

8: IMPLICATIONS OF ILLICIT PROLIFERATION AND MISUSE OF SALW

8.1 INTRODUCTION

The PoA is the primary international framework for addressing trafficking, proliferation and misuse of SALW. In recent years, the international community has come to recognise that this requires actions that go beyond the exclusive scope of action of the UN First Committee on Disarmament and International Security, within which the PoA was developed, to include areas related to human rights and humanitarian law, development, public health, the security of women and children, and good governance in general. This is because the real impacts of SALW proliferation and misuse (as opposed to the potential impacts of most other weapons systems dealt with at the UN level) include, but are by no means limited to, the national security concerns associated with traditional arms control mechanisms.

The PoA commitments of particular relevance here are:

- I.1. 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...
- I.4 ...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
- I.15 ...challenge posed by the illicit trade in SALW in all its aspects is multifaceted and involves inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions

The PoA as it currently stands does not systematically address the factors driving the demand for illicit SALW, nor does it tackle the real impacts of the uncontrolled proliferation and misuse of these on a global scale. The important measures that the international community is taking to modernise national legislation, establish SALW transfer controls, develop an instrument to trace illicit SALW, improve stockpile management and carry out SALW collection and destruction programmes will be insufficient if complementary measures are not taken to reduce and limit demand. The spread of SALW among a diverse set of actors that includes governments, civilians, insurgents, terrorists and criminals means that a comprehensive approach to the reduction of supply and demand combined with efforts to ameliorate the negative consequences of their misuse is vital to both national and human security.

Some may view the social and economic dimensions of SALW control as secondary to the main purpose of the PoA; namely, to address the illicit trade in SALW in all its aspects. However, it is becoming increasingly clear that in many cases these social and economic dimensions are important root causes of illicit trafficking and misuse. In fact, in contrast to other categories of weapons, the UN convened the 2001 Conference precisely because of the tangible impact that SALW were having on the citizens and institutions of member states in the wake of the Cold War.

This Chapter first outlines the impacts of SALW on three of the above-mentioned areas: a) human rights and international humanitarian law; b) development; and c) governance. It examines the weaknesses or gaps in the PoA itself in relation to each area, international attempts to address these issues and, finally, makes recommendations on how the PoA can be strengthened to address these areas. The Chapter concludes by framing how these issues can be taken forward in the context of the 2006 Review Conference.

8.2 HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW

Whilst the importance of links between SALW proliferation and international humanitarian concerns is given some attention in Section I of the PoA there is no direct reference to human rights. However the PoA does contain specific commitments to respect and uphold international law, including the principles enshrined in the UN Charter (regarding the sovereignty of states, non-intervention and non-interference in state affairs) which in turn entails international human rights and humanitarian law and the responsibility to protect civilians in armed conflict.

SALW have a particularly grave impact on civilians in situations of armed conflict. The proliferation and excessive availability of SALW have been associated with the escalation, increased intensity, incidence and duration of armed conflicts. In addition to combatants, armed conflicts also greatly affect civilians, including men, women, boys, girls, the elderly and the disabled. Civilians are often the deliberate targets of armed attacks during armed conflict – in direct violation of international humanitarian law (IHL), which provides for specific protections to non-combatants. Violations of human rights and IHL include indiscriminate or unlawful killings, injuries and intimidation threats; sexual violence facilitated by armed intimidation; obstruction of humanitarian relief and the diversion of funds intended for government provision of citizens' basic needs to military expenditure. Personnel involved in humanitarian, peacekeeping and development efforts are also often subject to a range of violations to human rights including assassination, hostage taking, armed robbery, rape and arbitrary detention. Faced with threats from armed militia, humanitarian and development programmes may be forced to withdraw or restrict their interventions to more stable areas, preventing relief and assistance to the most needy and vulnerable populations.

SALW-related violations of human rights also occur in many other contexts to those defined by the international community as 'armed conflicts', most notably in post-conflict contexts, or in relatively politically stable areas which suffer from high levels of social or criminal violence, banditry and unrest. SALW aggravate patterns of forced displacement, allowing criminals to intensify their use of violence through intimidation, rape and driving people from their homes and communities. Furthermore, the presence of SALW in refugee and internally displaced persons (IDP) camps has been associated with increased intimidation and militarisation, in some cases closely linked with attempts to use such camps for recruitment and training areas for armed groups.

Women's particular roles as users, supporters, victims and assailants need to be properly recognised and addressed. Female combatants face substantially different problems to their male counterparts during disarmament, demobilisation and reconciliation (DDR) processes, often being excluded from benefit packages and not embraced back into their home communities after having broken gender stereotypes. In addition, women and girls are more susceptible at gunpoint than otherwise to rape, torture, forced prostitution, involuntary impregnation and HIV transmission.

