

**Small Arms Working Group of the Canadian Peacebuilding
Coordinating Committee**

SMALL ARMS AND LIGHT WEAPONS POLICY BRIEF

July 2003

The human security approach

Small arms and light weapons (small arms) issues are a key item on the human security agenda. Each year, half a million people around the world are killed by small arms in wars, insurgencies and criminal violence. The sheer scale of this humanitarian tragedy demands sustained and enhanced action by governments.

The small arms problem requires urgent action. Not only must governments control the proliferation of small arms, but they also must address the problems caused by the weapons already in circulation. Preventive measures, such as restraining the legal and illegal circulation of existing weapons, and pro-active micro-disarmament measures, such as the collection and destruction of weapons, have to be pursued simultaneously. Small arms use and abuse cannot be separated from debilitating social and political conditions, which means that fundamental development and social transformation should be at the core of small arms control efforts. The extent of the humanitarian impact of SALW demands sustained and enhanced government attention as well as enhanced cooperation between relevant government departments and civil society. The human security approach to the small arms problem recognizes that a much wider range of actors contribute to security.

The misuse of these weapons as a result of inadequate regulation and enforcement negatively affects the health of individuals and the safety of communities. This, in turn, inhibits development by discouraging investment and employment opportunities, perpetuating poverty and political instability. Ultimately these conditions can create desperation, and where access to small arms is poorly controlled, can facilitate recourse to criminal, domestic and anti-state violence.

Small arms do more than just maim and kill. Their ready availability permeates fear through a society and can create a culture of violence that may last for generations. The insecurity that small arms can breed negatively affects peoples' access to food, water and shelter, and limits mobility. The proliferation of small arms also threatens foreign investment, compromising economic development. Hard-won economic gains, are undermined by armed conflict in many developing nations. Humanitarian agencies withdraw from countries and communities most in need because of the risks posed by rampant small arms use. The UN High Commissioner for Refugees has recognised that armed conflict is now the leading cause of refugee flows, with an estimated 35 million refugees and displaced people in the world today.

Adopting initiatives that address both the ready supply of weapons and the factors that create a demand for them, including underdevelopment, social violence, human rights abuses, fear and insecurity, are crucial.

Yet despite these horrific consequences, some governments continue to resist the adequate regulation of state and privately owned firearms. The results of states' continuing resistance to adequately regulate both state and civilian held small arms and the costs of continued small arms proliferation are devastating. While any remedy to these problems must be context specific, establishing minimum standards of control over both state and civilian holdings is a critical first step.

Preventive measures, such as restraining the legal and illegal circulation of existing weapons, and pro-active micro-disarmament measures, such as the collection and destruction of weapons, have to be pursued simultaneously. Practical human security policies must focus on improved regulation of civilian possession, regulation on the transfer [export] of small arms to human rights abusers and states' in violation of humanitarian law and arms embargoes (the Arms Trade Treaty), stricter regulations on arms brokers, and effective 'universal' mechanisms for marking and tracing.

What can Canada do?

Canada should re-commit to the Programme of Action and focus attention on the humanitarian consequences of small arms proliferation and misuse.

Canada's commitment to the UN Programme of Action must not be compromised. Canada should also strengthen its support of international efforts to implement the Program of Action through cooperation with civil society, provide sustained funding for SALW projects, and encourage the promotion of efforts to deal with the humanitarian consequences of small arms.

Canada should work with like-minded states to ensure that a people-centred approach to small arms [is] at the centre of a strengthened Programme of Action adopted by the follow-up UN conference in 2006. This would be in keeping with Canada's own stated policy on SALW, which seeks to address the problem from three perspectives: arms control, crime control, and human security.

Canada should continue to engage the Human Security Network of states, a group begun by Canada in cooperation with Norway, in exploring the humanitarian impact of small arms, and in seeking ways of mitigating this impact. Civil society should be engaged in this process, particularly in discussions about practical solutions to the problem of small arms, with the recognition that NGOs have their own partners and networks to bring into play.

Particular attention should be paid to the gender dimensions of the small arms problem. The Program of Action explicitly recognizes the negative impact – physical, economic, and psychological – on women and children of the misuse of small arms. Canada could provide leadership in research and programming designed to highlight the important gender dimension of the SALW problem.

The Resolution of the 1997 UN Crime Commission requested that the Secretary-General promote, within existing resources, “technical co-operation projects that recognizes the relevance of small arm regulation in addressing violence against women, in promoting justice for victims of crime and in addressing the problem of children and youth as victims and perpetrators of crime and in re-establishing or strengthening the rule of law in post-conflict peace-keeping projects”. As a signatory to the Resolution, Canada should explore, with like-minded states, ways to make these issues more prominent in international fora.

Canada should ratify, without further delay, international arms control agreements

Although the UN Program of Action is the primary framework for multilateral efforts to respond to small arms problems, Canada should speed up efforts to ratify two other key international arms control agreements, the OAS *Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials*, signed by Canada in 1997, is evidence of the hemispheric consensus among members of the Organization of American States on the need to tackle illicit small arms activity, and the *UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition* (Firearms Protocol) aims to improve global cooperation in dealing with the illegal manufacturing of and trade in firearms, and was adopted May 31, 2001 by the UN General Assembly.

