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The changing role of conventional arms control in preventing and managing violent conflicts

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About UNIDIR

The United Nations Institute for Disarmament Research (UNIDIR)—an autonomous institute within the United Nations—conducts research on disarmament and security. UNIDIR is based in Geneva, Switzerland, the centre for bilateral and multilateral disarmament and non-proliferation negotiations, and home of the Conference on Disarmament. The Institute explores current issues pertaining to a variety of existing and future armaments, as well as global diplomacy and local tensions and conflicts. Working with researchers, diplomats, government officials, NGOs and other institutions since 1980, UNIDIR acts as a bridge between the research community and Governments. UNIDIR activities are funded by contributions from Governments and donor foundations.

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Executive summary

This UNIDIR paper seeks to contextualize and unpack the linkages between conventional arms control and the agendas of the United Nations on preventing conflict and sustaining peace.

The excessive accumulation, uncontrolled proliferation and misuse of conventional weapons exacerbates and prolongs the violence and civilian harm caused by conflicts. Progress on virtually all peace and security, human rights and development goals is severely hampered in areas where arms and ammunition are poorly regulated. At the same time, blurred distinctions between conflict, crime and terrorism, the ability of some non-State armed groups to acquire or develop more sophisticated weapons, and a dominant counterterrorism narrative have all led to a renewed focus on weapons as an enabler of conflict.

In light of this, the United Nations Secretary-General's Agenda for Disarmament, of May 2018, calls for an examination of "how measures for disarmament and arms control ... can contribute to processes for conflict prevention, management and resolution."¹

Conflict prevention and management efforts will always be incomplete without an accompanying, integrated, arms control strategy to address specific situations of armed violence. To achieve this integration, there are a number of practical entry points where arms control already supports and reinforces conflict prevention and management efforts. Noting the primary responsibility of States in arms control, the key tools and options at the disposal of States on this issue include: legal frameworks, such as national, regional and international instruments, international humanitarian law and human rights law; approaches to addressing excessive and destabilizing accumulations of arms; weapons and ammunitions management approaches; security sector reform; as well as arms embargoes.

Tools and options that exist beyond the State monopoly on the use of force can also act as entry points for the integration of arms control into conflict prevention and management, including: engagement of armed groups; cantonment-related actions; disarmament, demobilization and reintegration; community violence reduction; civilian disarmament and weapons collection; efforts related to countering improvised explosive devices; and efforts related to addressing illicit arms and the conflict-crime-terror nexus.

Key reflections on how the United Nations system and Member States could further integrate arms control into their thinking and actions on conflict prevention and management include: assessing how the arms control toolkit can adapt to increasingly dynamic and complex environments; empowering peacemakers and development actors, with a particular focus on engagement with local and regional stakeholders; and increasing the understanding of risks and impacts associated with arms to inform conflict analysis and prevention.

¹ United Nations Office for Disarmament Affairs New York, "Securing our Common Future: An Agenda for Disarmament", 2018. Available at https://front.un-arm.org/documents/SG+disarmament+agenda_1.pdf.

About the research team

J. Arthur Boutellis is non-resident senior adviser with the International Peace Institute (IPI) in New York, where he was Director of the Brian Urquhart Center for Peace Operations, responsible for developing and managing IPI's programs and research agenda in the area of peace and security (Peace Operations, Peacebuilding/Sustaining Peace, Prevention, Mediation, and Preventing Violent Extremism) from September 2015 to November 2017. In addition to IPI, Arthur has worked with the United Nations missions in Burundi, Chad and the Central African Republic, Haiti, and Mali, where he supported the 2014-15 Mali peace negotiations as part of the United Nations Mediation Team. His prior work with humanitarian NGOs and think tanks focused on the Middle East and Africa.

Himayu Shiotani is Programme Lead and focal point for conventional arms control at UNIDIR. He manages the Conventional Arms Programme, which covers issues related to weapon and ammunition management in conflict-affected settings; prevention of diversion in arms transfers; multilateral approaches to address the threat of explosives; and supporting the implementation of multilateral agreements and instruments relevant to conventional arms. Prior to his work with UNIDIR, he worked as a Research Associate at the James Martin Center for Nonproliferation Studies in Monterey, California, covering issues related to chemical, biological, radiological and nuclear threats. He holds a Master's degree in International Policy Studies, with a Certificate in Nonproliferation Studies, from the Monterey Institute of International Studies.

Sebastian Wilkin is a Programme Assistant with UNIDIR's Conventional Arms Programme. He is an English-qualified lawyer from New Zealand, with a BA in Law from Oxford University and an Advanced MA in International Public Law from the University of Leiden. He has previously worked as an associate in the London Office of the law firm Freshfields Bruckhaus Deringer LLP and as an intern and consultant with UNDP in Timor-Leste.

List of acronyms and abbreviations

ATT	Arms Trade Treaty
CAR	Central African Republic
CCW	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects
CIFTA	Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials
CSAC	Community Security and Small Arms Control
CVR	Community Violence Reduction
DDR	Disarmament, Demobilization and Reintegration
DPA	United Nations Department of Political Affairs
DPKO	United Nations Department of Peacekeeping Operations
ECOWAS	Economic Community of West African States
ECOWAS Convention	ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials
FARC	Fuerzas Armadas Revolucionarias de Colombia
FGS	Federal Government of Somalia
GFZ	Gun-Free Zone
IED	Improvised Explosive Device
IHL	International Humanitarian Law
IATG	International Ammunition Technical Guidelines
IDDRS	International DDR Standards
ISACS	International Small Arms Control Standards
ISIL	Islamic State of Iraq and the Levant
ITI	International Tracing Instrument
JMAC	Joint Mission Analysis Centre
JVT	Joint Verification Team
MANPADS	Man-Portable Air-Defence System
MILEX	United Nations Instrument for Reporting Military Expenditures
MINUSCA	The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic

MINUSMA	The United Nations Multidimensional Integrated Stabilization Mission in Mali
NGO	Non-Governmental Organization
NSAG	Non-State Armed Group
PSSM	Physical Security and Stockpile Management
SALW	Small Arms and Light Weapons
SDG	Sustainable Development Goal
SSR	Security Sector Reform
UAV	Unmanned Aerial Vehicle
UNDC	United Nations Disarmament Commission
UNDP	United Nations Development Programme
UNIDIR	United Nations Institute for Disarmament Research
UNMAS	United Nations Mine Action Service
UNMISS	United Nations Mission in South Sudan
UNODA	United Nations Office of Disarmament Affairs
UNODC	United Nations Office of Drugs and Crime
UN PoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons
UNROCA	United Nations Register of Conventional Arms
WAM	Weapons and Ammunition Management

1 How the changing nature of conflicts leads to a renewed focus on arms

The uncontrolled proliferation, excessive accumulation and misuse of conventional weapons² exacerbates, intensifies and prolongs violent conflicts and civilian suffering.³ According to the Small Arms Survey, the number of weapons in circulation around the world in 2017 had dramatically increased since the beginning of the twenty-first century, with an estimated one billion small arms and light weapons (SALW) in circulation worldwide, including 857 million (85 per cent) in civilian hands, 133 million (13 per cent) in military arsenals, and 23 million (2 per cent) used by law enforcement agencies.⁴ The majority of the estimated 740,000 annual deaths as a result of armed violence occur in countries wracked by violent crime and instability, as opposed to armed conflict. However, it is estimated that SALW misuse is responsible for 90 per cent of civilian deaths in conflict, including women⁵ and children, with many of the weapons becoming inherently indiscriminate when used in populated areas.