Generally, young adult and adolescent men are understood to form the majority of the direct victims of armed violence. However, children are increasingly becoming victims through targeted attacks or by recruitment as child soldiers in armed militias, after which they are sometimes forced to commit human rights violations against their own families and communities. The lightness of weight and simplicity of use of most SALW enable even young children to perpetrate such violations. In addition, children are disproportionately affected by the secondary costs of armed violence, including disrupted education, disease and malnutrition.

An additional set of guidelines that can be used to prevent violations of human rights is the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms. These

principles have set out the agreed international standards on the use of force and firearms by state forces and centre on the difficult but important issue of what constitutes both legitimate force and the assumption that those responsible for making such decisions are sufficiently trained and equipped to do so. The robust implementation of these guidelines by government security forces would go a long way in ensuring that violations of human rights and, in some cases, IHL are not committed by police and military officers. Indeed the President-designate's non-paper for the 2006 Review Conference encourages the "implementation of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as well as the Code of Conduct for Law Enforcement Officials." (II/22)¹

8.2.1 PROGRESS ON SALW IN RELATION TO HUMAN RIGHTS AND IHL

In the 2005 'World Summit' document, world leaders expressed grave concern at the negative effects on development, peace, security and human rights posed by the illicit trade in SALW in all its aspects.² Also in 2005, the UN General Assembly endorsed a resolution on addressing the negative humanitarian and development impacts of illicit or excessive SALW.³ This latter resolution "calls upon States, when addressing the issue of the illicit trade in SALW in all of its aspects, to explore ways, as appropriate, to more effectively address the humanitarian and development impact of the illicit manufacture, transfer and circulation of SALW and their excessive accumulation, in particular in conflict and post-conflict contexts".

A year after the 2001 Conference, the UN Human Rights Commission (now replaced by the Human Rights Council) appointed a Special Rapporteur to prepare a comprehensive study on preventing human rights violations committed with SALW. The report was presented to the Commission in June 2005 and with it a set of draft principles for preventing human rights violations committed with SALW. Many of these principles were incorporated into initiatives within the PoA framework, particularly those relating to guidelines for controlling SALW transfers, such as the Transfer Control Initiative of the UK, Kenya, Brazil and several other co-sponsors, and the SALW Consultative Group Process convened by the Biting the Bullet project which involves some 33 states and civil society experts (as well as in proposals for an Arms Trade Treaty).

The January 2006 PrepCom to the Review Conference included a series of thematic debates aimed at identifying key issues related to the nexus between the illicit trade in SALW and human rights. Many governments, as well as NGOs and international organisations, made statements which included calls for the 2006 Review Conference specifically to address human rights and IHL issues and SALW. Unfortunately, several governments are reluctant for the Review Conference to specifically address human rights aspects of SALW trafficking and misuse, posing the risk that the issue will again be marginalised.

At the regional and sub-regional levels, some advances have been made into incorporating human rights language into frameworks and agreements established after 2001. The Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and Horn of Africa also recognizes that the "observance of human rights" is fundamental to a comprehensive strategy. Both the EU Code of Conduct and the OSCE Document on Small Arms include human rights considerations within their SALW transfer criteria, but these frameworks were established prior to the 2001 Conference. The 2003 Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects states as one of its objectives "to implement this Plan in a context of full respect for human rights and international humanitarian law". Advancing human rights language and discourse thus has been more directly addressed at the regional and sub-regional levels, though such progress remains largely at the normative and declaratory levels, without major impacts on the problems.

¹ President's non-paper for informal consultation, 18 May 2006, Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in all its Aspects.

² 2005 World Summit Outcome, UN Document A/RES/60/1, 24 October 2005.

³ UN General Assembly Document A/C.1/60/L34/Rev 1, 21 October 2005.

There has been some limited progress at the micro level on personnel training in security sector reform (SSR) projects, where best practices have emerged in line with the above-mentioned Basic Principles on the Use of Force and Firearms and the UN Code of Conduct for Law Enforcement Officials. The promotion of civil society engagement in SSR projects along with gender and age considerations in the training of security forces are emerging trends that should be built upon. Recent community based policing initiatives in Kenya and Malawi, for example, were reported to have increased respect of human rights.

8.2.2 WEAKNESSES AND GAPS IN THE POA

As noted, the most conspicuous omission from the PoA is any mention of human rights, despite the fact that the UN General Assembly, the World Summit and various sub-regional organisations already refer to human rights when addressing the SALW trade in all its aspects. This is often explained by the fact that the PoA was developed within a ‘disarmament and arms control’ framework, but such an explanation should not impede the future enhancement and implementation of the PoA.

