

## 6: The time for action is now

All governments must take responsible and concerted action to control the proliferation, possession, and misuse of arms, in line with international law. The irresponsible use and transfer of arms is neither inevitable nor in the interests of states. The lack of national and international controls on arms has led to a catastrophic proliferation of supply, which in turn is fuelling conflict, state repression, and crime, undermining development and conflict-resolution efforts, and increasing the lethality of disputes. These impacts are engendering poverty and suffering, and they cannot be allowed to continue. Something must change.

Governments have the authority and obligation both to ensure the security and rights of their citizens and to manage arms transfers so that the rights of people in other countries are not abused. Therefore it is primarily their responsibility to solve this problem. This must be done in close collaboration with civil society – in developing strategy, implementing programmes, and sharing information – and, where necessary, in collaboration with donors and external providers of expertise.

Not only would such action save lives and improve the conditions of daily existence for millions, it would also demonstrate that nations retain faith in the ability of multilateral bodies to act vigorously in the interests of ordinary people, particularly the poorest men, women, and children around the world.

### International action

At the international level, governments should:

1. **Adopt the Arms Trade Treaty** by the time of the 2006 UN review conference on small arms. Progressive governments must champion the Arms Trade Treaty in international and regional forums and lobby other governments, pressing for action outside the UN process if necessary. Once in force, this new legally binding treaty will ensure that all states are working to the same standard, to prevent the irresponsible transfer of arms where they would contribute to violations of international human rights and humanitarian law.
2. **Create new international instruments to prevent irresponsible arms brokering, transporting and financing, and foreign licensed production**, using the Arms Trade Treaty criteria to define and prevent irresponsible transfers.
3. **Provide more funding for practical assistance** for arms-affected communities – particularly from donor agencies in arms-producing countries.

## Regional action

At the regional level, neighbouring governments must work together to:

1. **Create or strengthen regional arms controls**, based upon international human rights and humanitarian law, building on – as well as inspiring – work at the national level. Such controls should both address the flow of arms, instituting effective measures to limit supply and reduce demand for weapons, and also reduce the widespread availability of arms, striving to improve community safety. Regional collaboration provides opportunities for sharing information and best practice, as well as building consensus on regional policies and programmes.

## National action

At the national level, every government must act responsibly to prevent the misuse of arms:

1. Ensure the **responsible use of arms by its security forces**, based firmly on existing international human rights standards and principles of humanitarian law, requiring a minimum level of training, discipline, and control. All states should abide by the UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials, the UN Code of Conduct for Law Enforcement Officials, the Geneva Conventions and other relevant international standards, incorporating their provisions into domestic law in every country.
2. **Take swift action, when conflict has ended**, to work with international bodies to implement high-quality disarmament, demobilisation, and reintegration programmes.
3. **Establish independent mechanisms to bring to justice**, without delay, those who perpetrate serious violations of international human rights or humanitarian law, ensuring that such violations are adequately punished and other steps are taken to end impunity.
4. **Enforce existing legislation or create new legislation** to control the import, export, transit, production, management, and use of all arms. The standards outlined in the Arms Trade Treaty should be used when taking decisions on national arms exports, ensuring that human rights, international humanitarian law, and sustainable development do not suffer under commercial pressure.
5. **Ensure transparency and oversight** by providing regular and meaningful information to the public about the production, possession, and transfer of arms. These reports should be subject to regular review by legislatures and parliaments.

6. **With civil society, develop and implement an action plan for the strict control of all arms.** A first step is to undertake a broad review to assess problems of protection, arms availability, and misuse of weapons; then to develop solutions and implement an effective action plan. Each stage must involve close collaboration with civil society.

## Local action

Community safety must be improved by the following means:

1. Rebuild confidence in the possibility of non-armed security, by
  - ▶ **reducing the quantity of surplus and illegal arms in circulation** – through the establishment of gun-free zones, removal of illegal arms which could contribute to violations of international human rights and humanitarian law, and destruction of surplus weapons;
  - ▶ **building relationships and trust** between opposing communities and between communities and police; such work should be based on international human rights and humanitarian standards;
  - ▶ **delivering civic education about community safety** to counter cultures of violence, including the destructive link between arms and conventional notions of masculinity;
  - ▶ **introducing and using tools for peaceful conflict resolution.**
2. **Providing assistance** to victims of armed violence.
3. **Developing sustainable livelihoods as an alternative** for those who might be dependent upon armed violence for their living.