Both of these instruments are legally binding on States Parties and aim to strengthen states' cooperation to 'prevent, combat and eradicate' the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. By ratifying these agreements, Canada would advance important multilateral norms on small arms control that complement those sought by the Programme of Action.

Countries signing the OAS Protocol (Canada signed in March 2002) must pass legislation criminalizing any illicit manufacturing and trafficking of firearms, establish an effective export control system, and share information as well as technical experience and training with each other to enable cooperation in preventing illegal shipments of firearms. States-parties also are required to keep records for at least 10 years on their marking and transfer activities so that it will be possible to trace the movement of firearms across borders.

Several of the provisions in the Firearms Protocol, including improving the tracking of small arms through effective marking systems, regulating the activities of arms brokers, and building international norms on the responsible disposal of surplus small arms, are the same as elements of the UN Program of Action. Canada has supported studies of an international system of marking and of brokering controls. By ratifying the Firearms Protocol, Canada would advance important multilateral norms on small arms control.

The *Convention* contains measures to improve national firearms controls and to facilitate cooperation among OAS countries regarding illicit transnational trafficking of firearms, their parts and components, ammunition, and explosives. Canada, as well as some other member states, has been slow to ratify the OAS treaty. Canada should provide regional leadership by moving quickly to ratify the convention. Where necessary, Canada should also commit resources to enable other member states to implement and adhere to the treaty.

Canada should actively promote the development of an international "Arms Trade Treaty."

State authorized or legally traded small arms can and are diverted to illicit markets. Irresponsible arms transfers can fuel conflict, and violent crimes, which contribute to the human toll of these

weapons. The fact that over one million people have lost their lives through small arms since July 2001, when the Programme of Action was agreed to, points to the need for countries to strengthen export controls.

The Programme of Action includes references to enforcement of strict export controls, which are consistent with the existing responsibilities of States under relevant international law. Canada should back efforts for a system of export controls that takes into account the need for States to comply with existing international human rights and humanitarian laws.

The Arms Trade Treaty, promoted by an international group of NGOs, seeks to codify existing state obligations under international law with respect to arms transfers, and introduces additional criteria for restricting international arms transfers to states in breach of these laws. It is a “framework” treaty to allow for the addition of protocols to deal with specific concerns such as arms brokers.

Apart from some additional emphasis on guidelines on transfers to states in conflict, the only real change to Canadian military export regulations since 1986 has been to relax restrictions to permit the export of automatic weapons. In general policy terms, Canada has expressed agreement in principle with the 1998 European Union Code of Conduct on Arms Transfers, but it has not implemented any operational changes related to the Code. It is past time for a thorough review of Canada’s participation in the international arms trade in favour of much tighter restrictions on Canadian exports and to encourage much stricter international standards of arms transfers. As well, given that Canada already endorses the international laws - Geneva Conventions and UN Charter – on which the Arms Transfer Treaty is based, support for early negotiations on such a treaty would further strengthen Canada’s commitment to upholding these laws and values.

The Canadian government should introduce legislation to regulate and inhibit access to illicit small arms through legislation on regulating arms brokers.

Many reports and studies by academic experts, non-governmental organizations and humanitarian agencies, have demonstrated the urgent need for more effective regulation of arms brokering; that is, those activities by individuals and companies designed to facilitate an arms deal, such as arranging financing or transport or bringing the buyer and seller together. Canada demonstrated considerable leadership in promoting common approaches among states to brokering regulation through its Chairing of the UN Expert Group charged with producing a background study for the 2001 Conference on better regulation of the legal trade in small arms, including arms brokering

The resulting UN Programme of Action, while falling short of agreement on an international instrument to address this urgent problem, nonetheless includes a specific, unqualified undertaking by states to develop adequate national legislation or administrative procedures to regulate brokering¹.

¹ In paragraph 14 of Section II of the UN Programme of Action, States undertake: “[t]o 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 appropriate penalties for all illicit brokering activities performed within the State’s jurisdiction and control.”

Canada has followed up on implementation of the Programme of Action through its very active programme of regional seminars and workshops to foster discussion among states on how to harmonize diverse national approaches to arms brokering. However, states continue to debate what a common approach should look like. More specifically, the debate centres around whether or not a common approach is a necessary pre-condition for effective national regulation, while others maintain that harmonization can only be developed on the basis of sufficient national regulatory experience.

As a means to break this deadlock, Canada should enact its own legislation on arms brokering. Taking this initial concrete step would not only provide regulation of the activities of Canadian arms brokers but would also demonstrate to other nations Canadian leadership in this neglected area of conventional arms control. It would also enable Canada to continue to actively promote, among likeminded states, such as the Netherlands and Norway, the development of a model brokering regulation.

As part of its overall commitment to, and leadership on, effective implementation of the UN Programme of Action, we urge Canada to take decisive steps to close the arms brokering regulatory loophole.

Canada should support sustained funding for regional arms control mechanisms.