The trend of civil wars becoming increasingly regionalized and internationalized,⁶ as well as the blurring of distinctions between acts committed in armed conflicts, crime and terror attacks, have led to a renewed focus on the proliferation and abuse of conventional weapons as an important enabler of violent conflict, human rights abuses and impunity. In particular, the proliferation of SALW in post-conflict environments is a major factor prolonging situations of “criminalized peace”—post-conflict States with high levels of criminal and intercommunity violence. Roughly half of the countries emerging from conflict relapse back into armed conflict within five years of the signing of a peace agreement.⁷ With the exception of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), which faces numerous improvised explosive device (IED) attacks and indirect fire attacks, most peacekeeping fatalities also result from small arms.⁸

Many non-State armed groups (NSAGs) are adept at acquiring and/or developing sophisticated weapons, which can be game changers in a conflict and reflect the evolving nature of modern

² Conventional arms encompass a wide range of equipment, including but not limited to armoured combat vehicles, combat helicopters, combat aircraft, warships, small arms and light weapons (SALW), landmines, cluster munitions, ammunition and artillery. They are the most common type of armament globally and historically the most commonly used in conflict. In modern conflicts however, the conventional arms most commonly encountered include automatic rifles, heavy machine guns, rocket-propelled grenade launchers, mortars, rockets, anti-aircraft guns, anti-personnel landmines, military transport vehicles and increasingly armed unmanned aerial vehicles, which this paper focuses on.

³ See Security Council session of 13 May 2015 (S/PV.7442).

⁴ The new studies suggest that the global stockpile has increased over the past decade, largely due to civilian holdings, which grew from 650 million in 2006 to 857 million in 2017. See <http://www.smallarmssurvey.org/weapons-and-markets/tools/global-firearms-holdings.html>.

⁵ Men and women are affected differently by the proliferation and use of weapons. Ownership and misuse of arms is closely linked to specific expressions of masculinity related to control, power, domination and strength. Weapons also have differentiated impacts on women and men, girls and boys. Young men are more frequently shot dead by other young men, but women are more frequently the victims of gender-based violence facilitated by small arms, including domestic violence and sexual violence. Women can also bear indirect impacts of armed violence, including psychological and economic burdens, including when men are killed or injured.

⁶ Internationalized civil wars denote a conflict involving organized violence on two or more sides within a sovereign State, in which foreign elements play a role in instigating, prolonging or exacerbating the struggle.

⁷ Jasmine-Kim Westendorf, “Why Peace Processes Fail: Negotiating Insecurity After Civil War”, Lynne Rienner, 2015.

⁸ Carlos Alberto dos Santos Cruz, William R. Phillips and Salvator Cusimano, “Improving Security of United Nations Peacekeepers: We need to change the way we are doing business”, December 2017. Available at https://peacekeeping.un.org/sites/default/files/improving_security_of_united_nations_peacekeepers_report.pdf.

warfare. For example, States have been especially concerned that the Libyan Government’s large stockpiles of man-portable air-defence systems (MANPADS) and other conventional weapon systems would fall into the hands of Sahel NSAGs and could be used against military and civilian aircrafts.⁹ Similarly, the fact that Yemen’s Houthi rebels were able to fire medium-range ballistic missiles, and that the Islamic State of Iraq and the Levant (ISIL)—designated a terrorist organization by the United Nations¹⁰—was able to manufacture improvised weapons and IEDs on a large and sophisticated scale, considerably raised international attention.¹¹ In asymmetric conflicts, IEDs and IED-related tactics have continued to spread and become more sophisticated, for instance with some groups, including terrorist groups, having added weaponized unmanned aerial vehicles (UAVs) to their arsenals. Such developments are a reflection of the evolving methods of warfare which arms control must adapt to in order to remain effective.

⁹ Small Arms Survey, “Missing Missiles: The Proliferation of Man-portable Air Defence Systems in North Africa”, June 2015.

¹⁰ See Security Council resolution 2368 (S/RES/2368). See also https://www.un.org/sc/suborg/en/sanctions/1267/ag_sanctions_list.

¹¹ Conflict Armament Research, “Weapons of the Islamic State”, December 2017.

2 Contextualizing linkages between arms control, conflict prevention and sustaining peace

Since his appointment in January 2018, **United Nations Secretary-General Antonio Guterres has placed a renewed emphasis on conflict prevention, inclusion and sustaining peace.** He launched a series of reforms aimed at consolidating capacities for conflict prevention by joining-up all pillars of the work of the United Nations—peace and security, gender equality, development, human rights, humanitarian action—as well as vertical integration in each pillar from prevention to participation to conflict resolution, and from peacemaking to peacekeeping to peacebuilding and sustainable development, thereby promoting a “peace continuum.” His vision for conflict prevention has focused on linking up critical agendas within the United Nations system and overcoming siloed thinking and action. The **2030 Agenda for Sustainable Development** was adopted by the General Assembly and included a comprehensive set of far-reaching Sustainable Development Goals and targets. Like the concept of ‘**Sustaining Peace**’, as outlined in Security Council resolution 2282 (2016) and General Assembly resolution 70/262, the Agenda for Sustainable Development seeks to advance core principles of the UN Charter.¹² Both the Agenda for Sustainable Development and the concept of Sustaining Peace are mutually reinforcing and essential to long-term prevention.

This approach is reflected in the Secretary-General’s 2018 Agenda for Disarmament in which he called for better integration of conventional arms control and conflict prevention thinking and actions. For example, in Part III of his May 2018 Agenda on Disarmament, entitled ‘Disarmament that Saves Lives’, the Secretary-General has specifically suggested that “international approaches to regulate arms need to be brought in line with the magnitude of these problems and integrated into broader work for prevention and sustainable development.”¹³

The Sustainable Development Goals (SDGs),¹⁴ and in particular of Goal 16 on peaceful and inclusive societies, explicitly links development to peace and security, and to arms control. By including Targets 16.1 and 16.4,¹⁵ Member States acknowledged the role of **illicit arms flows** in driving conflict and violence. The achievement of Goal 11 on **safer cities**, as well as the achievement of a number of other goals, is also threatened by the proliferation of small arms and the increasing use of explosive weapons in urban environments.¹⁶ Given that concerns relating to **arms have clear**

¹² The 2016 dual Security Council and General Assembly resolution on Sustaining Peace stressed the need for “coherence and complementarity between the United Nations’ peace and security efforts and its development, human rights and humanitarian work”, and stressed that “a professional, accountable and effective security sector, including through its reform, and inclusive and effective demobilization, disarmament and reintegration programs, including the transition from demobilization and disarmament to reintegration, are critical to consolidation of peace and stability... further extending legitimate State authority, and preventing countries from lapsing or relapsing into conflict.” See A/RES/70/262 and S/RES/2282 (2016), paras. 10 and 13.