To date, there has been a tragic lack of urgency on the part of most governments around the world to address the problem of the proliferation of arms. Words are plentiful, real progress is slight. The time to act is now.

Civil society and governments need to work proactively and effectively together to address the problem of arms at each level – stemming the source of the supply, and addressing the reasons why people possess arms in insecure environments.

Oxfam, Amnesty International, and IANSA (the International Action Network on Small Arms, which represents more than 500 non-government organisations around the world) are campaigning for a safer future for us all, through strong action to turn the tide of weapons abuse. Certain key governments have already expressed their support for this work, and we appeal to others to join our efforts.

## Appendix 1 – The legal basis for work on the regulation of armaments

The UN Charter contains two very important articles relating to arms:

- ▶ Article 26: 'In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.'
- ▶ Article 51: 'Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security...'

**International human rights law** seeks to protect individual rights and freedoms. The Universal Declaration of Human Rights contains a number of articles which are directly relevant for limiting the use of arms and which are now generally regarded as binding in customary international law.<sup>321</sup>

The key principles are: 'Everyone has the right to life, liberty and security of person', and 'No one shall be subjected to torture or to cruel, inhuman, degrading treatment or punishment'. Even where people are not killed or wounded directly by gunshot, the presence of an armed threat by agents of the state can facilitate other forms of violence, amounting to grave violations of human rights.

There are numerous international human rights treaties that create binding legal obligations on states party to them. One of the most important treaties ratified by about two thirds of all states, the International Covenant on Civil and Political Rights, states that 'No one shall be arbitrarily deprived of his life'. Governments must ensure that all agents of the state respect the right to life, and punish those who do not, but also act to ensure that the right is protected against threats by other actors, including private individuals. They must exercise due diligence to prevent acts of violence, including through effective policing. Certain rights can be waived in times of public emergency, but the right not to be arbitrarily deprived of life is 'non-derogable': states are bound to respect it fully in all circumstances.<sup>322</sup>

In addition to treaties, international human rights law includes many 'soft law' standards that states should follow. The UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials clearly state that firearms must be used only in certain limited circumstances, and only when less extreme means are insufficient. Most importantly, Basic Principle 9 states: 'In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.'<sup>323</sup>

**International humanitarian law (IHL)** seeks to limit and prevent human suffering in times of armed conflict. Even wars have rules. It applies to all parties to conflicts, including in civil wars to armed groups operating outside of state control. IHL attempts to place limits on the discretion of parties to choose methods of warfare, and aims to balance military necessity with humanitarian principles. International humanitarian law prohibits deliberate attacks on anyone who is not taking an active part in the armed conflict, whether civilian, prisoner, or wounded combatant, and prohibits indiscriminate or disproportionate attacks. Although the precise articles of the Geneva Conventions that apply

depend on whether or not the conflict is international, the key principles are generally applicable in all types of armed conflict: a distinction must be made between combatants and non-combatants; the use of force must always be proportional to the intended military advantage; and taking adequate precaution to minimise incidental damage to civilians and civilian property and non-combatants is essential, before and during any military attack.<sup>324</sup>

The Rome Statute of the International Criminal Court restates customary international human rights norms, prohibiting crimes against humanity in peace time or war time (Art. 7), in addition to war crimes in both international and internal conflicts (Art. 8).

## Selected sources of international human rights and humanitarian law that limit the transfer and misuse of small arms and light weapons

