts waged with bows and arrows or bladed weapons, typically as few as one or two people were seriously or fatally injured. In the absence of government support, a process of reconciliation was organised in 2002 by the Mendi Peace Commission, including a number of faith-based organisations. The informal peace agreement brokered by May 2002 offered closure to three years of violence. Commitments were signed to—among other things—'dismiss' mercenary gunmen, entrust all firearms to local leaders, cease the public display of offensive guns, and co-operate with police to restrict alcohol and marijuana abuse. Widely perceived as dealing with catalysts that influence individual and collective *preferences* for gun violence, these provisions might have diminished demand by increasing public safety and encouraging social controls over rogue elements. More than five years after its signature during a public ceremony attended by more than 10,000 people, the Mendi Peace Agreement has survived without serious breach.[10]

The NGO Gun Free South Africa launched the Gun Free Zone (GFZ) project in 1996 in order to reduce one of the world's highest firearm homicide rates. Recognising that gun violence was at epidemic levels in South Africa, and that formal policing approaches were not working effectively, the project's explicit objective was to transform attitudes toward guns by creating a space in which small arms were stigmatised. In other words, it sought to raise the social *price* of guns and thereby reduce the *preference* for guns as a means of achieving personal security and status.[11] Some of these GFZs involve strict enforcement (as in the case of businesses and government offices), with coercive deterrents (e.g. police), while others rely on voluntary compulsion (as in the cases of many neighbourhoods and communities). In the groundbreaking Firearm Control Act of 2000, 'Firearm Free Zones' (FFZs) were authorised, formally building on this work. Gun Free South Africa has since worked to develop FFZs in 27 schools in five provinces. The gun-free school project gathered school governing bodies, teachers, administrators, students, and police in a dialogue to identify key problems and establish 'Safety Teams' to implement appropriate policies.[12]

In 1995, the Boston Police Department, the National Institute of Justice, and Harvard University initiated the Boston Gun Project to confront spiralling youth homicide and to serve as a test case for other inner city

areas of the country.[13] This partnership analysed the dynamics driving the city's youth homicide problem and developed an intervention its members believed would have a substantial near-term impact on the problem.[14] Operation Ceasefire was launched the following year and employed a deterrence strategy that focused criminal justice attention (e.g. increased policing and enforcement, and improved legal processing) on a small number of chronically offending gang-involved youth. The deterrent effect of focused policing rapidly increased the *price* of gun acquisition while simultaneously reducing *preferences* through perceived improvements in community safety and security. An impact evaluation undertaken following Operation Ceasefire indicated that the project was associated with significant reductions in indicators of violence, such as youth homicide, reports to the police of shots having been fired, and incidence of gun assaults in Boston.[15]

Increasingly programmes are also set up to try and influence the relationship between masculinities, violence and guns. For example, the "White Ribbon Campaign"[16] is a global campaign which started in Canada in the early 1990s after a man who had not been accepted into a graduate programme in Montreal entered a classroom and killed fourteen female students in revenge. It consists of men speaking out against violence against women and is now active in more than 40 countries worldwide.

RECOMMENDATIONS FOR PARLIAMENTARIANS

Local efforts to address the demand side of the small arms equation have generated an institutional knowledge base that is overdue for assimilation into policy discussions on small arms. Some recommendations for parliamentarians to consider include the following:

1. Investigate demand factors. Increasing attention is being directed to various 'demand' factors, such as linkages between poverty and violence or police reform. Parliamentarians can conduct inquiries and public consultation and contribute to action oriented research about demand factors, or call on national commissions on small arms to take over these tasks. This can significantly inform policy development and public debate about weapons control.

2. Governments and multilateral agencies should integrate thinking about demand factors for guns into their practical responses to violence and arms reduction. Parliamentarians are ideally placed to encourage gov-

ernments and various departments to consider holistic approaches to violence reduction, whether nationally or through overseas development assistance.

3. Set clear, unambiguous and attainable targets, including in the short term. Though changing attitudes and behaviours is a long-term incremental process, it is vital to establish short-term objectives to generate *demonstration effects* and ways to multiply progress. Moreover, objectives must be clear and indicators measurable, while surveillance and evaluation systems should be adequately installed, functional, and financed.

4. Civil society, municipal governments, police and affected groups should be involved in planning, implementation and evaluation. Demand reduction initiatives that bring together a broad range of stakeholders appear more likely to be sustainable and meaningful. Approaches that adopt strategies from the public health, community development, and criminal justice sectors (as opposed to a single sector approach) also appear to contribute to successful outcomes. In addition, there may be programming needs that go beyond the scope of existing national and sub-regional organisations, so governments and civil society should be prepared to create a range of arrangements and institutions that can facilitate practical co-operation.[17]

5. Encourage local ownership. Most demand reduction occurs at the local level. As such, successful efforts must at the very least be responsive to locally determined values, norms, and indicators. The cases profiled demonstrate how key objectives were defined, target groups identified, and interventions undertaken in a participatory fashion. Parliamentarians can be active proponents of local initiatives to reduce demand for weapons, through facilitating community engagement and input into gun control efforts.

6. Coercive interventions and approaches to reduce demand for guns are best combined with positive incentives. Coercive initiatives, focusing for example on limiting access to guns, and more positive incentives such as amnesties and awareness-raising campaigns, imply potentially competing philosophies, investment requirements, and logistical opportunities and constraints. However, a reflection on efforts to date suggests that simultaneous approaches are especially effective.

Contributors to the original version of this theme include David Atwood, *Quaker United Nations Office, Geneva;* Robert Muggah, *Small Arms Survey;* and Mireille Widmer, *Centre for Humanitarian Dialogue.* Comments and

suggestions were received from David Jackman, *Quaker United Nations Office;* Benjamin Lessing, *Viva Rio*; Daniël Prins, *Government of the Netherlands,* Geneva; and Hugo Slim and Tina Thorne, *Centre for Humanitarian Dialogue*.

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1 Human Rights Research and Advocacy Consortium (2004), *Take the Guns Away: Afghan Voices on Security and Elections*. Available at: www.afghanadvocacy.org/documents/TaketheGunsAway English.pdf

2 Muggah, Robert and Jurgen Brauer (2004), *Diagnosing Demand: A Multi-Disciplinary Approach*. Available at: www.aug.edu/~sbajmb/paper-smallarmsdemand.pdf, p. 34. See also Muggah, Robert (2005), *Diagnosing Demand: Means and Motivations for Small Arms in Papua New Guinea and the Solomon Islands*, Discussion Paper No. 7, Australian National University; State, Society, and Governance in Melanesia Project, Canberra

3 See, for example, Atwood, David and David Jackman (2000), 'Working where it hurts: Perspectives from the field on small arms demand', *Disarmament Forum*, No. 2, pages 13-24; and Buchanan, Cate and David Atwood (2003), *Curbing the Demand for Small Arms: Focus on Southeast Asia*, Centre for Humanitarian Dialogue and QUNO, Geneva. The results of other QUNO regional and thematic workshops that have taken place since 1999 can be found at: www.quno.org

4 See Regehr, Ernie (2004), *Reducing the Demand for Small Arms and Light Weapons: Priorities for the International Community*, Working Paper No. 04-2, Project Ploughshares, Canada, p. 9

5 OECD DAC (2005), *Conflict Prevention and Peace Building: What Counts as ODA?*, High Level Forum Document, 3 March. Available at: www.oecd.org/dataoecd/32/32/34535173.pdf

6 UNGA Resolution A/RES/60/68 of 8 December 2005

7 See WHO (2002), *World Report on Violence and Health*, pp. 38–47

8 See, for example, Alpers, Philip and Robert Muggah (2004), *Surveying Small Arms Availability, Distribution, Demand and Effects in the Southern Highlands*, Briefing, Small Arms Survey, Geneva

9 Dinnen, Sinclair and Edwina Thompson (2004), *Gender and Small Arms Violence in Papua New Guinea,* Paper commissioned by UNIFEM. Available at: www.eprints.anu.edu.au/archive/00002984/. See also, LeBrun, Emile and Muggah, Robert (eds), *Silencing Guns: Local Perspectives on Small Arms and Armed Violence in Rural Pacific Islands Communities*, Occasional Paper 15, Small Arms Survey, Geneva. Available at: www.smallarmssurvey.org

10 That said, infrastructure promised by the then administrator has failed to materialise, and this is an ongoing source of discontent. Several districts within the Southern Highlands are now declared fighting zones, and the province has been under a state of emergency since 1 August 2006. Email from Nicole Haley, Australian National University, 26 February 2007.

11 See, for example, Kirsten, Adele et al. (2004), *Islands of Safety in a Sea of Guns: Gun Free Zones in Fothane, Diepkloof and Khayelitsha: Evaluating the Impact of Gun Free Zones*, Special Report, Small Arms Survey, Geneva

12 Though 27 schools eventually adopted FFZ policies, none has been officially declared an FFZ by the Ministry of Safety and Security.

13 Youth homicide had increased 230 per cent, from 22 victims in 1987 to 73 victims in 1990, while averaging some 44 youth homicides per year between 1991 and 1995. Reed, Winifred and Scott Decker (eds.) (2002), *Responding to Gangs: Evaluation and Research*, National Institute of Justice, Washington, DC, p. 269. Available at: www.ncjrs.org/pdffiles1/nij/190351.pdf

14 The project formed a working group comprised of diverse stakeholders, including the Boston Police Department; the Massachusetts Departments of Probation and Parole; the office of the Suffolk County District Attorney; the office of the US Attorney; the Bureau of Alcohol, Tobacco, and Firearms; the Massachusetts Department of Youth Services; Boston School Police; and gang outreach and prevention 'street-workers' attached to the Boston Community Centre's programme. Regular partners later in the process included the Ten Point Coalition of Black Clergy, the Drug Enforcement Administration, the Massachusetts State Police, and the office of the Massachusetts Attorney-General.

15 A comparative analysis of youth homicide trends in Boston relative to youth homicide trends in other major US and New England cities also supports a unique programme effect associated with the Ceasefire intervention. See Braga, Anthony et al. (2001), 'Problem-oriented policing, deterrence, and youth violence: An evaluation of Boston's Operation Ceasefire', *Journal of Research in Crime and Delinquency,* Vol. 38, Issue 3

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THEME 7 JUSTICE AND SECURITY SECTOR GOVERNANCE

In the ideal society functioning under the rule of law, the armed forces and police carry guns so that the rest of the population doesn't have to. The opposite case is one in which no enforcement of the rule of law leads to vigilantism and high levels of firearm violence and death.[1]

The relationship between dysfunctional justice and security sectors and the demand for guns in the population is not yet clearly understood. Intuitively, corrupt police—whether themselves misusing their small arms or failing to prevent misuse by civilians—will leave people with a sense of injustice and insecurity that will in turn drive them to take the law (and the gun) into their own hands. While more research is needed to better understand this relationship, in recent years it has been acknowledged that justice and security sector reform (JSSR) is closely linked to violence prevention and peace building.[2] The international community has recognised that bringing the security sector under civilian control and establishing equitable justice are essential to rebuilding societies recovering from war.[3] Conversely, a failure to engage in reform of the justice and security sector can aggravate social and political tensions and lead to increased risk of armed violence and the demand for guns.

WHAT ARE THE JUSTICE AND SECURITY SECTORS?

The institutions of the justice and security sector are principally composed of the judiciary/courts, corrections, police, military, ancillary security services, and the civilian authorities and organisations—elected, appointed, and civil society—that are responsible for the management and oversight of the sector's institutions. Taken together, these bodies are responsible for the overall provision of an accountable, equitable, effective, and rights-

respecting public service for a nation and the people living within its borders.[4] JSSR is the process of improving the functioning of the justice and security institutions, and parliamentarians and their advisors can instigate inquiries into the appropriate use of force, and effective administration of fair and impartial justice processes.