¹³ United Nations Office of Disarmament Affairs, “Securing Our Common Future: An Agenda for Disarmament”, New York, May 2018.

¹⁴ General Assembly resolution A/RES/70/1, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, adopted on 21 October 2015.

¹⁵ Target 16.1 reads: “By 2030 significantly reduce all forms of violence and related death rates everywhere. Target 16.4: By 2030 significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organized crime”.

¹⁶ Christina Wille, “The Implications of the Reverberating Effects of Explosive Weapons Use in Populated Areas for Implementing the Sustainable Development Goals”, UNIDIR, 2016.

gender dimensions,¹⁷ arms control also has a contribution to make with respect to Goal 5 and Target 5.2 on the elimination of all forms of violence against all women and girls, as well as other relevant targets.¹⁸ An exclusive focus on women and girls as subjects of violence ought to be avoided. Instead, equal emphasis should be placed on women’s participation, representation and involvement in national decision-making—as mandated by the Convention on the Elimination of Discrimination against Women, the Beijing Platform for Action and a number of Security Council resolutions—as key to securing effective public security.

Progress on virtually all peace, security and development goals is severely hampered in areas where arms and ammunition are poorly regulated. The successful implementation of the SDGs and the Sustaining Peace agenda will require overcoming silos between the development, conflict prevention and disarmament agendas. It will also require cross-sectoral partnerships that effectively mobilize and strengthen the capacities of relevant actors and structures, including Governments, international organizations and civil society.¹⁹ Beyond addressing illicit arms flows, the inter-linkages between the 2030 Agenda and the Sustaining Peace agenda offer significant potential to connect arms control objectives with many other SDGs.

¹⁷ See footnote 5.

¹⁸ Other relevant SDG targets included: 16.3 (Promote the rule of law at the national and international levels and ensure equal access to justice for all), 16.5 (Substantially reduce corruption and bribery), 16.6 (Develop effective, accountable and transparent institutions at all levels) and 16.7 (Ensure responsive, inclusive, participatory and representative decision-making at all levels).

¹⁹ Small Arms Survey, “A New Development Agenda: Bridging the Development–Security Divide”, June 2016. http://www.smallarmssurvey.org/fileadmin/docs/H-Research_Notes/SAS-Research-Note-58.pdf.

3 Unpacking the role of arms control in conflict prevention and management²⁰

Conventional arms control frameworks and activities remain underutilized in their potential role for preventing, managing and resolving contemporary conflicts, and are not well integrated into particular peacemaking and peacebuilding processes. They are too frequently seen as mere State-centric mechanisms and measures. Conflict prevention and management efforts will always be incomplete without an accompanying arms control strategy to address specific situations of armed violence. Thus, their potential for preventing and managing conflicts, as well as for sustaining peace more broadly,²¹ needs to be unpacked.

States have traditionally approached conventional arms control efforts in two ways: 1) limiting and/or prohibiting the means and methods (including weapons) considered to be inhumane or indiscriminate; and 2) regulating and managing arms with a view to preventing their destabilizing accumulation, diversion and/or misuse. The second approach, which focuses on managing arms, is directed at weapons that are widely considered as having legitimate uses for State defence, law enforcement and international peacekeeping purposes. These include conventional military weapons categorized by the United Nations Register of Conventional Arms (UNROCA) and the SALW defined in the International Tracing Instrument (ITI), which are not limited only to military specifications.²²

Conventional arms control instruments can contribute to conflict prevention by increasing transparency and supporting confidence-building measures between States. This is done, for example, through UNROCA, as well as the UN Instrument for Reporting Military Expenditure (MILEX).²³ Arms control instruments can also help in **building international cooperation** to prevent and curb illicit proliferation in SALW, for example through the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (UN PoA),²⁴ the

²⁰ Arms control instruments referenced in this paper have varying objectives, legal nature and membership, and applicability of arms control measures may vary depending on States' membership and participation in the relevant multilateral arms control instruments. For instance, the UN PoA is a political instrument (i.e. voluntary) that is universal to all Member States, while the United Nations Firearms Protocol is a legally binding instrument with defined States parties.

²¹ Under Security Council resolution 2282 (2016), the term 'sustaining peace' is "broadly understood as a goal and a process to build a common vision of a society, ensuring that the needs of all segments of the population are taken into account, which encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict".

²² The United Nations Register of Conventional Arms was established by the General Assembly in resolution A/RES/46/36 L on 9 December 1991. For further details see: <https://www.un.org/disarmament/convarms/register/>. The International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons was established by the General Assembly in resolution A/RES/60/88 on 8 December 2005. Available at <https://www.unodc.org/documents/organized-crime/Firearms/ITI.pdf>.

²³ The United Nations Standardized Instrument for Reporting Military Expenditures (MILEX) was established by General Assembly resolution 35/142 B of 12 December 1980.

²⁴ The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (POA) was negotiated under the auspices of the First Committee of the General Assembly. The United Nations has also developed a set of International Small Arms Control Standards (ISACS) in modular format (now called Mosaic) to assist states with the implementation of the PoA and other SALW-related international and regional instruments. The Third Review Conference of the PoA took place in June 2018 and its Outcome Document contains important commitments by participating States.

ITI,²⁵ and the United Nations Firearms Protocol.²⁶ In addition, certain instruments can serve to **promote more responsible and regulated international arms trade**, for example through the Arms Trade Treaty (ATT), thereby contributing to managing risks by controlling the circulation of arms in complex environments. Figure 2 at the end of this paper presents a mapping of arms control frameworks and conflict prevention and management tools applicable throughout the conflict cycle.

The ATT, which focuses on the international arms trade and came into force on 24 December 2014, provides an overarching legal framework that makes a clear connection between the obligations of States parties regarding arms control and the need to prevent conflict and sustain peace. Many States affected by armed violence have identified a strong and well-implemented ATT as providing practical benefits to their national security and the security of their populations.²⁷ The ATT also acknowledges the gender dimension of the arms trade and calls on the exporting State party to “take into account the risk of the conventional arms ... being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.”²⁸

Conventional arms control frameworks and instruments also contribute to preventing and managing conflicts by **reducing risks, as well as mitigating the negative impact of arms, ammunition and explosives on people and critical infrastructures during and after conflict**. Notable instruments and frameworks include the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APMBC), the Convention on Cluster Munitions (CCM), as well as General Assembly resolutions on improvised explosive devices (A/RES/72/36) and conventional ammunition stockpiles in surplus (A/RES/72/55).