At the regional level, Canada should continue to support states' regional programs and initiatives, such as the 'Nairobi Declaration' in the Horn of Africa and Great Lakes regions, and ECOWAS in West Africa.

Public awareness raising projects have served to increase awareness – both civil society and governments - in these regions increasing the impetus by both parties to see full implementation of these agreements. Expanding from the notion of military and police forces as the security providers, the human security providers include the development community and civil society (meaning the engaged elements of society, especially non-governmental organizations providing humanitarian aid). These organizations help furnish the basis not only for development but also for disarmament. Civil society often assists in the movement towards better gun controls and can actually lead in the implementation of disarmament measures (as has been seen in "goods for guns" programs in Central America, Eastern Europe and Africa sponsored by local groups). Civil society can also play a vital role in promoting adherence to national legislation (for example, through support of community policing) and in the verification of international treaties (as in the case of the civil society evaluation and promotion of state compliance with the anti-personnel mines convention).

Capacity-building initiatives for civil society organizations in these regions could assist national government agencies to implement these agreements, as has been the case with the Nairobi Declaration. These efforts go hand in hand with work at building trust at the community level, which in turn reduces the demand for arms. Capacity-building measures are needed to address the gap between the formal, multilateral process of identifying action priorities and domestic capacity to carry out such actions

Canada should explore whether the political will exists and means are available for implementing a global ban on the civilian possession of automatic weapons.

Controls on the possession, use and storage of small arms within states, including strong domestic firearms regulations and a ban on civilian possession of military weapons, are essential in a human security approach to the problem of small arms.

Both the Report of the Group of Governmental Experts on Small Arms (UNGA, 1999, para. 120), and the debate at the UN Small Arms Conference, highlighted the norm that “states should take steps to prohibit civilian possession of military style weapons, including assault rifles and machine guns.” Canada should reinvigorate this debate within the appropriate fora, with a view to increasing political support from like-minded states for this initiative.

From a human security perspective an examination of communities experiencing high rates of small arms related violence shows us that in many cases the conceptual dichotomies we have created between ‘conflict’ and ‘peacetime’ as well as ‘civilian’ and ‘military’ weapons are meaningless when we look at human effects.

As the Small Arms Survey has noted, most small arms worldwide are in the hands of civilians not states. While civilian possession of fully automatic military weapons are undeniably a problem, inadequate regulation of civilian possession and use of handguns and non-military long arms is responsible for more civilian deaths and injuries with women and children suffering the greatest impact of their use. Domestic regulation should play an important role in any international strategy to diminish illicit trafficking in small arms. The L4 version of the draft UN Programme of Action, at the 2001 Conference supported recommendations related to the regulation of civilian possession and use of small arms, and asked states, “*To seriously consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes....and 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.*” This is a position still shared not only by many NGOs, including the International Action Network on Small Arms (IANSA), but also by the governments of many affected and likeminded states.

We commend Canada’s domestic firearms program, which represents a positive contribution to the development of international norms around licensing, registration, use, storage and penalties for misuse. Despite the challenges of implementation, Canadian expertise in this area has been recognized globally. Canada should continue to take a principled position on this issue.

Canada should seek to increase cooperation between governmental departments

At the national level, we commend Canada for its willingness to remain engaged with civil society and its efforts through the National Committee on Small arms to build greater cooperation among government departments on issues related to small arms. A coherent, collaborative approach through inter-departmental coordination among DFAIT, Department of National Defence (DND), the RCMP, and especially Canadian International Development Agency (CIDA) would be more effective.

Peacebuilding projects must take into account the long-term effects of small arms in a community. Long after armed conflict ends, these weapons continue to kill vulnerable people. The International Committee of the Red Cross (ICRC) estimates that, 18 months after the formal end of hostilities, weapons-related casualties remain at 60-80 per cent of the previous rate. Unless peace agreements include strong disarmament and destruction measures, the weapons remain available to promote criminal, communal and family violence. A commitment to seeking to see that civil society – including women’s groups - is more engaged in peace processes and in particular those agreements that deal with security concerns would go a long way to seeing the peace sustained.

The Canadian government’s National Point of Contact and National Committee should continue and allow for strengthened government-civil society policy dialogue, and joint programming with civil society on small arms issues.

Since many aspects of the small arms crisis need to be addressed at the community level, the involvement of civil society on small arm issues is imperative. Civil society and government should engage in regular policy dialogue with the Canadian government to share information, analysis, and recommendations. Efforts should be focused on biennial review meetings of the UN Program of Action with the aim of program implementation by 2006. In building government small arms programs, the expertise of Canadian NGOs and their overseas partners should be more actively sought, particularly in relation to the Human Security and Peacebuilding funding programs.

The Small Arms Working Group of the Canadian Peacebuilding Coordinating Committee is committed to promoting and supporting the efforts of Canadian civil society organisations working on small arms and have been encouraged by the government’s transparency and information sharing with this network. We would encourage the government to continue to seek out opportunities for these activities in the future. Government civil society dialogue needs to be supported and civil society input into Canada’s National Action Plan on small arms should also be encouraged.