Situation	Examples of violations	Applicable law
1. Misuse of small arms by agents of the state	<ul style="list-style-type: none"> <li>Genocide</li> <li>Intentional killings by security forces</li> <li>Excessive force by law enforcement</li> <li>Disproportionately violent government reaction to disturbances</li> <li>Systematic rape</li> <li>Torture</li> <li>Forced displacement</li> <li>Deprivation of basic human needs</li> </ul>	<ul style="list-style-type: none"> <li>Universal Declaration of Human Rights, Art. 3</li> <li>International Covenant on Civil and Political Rights (ICCPR), Art. 4 (2)</li> <li>ICCPR, Art. 6</li> <li>Convention on the Prevention and Punishment of the Crime of Genocide ('Genocide Convention')</li> <li>Code of Conduct for Law Enforcement Officials, Art. 3</li> <li>Basic Principles on the Use of Force and Firearms by Law Enforcement Officials</li> </ul>
2. Misuse of small arms by private persons when the state fails to exercise due diligence	<ul style="list-style-type: none"> <li>Ethnic, religious, political killings or massacres</li> <li>Failure to prevent criminal homicide</li> <li>Failure to prevent domestic violence</li> <li>Failure to prevent crimes committed post-conflict by individual owners of small arms</li> </ul>	<ul style="list-style-type: none"> <li>Universal Declaration of Human Rights, Art. 3</li> <li>ICCPR, Art. 6</li> <li>'Due diligence' standard, Inter-American Court of Human Rights, European Court of Human Rights</li> <li>Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Rights and Fundamental Freedoms, Art. 2 (1), Art. 2 (2)</li> </ul>
3. Misuse of small arms by state agents in armed conflict	<ul style="list-style-type: none"> <li>Genocide</li> <li>Extrajudicial executions or torture of non-combatants and prisoners of war</li> <li>Attacks on peacekeepers and humanitarian workers</li> <li>Collective punishments against civilian populations in situations of occupation</li> <li>Forcibly relocating civilian populations</li> <li>Using weapons that cause unnecessary suffering</li> <li>Summary executions of captured combatants</li> <li>Exploitation of children as soldiers</li> <li>Indiscriminate use of weapons</li> <li>Crimes against humanity, and war crimes</li> </ul>	<ul style="list-style-type: none"> <li>Treaty bans on specific weapons: St. Petersburg Declaration (1869) (exploding projectiles)</li> <li>The Hague Declaration (1899) (dum dum bullets)</li> <li>Geneva Conventions of 1949, Common Article 3</li> <li>Additional Protocol II to the Geneva Conventions, and relating to the Protection of Victims of Non-International Armed Conflicts</li> <li>Genocide Convention</li> <li>Rome Statute of the International Criminal Court</li> <li>ICCPR, Art. 6, Art. 7</li> <li>Convention on the Rights of the Child, Art. 38</li> <li>Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict</li> </ul>
4. Misuse of small arms by opposition groups in armed conflict	<ul style="list-style-type: none"> <li>Genocide</li> <li>Mass killings</li> <li>Systematic rape</li> <li>Attacks on civilians, peacekeepers and humanitarian workers</li> <li>Exploitation of children as soldiers</li> <li>Forced displacement of populations</li> <li>Hostage-taking</li> </ul>	<ul style="list-style-type: none"> <li>Geneva Conventions of 1949, Common Article 3</li> <li>Additional Protocol II to the Geneva Conventions, and relating to the Protection of Victims of Non-International Armed Conflicts</li> <li>Genocide Convention</li> <li>Rome Statute of the International Criminal Court</li> </ul>
5. Arms transfer with knowledge that arms are likely to be used to commit serious violations of international human rights and humanitarian law	<ul style="list-style-type: none"> <li>Violation of UN Security Council arms embargoes</li> <li>Transfer to insurgent group in another state</li> <li>Transfer to a state identified as having a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms</li> <li>Transfer to a state that uses child soldiers</li> <li>Transfer to a state unable to control post-conflict violence</li> <li>Transfer to a state known to violate international humanitarian law norms in situations of armed conflict</li> </ul>	<ul style="list-style-type: none"> <li>UN Charter, Chapter VII (arms embargoes)</li> <li>Geneva Conventions of 1949, Common Article 1</li> <li>UN Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and Protection of Their Independence and Sovereignty</li> <li>Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations</li> <li>International Law Commission, Draft articles on Responsibility of States for Internationally Wrongful Acts</li> </ul>