Arms control frameworks and instruments can also contribute to **improving governance and achieving key SDGs in environments emerging from violent conflict**. The UN PoA and the ITI are important instruments to support SDG Targets. In 2018, Member States acknowledged the importance of these instruments in the realization of several SDGs, and agreed to “strengthen coordination between data collection, reporting and analysis for the measurement of progress in implementing the Programme of Action and the International Tracing Instrument, on the one hand, and for target 16.4 of the 2030 Agenda for Sustainable Development, on the other hand, at the global, regional, subregional and national levels.”²⁹

As dynamics of armed violence and arms proliferation vary considerably across the globe, subregional and regional approaches to conventional arms control are essential in preventing and managing conflicts. Some of the key regional instruments that recognize the link between arms control and conflict prevention, notably in Africa and Latin America,³⁰ include the Economic

²⁵ International Tracing Instrument (ITI), op. cit. footnote 20. The ITI consists of measures on marking, record-keeping and tracing, and is vital for curbing the illicit trade and thus combating the diversion of small arms and light weapons to unauthorized users.

²⁶ The United Nations Firearms Protocol was negotiated under the auspices of the United Nations Economic and Social Council (ECOSOC) and its Commission on Crime Prevention and Criminal Justice as a supplement to the 2000 United Nations Convention against Transnational Organized Crime (UNTOC). The United Nations Office of Drugs and Crime (UNODC) created a Global Firearms Program in 2011 to assist States parties in the implementation of the UN Firearms Protocol.

²⁷ See Peter Woolcott, “Introductory note on the Arms Trade Treaty”, Audiovisual Library of International Law. Available at <http://legal.un.org/avl/ha/att/att.html>.

²⁸ Arms Trade Treaty, Article 7 (4).

²⁹ See the Report of the third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/2018/RC/3), Section B, 1, paras. 68–72.

³⁰ Mark Bromley and Lina Grip, “Small arms control measures”, in SIPRI Yearbook 2014, pp. 600–605. Available at <https://www.sipri.org/sites/default/files/SIPRIYB15c14sII.pdf>.

Community of West African States (ECOWAS) Convention,³¹ the Kinshasa Convention,³² the Nairobi Protocol,³³ the SADC Protocol³⁴ and CIFTA).³⁵ The African Union's Silencing the Guns³⁶ initiative is highly relevant to preventing conflicts through addressing the illicit proliferation of small arms and light weapons in the region. These regional and subregional instruments and frameworks reinforce commitments by States to undertake practical controls to regulate arms transfers, manage stockpile, trace illicit arms and destroy surplus stocks, which can be utilized to prevent and manage conflicts.

Increasingly, policymakers and practitioners have recognized the need to understand and adapt conventional arms control to changing conflict patterns. Practical conventional arms control efforts have progressively broadened from regulating inter-State conflicts to increasingly being aimed at preventing and managing violent conflicts within States, and by extension regionalized and internationalized civil wars. They have also involved a growing number of actors, including the private sector and non-governmental organizations (NGOs), which are critical for implementation of the SDGs and the Sustaining Peace agenda.

Beyond international treaties and conventions, a number of United Nations entities and NGOs have over the last two decades developed a body of practice to directly or indirectly tackle the proliferation of conventional arms in a variety of contexts. Aside from consortiums involved in international bans on anti-personnel mines and cluster munitions, these actors often, and increasingly, focus more on the process of managing arms rather than the disarming part. Some of the examples discussed in the next section of the paper provide interesting practical entry points on how conventional arms control can better support and reinforce United Nations prevention, conflict management and resolution/sustaining peace efforts. The next section of the paper covers State-centric tools and objectives with relevance to arms control (section 4.1), covering the full conflict cycle. It then studies other available tools which can contribute to arms control beyond the State monopoly on the use of force (section 4.2.) but which tend to focus more on conflict management and post-conflict recovery rather than prevention.

³¹ The ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials (the ECOWAS Convention).

³² The Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition, Parts and Components that can be used for their Manufacture, Repair or Assembly (the Kinshasa Convention).

³³ The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States (Nairobi Protocol).

³⁴ Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region.

³⁵ The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA).

³⁶ African Union Master Roadmap of Practical Steps to Silence the Guns in Africa By Year 2020 (Lusaka Master Roadmap 2016). Available at <https://issafrica.org/pscreport/uploads/AU%20Roadmap%20Silencing%20Guns%202020%20pdf%20en.pdf>.

4 Practical entry points where arms control supports conflict prevention and management

4.1 THE PRIMARY RESPONSIBILITY OF THE STATE IN ARMS CONTROL

Under the United Nations Charter, States have the right of self-defence. States also have a responsibility to protect their populations. Thus, States claim the monopoly of legitimate use of force, and have carried the primary responsibilities for control of arms in their territory. This applies before, during and after a conflict, as well as in times of relative peace. States have specifically committed themselves to international arms control agreements—for example, through UN PoA, and, if they are a State party, the UN Firearms Protocol, the CCW and the ATT. Such international arms control agreements are reinforced by their own national laws and also by regional agreements they have entered into. These various agreements aim to ensure that States have effective national regulations, systems and practices in place to prevent the misuse and illicit trade of certain conventional arms and to combat their diversion. While these norms and obligations are relatively well established and widely supported in principle (even though not all are universally adhered to) their effective implementation remains a pressing challenge, particularly where the State experiences systemic institutional weaknesses.

Arms transfers to States whose defence and security forces repeatedly commit or facilitate serious violations of human rights or international humanitarian law (IHL), including sexual and gender-based violence,³⁷ create a significant risk in many countries. In addition, arms transfers to States that do not properly regulate SALW according to relevant international standards, thereby giving rise to terrorist attacks and violent organized crime, also create a serious risk.

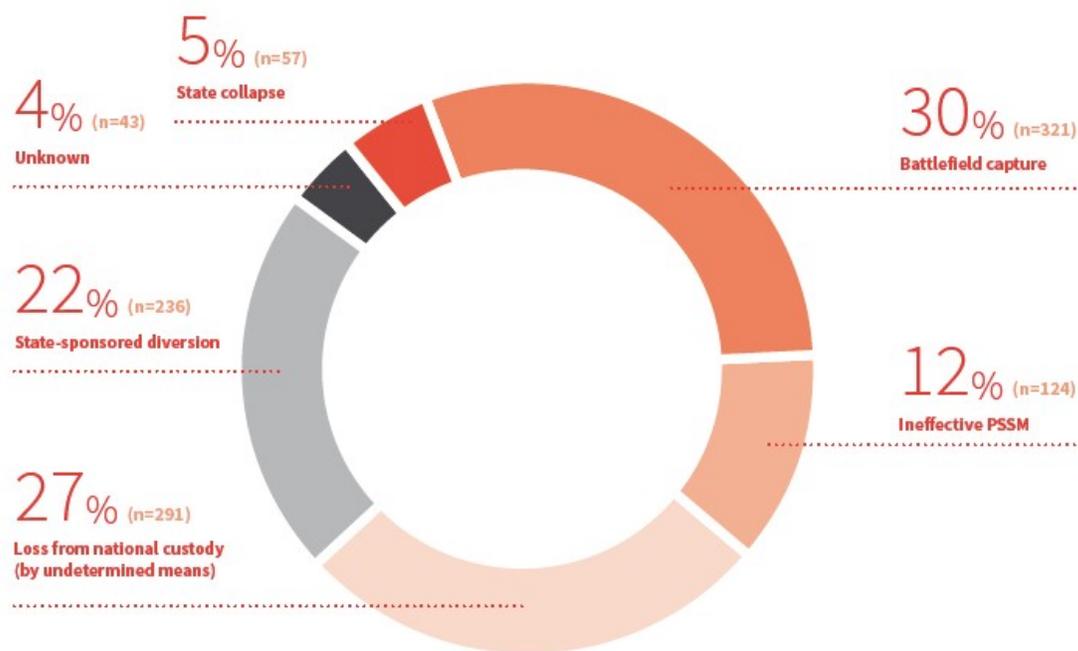
Data collected by Conflict Armament Research, primarily from certain parts of Africa, suggests that the most common cases of diversion of weapons and ammunition involve some sort of State failure: battlefield capture (30 per cent of cases); loss from national custody by undetermined means (27 per cent); State-sponsored diversion (22 per cent); and ineffective physical security and stockpile management (PSSM) (12 per cent).³⁸ A particular type of arms diversion involves a failure to effectively regulate private security firms, which often proliferate, but are not well regulated, including in post-conflict countries. Unauthorized re-transfers of arms also remain a major source of diversion. For example, these were the main source of weapons and ammunition held by ISIL.³⁹