The failure of the PoA to look more closely at the control of the legal trade and the issue of civilian possession also hinders efforts to reduce human rights violations committed by state security forces and private citizens. The PoA further does not specifically address the ever-growing private security sector, which has been implicated from time to time both in violations of human rights and international humanitarian law. Private security and private military companies are often less accountable than state security forces for their action and for the training standards for their employees, including standards for the storage and use of SALW so as to prevent their illegal diversion and/or misuse.

In relation to both international humanitarian law and international law more generally, the PoA includes important general commitments but does not elaborate on the specific meaning or implications of what constitutes the existing responsibilities of states under international law. Indeed, it is very likely that different governments have different understandings of the status and implications of existing international law, and of requirements for assessing the risk of and mitigating potential leakage or diversion, from, for example, official SALW stockpiles that may be used in violation of human rights and/or IHL. This situation leads to inadequate or inconsistent national standards, suspicions of bad faith and obstacles to international co-operation and co-ordination.

8.2.3 PRIORITIES FOR THE REVIEW CONFERENCE

It is now widely recognised that the Review Conference needs to sufficiently address the issues of human rights and international humanitarian law. It is important to aim to address such key issues within the UN framework but if progress is not made, it invites efforts to develop multilateral initiatives outside this framework, as was done, for example for the Ottawa Process for anti-personnel landmines.

One key priority for the Review Conference should be for governments to have a serious discussion of both the human rights implications of SALW and how these can be reflected in the Outcome Document and ameliorated through enhanced PoA implementation. Another priority should be the further elaboration of PoA commitments in the context of international law, not only related to sovereignty, self-defence and non-intervention, but also the right to life, liberty and security of the person as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights.

With these factors in mind, Biting the Bullet recommends that the following outcomes be considered at the Review Conference:



1. States should be encouraged to improve controls over the legal trade in SALW so as to prevent diversion of SALW towards end-users and uses that present significant risks of human rights abuse or violation of IHL.
2. States should be encouraged to establish appropriate controls over the legal civilian possession of SALW, including traceability, so as to prevent their use in potential human rights and IHL abuses.
3. States should review their national legislation, policies and practices to ensure that private security companies under their jurisdiction are not sources or misusers of SALW used for violations of human rights and IHL and that their employees not be involved in the same.
4. The international community should develop a robust framework for providing economic and technical assistance so that interested governments can enhance their adoption and implementation of the Basic Principles on the Use of Force and Firearms and the UN Code of Conduct for Law Enforcement Officials, including for authorised private security companies.
5. Points 1, 2 and 3 above should taken into account the particular measures required to address the illicit trade in ammunition. Of particular importance here is the safe storage of government ammunition stockpiles and the regular destruction of surplus.
6. States should aim to establish a process within the PoA framework to elaborate and develop a set of principles on the importance of the links between PoA implementation and efforts to promote IHL and humanitarian concerns more generally.

8.3 IMPACT ON DEVELOPMENT

The trafficking, proliferation and misuse of SALW contributes to insecurity and armed violence that obstructs and undermines development in rural and urban communities, in developing and industrialised countries. This is the case in regions affected by large-scale or widespread armed conflict and also in relatively stable countries affected by high levels of armed violence and crime.

The impacts on development and poverty of armed violence and insecurity associated with SALW proliferation and misuse come in both direct and indirect forms. The direct impacts of violence can be enormous, in terms of development as well as human costs arising from death and injuries. The combined costs of medical treatment and loss of productive capacity of the dead and injured from armed violence in a country can amount to many US\$ billions. However, the indirect impacts of armed violence and insecurity on development are typically much higher.⁴ They arise for example from the displacement of large numbers of people, deterred or disrupted economic investment, including foreign direct investment, reduced income from tourism, disruption of agriculture, constraints on communications and mobility, preventing important economic and trading activity such as taking goods to market.

Armed violence and insecurity tends to obstruct delivery of and access to public goods; undermine health and education programmes, making health and education workers reluctant to work in insecure areas and prevent travel to schools or health centres. The implications of consequent increased levels of ill-health, mortality (of children, women and men), and poor education and training can be enormous for poverty and development. Insecurity or armed violence typically limits or disrupts development and humanitarian aid. Impacts can be great in rural communities that are isolated and vulnerable even in the times of peace. Similarly, development within marginalised urban communities, particularly those with high levels of migration from rural areas, is also problematic in insecure environments, especially when armed youth gangs are on the rise or where demobilised ex-combatants may be settling into a given area without proper assistance in resettlement and reintegration.