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# Notes

- <sup>1</sup> This report adopts the definition of small arms and light weapons used in the 1997 report of the UN Panel of Governmental Experts on Small Arms (A/52/298, annex).
- <sup>2</sup> International Committee of the Red Cross, *Arms Availability and the Situation of Civilians in Armed Conflict* (ICRC Arms Availability Report), Geneva, 1999, p.13
- <sup>3</sup> 'Going to the Source of the Illness', Dr Olive Kobusingye, presentation at 'Small Arms and the Humanitarian Community: Developing A Strategy for Action', Nairobi, Kenya, 18-20 November 2001.
- <sup>4</sup> Agreed to by the world's governments at a summit in 2000, the Millennium Development Goals commit governments to a set of clear targets aiming at a reduction in poverty and improvement in living standards for the world's poor.
- <sup>5</sup> US\$87bn was spent by these regions over the last four years for which data are available. 'International Finance Facility' proposal, January 2003, HM Treasury, available from [www.hm-treasury.gov.uk/documents/international\\_issues/global\\_new\\_deal/int\\_gnd\\_iff2003.cfm](http://www.hm-treasury.gov.uk/documents/international_issues/global_new_deal/int_gnd_iff2003.cfm)
- <sup>6</sup> *We the Peoples: the role of the UN in the 21st Century*, page 52, Millennium Report to the United Nations General Assembly.
- <sup>7</sup> Speech to Afghan people via Afghan radio, reported by the BBC, 9 January 2002 [http://news.bbc.co.uk/1/hi/world/monitoring/media\\_reports/1752038.stm](http://news.bbc.co.uk/1/hi/world/monitoring/media_reports/1752038.stm)
- <sup>8</sup> SIPRI Yearbook 2002: *Arms, Disarmament and International Security*, Stockholm International Peace Research Institute, Oxford University Press, 2002.
- <sup>9</sup> *Cost of the War – Economic, Social and Human Cost of the War in Sri Lanka*, January 2001, National Peace Council of Sri Lanka.
- <sup>10</sup> *Terror Trade Times*, issue no. 3 (AI Index: ACT 31/001/2002), Amnesty International.
- <sup>11</sup> *Hidden Scandal, Secret Shame – the Torture and Ill-treatment of Children* (AI Index: ACT 76/005/2000), Amnesty International.
- <sup>12</sup> Reports received by Amnesty International from 1995 onwards. Arms supplies to the DRC have also been linked to the exploitation of natural resources – see the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, 16 October 2002 (S/2002/1146).
- <sup>13</sup> Amnesty International mission to Kisangani, November 2001.
- <sup>14</sup> *Atti Parlamentari, Doc CVIII, Roma, Camera dei Deputati - Senato della Repubblica anni 1991-2001*, [www.irestoscana.it](http://www.irestoscana.it).
- <sup>15</sup> 'Rival Afghan commanders talk disarmament in restive north', Chris Otton, AFP, 20 July 2002 – from [www.reliefweb.int](http://www.reliefweb.int).
- <sup>16</sup> 'The global menace of local strife', *The Economist*, 24 May 2003.
- <sup>17</sup> *Ending Violence Against Women: A Challenge for Development and Humanitarian Work*, Francine Pickup with Suzanne Williams and Caroline Sweetman, Oxford, Oxfam GB, 2001.
- <sup>18</sup> *Development Held Hostage: Assessing the effects of small arms on human development*, Robert Muggah, Peter Batchelor, April 2002, UN Development Programme (UNDP).
- <sup>19</sup> *Violence and Crime in Cross-national Perspective 1900-1974*, Dane Archer, Rosemary Gartner, Ann Arbor, USA, 1994.
- <sup>20</sup> *Stray Bullets: the Impact of Small Arms Misuse in Central America*, op. cit., p. 22.
- <sup>21</sup> Information provided by the Guatemalan National Civil Police.
- <sup>22</sup> *ICRC Arms Availability Report*, op.cit.
- <sup>23</sup> Oxfam, February 2001.
- <sup>24</sup> *Small Arms Survey 2002*, op. cit., p. 99.
- <sup>25</sup> Amnesty International, *The Wire*, March 2003 Vol 33 No 02 (AI Index: NWS 21/002/2003) and Amnesty International unpublished research information, February 2003; 'New World for Police Chief', Alex Spillius, 13 July 2003, [www.smh.com.au](http://www.smh.com.au)
- <sup>26</sup> *Small Arms in the Pacific*, Philip Alpers and Conor Twyford, March 2003, Small Arms Survey Occasional Paper No 8.
- <sup>27</sup> Viva Rio, Brazil.
- <sup>28</sup> SIM/DATASUS, IBGE, published in *The Map of Violence, III*, Jacobo Waiselfisz, UNESCO, Instituto Ayrton Senna, Ministerio da Justiça/SEDH. Brasília, 2002.
- <sup>29</sup> Data supplied by Viva Rio/ISER from work with the Rio de Janeiro authorities.
- <sup>30</sup> Oxfam, April 97
- <sup>31</sup> *Small Arms Survey 2002: Counting the Human Cost*, a project of the Graduate Institute of International Studies Geneva, Oxford University Press, 2002, pp. 63, 70, 82. 'Colombian rebels trade drugs for arms', *Financial Times*, Andrew Bounds and James Wilson, 8 May 2002.
- <sup>32</sup> Amnesty International unpublished research paper.
- <sup>33</sup> Oxfam, March 2000.
- <sup>34</sup> *Angola's War Economy*, Institute for Security Studies, South Africa, 2000.
- <sup>35</sup> Oxfam 2001; 'The Dunblane father who simply wants to stop the senseless killing in Africa', Anna Pukas, *Daily Express*, 21 March 2001.
- <sup>36</sup> *Breaking God's commands: the destruction of childhood by the Lord's Resistance Army* (AI Index: AFR 59/001/1997).
- <sup>37</sup> In a fairly typical case, at the port of Trieste Italian police confiscated 40 Austrian-made rifles which had been sold by a Swiss arms dealer to four Yugoslav nationals resident in Switzerland. See *Die Presse*, 20 May 1999, p. 4.
- <sup>38</sup> Dimevski, Sasko 'Macedonia – an illegal UCK arms depot?', *Škopje Učinski Vestnik*, 13 September 1999, p. 5.
- <sup>39</sup> 'Israel and the Occupied Territories: Surviving under siege: The impact of movement restrictions on the right to work' September 2003, Amnesty International, AI Index MDE 15/001/203.
- <sup>40</sup> 'Israel's history of bomb blasts', BBC website, 11 June, 2003, [http://news.bbc.co.uk/1/hi/world/middle\\_east/1197051.stm](http://news.bbc.co.uk/1/hi/world/middle_east/1197051.stm)