³⁷ Impact of arms transfers on the enjoyment of human rights: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/35/8, 3 May 2017).

³⁸ Conflict Armament Research, “Diversion Digest”, August 2018.

³⁹ Conflict Armament Research, “Weapons of the Islamic State”, December 2017.

Figure 1: Cases of diversion, by type⁴⁰



4.1.1 Respect for International Humanitarian Law (IHL) and Human Rights

The first step in ensuring arms control measures contribute to conflict prevention, management and peacebuilding efforts, involves the exporting State making sure, beforehand, that sufficient due diligence will be exercised by the parties involved in the transfer. For example, data on civilian casualties and human rights abuses committed with the same or similar categories of arms needs to be collected and checked for its credibility, so that policy decisions involving the possible transfer of those types of arms are as evidence-informed as possible. In its Resolution 32/12, the Human Rights Council requested that the Office of the United Nations High Commissioner for Human Rights prepare a report on “the impact of arms transfers on the enjoyment of human rights.”⁴¹ In his latest report on the protection of civilians in armed conflicts, the United Nations Secretary-General specifically recommended that States develop and adopt legislation that conditions the export of arms on respect for international humanitarian and human rights law and requires pre-export assessments of the risk of unlawful use and end-use monitoring, as recommended in the ATT.⁴²

States parties to the ATT are obliged under Article 6 not to authorize arms transfers that would be contrary to their international legal obligations, such as Security Council sanctions and arms embargoes, or where the State involved in the transfer knows at the time that the arms would be used in the commission of acts of genocide, crimes against humanity or certain war crimes. To address the problem of arms exports that are not covered by Article 6 of the ATT, but could nevertheless still likely cause serious harm, Article 7 of the ATT sets the standard upon which a State

⁴⁰ This figure represents a non-exhaustive selection of cases of diversion. With permission from Conflict Armament Research, this figure is reproduced from Conflict Armament Research, “Diversion Digest”, August 2018.

⁴¹ Human Rights Council resolution 32/12, para. 4. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/154/39/PDF/G1615439.pdf?OpenElement>.

⁴² Security Council report S/18/462, para. 60. Available at <https://undocs.org/S/2018/462>.

party is obliged to refuse an export of arms, based on an objective risk assessment measures by parameters drawn from relevant international law.⁴³

Box 1: Suspensions of arms exports to Yemen on human rights grounds

Recently, some States parties to the Arms Trade Treaty (ATT) reportedly stated that they were stopping the transfer of weapons to the States involved in the war in Yemen, while others said that they would tighten their export policies. They cited the incidence of serious violations of human rights and IHL as well as their concerns that weapons might be diverted for use in Syria.⁴⁴ The latest report of the Panel of Experts on Yemen (S/2018/68), mandated by the Security Council,⁴⁵ concluded that “throughout 2017, there have been widespread violations of international humanitarian law and international human rights law by all parties to the conflict. The air strikes carried out by the Saudi Arabia-led coalition and the indiscriminate use of explosive ordnance by Houthi-Saleh forces throughout much of 2017 continued to affect civilians and the civilian infrastructure disproportionately. The Panel has seen no evidence to suggest that appropriate measures were taken by any side to mitigate the devastating impact of these attacks on the civilian population.”⁴⁶

4.1.2 Excessive and destabilizing accumulations of arms and confidence-building

The international community has recognized for many years that there are often direct correlations between the over-accumulation of arms, especially SALW, and the fuelling and prolonging of internal conflicts. Over-accumulation of arms also exacerbates violence and criminality before and after the conflict. This undermines the State's ability to govern effectively, thereby threatening the stability and security necessary for socio-economic development. While the effective management of State stockpiles and private holdings is essential in this regard, regional and global cooperation and dialogue remain paramount to building confidence and reducing the military spending that leads to over-accumulation.

Greater transparency by States in spending on, and the acquisition of, armaments enhances accountability and confidence, and can help States to exercise restraint, thereby reducing the risk of political-military misperceptions and miscalculations. Notwithstanding the need for national security, such transparency is more likely to ease tensions and strengthen regional and international peace and security. To this effect, in 1991, the General Assembly established UNROCA and called upon all Member States to annually provide data on their arms transfers as well as background information on military holdings and domestic arms purchases.

However, many of the States that are reported to have imported large numbers of major arms categories have so far not participated in UNROCA, with Africa and the Middle East having the lowest reporting rates. This limits the utility of UNROCA as the confidence-building and stability-

⁴³ States parties to the ATT are obliged under Article 7 to carry out risk assessments to consider the potential that an arms export “would contribute to, or undermine, peace and security; could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law; commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism or transnational organized crime, to which the exporting State is a party, and taking into account the risk of the arms being used to commit serious acts of gender-based violence or violence against women and children.”

⁴⁴ Dominic Dudley, "Why More And More Countries Are Blocking Arms Sales To Saudi Arabia And The UAE", Forbes magazine, 7 Sep 2018. Available at <https://www.forbes.com/sites/dominicdudley/2018/09/07/why-more-and-more-countries-are-blocking-arms-sales-to-saudi-arabia-and-the-uae/>.

⁴⁵ Security Council resolution S/RES/2342 (2017).

⁴⁶ Security Council report S/2018/68.

promoting measure it was designed to be.⁴⁷ In this regard, greater monitoring mechanisms for arms movements, holdings and misuse could be useful in States and regions that may be at risk of violent conflicts, in order to inform risk assessments and conflict prevention strategies. Such tasks may be relevant for select United Nations country teams and regional offices.