⁴ See for example the outputs from the series of detailed research studies on the impacts and inter-relationships of armed violence, poverty and development, conducted by CICS, University of Bradford as part of the Armed Violence and Poverty Initiative (AVPI). These can be found at www.bradford.ac.uk/peace/cics/avpi. See also *Small Arms Survey, Small Arms Survey 2003: Development Denied*, Geneva, Small Arms Survey, 2003.

Further, insecurity and armed violence generally distort patterns of economic and social development, encouraging political economic systems that accommodate or make use of armed violence or conflict, and distribute resources according to coercive power rather than to poverty alleviation and community development. Once established, such systems reinforce and sustain violence and insecurity, and can be hard to transform into forms that contribute to wider development and peace-building.

The interrelationships between SALW related violence and insecurity, poverty and development are complex and context specific. Overall, however, it is clear that poverty alleviation and economic and social development are at severe risk where SALW trafficking, proliferation and misuse is widespread. Moreover, there is also emerging evidence that programmes designed to prevent and reduce SALW trafficking and misuse and enhance controls can significantly contribute directly or indirectly to poverty alleviation and development, including substantial confidence-building and community mobilisation potential. Such programmes come in a wide variety of types, and have so far not been primarily designed to contribute to development. Nevertheless, they have often done so, and there are opportunities to develop SALW programmes in order to enhance this.

With just a decade remaining to achieve the Millennium Development Goals, it is clear to many development practitioners that serious development interventions in conflict and post-conflict zones cannot be successful without simultaneously addressing the proliferation and misuse of SALW. The targeting of development and humanitarian aid workers by individuals armed with illicit SALW and disposed to their misuse, such as those referred to in Section 8.2 on human rights and IHL, also prevents development and relief assistance from reaching those who most in need and from having a long-term sustainable impact.

8.3.1 PROGRESS ON SALW IN RELATION TO DEVELOPMENT

Since the 2001 UN Conference there has been increasing recognition of the development impacts and implications of SALW, although some states continue to resist this, preferring to deal with SALW exclusively in an arms control and disarmament framework. In the 1990s the concept of a ‘Security First’ approach to external aid in insecure areas secured substantial support. This approach essentially proposes that an integrated approach is taken towards the design and implementation of external aid to conflict-prone or war-torn countries, in which measures to prevent and reduce armed violence and insecurity are appropriately integrated with development and humanitarian aid. This concept has now matured, and attracts high level support, for example in the address of the UN Secretary General to the World Summit in September 2005.

Within the PoA, the development impacts of the illicit trade in SALW were a strong and recurring theme at the 2003 and 2005 Biennial Meetings of States and the January 2006 Preparatory Committee. In December 2005 the UN General Assembly passed a resolution on the relationship between disarmament and development and a resolution on addressing the negative humanitarian and development impacts of the proliferation of SALW.⁵

It is also worth noting that, since 2001, for example, the UNDP Bureau for Crisis Prevention and Recovery’s (BCPR) Small Arms and Demobilisation Unit (SADU) has become one of the primary providers of economic and technical assistance for DDR and a variety of other programmes designed to build states’ capacity to implement the PoA rather than a specialised disarmament and arms control body, as is the case with other categories of weapons although the United Nations Development Programme (UNDP) began to engage on small arms reduction strategies in the 1990s, beginning with Mali. Between 2001 and 2004, the UNDP supported small arms reduction and/or DDR processes



⁵ UN General Assembly Resolution A/RES/60/61, 8 December 2005 and UN General Assembly Draft Resolution A/RES/60/68, 8 December 2005.

regionally in Central America, East Africa, the African Great Lakes, Mano River Union and South Eastern Europe and through national programmes in the Central African Republic, Comoros, Congo-Brazzaville, Democratic Republic of Congo, Ghana, Kenya, Liberia, Niger, Sierra Leone, Solomon Islands, Somalia, Papua New Guinea, Albania, Bosnia-Herzegovina, Bulgaria, Kosovo, FYR Macedonia, Serbia and Montenegro, Argentina, Brazil, Colombia, El Salvador, Haiti and Honduras (5 sub-regions and 27 countries in total). The UNDP was also the primary engine responsible for the innovation of Weapons for Development (WfD) programmes, whereby disarmament was accompanied by the provision of development and attempts to reconstitute social capital. For a more thorough discussion of WfD see Chapter 7.

Several donor governments and bilateral development aid agencies have also become key facilitators for an integrated approach to assisting security and development, and for the provision of financial and technical aid for SALW control, disarmament and reduction. These include for example, Canada, the European Union, Germany, Japan, Sweden, the Netherlands, the UK Department of International Development (reinforced through its consortium arrangement with the Ministry of Defence and the Foreign and Commonwealth Office referred to as the Africa and Global Conflict Prevention Pools) and the USA. These examples demonstrate that many of the key donors involved in the implementation of the PoA acknowledge that their development agencies have an important contribution to make in this work.