Although not covered in this theme, it should be noted that private security companies raise similar challenges to official law enforcement agencies when they misuse their guns.[5] Worryingly, they are rarely subjected to the same rules, training procedures, and oversight mechanisms as official agencies. Parliamentarians can investigate the standards that apply to such entities and work to regulate their activities.

A VICIOUS CYCLE OF INSECURITY

> *Parts of the [Kenyan] security forces have traditionally been acting on their own, not subject to any effective control from their own organisation and not at all from the communities within which they are operating. Consequently, there is a lot of distrust on both sides, which does not help efforts to improve the security situation.*[6]

Although ideally the state would be responsible for the maintenance of law and order, the reality is that the state is sometimes a primary source of insecurity for citizens. Insecurity at the hands of the security sector can take the form of a variety of threats, often involving guns.

1. Undisciplined policing

Poor training and lack of oversight of police officers can result in significant insecurity for citizens. Under-training of police forces in high-crime areas can lead to the excessive use of force—such as 'shoot first' responses when a lesser use of force would suffice—and avoidable deaths and injuries can result.

2. Militarised, repressive policing

Elsewhere, police and security actors repeatedly misuse guns due to a systematic lack of accountability or are acting as enforcers for deliberately repressive regimes or government. Repressive actions run the gamut of coercive and abusive tactics, from systematic harassment and threats, the use of excessive force, firing into peaceful assemblies, abduction, torture

and summary execution. An Amnesty International survey found incidents of torture inflicted by national officials in 150 countries over the period 1997-2000, whether in isolated incidents or systematically.[7] Practices may be based on prejudice or racism, as was the policing of apartheid-era South Africa, or the result of an over-militarised police force, as is the case in many nations transitioning from periods of dictatorship.

3. Breakdown of the rule of law

When abuse becomes routine and there is little or no recourse for civilians to legal remedies because the justice and security sector is corrupt, an atmosphere of impunity can reign. The power structures designed to make and enforce the law are no longer bound by those laws themselves, and operate according to other principles.[8]

4. Weak institutions

Lawlessness may also result where police and other national security agents are absent, either through neglect, indifference, or incapacity—as when the state cannot afford to equip, train, and deploy police to all areas and communities.

BREAKING THE CYCLE OF VIOLENCE

Crippled and corrupt justice and security sector institutions are challenging to repair, and this can take years of effort from governments and NGOs. Reform requires financial investment and dedicated political will, but also participative and locally owned processes. To be successful in reducing the armed violence associated with the shortcomings and failures of these sectors, a number of remedies should be applied. Measures discussed here include the adoption and enforcement of clear guidelines on the use of force, including the integration of international human rights law into national law; the training of police and other agents of the security sector in these standards; and making the security sector accountable to democratically elected bodies, the courts, and the communities themselves.

JSSR must be considered as an essential element of violence prevention and reduction strategies, including weapons collection and legislative reviews. This is true even beyond the question of the appropriate use of force by law enforcement agencies. One lesson of the rejection by the Brazilian population in October 2005 of a referendum that aimed to ban

civilian access to firearms could well be that the proposal failed to address in parallel the improvement of law enforcement. The majority of the population felt that giving up their guns altogether would have left them vulnerable, fears that could perhaps have been alleviated by simultaneous reforms of the security sector. Even trained and well resourced law enforcement agencies need continuous training to adapt to changing realities, policies and patterns of violence. In Canada, while the national firearms legislation had been tightened, police officers acknowledge that adequate enforcement was hindered by inappropriate training and awareness by the police corps.

INTERNATIONAL STANDARDS

RELEVANCE TO THE UN PROGRAMME OF ACTION

The justice and security sectors are not a particular focus of the PoA. When the security sector is mentioned, it is to urge the proper management of law enforcement weapons stockpiles[9] or to call for the exchange of experience and training among competent officials, including police and intelligence, to combat the illicit trade in small arms.[10] The PoA nonetheless encourages states and international and regional organisations to assist interested states in building their capacity in the area of law enforcement.[11]

A number of international instruments and standards provide mechanisms that can decrease firearm-related insecurity caused by police and other justice and security sector actors. Most prominent among them are the *UN Code of Conduct for Law Enforcement Officials* (*UN Code of Conduct*)[12], and the *UN Basic Principles on the Use of Force and Firearms* (*UN Basic Principles*)[13] (see Annex 5 for other relevant provisions of international law).

Adopted in 1979, the *UN Code of Conduct* outlines two key concepts that should govern the use of force and firearms by law enforcement officers: *necessity* and *proportionality*. It states that '[l]aw enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty'. The supporting commentary to the *UN Code of Conduct* indicates that such force should never be 'disproportionate to the legitimate objective to be achieved'.[14]

Adopted in 1990, the voluntary *UN Basic Principles* were the product of distilled best practices and civil society input, especially from human rights advocates. Among the provisions of the *UN Basic Principles* are requirements for law enforcement officials to:

- resort to force and the use of guns only when non-violent means are ineffective or without promise of achieving intended results;
- exercise restraint in the use of force and firearms and act in proportion to the seriousness of the offence;
- minimise damage and injury, and respect and preserve human life; and
- report any incidents where injury or death is caused by the use of force and small arms by law enforcement officials.

In addition, the *UN Basic Principles* state that governments must ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under the law, and that exceptional circumstances, such as internal instability or public emergency, may *not* be invoked to justify departure from the *UN Basic Principles*.

> *"The 114th Assembly of the Inter-Parliamentary Union . . . urges parliaments to adopt and enforce national legislation incorporating the two instruments that provide the most specific guidance regarding States' obligations to prevent misuse: the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials."*
>
> —IPU resolution, 114th Assembly, 12 May 2006 , para. 11

Whether the standards are also implemented in a way that is actually felt on the ground is unfortunately not self-evident. Few systematic reviews of adherence to the instruments have taken place. The most detailed was a 1996 questionnaire to states from the UN Commission on Crime Prevention, which indicated a wide variety of practices.[15] The final compiled report found that, while most states reported that they applied the principles, some were clearly not in compliance with *UN Code of Conduct* guidelines on police training in the use of force. Similarly, some nations only applied the *UN Basic Principles* in certain cases, or left their application to the discretion of police supervisors.[16] Given that this survey was based on self-reporting, it is likely that it understates the level of non-compliance.

The Small Arms Survey found that the *UN Code of Conduct* and *UN Basic Principles* are imperfectly and partially reflected in national legislation around the world.[17] Laws and practices on the use of force by police in many African, Asian, and Caribbean countries seem to 'derive from

quasi-militaristic approaches to policing' that have their origins in previous colonial practices. It also highlighted the fact that some recent regional codes of conducts do not specifically refer to the use of firearms. Parliamentarians can lead a process of investigation into implementation of the standards at a national or local/state level, and strongly encourage respect and adherence to these principles.

In 2003 the Special Rapporteur on Human Rights Violations Committed with Small Arms noted that: "State practice regarding the training, planning of operations and investigation of arms-related violations by State agents falls woefully below the standards articulated by international human rights bodies."[18] In response, she developed a set of Draft Principles that, among other things, address this issue, complementing and reinforcing existing norms.[19] These Principles were transmitted in September 2006 to the Human Rights Council, which now has the possibility to adopt them.

TRAINING

"The 114th Assembly of the Inter-Parliamentary Union . . . encourages parliaments to ensure also that national legislation is matched by the allocation of adequate means for the national authorities, including training and equipment, to ensure the strict enforcement of national laws."

—IPU resolution, 114th Assembly, 12 May 2006 , para. 10

Training is an essential element of increasing police respect for international norms and standards. Indeed, Principles 18, 19, and 20 of the *UN Basic Principles* require governments and law enforcement agencies to provide continuous and thorough professional training, and that law enforcement officers are tested in accordance with standards in the use of force.[20] Principle 19 stipulates that law enforcement officers who are required to carry a gun should only be authorised to do so after completing a special training course.[21] The fact is, however, that training is not a priority in many countries. Many police forces are taught how to fire a gun, but not how to assess whether it should be fired in the first place.[22] Technical proficiency is often more highly valued than adherence to norms governing the use of force.[23]

ACCOUNTABLE POLICING

If the cycle of violence is also fuelled by a sense that the population is not getting a *fair deal* from the justice and security sector, then it appears essential to ensure that the justice sector is fair and impartial, and that the security sector is accountable to the people it has to serve. Police and other security actors should be responsive to the needs and preoccupations of the community, they should operate in accordance with law and be held accountable for breaches, and they should ultimately be subjected to the control of democratic institutions.

The importance of subjecting all security actors to democratic control has been recognised by the OSCE, which in 1994 promulgated a *Code of Conduct on Politico-Military Aspects of Security* (*OSCE Code of Conduct*).[24] It provides that:

> [e]ach participating State will at all times provide for and maintain effective guidance to and control of its military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy. Each participating State will provide controls to ensure that such authorities fulfil their constitutional and legal responsibilities.[25]

Thought should also be given as to the ministry in which the different justice and security actors are housed. In Afghanistan, where the police come under the responsibility of the Ministry of Interior, oversight of prisons was subsequently moved from the Ministry of Interior to the Ministry of Justice, in order to ensure that the authority overseeing arrests was different from the one responsible for detention.[26]

Regarding police–community relations, there are a few examples of reform, such as the Chicago Alternative Policing Project, that suggest a new form of service provision, that is more open and balances a role for local communities. As the police invite co-operation from their 'clients' in resolving security issues, confidence can be raised and tensions quelled. Such a bottom-up approach requires appraisal of the social, physical, and economic situation in discrete neighbourhoods; the identification of risks; and the willingness to do something about them.

Such changes to policing style can alter levels of insecurity and strengthen human security and rights, provided the state is willing and able to support the reforms. There was an attempt to introduce a form of community policing in the *favelas* of Brazil, but after a promising trial, no real attempt was made to develop it further.[27]

ADAPTING POLICING TO LOCAL CONDITIONS

In terms of violence prevention, it is important to update policing practices according to both good practices emerging from programme evaluations, and local conditions and particular risk factors. The *World Report on Violence and Health* calls for approaches that would also consider underlying societal, community and relationships factors, insisting that such prevention strategies will often be more cost-effective than policing and correctional responses. A number of criminal justice interventions are nevertheless reviewed, as 'the policing models and types of intervention involved will strongly determine whether or not they are effective'.[28] Their principal recommendations are reproduced below in Box 18.

BOX 18 CRIMINAL JUSTICE AND THE PREVENTION OF INTERPERSONAL VIOLENCE

Policing will *not* reduce rates of victimisation by:

- increasing budgets, even by large amounts. Instead, this will divert scarce financial resources away from public health and educational programmes that have been shown to significantly reduce crime and victimisation;
- continuing the current policing models based upon patrols, response to calls for service, and investigation—all of which become less and less effective in reducing crime as fewer victims report incidents to the police; and
- using popular programmes such as neighbourhood watch, boot camps, and drug resistance education, all of which have been shown to be ineffective in reducing crime and interpersonal violence.

Policing *will* reduce rates of victimisation by:

- deploying police officers strategically and holding them accountable to target specific problems;
- adopting models for policing such as the Strategic Approaches to Community Safety, where joint police and university teams analyse the causes of violence, particularly for youth homicides;
- providing data and collaborating in multi-sectoral partnerships (for example, with schools, welfare, and housing) that aim to tackle persistent offending by men who are high risk because of dropping out of school or having dysfunctional families;
- targeting repeat victimisation—where the same person or address is victimised more than once—through a combination of enforcement, situational crime prevention, and social prevention;
- empowering victims to protect themselves, for instance, by creating police stations where female victims of violence know they can talk to female police officers; and

- holding young first offenders accountable through reparation to victims and ensuring they get assistance with life goals through counselling and school participation.