- <sup>41</sup> *Terror Trade Times*, Amnesty International, June 2001.
- <sup>42</sup> US Customs statistics on arms exports, 1995-1999.
- <sup>43</sup> Oxfam interview, February 2003.
- <sup>44</sup> 'Justice and force in postwar Iraq', Simon Apiku, *World Press Review*, 16 June 2003, [www.worldpress.org/Mideast/1200.cfm](http://www.worldpress.org/Mideast/1200.cfm).
- <sup>45</sup> *Explosive Remnants of War – unexploded ordnance and post conflict communities*, Landmine Action, April 2002.
- <sup>46</sup> Heidelberg Institute for International Conflict Research (HIIC), 2002, *Conflict Barometer 2002*, [www.hiik.de/en/main.htm](http://www.hiik.de/en/main.htm)
- <sup>47</sup> For a summary of these rules, see Amnesty International's 10 Basic Human Rights Standards for Law Enforcement Officials (AI Index: POL 30/004/1998).
- <sup>48</sup> 'Policing to protect human rights – A survey of police practice in the countries of the Southern African Development Community 1997-2002', Amnesty International (AI Index: AFR 03/004/2002).
- <sup>49</sup> *Terror Trade Times*, issue no. 4, Amnesty International, May 2003.
- <sup>50</sup> 'Diagnóstico sobre la situación actual de las armas ligeras y violencia en Guatemala', Mario Rodríguez, 2000.
- <sup>51</sup> *Stray Bullets: the Impact of Small Arms Misuse in Central America*, William Godnick, Robert Muggah, Camilla Waszink, October 2002; Small Arms Survey, occasional paper no. 5, p. 15.
- <sup>52</sup> *Small Arms Survey 2001: Profiling the Problem*, a project of the Graduate Institute of International Studies Geneva, Oxford University Press, 2001, pp. 17, 62.
- <sup>53</sup> *Reconsidering the Tools of War: Small Arms and Humanitarian Action*, Robert Muggah, Martin Griffiths, Humanitarian Practice Network Paper 39, July 2002.
- <sup>54</sup> *Small Arms Survey 2002*, op. cit., p. 79.
- <sup>55</sup> *Ibid.*, p. 14.
- <sup>56</sup> Kalashnikov: 'I wish I'd made a lawnmower', *Guardian* (UK), 30 July 2002. [www.guardian.co.uk/international/story/0,3604,765355,00.html](http://www.guardian.co.uk/international/story/0,3604,765355,00.html).
- <sup>57</sup> *Small Arms Survey 2001* op. cit., p. 102, plus current population figures.
- <sup>58</sup> 'Annan keeps pressure on US for Liberia role', David Clarke, Reuters, 30 June 2003, [http://story.news.yahoo.com/news?tmpl=story&cid=578&cid=578&e=9&u=/nm/20030630/ts\\_nm/liberia\\_dc](http://story.news.yahoo.com/news?tmpl=story&cid=578&cid=578&e=9&u=/nm/20030630/ts_nm/liberia_dc).
- <sup>59</sup> *Small Arms Survey 2001*, op. cit., p. 208.
- <sup>60</sup> Dr. Joseph P. Smaldone, *Arms and Conflict in Africa: Links and Levers*, 2001; also Cassidy Craft, *Weapons for Peace, Weapons for War: The effect of arms transfers on War Outbreak, Involvement and Outcomes*, 1999.