Reflecting the need for greater international dialogue on the SALW and development nexus, several meetings have been convened with the purpose of advancing this agenda. Through the Armed Violence and Poverty Initiative (APVI) (involving several bilateral development agencies, the UNDP, developing country development partners and relevant civil society expert and organisations), important progress has been made towards improved understandings and policy initiatives. These are centred around the further development and elaboration of OECD DAC guidelines to appropriately integrate armed violence concerns and programmes into development policies and programmes, including National Development Frameworks, Poverty Reduction Strategy Papers, and donor country assistance strategies. In April 2006 there was an influential UK Wilton Park conference of the Armed Violence and Poverty Initiative (AVPI)⁶ to follow up on a 2003 meeting convened by the UK Government to promote the integration of small arms controls and related interventions into mainstream development programming.⁷ It is important to note that this process focuses on the issue of 'armed violence', rather than SALW per se, to clarify the significance and approach to the development community. It does, however, maintain a strong focus on SALW trafficking, proliferation and misuse.

Most SALW and development policy processes are not focussed around the PoA and the outcomes of the 2006 Review Conference. Nevertheless, it is widely recognised that the PoA provides a key political framework. Thus many governments and other stakeholders have stated strongly that they want the 2006 Review Conference Outcome Document to address this issue directly. To contribute to this process, for example, in March 2006 the Government of Norway hosted an expert seminar on integrating development considerations into the PoA and the overall Review Conference agenda.⁸

On 7 June, as part of the lead up to the 2006 Review Conference, the UNDP and Switzerland will host a high-level meeting on Armed Violence and Development with the intention of drafting a Geneva Declaration on Armed Violence. It is hoped that these and other related processes and consultations will result in a consolidation of recommendations, to be included in the Outcome Document of the Review Conference.

⁶ Chair's summary – key conclusions from Wilton Park Workshop 'Securing development: reducing arms availability and armed violence', DFID, UNDP and Wilton Park, May 2006.

⁷ *Tackling Poverty by Reducing Armed Violence: Recommendations from a Wilton Park Conference*, 14-16 April 2003.

⁸ Recommendations from Expert Seminar on Integrating Development into the UN Programme of Action Process, Royal Ministry of Foreign Affairs of Norway, and PRIO, Oslo, April 2006

Throughout this process, civil society groups and experts have played an active role in raising awareness, advancing research and knowledge, and contributing to policy initiatives on the inter-relationships between trafficking, proliferation and misuse of SALW and development.

At the regional and sub-regional levels progress has been made in integrating development considerations into several agreements. The Andean Action Plan (also known as Decision 552 of the Andean Community of Nations) seeks “to ensure that all programs to prevent, combat and eradicate illicit trade in small arms and light weapons be complemented by wide-ranging development programs so as to reduce local demand for these arms and weapons”. In Sub-Saharan Africa, ECOWAS, SADC and Nairobi Protocol countries have all emphasized the inter-linkage between action on SALW and development. Uganda and Ghana, for example, are countries that have taken this further to include SALW issues in their Poverty Reduction Strategies.

One of the most important advances with regard to the SALW and development nexus was the 2005 OECD Development Assistance Committee’s (DAC) decision to include “support for controlling, preventing and reducing the proliferation of SALW in those activities which qualify as development spending internationally”. This means that, where appropriate, international aid for SALW reduction and DDR can be counted as overseas development aid, and thus be legitimate budget lines in development agencies that are limited to such aid. This will be in addition to resources to support such programmes that will also continue to come from non-ODA sources, such as foreign and defence ministries of donor governments. There are still some concerns amongst some traditional development practitioners about the risks of diverting resources from conventional development programming, which need to be seriously engaged with. However, these must be counterbalanced by the vast development aid resources whose impacts have been negated or reduced by the impacts of SALW-related armed violence and insecurity. Evidence now indicates that the notion of ‘diversion’ is an inappropriate framework for debate in this context: development programmes that do not appropriately engage with armed violence reduction and prevention are less effective, and vice versa. The issue is not one of diversion, but rather one of developing aid and co-operation policies and programmes in which armed violence and development issues are appropriately integrated with other aspects of development and humanitarian aid.

8.3.2 WEAKNESSES IN THE POA

Although the links between illicit SALW proliferation and development are widely recognised in principle, and embraced by a growing critical mass of actors in the international development community, appropriate integration of programmes and measures between these areas is often obstructed in practice, not least by institutional and sometimes legal barriers at the national, regional and international levels. For example, many development aid agencies remain reluctant to properly engage with efforts to prevent and reduce armed violence or control SALW, and SALW issues remain neglected in many countries’ Poverty Reduction Strategies. Strong normative statements to encourage and endorse effective and appropriate linkage or integration at the Review Conference will provide important support for those working to overcome such obstacles.

