

# Iansa

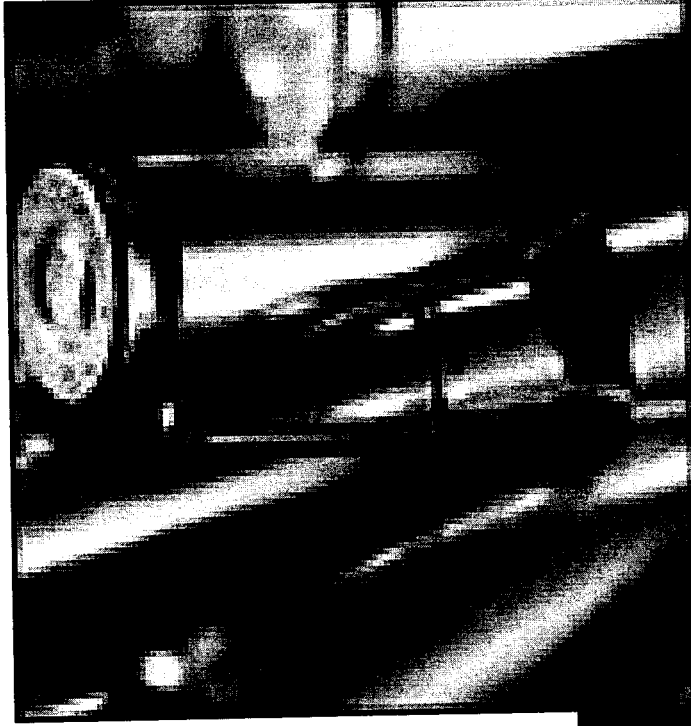
The International Action Network on Small Arms

## Regional and Global Norms in Small Arms and Light Weapons

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- Introduction: IANSA and Small Arms
  - Where are we? The 2001 Programme of Action
  - Emerging Norms
  - The Way Forward

# IANSA, the global movement against gun violence

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## Main Activities

- The global network of informed advocates working to prevent gun violence at the national, regional and international levels
- Coordinating civil society activity in the UN small arms process
- Participating in high profile public education campaigns, e.g. Control Arms with Amnesty International and Oxfam
- Bringing more media attention to the small arms crisis

# Our Global Network

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600 organisations in  
100 countries

## Our Approach

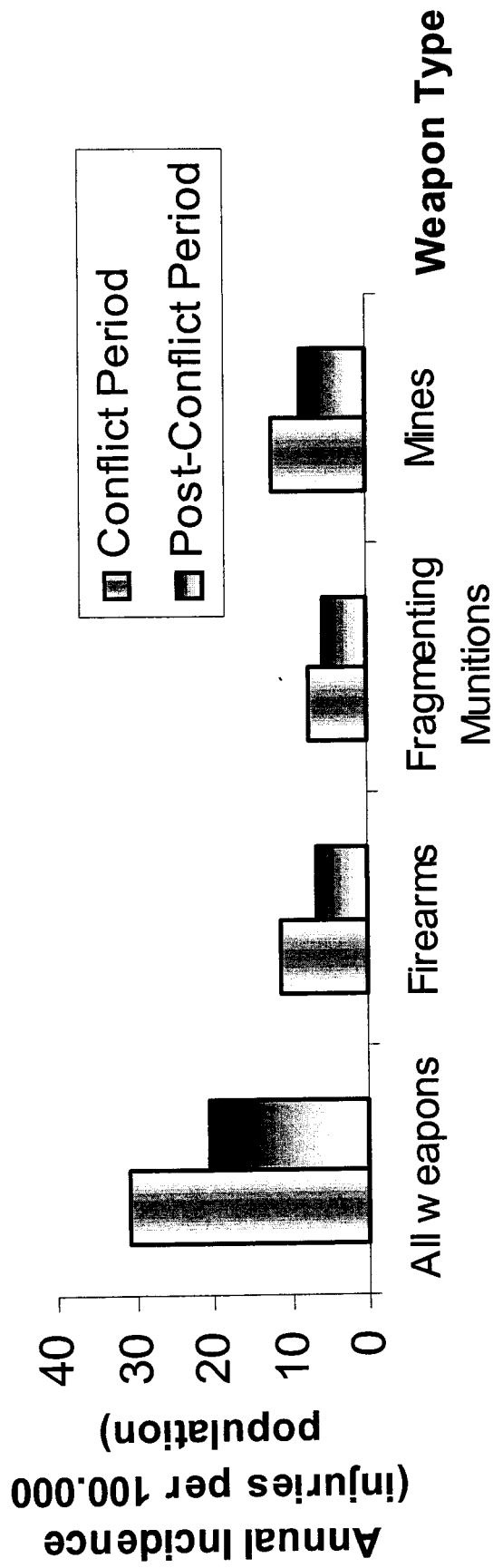
➤ Focus on the human costs

- death
- injury
- conflict (many types, circumstances including non-state armed groups
- criminal violence
- impact on particular populations (women, children, regions, communities)