Further, in 2017, the United Nations Disarmament Commission (UNDC) adopted by consensus its first report in almost two decades,⁴⁸ which contains recommendations on practical confidence-building measures in the field of conventional arms. The UNDC acknowledged the benefits of confidence-building measures to, inter alia, defusing tensions, promoting cooperation among States, enhancing dialogue and greater transparency and promoting progress in conventional disarmament and arms control.⁴⁹

4.1.3 Weapons and Ammunition Management (WAM)

Beyond the need for greater efforts to reduce the excessive accumulation of arms, the safe and secure management of State stockpiles and regulation of private holdings of firearms is particularly critical, given the large amounts of weapons and ammunitions diverted from Government stockpiles, and from civilians, which make their way into the hands of NSAGs, including terrorist groups.⁵⁰ Diversions can be the result of unauthorized transfers, theft and robberies—such as facilities being looted in times of conflict—but can also be the result of corruption within national security forces. Article 11 of the ATT, concerning the prevention of diversion of conventional arms, requires exporting States parties to assess the risk of transferred arms being diverted and consider mitigation measures.⁵¹ Beyond diversion from State-owned arms, the illicit proliferation of weapons in the hands of civilians in many post-conflict countries remain a serious concern and an enabler of armed violence.

In this regard, weapons and ammunition management (WAM) has become an essential component in preventing and managing contemporary conflicts. However, there continues to be an important knowledge gap on how to holistically address WAM in conflict-affected environments. This is evidenced by UNIDIR's series of country-specific WAM baseline studies, which examines existing frameworks, approaches and practices on arms and ammunition management at the national level. WAM often continues to be seen as “train and equip” type of work, primarily focusing on PSSM. Successful WAM programmes at the country level, however, are those that are well integrated within broader national security sector reforms (SSR) and development strategies, and take a holistic lifecycle management approach.

⁴⁷ See Paul Holtom, Lucie Béraud-Sudreau and Henning Weber, “Reporting to the United Nations Register of Conventional Arms”, SIPRI Fact Sheet, May 2011. Available at <https://www.sipri.org/sites/default/files/files/FS/SIPRIFS1105.pdf>.

⁴⁸ The last such report adopted dates back to 1999 on the subject “Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N” (A/54/42).

⁴⁹ Disarmament Commission report A/72/42 (2017).

⁵⁰ Security Council resolution S/RES/2370 (2017), para. 6, urges Member States to undertake measures to eliminate the supply of weapons to terrorists, including ensuring “proper physical security and management for stockpiles of small arms and light weapons” and encourages “the implementation of marking and tracing procedures of small arms and light weapons to improve traceability of such weapons which could be provided to terrorists through illicit trafficking”.

⁵¹ While States parties are required to maintain national records of exports of conventional arms and to submit reports on implementation of the ATT (Articles 12 and 13), and some international tracing mechanisms exist, efforts to monitor and evaluate the compliance of States with the ATT remain limited.

Efforts to promote a holistic approach to WAM—instead of strictly PSSM—will require a comprehensive assessment of arms, its risks and control frameworks, and processes at the national level. A lifecycle WAM approach includes: assessing import controls over materiel acquisition; marking and recordkeeping to enable oversight and traceability of materiel held by the State; secure stockpiling and safe management of ammunition to protect people and critical infrastructure; and effective disposal methods, including for captured and/or voluntarily submitted materiel, either through accountable integration into State stockpiles or by destruction. Arms control practitioners in the field have recently benefited from two sets of technical guidelines developed by the United Nations to support the effective full lifecycle of WAM: the International Ammunition Technical Guidelines (IATG) and the International Small Arms Control Standards (ISACS).⁵²

Box 2: Important progress on WAM in Côte d'Ivoire

Following the 2011 post-electoral crisis in Côte d'Ivoire, normative and operational efforts to strengthen WAM institutions and processes in the country have been undertaken in coordination with the National SALW Commission. This has permitted the securing of stockpiles and stores, in order to avoid further diversions and mitigate risks of unintended explosions, and reduction of the circulation of illicit weapons and ammunition. With support from the United Nations Mine Action Service (UNMAS)⁵³ and HALO Trust, these initiatives have produced positive results in PSSM activities, weapons collection, destruction programs, and the marking of the vast majority of State-owned arsenals.

Various challenges remain, however, at the strategic, operational, and implementation levels to achieving the full lifecycle of WAM. A recent UNIDIR baseline study identified, inter alia, the following opportunities: strengthening of national strategy and coordination to enhance the effectiveness of the existing WAM mechanisms; revision of out of date national legislation which needs to be updated to comply with the ATT and the ECOWAS Convention; strengthening operational capacity to implement a national control mechanism that regulates transfer; the marking of remaining State-owned weapons and expansion of program to civilian-owned firearms and weapons collected; the establishment of a centralized SALW register; and the establishment of additional infrastructure for effective destruction activities.

⁵² See www.un.org/disarmament/ammunition and www.smallarmsstandards.org. For more information on IATG and UN SaferGuard Programme see “International Ammunition Technical Guidelines”, United Nations Office for Disarmament Affairs. Available at <https://www.un.org/disarmament/convarms/ammunition/iatg>.

⁵³ See <http://www.mineaction.org/Programs/civ>.

Box 3: Dealing with captured weapons in Niger

A common issue is the diversion of arms captured during security operations by defence and security forces, due to the improper marking, recordkeeping, management and disposal of such weapons and ammunitions. In Niger for instance, security agencies integrate seized weapons of good quality into their own service arsenals based on security and equipment needs identified by relevant security agencies—despite the ECOWAS Convention requiring that States destroy recovered equipment. Some agencies record these transfers, while others do not. The current absence of any standardization and centralization of information on arms seizures prevents the effective use of what data is available to monitor the implementation of SDG 16.4. Assisting the Nigerien authorities to create a central national database, and building on existing methodologies and efforts already made by some security agencies to that end, such as the gendarmerie, are therefore both critical.⁵⁴

4.1.4 Security Sector Reform (SSR)

Security sector reform (SSR) aims to transform State security institutions and is a critical component of any effective arms control and prevention strategy, particularly in post-conflict settings. SSR aims to make the provision of security more effective, inclusive and accountable, thereby reducing the potential for armed violence and both internal and external armed conflict. Firstly, the State and its security forces must re-establish their monopoly over the legitimate use of force, including through appropriate national legislation that incorporates or recognizes the applicability of relevant international law and standards, as well as managing, and possibly upgrading, their arms, based on a thorough threat assessment and defence needs analysis. In addition, no disarmament or weapons reduction program will be successful in the absence of adequate security guarantees for those persons who voluntarily surrender their weapons. SSR, as well as Disarmament Demobilization and Reintegration (DDR), and SALW control initiatives therefore need to be integrated with each other to increase the sustainability of peace and reduce the risks of relapse into conflict.