Correctional approaches will contribute to reduced crime and victimisation through:

- investment in programmes that divert offenders from prison to community programmes that are adequately resourced and known to tackle successfully the causes of interpersonal violence and alcohol use;
- massive increases in the number of persons incarcerated, which can achieve decreases in crime rates at a very high cost—in the US, increasing the incarceration rate by 250 per cent from 1974 to 2004 is estimated to have decreased the crime rate by 35 per cent, but at costs exceeding USD 20 billion (enough to provide a job to every unemployed youth or child care for the poor, both of which have been shown to have a much larger impact on crime rates); and
- investment in correctional programme models that have been shown to reduce recidivism. However, these models are few and reduce recidivism by only small proportions.

Source: Butchart A, et al (2004), *Preventing violence: a guide to implementing the recommendations of the World report on violence and health*. Department of Injuries and Violence Prevention, WHO, Geneva, p. 7

JSSR IN WAR-AFFECTED SETTINGS

The months and years following the end of war are a precarious time in which violent insecurity often increases. Crime rates can remain at much higher levels in the initial, insecure phases of peace, and not return to lower, pre-war levels for years.[29] Furthermore, unresolved issues linked to the war, including crimes committed during the conflict, will sustain an atmosphere of mistrust and discontent likely to fuel further violence and demand for guns. If handled correctly, war tribunals, special trials, and reconciliation programmes—which are collectively referred to as transitional justice—can be mechanisms for societies to come to terms with the atrocities of war and violence, and to address cultures of violence within a context of renewal and learning from past experiences. By holding the perpetrators of past abuses to account, transitional justice mechanisms allow the passage from a culture of impunity to that of a rule of law.

> *I don't have much confidence in the police and the courts because they all want bribes. This is not justice.*
>
> —Afghan citizen (unknown gender), 2004[30]

Undertaking such efforts will obviously pose tremendous challenges in situations where the institutions of the state are severely disorganised and under-resourced, with often little confidence in the government's ability to restore law and order. Every context will require tailor-made approaches and interventions, bearing in mind that reform processes, to be sustainable, must be locally owned.

Societies will often undergo processes of disarmament, demobilisation and reintegration (DDR). Both DDR and JSSR processes should be closely linked. Former combatants will often be given the choice of joining the new security forces, requiring a concurrent redesign of the mission and operating procedures of both the military and the police. Such provisions are now increasingly integrated in peace agreements themselves. Reintegration of former combatants depends to a large extent on there being a culture of rule of law, and JSSR initiatives can *and* must enhance the perception of security so that former fighters agree to be disarmed, communities accept their return, and sustainable reintegration opportunities are created.

JSSR initiatives in war-torn societies are particularly important to define the role of a civilian police force versus the army, and avoid the emergence of militarised and repressive policing.

Given the importance of JSSR in fostering peace and security, and contributing to the conditions necessary for sustainable development, assistance to JSSR should not be considered as part of military assistance, but rather as a priority for development. This step was recently taken by the OECD, which decided in March 2005 to allow ODA to be used *inter alia* for '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'.[31]

RECOMMENDATIONS FOR PARLIAMENTARIANS

To date, justice and security sector reform efforts have generally not been informed by current thinking and good practices on small arms controls—and vice versa. It is clear, however, that dysfunctional justice and security sectors contribute to various demands for guns and play an important role in perpetuating the cycle of armed violence in a variety of contexts. In their role as overseers of the executive branch of government, parliamentarians are particularly well placed to call for such measures as:

1. Codify in national laws the definition and limits of force that can be deployed by law enforcement officials. The basis of the legitimate use of force by law enforcement officials (including all officials of the law, whether appointed or elected, who exercise police powers) must be specified in national legislation and in operational guidelines. National law on the use of force should be consistent with the *UN Code of Conduct* and the *UN Basic Principles*. Law enforcement officials must also be trained in assessing threat levels, the correct level of force needed in actual incidents, and how to carry out armed operations with minimum risk. Parliamentarians can instigate such processes, and can apply pressure to their governments to comply with their international commitments.

2. Provide transparency in law enforcement practices. Lack of openness in law enforcement planning, decision making, and implementation of programmes can breed community suspicion and distrust, and lead to resistance and antipathy. Governments should therefore require that their security sectors operate transparently, and that the law is uniformly applied. Oversight mechanisms should also be established, including internal disciplinary boards to conduct proceedings against accused police officers. Parliamentary control should be exercised over all security agencies to ensure transparency of enforcement mechanisms, accountability of enforcement agents, and monitoring of the power of the executive or president.

3. Build and maintain community–law enforcement relationships. In order to build co-operation between communities and the security sector, and increase the chances for success, there should be regular open channels of communication to discuss safety and security with local community representatives. In addition, police selection, recruitment, and career structures should be representative of and responsive and accountable to the community. This should specifically include the recruitment of women and under-represented groups, as well as the establishment of mechanisms for the community to provide consent for *and* help guide police practices.

4. Address justice and security issues holistically in post-war situations. Justice and security sector reform, rule of law assistance, DDR programmes, and national arms control are closely linked and should be designed and implemented in an integrated manner. Development assistance should be made more readily available to justice and security sector governance and transition efforts.

Contributors to the original version of this theme included Emile LeBrun, consultant; David de Beer, *European Union Assistance Programme on Curbing Small Arms and Light Weapons in the Kingdom of Cambodia;* Jennifer Hambleton, independent researcher; Colin Roberts, consultant. Comments and suggestions were received from David Atwood, *Quaker United Nations Office;* Heiner Hänggi, *Geneva Centre for the Democratic Control of Armed Forces;* Antonia Potter and Tina Thorne, *Centre for Humanitarian Dialogue;* and Camilla Waszink, *International Committee of the Red Cross*.

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CONCLUSION: PARLIAMENTARIANS MAKING A DIFFERENCE

Missing Pieces provides parliamentarians, advisors, and civil society with recommendations for action to control the arms trade and reduce gun violence. Global efforts in recent years have generated attention to these concerns, yet it is at the national and regional levels where the most tangible action can *and* must occur. Parliamentarians can be instrumental in setting policy and creating initiatives at various levels, setting as the key goal an end to the human cost of armed violence.

The policy recommendations spread through the various themes can be summarised in five overarching priorities:

1. Regulating the use of small arms
2. Draining the existing pool of guns and ammunition
3. Regulating the transfer of small arms
4. Reducing the demand for guns
5. Assisting survivors of armed violence

Together these 'pieces' offer options and analysis for improving human security in a wide range of contexts—in war zones as well in countries suffering from widespread gun crime—and whether the threats come from civilians, disenfranchised young men, armed forces, rogue groups, or repressive security actors. As this publication emphasises, 'affected states' are not limited to southern, war-torn societies: the human cost of gun violence is high in so-called 'peaceful' or developed nations, where crime, homicides, intimate partner violence and suicides are facilitated by the easy availability of guns. As a first step, all governments, and particularly parliamentarians, need to set their own houses in order with transparent, accountable and effective national policies.

Parliamentarians have a crucial role to play in this regard, as a channel of communication between the state and its citizens, as principal law-

makers, in promoting and stimulating public debate, and in their role of oversight of the executive. A parliamentary agenda for action contains ten essential components:

1. Establish a dialogue with the executive. Parliaments are the key link between the state and its citizens. To facilitate this dialogue, parliamentarians can establish parliamentary committees and inquiries on gun violence and the trade in small arms. This will fuel debate and input into policy making. Gauging public opinion on standards related to weapons use and possession, changes to laws and efforts to curb armed violence is critical for laws and policies to ultimately have an impact.

2. Update, strengthen, and reinforce the national gun laws. In the past decade a number of countries, led by parliamentarians, have significantly strengthened laws relating to possession and use of firearms, criteria for ownership, penalties for breaches of laws, licensing of gun holders, and registering weapons, amongst other important elements. Leadership from parliamentarians to review the gun laws and ensure harmonisation across provinces and states within the country can ultimately lead to a notable difference in gun homicide and suicide rates.

3. Disseminate accessible information to the public. Parliamentarians can play a role in explaining policies, laws and initiatives to the public, including through information campaigns and awareness raising activities. Innovative examples are available from around the world of ways to communicate policy change on this complex and often information-rich issue. Working with civil society and the media to generate accessible information is an important factor in increasing public awareness of programmes for tackling gun violence and controlling weapons.

4. Contribute to the coordination and development of national policy. Several national coordinating bodies, as encouraged by the 2001 UN Programme of Action on small arms, include members of parliament. Parliamentarians can also request information on the activities of the various agencies involved in coordinating and developing policy to encourage transparency and wider input. In addition, parliamentarians could request a regular or occasional briefing from the national focal point on small arms.

5. For countries that produce guns and ammunition—of which there are 92[1]—ensure the highest standards of restraint related to the sale and

transfer of weapons. As law-makers and shapers, parliamentarians can promote and ensure the adoption of effective national laws and regulations that cover all aspects of the life cycle of weapons, including their manufacture, export, transfer and 'donation'. In time, an international instrument regulating arms transfers will be adopted and parliamentarians can encourage their government's active participation in the process.

6. Contribute to international policy development. Parliamentarians can actively participate in national delegations attending international meetings and negotiations on small arms control, the promotion of a culture of peace, and violence prevention. In doing so, parliamentarians bring different perspectives and priorities to processes often removed from local realities. In the coming years, global discussions on arms transfers, brokering and ammunition control in particular, will be the subject of growing focus.

7. Monitor compliance with international obligations. Parliamentarians can be active in monitoring national compliance with international treaty obligations and arms embargoes imposed by the UN Security Council and other regional organisations. Questions and debate in parliament and in committees or inquiry processes provide opportunities to press for implementation and accountability.

8. Advance the ratification and implementation of international instruments of relevance to weapons control, human rights, and armed violence reduction. Most multilateral instruments relevant to gun violence and weapons control, such as the *Firearms Protocol,* the *International Tracing Instrument* or the *Disability Convention,* once ratified by parliaments will require implementation strategies. Parliamentarians can contribute to this process by convening various stakeholders to develop implementation strategies to enforce such instruments.

9. Allocate adequate budgets for the effective implementation of weapons control policies, culture of peace activities and violence prevention. National firearms legislation and small arms control strategies require adequate funding for effective implementation activities, as do national coordinating bodies on small arms. Creative approaches such as taxes on firearms sales, as developed in El Salvador, can provide revenue for these budget lines.

10. Ensure coherence and harmonisation of responses at the national and regional levels. By engaging in cross-national, regional or thematic parlia-

mentary networks, parliamentarians can exchange information on good practices and help harmonise policies and legislation at national and regional levels.

Our understanding of the complex phenomena of gun violence and the lack of control of the arms trade has greatly increased over the past decade. It is now time to translate these lessons into action at national, regional and global levels of decision making and responsibility. In rising to the challenge, the dividends reaped will reach beyond the lives spared from gun violence, extending to collective and individual violence prevention, poverty reduction, and sustainable development. The prize seems well worth the effort.