- <sup>61</sup> Rwanda: Arming the Perpetrators of the Genocide (AI Index: AFR 02/014/1995), Amnesty International; Rwanda/Zaire: Reaming with Impunity: International Support for the Perpetrators of the Rwandan Genocide, Human Rights Watch, May 1995; Arming Rwanda: The Arms Trade and Human Rights Abuses in the Rwandan War, Human Rights Watch Short Report, vol. 6, no. 1, January 1994. A detailed review of the evidence is contained in *The Arms Fixers*, Chapter 3, Brian Wood and Johan Peleman (NISAT, 1999), including papers from the archive of the former Rwanda Ministry of Defence found in eastern Zaire in November 1996; the six reports published by the UN International Commission of Inquiry established pursuant to Resolution 1013 (1995) of the UN Security Council, to 'investigate, inter alia, reports relating to the sale or supply of arms and related materiel to former Rwandan government forces in the Great Lakes region in violation of Council Resolution 918, 997 and 1011'; and the Report of the French Parliamentary commission of inquiry into France's role before and during the Rwanda genocide, 15 December 1998.
- <sup>62</sup> Ed Cairns, Oxfam: internal document on conflict resolution.
- <sup>63</sup> *The Key to Peace: Unlocking the Human Potential of Sudan*, Interagency paper, Save the Children, Christian Aid, Oxfam, CARE, IRC, Tearfund, May 2002.
- <sup>64</sup> *A Catalogue of Failures: GB Arm Exports and Human Rights Violations* (AI Index: IOR 30/003/2003), Amnesty International
- <sup>65</sup> 'Hail of cluster bombs leaves a trail of death', Robert Fisk, *The Independent*, 3 April 2003.
- <sup>66</sup> *Small Arms Survey 2001*, op. cit. Also Wendy Cukier, 'Firearms regulation: Canada in the international context', *Chronic Diseases in Canada*, April 1998, [www.hc-sc.gc.ca/pphb-dgspsp/publicat/cdic-mcc/19-1/d\\_e.html](http://www.hc-sc.gc.ca/pphb-dgspsp/publicat/cdic-mcc/19-1/d_e.html). See also M Miller, D Azrael, and D. Hemenway, 'Rates of household firearm ownership and homicide across US regions and states, 1988-1997', *American Journal of Public Health*, 1 December 2002, Vol. 92, Issue 12.
- <sup>67</sup> Peter Cummings, Thomas D. Koepsell, 'Does owning a firearm increase or decrease the risk of death?', *Controversies*, 5 August 1998, JAMA; and Matthew Miller, David Hemenway, 'Firearm prevalence and the risk of suicide: a review', *Harvard Health Policy Review*, Vol. 2 No. 2, Fall 2001; and 'Rates of homicide, suicide, and firearm-related death among children – 26 industrialized countries', *MMWR (Morbidity and Mortality Weekly Report)*, Vol. 46, No. 5, 7 February 1997, pp. 101-5; and Matthew Miller, Deborah Azrael, David Hemenway, 'Firearm availability and unintentional firearm deaths, suicide, and homicide among 5-14 year olds', *The Journal of Trauma*, Vol. 52, No. 2, 2002.
- <sup>68</sup> *Brazil: Vote to Protect Human Rights in Brazil – Agassandro da Costa Pereira* (AI Index: AMR 19/019/2002), Amnesty International.
- <sup>69</sup> 'Forgotten victims; the full human cost of US air strikes will never be known, but many more died than those killed directly by bombs' Jonathan Steele, *Guardian*, 20 May 2002.
- <sup>70</sup> Robert Muggah and Peter Batchelor, *Development Held Hostage: Assessing the effects of small arms on human development*, UNDP, April 2002.
- <sup>71</sup> Magdalene Hsien Chen Pua (ed.), *The Devastating Impact of Small Arms and Light Weapons on the Lives of Women: a collection of testimonies*, IANSA, <http://peacewomen.org/campaigns/international/iansawomen/testimoniesiansa.pdf>; and *The Impact of Small Arms on Health, Human Rights and Development in Medellín: A Case Study*, Oxfam, January 2000.