One critical aspect is that the reformed defence and security forces must be viewed as legitimate in the eyes of the population, including aiming to be, over time, representative of various regional and ethnic groups, women, religious minorities, and sexual and gender minorities. Defence and security forces must also aim to behave in a professional and accountable manner. Relevant United Nations standards include the Code of Conduct for Law Enforcement Officials⁵⁵ and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.⁵⁶ According to the official United Nations commentary to the Code of Conduct for Law Enforcement Officials

the term "law enforcement officials" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention ... In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.⁵⁷

⁵⁴ See Savannah de Tessières, "Measuring Illicit Arms Flows: Niger", Small Arms Survey Briefing Paper, March 2017. Available at <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP1-Niger.pdf>.

⁵⁵ United Nations Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 of 17 December 1979.

⁵⁶ United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, and reaffirmed by the General Assembly in resolution A/RES/45/166 of 18 December 1990.

⁵⁷ United Nations Code of Conduct for Law Enforcement Officials, Article 1, Commentary (a) and (b). Available at <https://www.un.org/ruleoflaw/files/CODEOF~1.PDF>.

A key standard agreed is that “[w]henver the lawful use of force and firearms is unavoidable, law enforcement officers shall ... exercise restraint and act in proportion to the seriousness of the offence and legitimate objective to be achieved.”⁵⁸ Other rules address the management and selection of weapons and firearms personnel. However, these requirements must be counterbalanced with the need for defence and security forces to be right-sized and affordable. Public expenditure reviews have, for instance, proven a useful tool for establishing civilian oversight of spending in this regard.⁵⁹ In addition, such forces must be capable—in terms of training and equipment—in dealing with national security needs and the relevant level of threat in a post-conflict country, which may include combatting armed criminal groups, militia and other spoilers.

By extending the rule of law through functioning security institutions, individuals and communities feel more secure and are more likely to give up weapons and disband structures established for self-defence purposes. Consultative processes and accountability mechanisms (e.g. ombudsman offices) can further contribute to greater transparency and orientation towards public security service, and assist in reducing the need, misuse and demand for weapons by individuals and communities.

Related to this is the importance of the civilian oversight of military weapons procurement, acquisition and management. This oversight is required to prevent destabilizing accumulation, support effective WAM systems, and to tackle corruption in the procurement chain, which may result in defence and security forces having substandard or inadequate equipment. Assessments and national security strategies and plans aimed at guiding security sector reform can therefore benefit from including identification of the baseline inventory of arms held by State security forces, and the composition and structure of the security forces, in order to best inform appropriate needs and prevent excessive accumulation of arms.

Box 4: Disarmament and Security Sector Reform in Libya

In Libya, although the disarmament of the militias was one of the main priorities in the immediate post-revolution phase in 2011, these aspirations faded due to escalation of armed conflict and weakened State governance and security institutions. As the Libyan security forces collapsed in 2014, various national stakeholders began competing for control over powerful revolutionary militias and other armed challengers, which supplanted the official security sector and blocked the disarmament and security sector reform agenda.⁶⁰ An added challenge had been the lack of national control over substantial stockpiles. Despite the absence of a formal security sector and the presence of armed actors operating autonomously, in 2011 the Security Council decided to ease the arms embargo for several years, which, despite its requests for stricter arms control obligations, contributed to the transfer, diversion and misuse of significant amounts of materiel.⁶¹

4.1.5 Arms embargoes, their reassessment, adjusting and lifting

Arms embargoes are an important tool in the Security Council’s conflict management and sanctions toolkit. At the outset, most United Nations embargoes target both national authorities and non-State actors, including terrorists and affiliate organizations. Provisions placed on the authorities will usually be eased over time. Arms embargoes are also often used by the Security Council in

⁵⁸ United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, para. 5.

⁵⁹ United Nations and World Bank, 2018, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*, Washington, DC: World Bank. doi:10.1596/978-1-4648-1162-3, p164.

⁶⁰ Carnegie Middle East Center, “Crumbling States: Security Sector Reform in Libya and Yemen”, June 18, 2015.

⁶¹ UNIDIR, “Applying conventional arms control in the context of United Nations arms embargoes”, 2018.

conjunction with the deployment of a United Nations peacekeeping operation. However, United Nations embargoes have been criticized for having a limited impact on both reducing arms flows to the parties in conflict and shaping the behaviour of such parties. This is in part due to inadequate national arms trade regulations and their manner of implementation in many States, and to the limited consequences for States who violate embargoes.⁶²

One entry point on how United Nations arms embargoes can have a greater impact on arms control is the manner in which the Security Council attempts to introduce arms control obligations for national authorities. Such obligations are often intended to require national authorities to support the Security Council in their management of arms as part of the gradual easing of arms embargoes. Such graduated control measures also serve to prevent diversion of exempted material imported by the embargoed State (for example, see Box 5 on the Central African Republic). The further development of specific benchmarks could be considered, particularly for WAM and security sector reform in countries emerging from armed conflict and those experiencing high levels of armed violence.⁶³ These benchmarks should also include the participation and representation of civil society and women in mechanisms and consultations. For example, the Everyday Peace Indicators⁶⁴ can be used so that ordinary people's security is measured in these processes, not just State security, thereby contributing to aligning the Sustaining Peace agenda with the people-centred foundation of the 2030 Agenda.

In the future, analysis of WAM capacities—by the United Nations mission in coordination with key security sector actors in the country—might be more systematically integrated into assessments of Security Council arms embargoes. More robust use of arms control obligations and benchmarks could usefully support the objectives of such embargoes and sanctions regimes. This would require United Nations peacekeeping missions to become substantially more involved in monitoring illicit arms and ammunition flows, including monitoring of embargoed States—State WAM, battlefield losses and diversion to NSAGs and militias—and to cooperate more closely with Groups/Panels of Experts and Member States, as called for by Security Council resolution 2117 (2013). This would in turn require more intrusive mandates backed by expertise and funding, as well as greater awareness and support for such work within the United Nations system and in its operations.⁶⁵

It is important to note that arms monitoring with the aim of preventing conflict does not necessarily require an arms embargo to be imposed. Examples of arms monitoring without an embargo include the Joint Border Verification and Monitoring Mechanism along the Sudan-South Sudan border, or

⁶² This can be explained by the limited access Groups or Panels of Experts have in certain countries and/or rebel-controlled areas, but also the limited cooperation of neighbouring States. In the case of Côte d'Ivoire for instance, the Group of Experts reported that despite the arms embargo, northern and southern Ivorian parties were able to rearm and re-equip themselves. That said, the sanctions regime may have proven useful in preventing the entering of heavy weapons (such as attack helicopters) which are more difficult to conceal and easier to trace than SALW. See Security Council report S/2009/521.

⁶³ Security Council resolution 2151 (2014), para. 15.f, requests the Secretary-General to “ensure that assistance related to security sector reform takes into account the operation of Security Council-mandated arms embargoes, where applicable, including the availability of exemptions to such embargoes specifically intended to support security sector reform”.

⁶⁴ See <https://everydaypeaceindicators.org>.