➤ Small arms violence impedes establishment of lasting peace, good governance, economic development.....

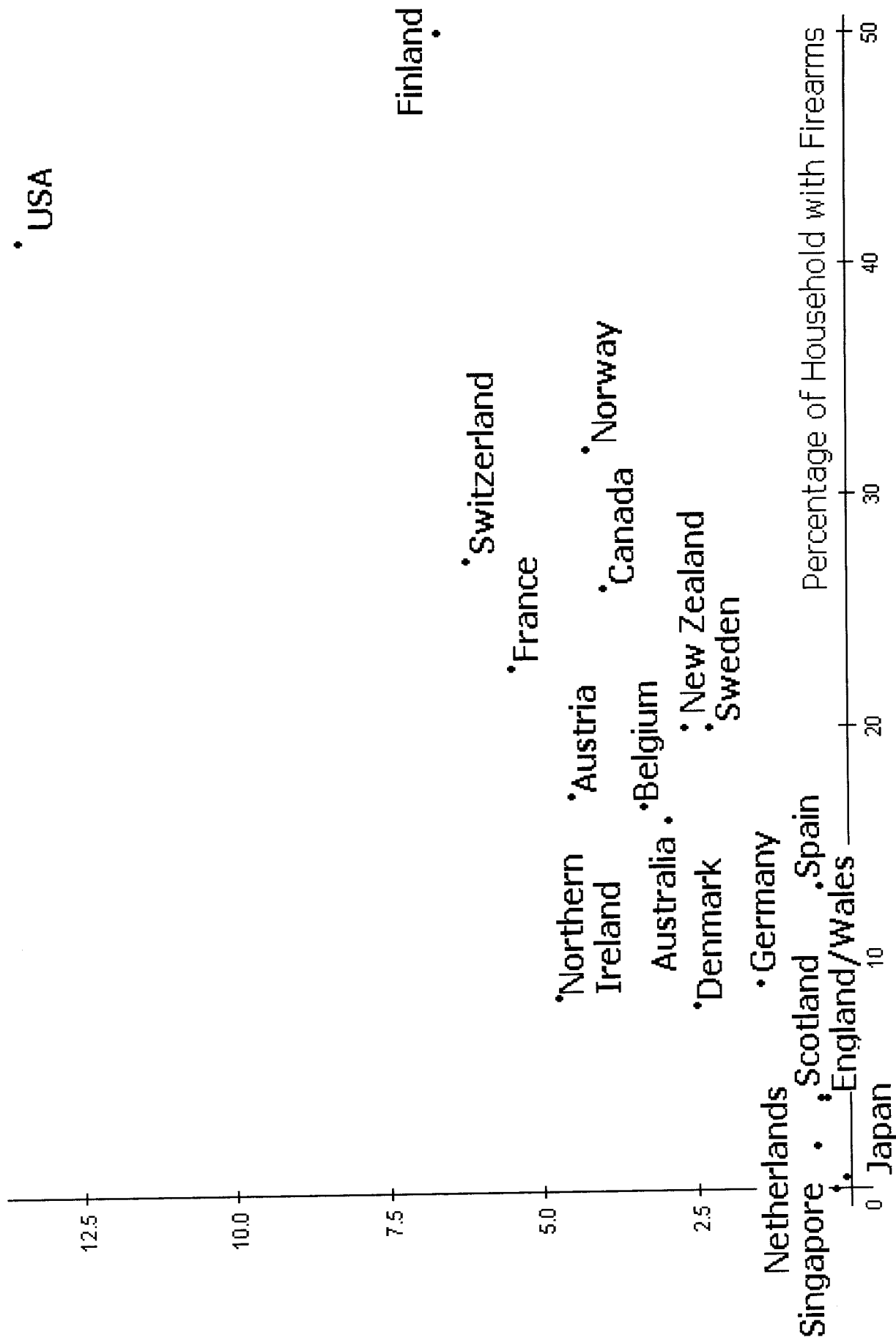
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- at least 35% of casualties in conflict are believed to be civilians (ICRC)
  - Women represent roughly 10% of small arms related homicides (WHO) but are affected differently: at risk from intimate partners as well as combatants
  - Conflict/Post-Conflict shift from internecine to interpersonal violence: In 1998-99, small arms deaths in Nicaragua, El Salvador and Guatemala exceeded those that had occurred in the respective civil wars
  - 200,000 civilians killed with small arms each year in countries not “at war”

