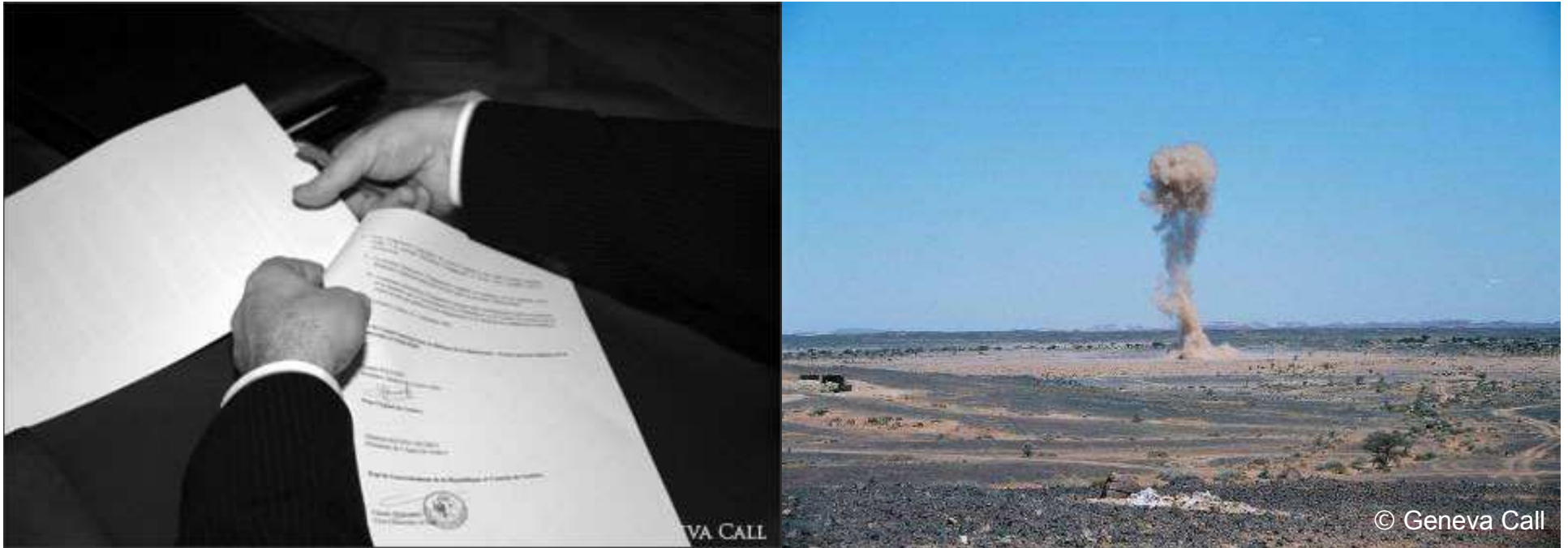




# **Non-State actors and the regulation of conventional arms**

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**Presentation at the UNIDIR seminar  
*'Non-State actors and the Arms Trade Treaty initiative:  
Challenges and opportunities'*  
Geneva, 25 November 2009**



## **Geneva Call and the antipersonnel (AP) mine ban**

- **Signature by 39 NSAs in 10 countries of the Geneva Call *Deed of Commitment* banning AP mines**
- **Compliance by signatories with the total ban on the use, production and transfer of AP mines**
- **Ongoing destruction of AP mine stocks held by signatories (more than 16'000)**
- **Signatory collaboration with technical mine action agencies**



## NSAs and the ATT: three policy options

- Banning all transfers to NSAs
- Keeping transfers to NSAs outside the scope of an ATT
- **Banning transfers to any actor that risks using the arms to violate IHL, IHRL and other applicable standards**



## Categories of unacceptable end-use

- NSAs can **use** arms indiscriminately
- NSAs can **handle or store** arms in ways that threaten the safety of civilians
- NSAs can **re-transfer** arms to other entities likely to misuse them



## Key criteria

- NSA's record
- NSA's intent/commitment
- NSA's capacity to enforce and implement



## IHL

- **“In its conflict with the [...] state forces, the [NSA] undertakes to respect the Geneva Conventions of 1949 and the First Protocol of 1977 regarding the conduct of hostilities and the protection of the victims of war and to treat those obligations as having the force of law within its own forces and areas within its control.” (Unilateral declaration by an NSA)**



## Indiscriminate use

- **“Civilian population and civilians shall be [...] protected against indiscriminate aerial bombardment, strafing, artillery fire, mortar fire, arson, bulldozing and other similar forms of destroying lives and property, from the use of explosives as well as the stockpiling near or in their midst.” (Bilateral agreement between an NSA and a government)**



## Arms depots as targets

- **“We recognize that placing military assets and personnel in close proximity to civilian areas increases the risk that civilians will be caught up in hostilities or even targeted. We will therefore continue our policy of maintaining a proper physical separation between our armed forces and the civilian population.” (Unilateral declaration by an NSA)**



# Safe handling and storage

- **“Any member of the [NSA] shall not consume alcohol in a public drinking place while he is on duty or in uniform or in possession of a weapon.” (NSA Code of Conduct)**





## Re-transfers

- **“Arms and ammunition shall be the sole responsibility of Battalion Commanders [...]. Any loss or misplacement shall be severely dealt with. ” (NSA Penal code)**



## Conclusions

- **Holding NSAs accountable to international norms is possible, but requires work, time and resources**
- **Gathering NSAs' perspectives on the ATT process and relevant international law may be a useful contribution to discussions**
- **What accompanying measures should be taken to ensure that NSAs implement and enforce their commitments after receiving the arms?**



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