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1 *Small Arms Survey 2004: Rights at risk,* p. 9

ANNEX 1 IPU MAY 2006 RESOLUTION ON SMALL ARMS

THE ROLE OF PARLIAMENTS IN STRENGTHENING CONTROL OF TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS AND THEIR AMMUNITION

Resolution adopted by consensus* by the 114th Assembly (Nairobi, 12 May 2006)

The 114th Assembly of the Inter-Parliamentary Union,

Deeply concerned by the tremendous human suffering, especially for women and children, who are the most vulnerable in armed conflicts, associated with the proliferation and misuse of small arms and light weapons (SALW),

Stressing that, by definition, SALW include all arms that can be used by one person alone and all associated ammunition, including grenades, rockets, missiles, mortar shells and man-portable air defence systems (MANPADS), and that landmines can be considered as having similar effects,

Recalling that items such as daggers, machetes, clubs, spears, and bows and arrows are also frequently used in armed conflicts and criminal acts, and that, although they do not fall under the SALW category, their use may need to be regulated,

Recalling also that the definition of SALW should not include daggers and other items which are not firearms and are not used to cause bodily harm, but as part of the national dress,

Deeply concerned also by the high political, social and financial costs incurred when SALW fuel armed conflict, armed criminality and terrorism, exacerbate violence, contribute to the displacement of civilians, undermine respect for international humanitarian law, impede the provision of humanitarian assistance to victims of armed conflict, and hinder a return to peace and sustainable development,

Recognizing the threat posed to civilian aviation, peacekeeping, crisis management and security by the illicit transfer and unauthorized access to and use of MANPADS,

Affirming that combating the proliferation and misuse of SALW requires coherent and comprehensive efforts by governmental and other players at the international, regional and national levels,

Welcoming in this regard the adoption in 2001 of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (SALW Programme of Action),

Recalling the relevant United Nations General Assembly resolutions concerning international arms transfers,

Welcoming the adoption in December 2005 by the United Nations General Assembly of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,

Also welcoming the entry into force in July 2005 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the Firearms Protocol),

Recalling that the Second Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held in New York from 11 to 15 July 2005,

Pointing to the existence of several other SALW and firearms control instruments at the level of the United Nations, and in the Americas, Europe, sub Saharan Africa and Pacific regions,

Emphasizing that these multilateral initiatives must be fully implemented by their member States and be supplemented with the development of high national standards,

Underscoring that the active involvement of the relevant national authorities and of parliaments is essential for the effectiveness of any measures to combat SALW proliferation,

1. Urges parliaments to engage actively in efforts to combat SALW proliferation and misuse as a key component of national strategies on conflict prevention, peace-building, sustainable development, the protection of human rights, and public health and safety;

2. Calls upon parliaments to encourage their governments to reaffirm their commitment to implement the SALW Programme of Action and to build on their current commitment to combat SALW proliferation and misuse at the 2006 SALW Programme of Action Review Conference, while focusing on areas where obstacles to full implementation of the SALW Programme of Action persist, namely: brokering, transfer controls, marking and tracing, end-user certification, stockpile management and destruction, ammunition and capacity-building;

3. Encourages parliaments to agree to a set of global principles for international arms transfers based on States' obligations under international law and internationally accepted human rights standards, as a fundamental requirement for national arms transfer controls and to be included as a key output of the 2006 Review Conference;

4. Urges parliaments to encourage their governments to redouble their efforts in this area following the 2006 Review Conference, notably by organizing additional biennial meetings in order to develop ideas and recommendations for consideration at future international and United Nations-sponsored meetings and conferences;

5. Urges parliaments to promote and ensure the adoption at the national level of the legislation and regulations required to control SALW effectively throughout their "life cycle" and actively to combat SALW proliferation and misuse;

6. Encourages parliaments to promote the development of an international arms trade treaty to strictly regulate arms transfers on the basis of State obligations under international law and internationally accepted norms and human rights standards;

7. Encourages parliaments to promote greater international and, where appropriate, regional efforts to develop common standards to strictly control the activities of those brokering or otherwise facilitating arms transfers between third countries;

8. Calls upon parliaments to ensure that those who provide SALW to children, or who recruit and use children in conflicts or armed operations, are subject to strong legal sanctions;

9. Urges parliaments to enact legal sanctions at the national level for those who commit crimes and atrocities against vulnerable sections of society such as the elderly, women and children, and to adopt measures to prevent such crimes and atrocities;

10. Encourages parliaments to ensure also that national legislation is matched by the allocation of adequate means for the national authorities, including training and equipment, to ensure the strict enforcement of national controls;

11. Urges parliaments to adopt and enforce national legislation incorporating the two instruments that provide the most specific guidance regarding States' obligations to prevent misuse: the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

12. Recommends that parliaments work towards the harmonization of national SALW controls on the basis of strict common standards, while ensuring that national controls provide an appropriate response to the national and regional realities of each State;

13. Recommends that parliaments exchange with each other and the IPU information on national legislation on SALW control, in order to enhance understanding of controls and to identify existing best practices, and establish international parliamentary forums to consider SALW issues;

14. Urges parliaments to consider ratifying, if they have not already done so, the multilateral SALW control treaties their governments have signed, to incorporate their provisions into domestic legislation in a timely manner and in accordance with the aims of these treaties, and to see to it that they are duly implemented;

15. Calls upon parliaments to ensure that the provisions of the recently adopted International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons are fully implemented under national legislation, and that

ammunition for SALW is covered by national legislation to trace illicit SALW;

16. Urges parliaments to make violations of arms embargoes a criminal offence under national law; to sanction logistical or financial support for such violations; and, in the event of breaches of arms embargoes, to trigger the specific action prescribed for each particular embargo;

17. Recommends that parliaments develop and help implement, where appropriate and together with governments, national action plans on preventing, combating and eradicating the illicit SALW trade in all its aspects;

18. Encourages parliaments, where necessary, to set up or strengthen procedures enabling them to scrutinize government practice and policy on SALW controls, to ensure respect for their countries' international commitments, and to work towards the high degree of transparency allowing for such scrutiny;

19. Calls upon parliaments to designate a parliamentary committee, or to create one at the national level if no such body exists, to engage with the government in a regular debate on national SALW policy and control practice;

20. Encourages parliaments in this context to promote regular reporting by governments to national parliaments on SALW transfers, in order to allow for informed debate on whether government practices are in conformity with stated policy and legislation;

21. Recommends that parliaments closely monitor the efficiency and effectiveness of their governments' fiscal measures related to SALW policies and, where necessary, request their governments to provide financial and technical support to international SALW research initiatives and funds;

22. Invites the relevant parliamentary committees to seek regular exchanges of views and information with governments in a debate on government policy and action at both the national and multilateral levels, and to request their governments to include parliamentarians in national delegations to regional and international meetings between States on combating the illicit trade in SALW;

23. Encourages parliaments in a position to do so to offer assistance to other parliaments requesting such assistance, so as to develop national capacities to engage in a dialogue on SALW with governments and scrutinize their policy and action, and requests that the IPU compile a list of parliaments able to provide assistance in this field to interested parliaments;

24. Invites the IPU, in cooperation with its relevant partners, to promote capacity-building programmes that enable parliaments to make effective contributions to the prevention and combating of SALW proliferation and misuse;

25. Recommends that parliaments in countries engaged in disarmament, demobilization, reintegration and rehabilitation (DDRR) programmes encourage their governments to prioritize in such programmes "weapons in exchange for development" schemes to provide community-based incentives for the voluntary surrender of illicitly held SALW;

26. Recommends that parliaments in post-conflict countries encourage their governments to ensure that the reconstruction process is promoted under an international framework for conflict prevention and peace-building;

27. Encourages parliaments to support the participation and active role of women in DDRR processes and peace-building activities, and stresses the need to incorporate a gender perspective in DDRR and peace-building strategies and activities;

28. Encourages parliaments to urge governments involved in DDRR programmes to pay particular attention to the unique circumstances of child soldiers and the rehabilitation and reintegration of former child soldiers into civilian life, in order to prevent such children from resorting to armed crime;

29. Encourages parliaments to urge their governments to destroy, in public view and wherever possible, all illicit SALW that are recovered by the national authorities in the context of armed conflict and crime, including SALW recovered in the context of DDRR programmes, and to dispose of such SALW in a safe, environmentally responsible and cost-effective manner;

30. Calls upon parliaments to intensify international cooperation to prevent the illicit international arms trade and its links with international organized crime, particularly drug trafficking;

31. Exhorts the parliaments of countries that produce SALW to develop effective mechanisms for regulating their sale and distribution, both nationally and internationally, thus preventing their proliferation;

32. Recommends that parliaments continue and strengthen efforts, and work together with civil society, including NGOs, to prevent the outbreak of conflict in regions and States prone to tensions and to resolve social and economic problems underpinning such tensions and armed conflict, including efforts to fight poverty, social exclusion, trafficking in human beings, drugs and natural resources, organized crime, terrorism and racism;

33. Urges parliaments in this context to adopt and support adequate national measures to limit demand in their societies for SALW and firearms, and in particular to eradicate the demand for illicit SALW and firearms;

34. Encourages parliaments to develop strategies aimed at building public awareness of the negative effects of the illicit acquisition of SALW, including by proposing that an international day be observed annually to publicize these effects, and to participate in relevant programmes with the media, in coordination with the government and civil society;

35. Calls upon parliaments to promote full implementation by their governments of their pledges under the United Nations Millennium Declaration to ensure the achievement of the Millennium Development Goals, a measure which requires disarmament and the reduction of armed violence.

NOTE

* The delegation of India expressed strong reservations to the text of the resolution as a whole.

ANNEX 2 UN PROGRAMME OF ACTION ON SMALL ARMS

PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

(UN Document A/CONF.192/15)

I. Preamble

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, having met in New York from 9 to 20 July 2001,

2. *Gravely concerned* about the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world, which have a wide range of humanitarian and socio-economic consequences and pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels,

3. *Concerned also* by the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects,

4. *Determined* to reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects and to enhance the respect for life and the dignity of the human person through the promotion of a culture of peace,

5. *Recognizing* that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, contributes to the displacement of civilians, undermines respect for international humanitarian law, impedes the provision of humanitarian assistance to victims of armed conflict and fuels crime and terrorism,

6. *Gravely concerned* about its devastating consequences on children, many of whom are victims of armed conflict or are forced to become child soldiers, as well as the negative impact on women and the elderly, and in this context, taking into account the special session of the United Nations General Assembly on children,

7. *Concerned also* about the close link between terrorism, organized crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons, and stressing the urgency of international efforts and cooperation aimed at combating this trade simultaneously from both a supply and demand perspective,

8. *Reaffirming* our respect for and commitment to international law and the purposes and principles enshrined in the Charter of the United Nations, including the sovereign equality of States, territorial integrity, the peaceful resolution of international disputes, non-intervention and non-interference in the internal affairs of States,

9. *Reaffirming* the inherent right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

10. *Reaffirming also* the right of each State to manufacture, import and retain small arms and light weapons for its self-defence and security needs, as well as for its capacity to participate in peacekeeping operations in accordance with the Charter of the United Nations,

11. *Reaffirming* the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognizing the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples,

12. *Recalling* the obligations of States to fully comply with arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations,

13. *Believing* that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects and, accordingly, should intensify their efforts to define the problems associated with such trade and find ways of resolving them,

14. *Stressing* the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts at the local, national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

15. *Recognizing* that the international community has a duty to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multi-faceted and involves, inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions,

16. *Recognizing also* the important contribution of civil society, including non-governmental organizations and industry in, inter alia, assisting Governments to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

17. *Recognizing further* that these efforts are without prejudice to the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament,

18. *Welcoming* the efforts being undertaken at the global, regional, subregional, national and local levels to address the illicit trade in small arms and light weapons in all its aspects, and desiring to build upon them, taking into account the characteristics, scope and magnitude of the problem in each State or region,

19. *Recalling* the Millennium Declaration and also welcoming ongoing initiatives in the context of the United Nations to address the problem of the illicit trade in small arms and light weapons in all its aspects,

20. *Recognizing* that the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, establishes standards and procedures that complement and

reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

21. *Convinced* of the need for a global commitment to a comprehensive approach to promote, at the global, regional, subregional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security,

22. *Resolve* therefore to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:

(a) Strengthening or developing agreed norms and measures at the global, regional and national levels that would reinforce and further coordinate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;
(b) Developing and implementing agreed international measures to prevent, combat and eradicate illicit manufacturing of and trafficking in small arms and light weapons;
(c) Placing particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the excessive and destabilizing accumulation of small arms and light weapons have to be dealt with urgently;
(d) Mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects, to cooperate towards these ends and to raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking in these weapons;
(e) Promoting responsible action by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons.

II. Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects

1. We, the States participating in this Conference, bearing in mind the different situations, capacities and priorities of States and regions, undertake the following measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects:

At the national level

2. To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients.

3. To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes.

4. To establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons.

5. To establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.

6. To identify, where applicable, groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit small arms and light weapons, and take action under appropriate national law against such groups and individuals.