# Firearm Availability in Post-Conflict



ICRC. "Arms Availability and Situation of Civilians in Armed Conflict." ICRC. 1999.

# Intentional Firearms Death Rate per 100,000





## Principles

- Weapons collection and controls prevent to recurrence of local violence and stem international flows
- Small arms flow from unregulated areas to regulated areas
  - need for international standards
- Most illegal small arms begins as legal small arms
- Adequate controls over legal trade are critical to prevent diversion: Import/export controls; marking and tracing; controls on brokers
- Reducing availability reduces lethality
- Regulation of civilian possession is critical: 2/3 of world's small arms are in civilian possession

## UN 2001 CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS IN ALL ITS ASPECTS

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### **At the National Level:**

- Strengthen laws, regulations and procedures related to small arms manufacture, export, import, stockpiling, trade and possession;
- Establish/designate national coordination agencies;
- Identify and take action against those engaged in the illicit small arms manufacture, export, import, stockpiling, trade or possession;
- Establish or maintain effective systems of marking and record-keeping;
- Establish or maintain effective systems of export and import licensing;
- Ensure all confiscated or collected small arms are destroyed;
- Establish or maintain adequate stockpile management and security practices;
- Destroy surplus stocks;
- Implement effective DDR programmes, where appropriate; and
- Publicize all relevant national laws, regulations and procedures

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- At the Regional Level:
  - Establish focal points of contact
  - Encourage the negotiation of legally binding regional small arms instruments;
  - Strengthen regional moratoria and similar initiatives; regional cooperation, coordination and harmonization of small arms measures and enforcement mechanisms;
  - Establish regional stockpile management and security mechanisms;
  - Support national DDR programmes; and
  - Develop voluntary transparency measures.

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### **At the Global Level:**

- DDA to collate and circulate small arms information
- Encourage post-conflict DDR;
- Strengthen the ability of states to trace SALW;
- Encourage cooperation among states and relevant multilateral organizations towards the problem of illicit brokering;
- Promote dialogue and a culture of peace through public awareness programmes

### **Implementation, International Cooperation and Assistance:**

States and multilateral institutions should:

- Render financial and technical assistance to support POA
- Strengthen partnerships to share resources and information related to small arms, including marking and tracing;
- Help build capacity in the areas of legislation, law enforcement, tracing and marking, stockpile management, weapons collection and destruction, and information sharing;

## The glass is half full: Progress

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- At UN Open Ended Working Group (OEWG) on marking & tracing progress towards a legally binding instrument
- In July the UN Security Council unanimously adopted a resolution renewing the existing arms embargo against irregular armed forces in the Democratic Republic of Congo.
- The report of the Secretary General's High Level Panel on Threats, Challenges and Change recommended a Conflict Peacebuilding Commission and strengthening of sanctions. It stressed the development – security link
- Many countries have established focal points
- Eroding the silos: More integration of crime/conflict/public health approaches

The glass is half empty: What is missing?

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- Controls on Brokering: pushed back until after review conference
- Global action on standards for civilian possession
- Resources to support implementation
- Action on gender perspective

Key omission: controls on civilian possession

Dropped after the POA L4 version

*“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” .*

# EMERGING NORMS

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**UN Security Council Resolution 1209** (adopted 11/1998)  
stressed need for adequate regulation of civilian possession  
and use in post conflict situations

**UN Disarmament Commission** (UNGA A/54/565, 1999)

36. States should work towards the introduction of appropriate national legislation, administrative regulations and licensing requirements that define the conditions under which firearms can be acquired, used and traded by private persons. In particular they should consider the prohibition of the unrestricted trade and private ownership of small arms specifically designed for military purposes, such as automatic guns (e.g. assault rifles and machine guns).