- <sup>72</sup> Amnesty International memorandum to the UN Security Council: Appeal for a commission of inquiry to investigate reports of atrocities in eastern Zaire, 24 March 1997 (AI Index 62/011/1997).
- <sup>73</sup> 'Murdered with impunity, the street children who live and die like vermin', *Guardian Newspapers*, 28 May 2003, [www.buzzle.com/editorials/5-28-2003-40914.asp](http://www.buzzle.com/editorials/5-28-2003-40914.asp)
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- <sup>75</sup> Paul B Spiegel and Peter Salama, 'War and mortality in Kosovo, 1998-99: an epidemiological testimony', *Lancet* 2000, 355: 2204-9.
- <sup>76</sup> Michael Fleshman, *Small arms in Africa, Counting the cost of gun violence*, [www.un.org/ecosocdev/geninfo/afrec/vol15no4/154arms.htm](http://www.un.org/ecosocdev/geninfo/afrec/vol15no4/154arms.htm).
- <sup>77</sup> *Child Combatants in Organized Armed Violence: a study of children and adolescents involved in territorial drug faction disputes in Rio de Janeiro*, Luke Dowdney, ISER and Viva Rio, first edition for seminar, 9 September 2002.
- <sup>78</sup> *Ibid.*
- <sup>79</sup> *Burundi: Poverty, isolation and ill-treatment – Juvenile Justice in Burundi* (AI Index: AFR 16/011/2002), Amnesty International.
- <sup>80</sup> *Take a Step to Stamp Out Torture* (AI Index: ACT 40/013/2000), Amnesty International.
- <sup>81</sup> *Combating Torture: a manual for action* (AI Index: ACT 40/001/2003), Amnesty International.
- <sup>82</sup> Meredith Turshen, 'The political economy of rape', *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence*, Caroline O.N. Moser and Fiona C. Clark (eds.), London: Zed Books, 2001.
- <sup>83</sup> The incidence of rape in Rwanda has been reported much higher, but this is the figure supplied by WHO in 2000. 'The political economy of rape', op. cit. See also 'Croatia and Bosnia: the imprints of war – I. Consequences', op. cit.
- <sup>84</sup> *Soldiers score own goal in war on AIDS*, Africa Health, 14 November 2002
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- <sup>256</sup> These include the Wassenaar Arrangement, OSCE guidelines and the only controls on the proliferation of certain large conventional weapons (Conventional Armed Forces in Europe Treaty and Florence Agreement).
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- <sup>294</sup> Working paper submitted by Ms. Barbara Frey in accordance with Sub-Commission decision 2001/120, E/CN.4/Sub.2/2002/39, 30 May 2002.
- <sup>295</sup> The core principles were first drafted by a group of Nobel Peace Laureates, led by Oscar Arias, and with legal and technical support was developed into the Arms Trade Treaty (ATT). Peace Laureates backing the ATT: American Friends Service Committee, Amnesty International, Oscar Arias, Norman Borlaug, His Holiness the Dalai Lama, John Hume, International Physicians for the Prevention of Nuclear War, Mairead Maguire, Rigoberta Menchu, Adolfo Perez Esquivel, Jose Ramos Horta, Joseph Rotblat, Aung San Suu Kyi, the Reverend Desmond Tutu, Lech Walesa, Elie Wiesel, Betty Williams, and Jody Williams.
- <sup>296</sup> Emanuela Gillard, *What is Legal? What is Illegal? Limitations on Transfers of Small Arms under International Law*, Lauterpacht Research Centre for International Law, Cambridge, March 2001. The principle is stated in Article 16 of the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts, adopted in 2001, in the following terms: 'A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: (a) that State does so with knowledge of the circumstances of the internationally wrongful act; (b) the act would be internationally wrongful if committed by that State.'
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- <sup>298</sup> Arms Trade Treaty conference at Oxfam GB, Oxford, January 2003.
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- <sup>300</sup> Annual Report: The Netherlands Arms Export Policy in 2001, Dutch Ministry of Economic Affairs, [www.ez.nl/beleid/home\\_ond/handelspolitiek/pdf/Jaarrapport\\_2001\\_ENG.pdf](http://www.ez.nl/beleid/home_ond/handelspolitiek/pdf/Jaarrapport_2001_ENG.pdf)
- <sup>301</sup> Contact the International Campaign to Ban Landmines: [www.icbl.org](http://www.icbl.org).
- <sup>302</sup> 'Small Arms and the Humanitarian Community: Developing A Strategy for Action', Nairobi, Kenya, November 18-20, 2001.
- <sup>303</sup> Section II, paragraph 11.
- <sup>304</sup> Civil Society Consultation on the ECOWAS Moratorium: Beyond the UN 2001 Conference, Rapporteur's Report, [www.ecowas.int](http://www.ecowas.int).