7. To ensure that henceforth licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number so that the authorities concerned can identify and trace each weapon.

8. To adopt where they do not exist and enforce, all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.

9. To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.

10. To ensure responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.

11. To assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade. Likewise, to establish or maintain an effective national system of export and import licensing or authorization, as well as measures on international transit, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons.

12. To put in place and implement adequate laws, regulations and administrative procedures to ensure the effective control over the export and transit of small arms and light weapons, including the use of authenticated end-user certificates and effective legal and enforcement measures.

13. To make every effort, in accordance with national laws and practices, without prejudice to the right of States to re-export small arms and light weapons that they have previously imported, to notify the original exporting State in accordance with their bilateral agreements before the retransfer of those weapons.

14. To develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering. This legislation or procedures should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control.

15. To take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations.

16. To ensure that all confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized and provided that such weapons have been duly marked and registered.

17. To ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons. These standards and procedures should, inter alia, relate to: appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of thefts or loss.

18. To regularly review, as appropriate, subject to the respective constitutional and legal systems of States, the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, that programmes for the responsible disposal, preferably through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.

19. To destroy surplus small arms and light weapons designated for destruction, taking into account, inter alia, the report of the Secretary-General of the United Nations on methods of destruction of small arms, light weapons, ammunition and explosives (S/2000/1092) of 15 November 2000.

20. To develop and implement, including in conflict and post-conflict situations, public awareness and confidence-building programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects, including, where appropriate, the public destruction of surplus weapons and the voluntary surrender of small arms and

light weapons, if possible, in cooperation with civil society and non-governmental organizations, with a view to eradicating the illicit trade in small arms and light weapons.

21. To develop and implement, where possible, effective disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons, particularly in post-conflict situations, unless another form of disposition or use has been duly authorized and such weapons have been marked and the alternate form of disposition or use has been recorded, and to include, where applicable, specific provisions for these programmes in peace agreements.

22. To address the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation.

23. To make public national laws, regulations and procedures that impact on the prevention, combating and eradicating of the illicit trade in small arms and light weapons in all its aspects and to submit, on a voluntary basis, to relevant regional and international organizations and in accordance with their national practices, information on, inter alia, (a) small arms and light weapons confiscated or destroyed within their jurisdiction; and (b) other relevant information such as illicit trade routes and techniques of acquisition that can contribute to the eradication of the illicit trade in small arms and light weapons in all its aspects.

At the regional level

24. To establish or designate, as appropriate, a point of contact within subregional and regional organizations to act as liaison on matters relating to the implementation of the Programme of Action.

25. To encourage negotiations, where appropriate, with the aim of concluding relevant legally binding instruments aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, and where they do exist to ratify and fully implement them.

26. To encourage the strengthening and establishing, where appropriate and as agreed by the States concerned, of moratoria or similar initiatives in affected regions or subregions on the transfer and manufacture of small

arms and light weapons, and/or regional action programmes to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, and to respect such moratoria, similar initiatives, and/or action programmes and cooperate with the States concerned in the implementation thereof, including through technical assistance and other measures.

27. To establish, where appropriate, subregional or regional mechanisms, in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies, with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders.

28. To encourage, where needed, regional and subregional action on illicit trade in small arms and light weapons in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures.

29. To encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and light weapons, and to implement, where appropriate, regional and subregional mechanisms in this regard.

30. To support, where appropriate, national disarmament, demobilization and reintegration programmes, particularly in post-conflict situations, with special reference to the measures agreed upon in paragraphs 28 to 31 of this section.

31. To encourage regions to develop, where appropriate and on a voluntary basis, measures to enhance transparency with a view to combating the illicit trade in small arms and light weapons in all its aspects.

At the global level

32. To cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations.

33. To request the Secretary-General of the United Nations, within existing resources, through the Department for Disarmament Affairs, to collate and circulate data and information provided by States on a voluntary basis

and including national reports, on implementation by those States of the Programme of Action.

34. To encourage, particularly in post-conflict situations, the disarmament and demobilization of ex-combatants and their subsequent reintegration into civilian life, including providing support for the effective disposition, as stipulated in paragraph 17 of this section, of collected small arms and light weapons.

35. To encourage the United Nations Security Council to consider, on a case-by-case basis, the inclusion, where applicable, of relevant provisions for disarmament, demobilization and reintegration in the mandates and budgets of peacekeeping operations.

36. To strengthen the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons.

37. To encourage States and the World Customs Organization, as well as other relevant organizations, to enhance cooperation with the International Criminal Police Organization (Interpol) to identify those groups and individuals engaged in the illicit trade in small arms and light weapons in all its aspects in order to allow national authorities to proceed against them in accordance with their national laws.

38. To encourage States to consider ratifying or acceding to international legal instruments against terrorism and transnational organized crime.

39. To develop common understandings of the basic issues and the scope of the problems related to illicit brokering in small arms and light weapons with a view to preventing, combating and eradicating the activities of those engaged in such brokering.

40. To encourage the relevant international and regional organizations and States to facilitate the appropriate cooperation of civil society, including non-governmental organizations, in activities related to the prevention, combat and eradication of the illicit trade in small arms and light weapons in all its aspects, in view of the important role that civil society plays in this area.

41. To promote dialogue and a culture of peace by encouraging, as appropriate, education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects, involving all sectors of society.

III. Implementation, international cooperation and assistance

1. We, the States participating in the Conference, recognize that the primary responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States. We also recognize that States need close international cooperation to prevent, combat and eradicate this illicit trade.

2. States undertake to cooperate and to ensure coordination, complementarity and synergy in efforts to deal with the illicit trade in small arms and light weapons in all its aspects at the global, regional, subregional and national levels and to encourage the establishment and strengthening of cooperation and partnerships at all levels among international and intergovernmental organizations and civil society, including non-governmental organizations and international financial institutions.

3. States and appropriate international and regional organizations in a position to do so should, upon request of the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, such as small arms funds, to support the implementation of the measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects as contained in the Programme of Action.

4. States and international and regional organizations should, upon request by the affected States, consider assisting and promoting conflict prevention. Where requested by the parties concerned, in accordance with the principles of the Charter of the United Nations, States and international and regional organizations should consider promotion and assistance of the pursuit of negotiated solutions to conflicts, including by addressing their root causes.

5. States and international and regional organizations should, where appropriate, cooperate, develop and strengthen partnerships to share resources and information on the illicit trade in small arms and light weapons in all its aspects.

6. With a view to facilitating implementation of the Programme of Action, States and international and regional organizations should seriously consider assisting interested States, upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and

security, destruction of small arms and light weapons and the collection and exchange of information.

7. States should, as appropriate, enhance cooperation, the exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in small arms and light weapons in all its aspects.

8. Regional and international programmes for specialist training on small arms stockpile management and security should be developed. Upon request, States and appropriate international or regional organizations in a position to do so should support these programmes. The United Nations, within existing resources, and other appropriate international or regional organizations should consider developing capacity for training in this area.

9. States are encouraged to use and support, as appropriate, including by providing relevant information on the illicit trade in small arms and light weapons, Interpol's International Weapons and Explosives Tracking System database or any other relevant database that may be developed for this purpose.

10. States are encouraged to consider international cooperation and assistance to examine technologies that would improve the tracing and detection of illicit trade in small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

11. States undertake to cooperate with each other, including on the basis of the relevant existing global and regional legally binding instruments as well as other agreements and arrangements, and, where appropriate, with relevant international, regional and intergovernmental organizations, in tracing illicit small arms and light weapons, in particular by strengthening mechanisms based on the exchange of relevant information.

12. States are encouraged to exchange information on a voluntary basis on their national marking systems on small arms and light weapons.

13. States are encouraged, subject to their national practices, to enhance, according to their respective constitutional and legal systems, mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in small arms and light weapons in all its aspects.

14. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance in the destruction or other responsible disposal of surplus stocks or unmarked or inadequately marked small arms and light weapons.

15. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance to combat the illicit trade in small arms and light weapons linked to drug trafficking, transnational organized crime and terrorism.

16. Particularly in post-conflict situations, and where appropriate, the relevant regional and international organizations should support, within existing resources, appropriate programmes related to the disarmament, demobilization and reintegration of ex-combatants.

17. With regard to those situations, States should make, as appropriate, greater efforts to address problems related to human and sustainable development, taking into account existing and future social and developmental activities, and should fully respect the rights of the States concerned to establish priorities in their development programmes.

18. States, regional and subregional and international organizations, research centres, health and medical institutions, the United Nations system, international financial institutions and civil society are urged, as appropriate, to develop and support action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in small arms and light weapons in all its aspects.

IV. Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, recommend to the General Assembly the following agreed steps to be undertaken for the effective follow-up of the Conference:

(a) To convene a conference no later than 2006 to review progress made in the implementation of the Programme of Action, the date and venue to be decided at the fifty-eighth session of the General Assembly;

(b) To convene a meeting of States on a biennial basis to consider the national, regional and global implementation of the Programme of Action;

(c) To undertake a United Nations study, within existing resources, for examining the feasibility of developing an international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons;

(d) To consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

2. Finally, we, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

(a) Encourage the United Nations and other appropriate international and regional organizations to undertake initiatives to promote the implementation of the Programme of Action;

(b) Also encourage all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action;

(c) Further encourage non-governmental organizations and civil society to engage, as appropriate, in all aspects of international, regional, subregional and national efforts to implement the present Programme of Action.

ANNEX 3 THE UN FIREARMS PROTOCOL

The *UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition,* also known as the 'Vienna Protocol' or the 'Firearms Protocol', was adopted by the General Assembly on 31 May 2001. On 25 April 2005 the UN Office on Drugs and Crime announced that the necessary 40 ratifications had been recorded for it to enter into force.

The Firearms Protocol's entry into force is an important step forward for greater regulation and accountability of the small arms trade, yet more is required to fully tackle both the legal and practical challenges associated with the arms trade.

States that have not signed or ratified the Protocol should do so, to demonstrate widespread support for its principles and enhance the harmonisation of rules at the global level. A list of ratifications is available and regularly updated at www.iansa.org/un/firearms-protocol.htm.