The PoA text recognises the negative impact of the illicit manufacture, transfer and circulation of SALW on poverty and development and calls upon states to explore ways to address these issues more effectively. However, given the limitations of current knowledge and lack of clearly-articulated best practice on how to go about this, the integration of developmental concerns into PoA implementation mechanisms is fragmented and in its infancy. There is a clear need for increased action-oriented research on the impact of SALW on economic and social development, and the development of evidence-based strategies to combat these problems. Some efforts in this regard have taken place such as the UK-sponsored Armed Violence and Poverty Initiative research project in co-ordination with the Centre for

International Co-operation and Security at the University of Bradford. Unfortunately, most official delegations to the PoA process and national commissions responsible for implementing the PoA consist of actors from the foreign affairs, defence and civilian security sectors and do not include institutions from the development sector. This is another factor that prevents development considerations from being embraced more systematically.

8.3.3 PRIORITIES FOR THE REVIEW CONFERENCE

In some contrast to human rights and IHL, the international community appears to have made good progress in building a consensus around the importance of developing integrated approaches in policies and programmes that properly recognise linkages between SALW proliferation, armed violence and development concerns. An important minority of governments have already begun to integrate SALW programming into their broader development strategies, either as donors or recipients. However, this has not translated into a genuine discussion of the development considerations of SALW proliferation and misuse in the official proceedings related to the PoA in general and the Review Conference in particular. Biting the Bullet therefore believes that the governments participating in the 2006 Review Conference should consider including statements in the Outcome Document that:

- Emphasise the importance of the inter-relationships between the PoA, development, poverty reduction and humanitarian aid
- Emphasise that such relationships are important not only in the context of large-scale armed conflict or post-conflict contexts, but also in relation to armed crime and social violence involving SALW
- Call for appropriate and effective integration of international, regional and national measures to control SALW, reduce armed violence, promote development, alleviate poverty, and address humanitarian needs
- Further welcome and encourage the growing engagement of the development and humanitarian aid institutions and agencies, including UN agencies, in programmes and activities that contribute to PoA implementation, including OECD DAC decisions that many efforts to support implementation of the PoA may qualify as development aid
- Call for national SALW action plans or other SALW reduction and control initiatives to be appropriately integrated into national development frameworks and poverty reduction strategies and include officials from development agencies and ministries in national commissions and co-ordinating bodies
- Support the development of a robust international mechanism for co-ordinating and facilitating financial and technical assistance for SALW affected countries

Within these and other important points, perhaps the highest priority for inclusion in the Outcome Document in this context is clear statement of the following two linked points:

- States should be encouraged to appropriately integrate policies and programmes to address SALW associated issues of armed violence and insecurity into their national development frameworks and strategies, and where appropriate into their Poverty Reduction Strategy Papers.
- States, international and regional organisations and other aid organisations, including development aid agencies and the international financial institutions, should take steps to ensure that they have the policies, programmes and capacities required to support and co-operate in the implementation of such national development frameworks and strategies, which integrate tackling SALW proliferation and armed violence into development frameworks.

8.4 IMPLICATIONS FOR GOVERNANCE AND SECURITY

High levels of armed violence and illicit SALW proliferation in both conflict-affected and non-conflict societies are often signs of a weak or unaccountable security sector. In countries where the government cannot provide security for the population, recourse to SALW is often widespread, and in some cases epidemic. Unprofessional, inefficient, factional and unaccountable security institutions threaten human and national security and the achievement of sustainable development and consequently pose a major obstacle to disarmament and arms control efforts. In these cases, violence can become a way of life and a means of making a living. The widespread availability of SALW also provides a market for arms trafficking, facilitates corruption and prevents the security and governance sectors from functioning effectively.

Security sector reform (SSR) can also be of central importance for stability and the prevention of armed violence. In many countries, the security sector is as much a threat to human security as other armed political and criminal actors. Civilian oversight and accountability is needed to ensure that civil-military relations are conducive to democratic politics and that human security is promoted as well as national security. This can be difficult to achieve where there are complex technical issues at stake, vested interests, and cultures of secrecy. Approaches in this area often take the form of building the capacity and expertise of a variety of state institutions, including governments, legislatures, judicial institutions, ombudsmen and complaints bodies.