- <sup>305</sup> Those states that have ratified so far are Antigua and Barbuda (2003), Argentina (2001), Bahamas (1998), Belize (1997), Bolivia (1999), Brazil (1999), Colombia (2003), Costa Rica (2000), Ecuador (1999), El Salvador (1999), Grenada (2002), Guatemala (2003), Mexico (1998), Nicaragua (1999), Panama (1999), Paraguay (2000), Peru (1999), Saint Lucia (2003), Uruguay (2001) and Venezuela (2002).
- <sup>306</sup> This statement was given in the context of Mali's own disarmament as a prelude to the return of political stability and a renewal of economic development projects.
- <sup>307</sup> Oxfam, November 2000.
- <sup>308</sup> Control of arms brokering is referred to in several political agreements on small arms, notably the UN Programme of Action, the UN Firearms Protocol, and the SADC Firearms Protocol. In May 2003 the EU Member States also agreed to adopt a joint position on controlling arms brokering.
- <sup>309</sup> *Ibid.*, p. 1.
- <sup>310</sup> United Nations International Study on Firearms Regulation, United Nations Publications, Sales No. E.98.XIV.2, pages 108-9.
- <sup>311</sup> See Working paper submitted by Ms. Barbara Frey, *op. cit.*
- <sup>312</sup> Article 3 of the Universal Declaration of Human Rights.
- <sup>313</sup> Article 6 of the International Covenant on Civil and Political Rights. See report by the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions which includes the requirement on states 'to take positive measures of a preventive and protective nature necessary to ensure the right to life of any person under its jurisdiction.' (E/CN.4/2001/9, para. 7).
- <sup>314</sup> For example, the UN Special Rapporteur on Violence against Women has affirmed that: 'a state can be held complicit where it fails systematically to provide protection from private actors who deprive any person of his/her human rights... To avoid such complicity, states must demonstrate due diligence by taking active measures to protect, prosecute and punish private actors who commit abuses.' Report by the UN Special Rapporteur on Violence against Women, E/CN.4/1996/53, paragraphs 32 and 33.
- <sup>315</sup> Interviews by Brian Wood with UK, South African, and Malawian police, 2000-2002.
- <sup>316</sup> The UN Basic Principles on the use of force and firearms by law enforcement officials.
- <sup>317</sup> For example, police in the UK are not normally issued with high-velocity assault rifles, and the civilian possession of firearms is strictly limited.
- <sup>318</sup> Brian Wood, with Undule Mwakasungura and Robert Phiri, *Report of the Malawi Community Safety and Firearms Control Project*, Lilongwe, August 2001.
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- <sup>320</sup> Captain Pillay, Police Special Investigations Task Team, addressing 30 Amnesty International and local NGO representatives, Edendale, South Africa, April 2002.
- <sup>321</sup> Universal Declaration of Human Rights, adopted by UN General Assembly resolution 217A (111) of 10 December 1948.
- <sup>322</sup> International Covenant on Civil and Political Rights, 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.' [www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm).
- <sup>323</sup> UN Code of Conduct for Law Enforcement Officials, UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. For a summary, see *10 Basic Human Rights Standards for Law Enforcement Officials (AI Index: POL 30/004/1998)*, Amnesty International.
- <sup>324</sup> The four Geneva Conventions of 1949 and their two Additional Protocols of 1977 are the principal instruments of international humanitarian law; the documents concerning the International Criminal Court reaffirm prohibition and define particular acts.

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# Shattered Lives

## the case for tough international arms control

### Arms are out of control

Arms kill more than half a million men, women, and children on average each year. Many thousands more are maimed, or tortured, or forced to flee their homes. The uncontrolled proliferation of arms fuels human rights violations, escalates conflicts, and intensifies poverty. The time for world leaders to act is now.

To confront this crisis, Oxfam, Amnesty International, and the International Action Network on Small Arms (IANSA) have together launched an international campaign calling for effective arms controls to make people genuinely safer from the threat of armed violence.

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