## Support from other quarters

**Special Rapporteur on Human Rights (E/CN.4/Sub.2/2002/39; 5/ 2002)**

**Special Rapporteur on Human Rights** *to hold States accountable for "there is also growing pressure to establish reasonable patterns of abuse, such as the State's failure to regulate ownership of small arms that are likely to be used in homicides, suicides and accidents; its failure to regulate the private ownership of small arms that are likely to be used in homicides, suicides and accidents; its failure to protect individuals from a pattern of domestic violence; and its failure to protect individuals from organized crimes including kidnapping and killing for ransom".*

**Special Rapporteur on Violence Against Women (E/CN.4/1996/53)**

*a State can be held complicit [where it] condones a pattern of abuse through pervasive non-action ... To avoid such complicity, States must demonstrate due diligence by taking active measures to protect, prosecute and punish private actors who commit abuses"*

## Encouraging Developments

- Regional agreements which emphasize brokering and civilian possession
- Progress on stronger national laws and law enforcement
- Substantial progress on weapons collection
- Growing support for a prohibition on the unregulated civilian possession of military assault weapons

## Regional Agreements: 2004

- Southern African Development Community (SADC) Protocol on Firearms achieved enough ratifications to come into force. It standardises legislation on the private ownership of guns in the region, harmonises record-keeping on state-owned stockpiles, and destruction of surplus weapons, regulates arms brokers, marking and record keeping.
- Eleven East African countries signed the Nairobi Protocol on small arms and light weapons, the first binding agreement on small arms in the region. Signed by Burundi, Democratic Republic of the Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Seychelles, Sudan, Uganda and Tanzania.
- The African Union (AU) established a Peace and Security Council with powers for peacekeeping operations, early warning and conflict prevention, with emphasis on reducing small arms availability and misuse.

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- The Economic Community of West African States (ECOWAS) established a unit dedicated to tackling gun availability and misuse. This Small Arms Unit will provide financial and technical assistance to National Commissions on Small Arms and will help implement the ECOWAS Small Arms Moratorium.
  - European Union (EU) member states have continued their efforts to improve and harmonise controls on exports, in particular with the help of the European Commission (EC). A governmental review of the non-binding EU Code of Conduct on Arms Transfers started in 2004 and is ongoing. More than 150 members of the European Parliament explicitly endorsed the Arms Trade Treaty proposed by the Control Arms campaign, and called on the EU and its member states to promote such a treaty on the international level.

## National Controls

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Since 2001 more than 50 countries have initiated legislative reforms to strengthen gun laws while 2 have relaxed them...

- Stronger laws have been passed in Afghanistan, Pakistan, Jordan, Bangladesh, the Philippines, Uganda, Zimbabwe, Angola, Lebanon, Palestine, Yemen, Sri Lanka, Somalia, Montenegro, Ireland, France, Germany, Australia, Great Britain, Brazil.....
- Others – Kenya, Papua New Guinea, and El Salvador are undertaking reviews
- Many – South Africa, Canada have made significant progress with implementation with encouraging results

## THE WAY FORWARD: The glass is half full

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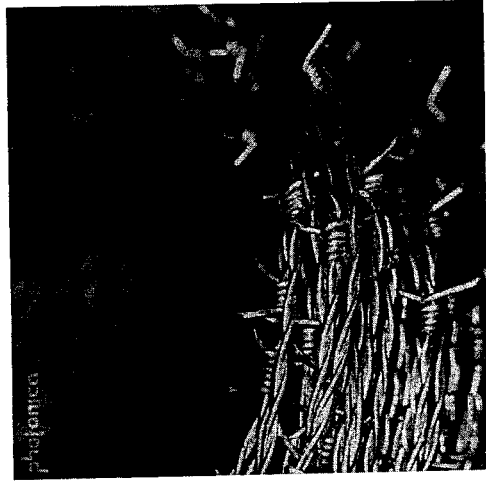
- Programme of Action is an important step
- Progress at regional level and outside UN processes on brokering and civilian possession
- Emerging norms reinforce the need for adequate regulation of sale and possession of civilian small arms
- Most countries prohibit civilian possession of military assault weapons (definitions vary)
- Increasing focus on accountability and cooperation is essential

# Next Steps: Major Initiatives and Challenges

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## Initiatives

- Control Arms campaign
- Global Week of Action
- Red Book Volumes



## Challenges

- 639 million guns in circulation causing hundreds of thousands of deaths yearly
- Lack of government / media awareness
- Well-financed opposition