An additional problem of a weak security sector is that it often leads to the tendency to privatise security. Private security companies, when authorised by the state, increase demand for legal SALW, but can also increase the supply of the illicit market if stockpile management is weak or there is internal corruption. Poorly trained private security guards can also be responsible for SALW misuse and in some cases have been implicated in criminal activity and human rights violations. While these problems are in many ways no different than those involving police or other government security institutions they are, in theory at least, accountable to government authorities, parliaments and the citizenry. In practice, however, private security companies are accountable to their owners. While in some countries private security authorities must be registered with the government and subject to state regulation, this becomes difficult to achieve, as most of these companies' owners are former security officials themselves. If these individuals previously held high ranks it is difficult for government authorities to impose regulations on them, even when they are no longer in service. Internationally, control over private security stockpile management is weak, particularly in the practical application of policy.

In post-conflict situations, action on SALW is crucial to supporting governance and building security. This is recognised in the PoA, particularly through its commitments on the demobilisation, disarmament and reintegration (DDR) of ex-combatants. DDR of these people into peacetime economic and social life is essential for restoring security. DDR programmes are complex, and include political negotiations, humanitarian relief, the technical aspects of weapon disposal and socio-economic interventions to provide livelihoods, training and skills. Such programmes are an important aspect of security sector reform during transitions to peace, but there is a need for better integration with long-term governance and peacebuilding, such as security sector reform processes.

8.4.1 PROGRESS ON SALW IN RELATION TO SECURITY AND GOVERNANCE

Some security sector reform efforts have been directly relevant to implementing PoA commitments. For example, innovative community policing efforts in Kenya, Malawi and elsewhere have incorporated aspects of small arms control into their work. The UNDP's initial efforts to support Weapons for Development programmes in Albania have developed into a broader partnership with the national government on SSR. Much of the important work co-ordinated the South Eastern Europe Clearing

House for the Control of Small Arms and Light Weapons (SEESAC) is linked to broader security sector initiatives dealing with information management and small arms control. The UNDP's multi-year intervention in Honduras, Central America, falls under a framework of justice and security sector reform and small arms control by improving the national firearms registration system, integrating data on armed violence collected by the police, health sector and judiciary, improving infrastructure for youth gang member rehabilitation and supporting the efforts of the police to develop a response line for victims of gender-based violence.

The 2003 OSCE Handbook of Best Practices on SALW provides (among many other related issues) guidance on how to manage weapons issues in the context of DDR processes and has been made available in all OSCE languages. A 2004 practical guide on DDR developed by the German Development Co-operation Ministry (GTZ), the Norwegian International Defence Centre, the Swedish National Defence College and the Lester B. Pearson Peacekeeping Centre in Canada makes strong links between good governance and SSR and how DDR processes are equally as important as confidence-building measures for sustaining peace as they are in reducing SALW proliferation.

As far back as 2001, the UN Regional Centre for Peace and Disarmament in Latin America and the Caribbean (UN-LiREC) in collaboration with the Organisation of American States (OAS) began developing curricula for training police, intelligence and customs officials in Latin American and the Caribbean in collaboration for implementation of the PoA. UN-LiREC also joined forces with a Swedish initiative to create a Parliamentary Forum on Small Arms and Light Weapons in order to further the objectives of the PoA by strengthening the capacity of parliamentarians to legislate on SALW issues as well as providing proper oversight of national governments in their implementation.⁹

8.4.2 WEAKNESSES AND GAPS IN POA

On a broader international scale, most of the PoA implementation directly involving the security sector has focused on the more technical hardware aspects of SALW control such as transfer controls, destruction of surplus, stockpile management and marking and tracing. In most regions, even this has not been sufficiently routine. Less attention has been paid to training and standardisation on SALW and the use of force by state security forces, for example, as related to the Basic Principles on Firearms and the Use of Force and the UN Code of Conduct for Law Enforcement Officials.

In addition, the PoA does not explicitly address a number of important issues related to private security companies, including transfer controls, standards to prevent diversion and misuse and stockpile management. The exponential growth in this sector – which in some countries now outnumbers state police – means it cannot be ignored in the context of comprehensive PoA implementation. The PoA text does not directly make reference to SSR, which can be essential to making sure that DDR processes lead to security and governance in post-conflict societies.

8.4.3 PRIORITIES FOR THE REVIEW CONFERENCE

An effective and robust security sector and good governance are vital to comprehensive implementation of the PoA. This also requires established security actors to embrace new practices oriented towards human security and develop fresh relationships with actors from civil society, including traditionally marginalised groups such as women, youth and ethnic minorities. SALW control is most effective when integrated with other measures designed to improve security and reduce armed violence. Biting the

⁹ See <http://www.parliamentaryforum.org>

Bullet therefore believes that in the Review Conference governments need to:

- Encourage the appropriate co-ordination or integration of DDR, SALW control and reduction measures, and SSR programmes, including to measures that help to prevent illicit trafficking and misuse by security forces
- Call for the promotion of programmes and measures that will help to reduce demand in society for SALW, including those which focus on human security from violence, rule of law and access to justice, good governance, appropriate capacity building and reform of police, judiciary and armed forces, and other parts of the security sector, regulation of private security companies; and appropriate use of SALW by state officials.
- Encourage and support programmes to prevent and reduce urban and rural violence and insecurity.
- Ensure that focused attention is devoted to groups specifically affected by SALW violence including young men, boys, girls and women.
- Guarantee that youth and gender issues are fully taken into account in efforts to promote peace, security, development and good governance.