States which have ratified the Firearms Protocol	States which have signed but not ratified the Firearms Protocol	States which have neither signed nor ratified the Protocol
Algeria, Azerbaijan, Belarus, Belgium, Benin, Bulgaria, Burkina Faso, Cape Verde, Cambodia, Congo (Democratic Republic of the), Costa Rica, Croatia, Cyprus, El Salvador, Estonia, Grenada, Guatemala, Jamaica, Kenya, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Moldova, Montenegro	Argentina, Australia, Austria, Barbados, Brazil, Canada, China, Denmark, Dominican Republic, Ecuador, European Community, Finland, Germany, Greece, Iceland, India, Italy, Japan, Korea (Republic of), Lebanon, Luxemburg, Monaco, Nauru, Portugal, Senegal, Seychelles, Sierra Leone, Sweden, Tunisia, United Kingdom of Great Britain & NI	Afghanistan, Albania, Andorra, Angola, Antigua & Barbuda, Armenia, Bahamas, Bahrain, Bangladesh, Belize, Bhutan, Bolivia, Bosnia & Herzegovina, Botswana, Brunei Darussalam, Burundi, Cameroon, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Czech Republic, Djibouti, Dominica, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji,

States which have ratified the Firearms Protocol	States which have signed but not ratified the Firearms Protocol	States which have neither signed nor ratified the Protocol
Netherlands, Nigeria, Norway, Oman, Panama, Peru, Poland, Romania, Saint Kitts & Nevis, Serbia, Slovakia, Slovenia, South Africa, Turkey, Turkmenistan, Uganda, Zambia		France, Gabon, Gambia, Georgia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Indonesia, Iran, Iraq, Ireland, Israel, Jordan, Kazakhstan, Kiribati, Korea (Democratic People's Republic), Kuwait, Kyrgyzstan, Liechtenstein, Macedonia, Malaysia, Maldives, Malta, Marshall Islands, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Pakistan, Palau, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent & the Grenadines, Samoa, San Marino, Sao Tome & Principe, Saudi Arabia, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Tanzania, Thailand, Timor-Leste, Togo, Tonga, Trinidad & Tobago, Tuvalu, Ukraine, United Arab Emirates, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zimbabwe

ANNEX 4 A SAMPLE OF RECENT WEAPONS REDUCTION INITIATIVES

Actors and methods	Foreign governments	National governments	Peacekeeping/ enforcement (UN, NATO, ECOMOG*)	International organisations	NGOs
Coercive disarmament	**South Africa** (Mozambique) 1995–2003 **United States** (Iraq) 2004–ongoing	**Mozambique** 1995–2003 **Cambodia** 1998–2001 **Pakistan** 2001–02 **China** 2001	**Bosnia & Herzegovina** 1999–2003 **Kosovo** 1999 **Macedonia** 2001	X	X
Disarmament as part of DDR	X	**Angola** 2002–03	**Sierra Leone** 1998–2002 **Liberia** 2004–ongoing **Côte d'Ivoire** 2004–ongoing **Afghanistan** 2003–ongoing	**Congo-Brazzaville** 2000–02 (UNDP)	
Voluntary gun buy-back programmes (cash payments)	**United States** (Panama) 1990 **United States** (Iraq) 2004–ongoing	**United States** 1999	**Croatia (Eastern Slovenia)** 1996–97		
Voluntary weapons collection (alternative incentives)		**Nicaragua** 1991–93 **Argentina** 2000–01		**Macedonia** 2003 (UNDP) **Niger** 2001–02 (UNDP)	**Mozambique** 1995–ongoing **El Salvador** 1996–99
Weapons for development		**Mexico** 2001 **Mozambique** 1995–2002		**Mali** 1995–96 (UNDP) **Albania** 1999 (UNDP) **Sierra Leone** 2004 (UNDP) **Cambodia** 2001–04 (EU)	**Cambodia** 2001-04

Amnesties (sometimes a component of programmes in the other categories/ usually offer cash or other incentive succeeded by coercive measures)		**United States** 1968 **UK** 1996–97 **Australia** 1996–98 **Solomon Islands** 2000–02 **Thailand** 2003 **Brazil** 2004	**Bosnia & Herzegovina** 1998–2003	**Bosnia & Herzegovina** 2003 (UNDP)	**Brazil** (NGO participation in government campaign) 2004–ongoing
Destruction programmes (surplus, confiscated, collected guns)	**United States** (Iraq) 2004–ongoing **South Africa** 2001 **South Africa** assisting **Mozambique** 1995–2003	**Mozambique** 1995–2002 **South Africa** 1999–ongoing **Lesotho** 2001 **Senegal** 2003 **Cambodia** (with EU support from 2000) 1999–2004	**Nicaragua/ Honduras** 1990 **Bosnia & Herzegovina** 1998–2004 **Kosovo** 2000–ongoing	**Serbia & Montenegro** 2003 **Paraguay** 2003	X
Public destruction ceremonies	X	**Brazil** 2001 **Venezuela** 2004 **Cambodia** (with EU support from 2000) 1999–2004		**Mali** 1996 **Niger** 2002 **Kenya** 2003	**Brazil** 2001 **Philippines** 2004

NOTE

* ECOWAS Cease-fire Monitoring Group

ANNEX 5 KEY INSTRUMENTS

Instrument	Observations
Regulation of civilian-held firearms	
Global level	
'Due diligence' standard (responsibility of states to take action to prevent and punish violations of human rights by private persons)	This principle was upheld by various international and regional human rights bodies, including the Inter-American Court of Human Rights and the European Court of Human Rights.
Universal Declaration of Human Rights (UDHR), 1948	Article 3: "Everyone has the right to life, liberty and security of person."
International Covenant on Civil and Political Rights (ICCPR), 1976	Article 6: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."
"The Manufacture, Use and Control of Firearms", Interpol General Assembly Resolution, 1997	Outlines recommendations including the adoption of effective registering, marking and tracing systems, and encourages member countries to "adopt legislation and regulations relating to the use of firearms by civilians."
UN Commission on Crime Prevention and Criminal Justice, draft resolution, 1997	Emphasised the importance of state responsibility for effective regulation of civilian possession of firearms, including licensing firearm owners, registration of firearms, safe storage, and appropriate penalties for illegal possession. Sponsored by 33 states.
Declarations on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, 1998 (known as the Declaration on Human Rights Defenders)	Article 2(1): "Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, . . ." Article 2(2): "Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed."

UN 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, 2001 (known as the Firearms Protocol or Vienna Protocol)	Provides that guns must be marked at the point of manufacture, import, and transfer from government into private hands.
Agenda for Humanitarian Action, adopted by the 28th International Conference of the Red Cross and Red Crescent, 2003	Calls for strengthened controls on arms and ammunition. States should "urgently enhance efforts to prevent the uncontrolled availability and misuse of small arms and light weapons" (Action 2.3.2)
Regional level	
EU Joint Action on Small Arms and Light Weapons, 1998 (amended in 2002)	Commits the EU to seek to build consensus on the establishment of restrictive national weapons legislation for small arms including penal sanctions and effective administrative control (Article 3d)
Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, 2000	Recommends that Member States criminalise in their national legislation the illegal possession and use of small arms and light weapons.
Legal Framework for a Common Approach to Weapons Control in the Pacific region (Nadi Framework), 2000	Recommends that the possession and use of firearms and ammunition be strictly controlled, including through licensing and registration.
Protocol on the Control of Firearms, Ammunition, and Other Related Material in the Southern African Development Community (SADC) Region, 2001	Both instruments – nearly identical – provide for the total prohibition of civilian possession and use of all light weapons, automatic and semi-automatic rifles and machine guns; registration and licensing; provisions on safe storage; and a provision to ensure accountability and effective control of small arms owned by private security companies.
Nairobi Protocol for the prevention, control and reduction of small arms and light weapons in the Great Lakes region and the Horn of Africa, 2004	
Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 2003	Recommends the adoption, as soon as possible, of legislative measures to criminalise illegal possession and use of small arms and light weapons.
Stemming the flow of small arms – Control issues	
Global level	
United Nations Charter	Under Chapter VII, if the Security Council determines the existence of

	the threat to peace or a breach of peace, it may decide to impose a legally-binding arms embargo.
Four Geneva Conventions of 1949	Common Article 1 provides a customary obligation for states not only to respect rules of IHL, but also to ensure their respect. This may constrain arms transfers to a state violating IHL.
Articles on the Responsibility of States for Internationally Wrongful Acts, 2001	Prohibit aiding and assisting states in violating international law.
UN 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, 2001 (Firearms Protocol or Vienna Protocol)	Criminalises illicit trafficking in firearms, provides that legal transfers of guns require agreements between the governments involved, and that guns must be marked at the point of manufacture, import, and transfer from government into private hands. It also calls for the regulation of arms brokering.
Agenda for Humanitarian Action, adopted by the 28th International Conference of the Red Cross and Red Crescent, 2003	Calls for IHL to be one of the fundamental criteria on which arms transfer decisions are assessed (Action 2.3.1); and for strengthened controls on arms and ammunition (Action 2.3.2).
International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument)	Adopted by the General Assembly on 8 December 2005, builds on the minimum standards on marking, record-keeping, and cooperation in tracing of small arms that are contained in the UN Firearms Protocol and the PoA.
Regional level	
Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, 1996	Mechanism of information exchanges and export control to promote transparency and greater responsibility in transfers of conventional arms.
Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Material, 1997 (OAS Convention)	Outlines measures to improve the control and monitoring of legal manufacture and transfers of firearms (e.g. marking, record-keeping, strict licence systems) and to improve exchange of information among Member States regarding the illicit trade in firearms.
ASEAN Declaration on Transnational Crime, 1997	Framework for regional cooperation on transnational crime, including trafficking in small arms.
OAS Model Regulations for the Control of International Movement of Firearms, their Parts, Components, and Ammunition, 1998	Non legally binding document designed to assist with the implementation of the OAS Convention, and outlining a set of practical measures and procedures.

EU Code of Conduct on Arms Exports, 1998	Sets up criteria and operational provisions that should guide the granting of conventional export licenses, including human rights and IHL criteria.
Mercado Commun del Sur (MERCOSUR) Joint Mechanism, 1998	Mechanism for sharing information on individuals and organisations involved in the trade of firearms and related materials.
ECOWAS Moratorium on the Importation, Exportation, and Manufacture of Small Arms and Light Weapons, 1998	The first regional moratorium on small arms. It was complemented in 1999 by the Plan of Action for the Implementation of the Programme and Assistance for Security Development (PCASED), and the Code of Conduct for the Implementation of the Moratorium on the Importation, Exportation, and Manufacture of Small Arms and Light Weapons.
ASEAN Plan of Action to Combat Transnational Crime, 1999	Outlines a cohesive regional strategy to prevent, control and neutralise transnational crime.
Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, 2000	Common position prepared by the African Union for the 2001 UN Conference on Small Arms.
OSCE Document on Small Arms and Light Weapons, 2000	Non legally binding document including measures to control export, import, and transit; identifying criteria to guide arms exports; and calling for regulations on brokering.
Stability Pact Regional Implementation Plan for combating the proliferation of Small Arms and Light Weapons in South East Europe, 2001	Presents a 'roadmap' for enhancing regional cooperation in combating small arms-related instability in South East Europe through information sharing and local standard setting on a variety of strategies, including preventing illicit trafficking, small arms reduction, security sector weapons management, transparency, and public education.
ASEAN Work Programme on Terrorism to Implement the ASEAN Plan of Action to Combat Transational Crime, 2002	Includes provisions on information exchange, harmonisation of marking system of ammunition, weapons and their components; border and customs intelligence and co-operation.
Wassenaar Best Practice Guidelines for Exports of Small Arms and Light Weapons, 2002	Outlines criteria for the export of small arms, including the recipient country's respect for human rights and IHL.

EU Common Position on the Control of Arms Brokering, 2003	Sets out brokering controls EU states shall adopt to avoid circumnavigation of arms embargoes and export laws.
	Controls include the establishment of a clear legal framework, broker licensing and record-keeping requirements, registration and authorisation, information exchange and enforcement.
OAS Model Regulations for the Control of Brokers of Firearms, their Parts and Components and Ammunition, 2003	Provide that a national authority must be named responsible for registering and licensing arms brokers, and sets criteria for issuing licenses.
Wassenaar Arrangement Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS), 2003	Agreement by Wassenaar Participating States to apply strict national controls on the export of MANPADS. States agree not to use brokers for MANPADS sales, and to weigh the possibility of diversion or un-authorised re-transfer, the recipient state's level of stockpile security, and other criteria, prior to sale.
Wassenaar Elements for Effective Legislation on Arms Brokering, 2003	States "agree to strictly control the activities of those who engage in the brokering of conventional arms" including through licensing of brokers and transactions.
OSCE Principles on the Control of Brokering in Small Arms and Light Weapons, 2004	Provides a set of core principles to form the basis of arms brokering controls, drawing significantly from the EU Common Position on the Control of Arms Brokering (see above).
Nairobi Protocol for the prevention, control and reduction of small arms and light weapons in the Great Lakes region and the Horn of Africa, 2004	Provides for the regulation of brokering, and includes a definition of brokers and brokering.
Breaking the deadlock: Guns and armed groups	
Global level	
Geneva Conventions of 12 August 1949	Common Article 3 provides minimum standards to be respected in the case of armed conflicts "not of an international character."
Convention on the Prevention and Punishment of the Crime of Genocide, 1951	Provides for the punishment of the crime of genocide whether committed by "constitutionally responsible rulers, public officials or private individuals."
Protocol Additional to the Geneva Conventions, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1979	Subjects organised armed groups to some basic principles of IHL.

Rome Statute of the International Criminal Court, 2002	Gives the Court jurisdiction for the prosecution of serious violations of IHL in the case of protracted armed conflict between governmental authorities and organised armed groups or between such groups (article 2f)
Agenda for Humanitarian Action, adopted by the 28th International Conference of the Red Cross and Red Crescent, 2003	Calls for training in IHL and human rights law to be encouraged for organised armed groups, where appropriate (Action 2.3.3)
Regional level	
EU Joint Action on Small Arms and Light Weapons, 1998 (amended in 2002)	Provides that the EU shall "aim at building consensus" on a commitment by exporting countries to supply small arms only to governments (either directly or through duly licensed entities authorised to procure weapons on their behalf). In 2002 the Joint Action was amended to include ammunition.
Motivations and means: Addressing the demand for small arms	
Universal Declaration of Human Rights, 1948	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 Millennium Development Goals, 2000	Development goals set for 2015 in the areas of poverty, hunger, education, gender equality, child mortality and maternal health, HIV/AIDS and other diseases, environmental sustainability, and development cooperation.
Agenda for Humanitarian Action, adopted by the 28th International Conference of the Red Cross and Red Crescent, 2003	Calls for states to strive to reduce the demand for weapons by promoting a culture of tolerance and establishing educational programmes or similar initiatives among the civilian population (Action 2.3.4)
Regional level	
EU Joint Action on Small Arms and Light Weapons, 1998 (amended in 2002)	Includes a commitment to challenge and reverse 'cultures of violence' by enhancing public involvement through public education and awareness programmes (Article 3g)
Women, men and gun violence: Options for action	
Global level	
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979	Defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

1989 Convention on the Rights of the Child	Recognises the duty of states to protect the child from all forms of physical or mental violence, injury or abuse (art. 19), calls on respect for the rules of international humanitarian law relevant to the child (art. 38), and promotion of recovery and reintegration of children affected by armed conflicts (art. 39), without discrimination on the basis of sex (art. 2).
1995 Beijing Platform for Action	Emerged from the UN Fourth World Conference on Women and contains a chapter specifically on women and armed conflict.
Windhoek Declaration: The Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations, 2000	Calls on women to be involved in all levels and in all aspects of peace processes, including peacekeeping, reconciliation and peacebuilding.
UN Security Council Resolution 1325 on Women, Peace and Security, October 2000	A landmark document on women's rights and roles in peacebuilding processes, including conflict resolution and peace processes, and disarmament, demobilisation and reintegration programmes.
Rome Statute of the International Criminal Court, 2002	Includes in its definition of war crimes "committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2(f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions."
UN Security Council Resolution 1612 on child soldiers, July 2005	Establishes a monitoring and reporting mechanism on the use of child soldiers, as well as a working group to which the mechanism will report.
Regional level	
OSCE, Gender Action Plan, 2001	Focuses on gender mainstreaming; promoting women's equal rights, opportunities and decision-making power; and preventing and combating gender-based violence.
Considering the needs of gun violence survivors	
Global level	
Universal Declaration of Human Rights, 1948	Article 25(1): "Everyone has the right to a standard of living adequate for the health and well-being of himself

	and of his family, including . . . medical care and necessary social services, and the right to security in the event of . . . disability . . . or other lack of livelihood in circumstances beyond his control."
International Covenant on Economic, Social and Cultural Rights, 1976	Article 12(1): "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."
Convention for the Rights of Persons with Disabilities	Adopted by General Assembly on 13 December 2006, guarantees the same rights to disabled people currently allowed to the rest of the population.
Regional level	
EU Joint Action on Small Arms and Light Weapons, 1998 (amended in 2002)	Encourages EU funding of victim assistance programmes (Article 6.1).
Taking weapons out of circulation	
Global level	
Regional level	
EU Joint Action on Small Arms, 1998	Calls on EU members to promote the collection of surplus weapons, their safe storage, and effective destruction. (Article 4c) Also provides for financial and technical assistance to affected countries.
Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, 2000	Recommends that Member States develop programmes for weapons collection, as well as the destruction of surplus stocks.
OSCE Document on Small Arms and Light Weapons, 2000	Includes provisions on management, collection and destruction of small arms surplus.
OSCE Best Practice Guide on Small Arms in Disarmament, Demobilisation and Reintegration Processes, 2003	Reference guide providing general standards for processes relevant to DDR, especially disarmament and the control over small arms in DDR processes.
Justice and security sector governance	
Global level	
Universal Declaration on Human Rights, 1948	Article 3: "Everyone has the right to life, liberty and security of person." Article 8: "Everyone has the right to an effective remedy by the competent

	national tribunals for acts violating the fundamental rights granted him by the constitution or by law." See also Articles 9; 10; 11; 28.
International Covenant on Civil and Political Rights, 1976	Article 6(1): "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." Article 9(1): "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." See also Articles 14; 15; 16.
Code of Conduct for Law Enforcement Officials, 1979	Holds law enforcement activities accountable to human rights principles, and calls for the use of force only when strictly necessary and to the extent required for the performance of a duty.
Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990	Sets out law enforcement guidelines for the use of guns, including under what circumstances weapons should be fired (only when non-violent means are ineffective or without promise of achieving intended results). Promotes the principle of 'proportionality' in the use of armed response.
Agenda for Humanitarian Action, adopted by the 28th International Conference of the Red Cross and Red Crescent, 2003	Calls for states to ensure that armed, police and security forces receive systematic training in IHL and human rights law, in particular concerning the responsible use of weapons. (Action 2.3.3)
Regional level	
EU Joint Action on Small Arms and Light Weapons, 1998 (amended in 2002)	Encourages EU funding of security sector reform (Article 6.1).
Nairobi Protocol for the prevention, control and reduction of small arms and light weapons in the Great Lakes region and the Horn of Africa, 2004	Calls for appropriate and effective measures for cooperation between law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of small arms and light weapons.

ANNEX 6 FOOD FOR THOUGHT? HUMAN SECURITY INDICATORS

The need for a robust set of *human security indicators* for use by governments, donor agencies, NGOs, regional and international organisations and others, both to evaluate and fine-tune programming, has long been noted. The raw material for a typology of indicators has existed for some time, particularly as the body of quantitative and qualitative information on gun violence has steadily grown and deepened in recent years.

The HD Centre offers below a model typology of human security indicators that draws on existing research and expertise as well as input from many of the contributors to this volume.[1] It is not intended to be definitive or comprehensive; indicators are flexible and should be adapted and tailored for use in a variety of specific settings. Moreover, single indicators rarely measure an effect well. Creating a basket of measures, each with different limitations, provides greater confidence in the results. If used routinely and systematically, customised indicators will greatly increase our understanding of gun violence and its multiple impacts while improving our understanding of "what works—and what does not"—in combating these problems.

One particularly important usage of such a typology of indicators would be to launch an ongoing monitoring effort of global progress in ending gun violence, inspired by initiatives such as the Landmine Monitor. Such scrutiny of states' performance has already been initiated by IANSA and the NGO collaborative Biting the Bullet, which produced reports for the UN process on small arms, *Implementing the Programme of Action: Action by States and Civil Society*. These reports, referred to as the "Red Book", included tables for each region and state on whether or not (Y/N) states had implemented measures such as developing laws and procedures on production, export, import and transit, improving stockpile management, destroying surplus weapons, etc. The authors used responses from surveys distributed to NGOs as well as archival information. This effort was a useful first step, but does not provide a systematic assessment of the mag-

nitude and extent of the problems faced by each country based on a wider range of indicators.

HUMAN SECURITY INDICATORS FOR SMALL ARMS AVAILABILITY AND MISUSE

Direct impact	Other effects
Public health impacts	
• Hospital expenditures on firearm injury-related treatment	• Percentage of hospital budget allocated for health care and disease prevention
• Death rate related to firearms (homicide, suicide, and unintended shootings)	
• Health care or health insurance costs due to increased firearm injury or death rates	
• Psychological and psychosocial trauma related to armed violence	
Subjective experiences of security	
• Relative perceptions of security and danger	• Self-restriction of movement: no-go public areas
• Levels of fear associated with particular armed actors	
• Lack of confidence in ability of the security sector	
• Perceived need for gun ownership for self-protection	
• Perceptions of arms availability in the community	
• Actual numbers of guns in the community	
Violence against children	
• Rates of directly war-related death and injury of children disaggregated by gender	• Rates of school attendance
• Rates of unintentional firearm death and injury of children disaggregated by gender	
• Incidence of psychosocial and psychological trauma associated with gun violence	
• Presence of children in fighting forces disaggregated by gender	

Violence against and among men and women	
• Firearm prevalence or use in sexual crimes against women	• Marginalisation/socio-cultural impacts/erosion of social customs
• Rates of young men (16–25) dying from gun violence	
• Incidents of violence in the home involving firearms	
• Gun-related death and injury rate disaggregated by gender	
• Psychosocial and psychological trauma associated with armed violence, including threats and gun 'brandishing', particularly experienced by women and girls	
• Social customs valuing gun use, violence and violent masculinity	
Impacts on humanitarian and development assistance	
• Percentage of population out of reach	• Staff turnover
• Evacuations due to security threats	
• Number of operations suspended due to armed violence	
• Gun-related mortality and injuries among workers	
• Armed robberies, rapes or other crimes involving firearms	
• Psychological trauma linked to gun violence	
• Perceptions of security	
• Perceptions of arms availability in the community	
• Actual number of guns in the community	
Impacts on economy and investment	
• Economic loss from firearm-related disability	• Levels of direct foreign investment
	• Reduction/increase in local economic activities
	• Agricultural activities; natural resource production
	• Perception of tourism decline/increase

Opportunity costs of relief and development programmes	
• Perceptions of the value of projects	
• Programme implementation impeded	
• Lost investment	
• Security costs	
• Costs for transport if routes are diverted or air travel is safer	
• Cost of monitoring and evaluation	
Refugees and IDPs	
• Incidence of firearm-related death, injury and disability among displaced people	• Numbers of refugees/IDPs
• Armed intimidation and assault among displaced people	• Child mortality rates among displaced and relocated populations
• Armed sexual violence against women reported or observed	
• Dependence of displaced populations on food aid, etc. due to insecure situation	
• Camps regarded as firearm trading zones	

Source: This typology was developed by Cate Buchanan and Mireille Widmer of the Centre for Humanitarian Dialogue and built upon an initial framework put forward in *Small Arms Survey 2002*, p. 159; and Muggah, Robert and Eric Berman (2001), *Humanitarianism Under Threat: The Human Security Impacts of Small Arms and Light Weapons,* Small Arms Survey, Geneva, p. 7; plus inputs from a number of contributors to this publication. It was built upon from an earlier version which first appeared in Centre for Humanitarian Dialogue (2004), *Putting Guns in Their Place: A resource pack for two years of action by humanitarian agencies*.

ENDNOTES

1 Acknowledgements to Dr. Edward Laurance, from the Monterey Institute of International Studies, who shared his work on this topic.

ANNEX 7 NATIONAL COORDINATING AGENCIES ON SMALL ARMS[1]

The spread and misuse of firearms is a problem that cannot be solved through the efforts of government departments, law enforcement agencies or civil society groups working on their own. The prevention of gun violence at a national level requires co-operation and co-ordination between all those who are affected by the problem or who are responsible for tackling it.