8.5 ISSUES AND PRIORITIES FOR THE 2006 REVIEW CONFERENCE

This third edition of the 'Red Book' is the first to take a more detailed approach to analysing areas neglected by the PoA, particularly those related to reducing the global, regional and local demand that exists in much of the world for illicit SALW. This analysis does not lend itself to the same type of monitoring and assessment of SALW issues covered in the preceding chapters. However, it does allow for an initial overview of the state of global processes in the areas of human rights and international humanitarian law, development and security and governance with a focus on how PoA implementation has addressed these areas, if at all, and what the implications are of these findings for the 2006 Review Conference and the future of the PoA.

The problem of illicit SALW proliferation and misuse will not be effectively dealt with unless, in addition to traditional disarmament and arms controls, measures designed to restrict supply are accompanied by complementary measures to reduce demand and ameliorate the consequences of misuse. Broadly speaking, Biting the Bullet supports the initiatives and actions proposed at the Wilton Park Conference of the Armed Violence and Poverty Initiative and the Geneva Summit on Armed Violence, which pledged to look particularly at potential models of providing assistance to survivors of armed violence and establishing targets for armed violence reduction along the lines of the Millennium Development and Security Goals.

In conclusion, the primary recommendations made by Biting the Bullet on the issues covered in this chapter are:

In relation to human rights and international humanitarian law

- States should be encouraged to improve controls over the legal trade in SALW so as to prevent diversion of SALW towards potential human rights abusers.
- States should be encouraged to establish appropriate controls over the legal civilian possession of SALW, including traceability, so as to prevent their use in potential human rights abuses.
- States should review their national legislation, policies and practices to ensure that private security companies under their jurisdiction are not sources of illicit SALW used for violations of human rights and IHL and that their employees not be involved in the same.
- The international community should develop a robust framework for providing economic and technical assistance so that interested governments can enhance their adoption of the Basic

Principles on the Use of Force and Firearms and the UN Code of Conduct for Law Enforcement Officials, including for authorised private security companies.

- Points 1, 2 and 3 above should take into account the particular measures required to address the illicit trade in ammunition. Of particular importance here is the safe storage of government ammunition stockpiles and the regular destruction of surplus.
- The Review Conference itself, under the leadership of its President, should elaborate and develop a set of principles on the importance of the links between PoA implementation and more general efforts to promote IHL and humanitarian concerns.

In relation to development and poverty reduction

- Emphasise the importance of the inter-relationships between the PoA, development, poverty reduction and humanitarian aid
- In relation to the previous point, emphasise that such relationships are important not only in the context of large-scale armed conflict or post-conflict situations, but also in relation to armed crime and social violence involving SALW
- Call for appropriate and effective integration of international, regional and national measures to control SALW, reduce armed violence, promote development, alleviate poverty, and address humanitarian needs
- Further welcome and encourage the growing engagement of the development and humanitarian aid institutions and agencies, including UN agencies, in programmes and activities that contribute to PoA implementation; including OECD DAC decisions that many efforts to support implementation of the PoA may qualify as development aid
- Call for national SALW action plans or other SALW reduction and control initiatives to be integrated into national poverty reduction frameworks and include officials from development agencies and ministries in national commissions and co-ordinating bodies
- Support the development of a robust international mechanism for co-ordinating and facilitating financial and technical assistance for SALW affected countries

In relation to security and governance

- Encourage the integration of DDR and other SALW reduction measures into broader SSR programmes, giving equal priority to measures that prevent illicit trafficking and misuse by security forces
- Call for the promotion of programmes and measures that will help to reduce demand in society for SALW, including programmes that focus on human security from violence; rule of law and access to justice; good governance; appropriate capacity building and reform of police, judiciary, armed forces and other parts of the security sector; regulation of private security companies; and appropriate use of SALW by state officials
- Encourage and support programmes to prevent and reduce urban and rural violence and insecurity.
- Ensure that focused attention is devoted to groups specifically affected by SALW violence including young men, boys, girls and women
- Guarantee that youth and gender issues are fully taken into account in efforts to promote peace, security, development and good governance