The PoA calls on governments *'[T]o establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects*'. A number of states have implemented this commitment through various arrangements, ranging from relatively informal arrangements that rely on the existing resources of the relevant department, to the more formal National Focal Points (NFPs), to the establishment of National Commissions on small arms, which involves the creation of a new body with additional resources.[2]

National Commissions undertake various activities from basic policy coordination between government departments responsible for small arms action, to the development of National Action Plans (NAPs) based on a comprehensive assessment or 'mapping' of the small arms problem. In Sri Lanka for instance, one of the main tasks of the National Commission is to coordinate the development and implementation of a National Strategy on small arms in Sri Lanka. This has involved conducting a pilot survey on small arms and community safety in Hambanthota District, in the south of Sri Lanka, with a view to building on the experience to plan and conduct a nation-wide survey. In Croatia, the National Commission for Arms and Ammunition is responsible for coordinating and directing the activities related to arms and ammunition and for drafting the national strategy for small arms and light weapons control. The Commission consists of representatives from all relevant ministries with a role in small arms and light weapons control.

National Commissions can also be responsible for overseeing the review of arms control legislation. In Brazil, the National Disarmament Commission has helped develop a comprehensive Disarmament Statute, which includes provisions regarding a national weapons collection and destruction campaign, laws and articles on carrying firearms, the marking of military and police ammunition, and the October 2005 National Referendum on firearms sales to civilians. Similarly, one of the priorities of the National Commission on Small Arms and Light Weapons in Mozambique is to review the national legislation on firearms. It is also in the process of launching a national small arms survey which will become a foundation for a national action plan on small arms.

Another important role of National Commissions is public awareness-raising. In Senegal, the National Commission is initiating educational projects informing the population of the dangers caused by small arms proliferation. Training workshops and awareness raising campaigns were organised in conjunction with civil society groups. Additionally, the National Commissions of several countries, including Togo and Sri Lanka, organised the public destruction of firearms on International Gun Destruction Day in 2004.

Given the multi-dimensional nature of the issue of firearms-related violence, National Commissions should include a broad spectrum of members, from government ministries to law enforcement agencies, parliamentarians, and civil society.

The involvement of some ministries is always important, including for example Home Affairs, Justice, Defence, Foreign Affairs, Women's Affairs, Police and Customs agencies, and importantly the ministry of Health. The latter appears to be consistently omitted, despite increasing awareness of the public health implications of small arms proliferation and misuse. Canada and Nicaragua are notable exceptions in this regard. Broad membership will also ensure consistency and integration of arms control plans and initiatives into national security strategies and national poverty reduction frameworks, which may occur in parallel.

The nature of the government ministry that leads or hosts the national coordination agency can have a material impact on the agency's scope and effectiveness and may determine the focus or 'agenda' of the agency. In Senegal, for instance, the National Commission is headed by a permanent Secretariat, which is located in the Ministry of Armed Forces. Accordingly, the Commission's mandate indicates that its primary concern is addressing the security implications of illicit small arms. Governments ought to

ensure that the concerns and priorities of particular ministries do not unduly affect the focus or operations of the body.

One particular role of parliamentarians will be to ensure that the reforms discussed by the National Commission are properly communicated to Parliament, especially in the case of legislative reforms. It is also important to involve civil society groups including not only NGOs and academics, but also health professionals and survivors of armed violence, for example. Civil society can help connect local problems of community safety and security to national policy making, and are an important resource in the development of awareness raising campaigns and initiatives.

Once National Commissions are established they must be resourced adequately. This involves high level political support as well as adequate financial and technical resources to ensure that armed violence is tackled in a comprehensive and integrated manner. Importantly, National Commissions must be involved in all decision making pertaining to small arms control, firearm-related violence, or the arms trade.

States should also consider sharing information on the development and operations of national coordinating bodies and commissions with other states, relevant international and regional bodies and most importantly, the general public.

States that have developed formal national coordination mechanisms according to 2006 Red Book	States that have no formal mechanism, but evidence of significant informal coordination
Angola, Argentina, Australia, Belgium, Benin, Bosnia & Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chad, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Djibouti, DRC, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Gambia, Georgia, Ghana, Guatemala, Guinea, Guinea Bissau, Hungary, India, Indonesia, Iran, Israel, Italy, Kazakhstan, Kenya, Kosovo, Latvia, Lithuania, Macedonia (FYROM), Malawi, Malaysia, Mali, Marshall Islands, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Romania, Rwanda, Senegal, Seychelles, Sierra Leone, Spain, Sri Lanka, Sudan, Switzerland, Tanzania, Togo, Uganda, Zimbabwe	Armenia, Austria, China, El Salvador, Germany, Ireland, Japan, Mexico, Poland, Slovakia, South Africa, Sweden, Tajikistan, Thailand, UK, USA

ENDNOTES

1 Many of the national coordination agencies or bodies established by states in accordance with the PoA have been called 'National Commissions' on small arms, and the term 'National Commission' is widely used and understood to refer to such agencies. Accordingly, the terms 'national coordination agencies' and 'National Commissions' are used interchangeably in this annex.

2 See the table below.

ANNEX 8 NATIONAL ACTION PLANS

National coordination mechanisms (discussed in Annex 7) will only function effectively if they have a clear plan or objective for tackling the small arms problem in their respective countries – as well as appropriate capacity to execute such plans. A number of states have now developed or are developing small arms strategies or 'National Action Plans' (NAPs). The development of a NAP generally involves four phases:

1. Establishment of a national coordinating committee and/or National Focal Point;
2. Collection of information regarding the small arms problem ('mapping');
3. Analysis of the information and plan development;
4. Implementation of the plan.

An assessment or 'mapping' of the small arms problem through the collection of information is fundamental to understanding the nature and extent of the problem, and identifying the specific needs that the NAP should address. The assessment should also identify existing initiatives and resources that can be built on to address the problem. Mapping usually involves consultations with a wide range of stakeholders including government officials, law enforcement agencies (police, customs etc) and civil society. Consultations are often carried out through a series of workshops. Additionally, surveys may be undertaken to look at people's attitudes and experiences of firearms and insecurity.

The information collection phase for the development of the Kenyan NAP, for instance, involved: provincial workshops with law enforcement agencies, which were complemented by a survey administered to all participants in the law enforcement agency workshops; seminars with civil society organisations; and a population survey designed to gather perceptions, attitudes and experiences of a representative cross-section of the general public. Additionally, the survey team collected information relating to government policies and legislation, regional and international agreements on small arms control to which Kenya is a party, administra-

tive structures, existing governmental and non-governmental initiatives on security and related issues, among other areas.

Another example of holistic research for devising initiatives to reduce gun violence is El Salvador's 'Firearms and Violence Study', undertaken jointly in 2001 by a number of research centres, the National Bureau of Statistics and the civilian police.[1] Compelling findings helped shape legislative and institutional reforms, as well as several outreach and communication activities to targeted populations (especially young men, gun owners and manufacturers).

WHAT INFORMATION NEEDS TO BE COLLECTED?

To appropriately design small arms control and violence reduction initiatives, a range of quantitative and qualitative information should be collected, such as:

- Types of violence (e.g. political, criminal, sexual violence, organised crime, intimate partner violence, violence in schools, family violence, youth gangs) and the prevalence of weapons use
- Social, economic and psychological costs of violence (e.g. to individuals, families, health systems, policing, public safety, transport, tourism, education, economic production)
- Levels and type of weapons/ammunition in circulation
- Categories of weapons owners, holders and users
- New sources of guns and supply routes (e.g. legal trade, cross-border smuggling, poorly secured armouries, illicit production, theft of licensed weapons), including recycling of weapons and ammunition from one conflict zone to another
- An assessment of the needs of survivors of armed violence—civilians and combatants—and existing services and strategies
- An assessment of attitudes and perceptions of guns and insecurity, including motivations and means to acquire/possess guns (e.g. disaggregated by age, gender, ethnic identity)
- Vectors of peace (e.g. existing or previous values, civil society groups, models of leadership, music and arts, sports, etc.)
- Existing and planned laws, policies and processes (e.g. changing national gun laws; violence prevention processes; poverty reduction strategies; judicial and rule of law institutional reform)

Based on this information, a set of priorities can be developed in the NAP. The discrete activities contemplated by an NAP should be as detailed as possible in terms of *what* the objectives of each activity are; *who* is responsible for implementing and overseeing each activity; *where* the activity

will take place; and *when* each activity is due to be completed. This will make it easier to determine whether the NAP is being implemented effectively or at all. Importantly, a timeframe (typically five years) and budget must also be determined.

The initial plan may be limited due to a lack of the information necessary to develop a comprehensive strategy. Nevertheless, this may be more useful and appropriate than waiting until *all* the information necessary for a truly comprehensive NAP is collected, as this can be a costly exercise in terms of time and money, and by the time such information is collected, it may have ceased to be relevant or accurate. For this reason, NAPs should be constantly evolving to respond to changing circumstances. In some cases, an Implementation and Verification Plan will be developed once the NAP has been finalised, to ensure that NAP activities are monitored and adjusted where necessary.

Each NAP will have to respond to particular circumstances. In Haiti, for instance, the main issue is urban gang violence in a context of weak state capacity where the communities will be called in to help manage the problem. The Haitian 'National Strategy for Disarmament, Violence Reduction and Community Security' (December 2006), therefore, calls for diagnostic studies and Community Action Plans to be developed for seven urban neighbourhoods initially, with a view to developing such plans for a total of 16 areas. A budget has been allocated to the development of these action plans, and the Strategy stipulates that each Community Action Plan will contain details of the violence reduction needs according to four dimensions of intervention: security; infrastructure; services and human development.

Parliamentarians can assist in the development of NAPs and the mapping phase in particular. They are well positioned to help raise awareness of the process and communicate with their constituents regarding their participation in the survey process and its importance in obtaining an accurate picture of the small arms problem and its impact. Additionally, parliamentarians have access to information regarding which government departments and enforcement agencies have a role to play in national arms control, and their capacity to implement activities under an NAP. Furthermore, parliamentarians can assist in the process of ensuring that national firearms legislation is adapted to reflect NAP priorities identified through the mapping exercise.

Regional cooperation will also be important to ensure the sustainability of an effective NAP and to avoid displacing the problem into neighbouring

countries, as stressed in the evaluation of Tanzania's NAP by the European Union in 2006, five years after its implementation. Specifically they emphasised the need for effective operational contacts, liaison mechanisms and cooperation between adjacent regions. Parliamentarians can help promote and reinforce regional cooperation through their networks and parliamentary workshops.

For further information:

Saferworld and SaferAfrica have been heavily involved in the mapping and development of National Action Plans in several African states, and have published a report entitled *Resolving Small Arms Proliferation: The Development and Implementation of National Action Plans on Arms Management and Disarmament*, available at: http://www.saferafrica.org/DocumentsCentre/Monographs/RSAP/RSAP.pdf

The report outlines the key principles of the mapping approach, details the methodology and presents some of the practical experiences gained.

SEESAC has drafted an example format layout for a national strategy and action plan in Annex C of its publication *SALW National Commissions*, which is available at: http://www.seesac.org/resources/RMDS%2003.10%20National%20Commissions%20(Edition%204).pdf. SEESAC has also prepared a report on armed violence data collection: *Strategic overview of armed violence data collection and analysis mechanisms (South Eastern Europe)*, which is available at: http://www.seesac.org/reports/AVDR.pdf

ENDNOTES

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

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Published by the Inter-Parliamentary Union with the Centre for Humanitarian Dialogue

ISBN 978-92-9142-327-9 (IPU)

IPU Headquarters
Inter-Parliamentary Union
Chemin du Pommier 5, Case Postale 330
CH-1218 Le Grand Saconnex, Geneva
Switzerland

Tel: + 41 22 919 41 50
Fax: + 41 22 919 41 60
E-mail: postbox@mail.ipu.org
Website: www.ipu.org

Office of the Permanent Observer of the IPU to the UN
Inter-Parliamentary Union
220 East 42d Street, Suite 3002
New York, N.Y. 10017
USA

Tel: +1 212 557 58 80
Fax: +1 212 557 39 54
E-mail: ny-office@mail.ipu.org

Centre for Humanitarian Dialogue
114 rue de Lausanne
1202 Geneva
Switzerland

Tel: +41 22 908 1130
Fax: +41 22 908 1140
Website: www.hdcentre.org


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Centre for
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