⁶⁵ Holger Anders, “Monitoring illicit Arms Flows: The Role of UN Peacekeeping Operations,” Small Arms Survey, June 2018.

the Joint Military Commission in the Nuba mountains, which was mandated with monitoring arms trafficking and the infiltration of armed groups.⁶⁶

Box 5: Benchmarks to assess the arms embargo in the Central African Republic

The mandate of The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), regarding the United Nations arms embargo pursuant to resolution 2301 (2016), encompasses a range of activities, including monitoring the implementation of the embargo in cooperation with a United Nations Panel of Experts. Importantly, MINUSCA is also authorized to seize and collect, record and dispose of arms and any related materiel in the Central African Republic (CAR) that violates the embargo.

In 2017, the Security Council requested the United Nations Secretariat to provide benchmarks to assess the arms embargo measures according to the following: 1) progress of SSR, including the CAR armed forces and internal security forces and their needs; 2) national weapons management and ammunition capacity; and 3) effective monitoring and management of borders to address the illicit proliferation of SALW. The Secretary-General provided the Security Council with potential approaches to develop these benchmarks⁶⁷ and an Arms Embargo Working Group was established within MINUSCA to coordinate the mission's efforts in the implementation of its embargo responsibilities—and share information with the Panel of Experts—as well as to assist the national authorities with exemption requests.⁶⁸

The Secretary General's letter also includes specific targets against which to measure progress, including towards “professional and accountable national defence and security forces capable of using and managing weapons and ammunition in an appropriate manner, reducing the risks of their illicit transfer and misuse against the population”. Another important target is to “ensure full compliance with the arms embargo and its exemption procedures... the creation and effective implementation of a national system to receive, store, monitor and track arms and ammunition, as well as the disposal of captured or seized military equipment, as well as the implementation of a national regulatory framework for the import of arms and ammunition, including those in private possession.” The CAR authorities are required to “match their request for weapons and ammunition with the availability of secure storage and management capacity.”⁶⁹

⁶⁶ The Nuba Mountains Cease Fire Agreement is available at https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_020119_Nuba%20Mountains%20Cease%20Fire%20Agreement.pdf.

⁶⁷ Security Council document S/2017/597.

⁶⁸ See Security Council document S/2017/2339, para. 29.

⁶⁹ Security Council document S/2018/752.

Box 6: Verification unit for arms imported under exemption in Somalia

Due to concerns that arms and ammunition supplied to the Federal Government of Somalia (FGS) under partial suspension of the embargo may be resold, the Security Council placed an end-user restriction on the FGS to prevent diversion from State stockpiles, with a requirement to submit a notification within a five-day period of initial distribution of the materiel domestically. Since 2014, the Security Council also called on the Somali national security forces to improve their WAM, through a weapons marking and record-keeping program, and decided to establish a unique verification mechanism for distribution of arms in Somalia, which puts the responsibility on the State authorities.

A Joint Verification Team (JVT) was established in 2016, through Security Council resolution 2317.⁷⁰ As a unique provision to the arms embargo in Somalia, this enables the FGS to be accountable for its stocks. It also embeds an external verification mechanism in the process, by including international experts as part of the JVT. The JVT and its reports can play a critical role in supporting the Security Council in its assessment of the arms embargo's efficacy in Somalia, because it serves as an avenue to periodically evaluate the FGS's regulation and control over its imports, marking, registration, storage and distribution of arms and ammunition in the country. Another concern has been the processing of captured military equipment, which led the Security Council to request the FGS and AMISOM to cooperate on the documentation and registration of military equipment captured during operations.⁷¹

Since the partial suspension of the arms embargo in 2013, the Security Council has requested the FGS, with some variations, to report on three key issues: 1) the structure, composition and strength of its national security forces; 2) the infrastructure relevant to the management of arms and ammunition; and 3) the code of conduct and procedures relevant to management of arms and ammunition. Such reporting obligations are particularly relevant to wider security sector benchmarks.

4.2 ARMS MANAGEMENT BEYOND STATE CONTROL

In conflict or immediate post-conflict contexts, the State—often itself party to the conflict in intra-State wars—may lose control of part of its territory and/or of the monopoly on the use of coercive force. In such contexts, engaging with non-State armed groups over arms control is an essential part of conflict management. This section discusses a range of interim security arrangements—including technical and political measures intended to reduce armed violence and to increase confidence-building—as well as immediate post-conflict arms reduction and management measures.

4.2.1 Engaging armed groups on their use and management of arms during conflict

The possession of conventional arms by NSAGs during ongoing conflicts creates a risk of direct or collateral civilian harm and diversion towards other NSAGs, including criminals, militias and terrorists. Experience has shown, however, that NSAGs behaviour in conflicts can be influenced by humanitarian actors,⁷² as well as by human rights reporting and civilian harm and casualty recording carried out by the United Nations.⁷³ A number of useful lessons have emerged from engaging NSAGs in other areas, such as humanitarian access and child protection, which could also be applied to arms control. These include measures to prohibit small arms misuse by group members, storing of heavy weapons (including 'technical' pick-up trucks mounted with weapons), safe storage of ammunition and explosives to prevent accidents, and commitments to refrain from transferring

⁷⁰ Security Council resolution S/RES/2317 (2016).

⁷¹ Security Council resolution S/RES/2182 (2014).

⁷² See for instance the work of Geneva Call. Available at <https://genevacall.org/who-we-are/>.

⁷³ Taliban fighters in Afghanistan are a case in point. See for instance Jacob Beswick and Elizabeth Minor, "The UN and casualty recording: Good practice and the need for action", Oxford Research Group, April 2014.

arms to criminals and other potential misusers.⁷⁴ Ongoing fighting or the conduct of peace or ceasefire negotiations may complicate engagement with NSAGs on the issue of their weapons.

Some NSAGs have proven receptive to the need to use, store and manage SALW in ways that are consistent with IHL, human rights law, and other international standards, particularly if they are seeking international respectability as they enter political negotiations. Such entry points could be promoted, while being mindful of the risk of legitimizing NSAGs and attracting criticism from the host State. There have also been cases of NSAG personnel being trained in humanitarian demining, and the provision of technical advice to NSAGs to promote conventional arms handling, safety and non-proliferation. However, depending on the state of the peace process, there is a risk that such activities may be viewed by a State as military training of an opposition group.⁷⁵ Some United Nations peacekeeping missions have developed their own Standard Operating Procedures for engaging with NSAGs (see for instance in MINUSCA, as described below). Also, in 2017 the United Nations Department of Peacekeeping Operations (DPKO) and United Nations Department of Political Affairs (DPA) jointly developed an internal *Aide Memoire* entitled, *Engaging with Non State Armed Groups (NSAGs) for political purposes: Considerations for UN mediators and missions*.

In limited cases, in addition to efforts to regulate use of arms by NSAGs, a number of Governments have utilized targeted buy-back and/or collection programmes for particularly sensitive and/or high-risk weapons systems, as part of interim security measures. These items may include MANPADS and certain ammunition and components used to make IEDs.

⁷⁴ DPKO & ODA, "A Handbook for United Nations DDR Practitioners: Effective Weapons and Ammunition Management in a Changing Disarmament, Demobilization and Reintegration Context", 2018 (See Chapter 2, Unit 10). Available at <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2018/01/ddr-handbook.pdf>.

⁷⁵ Small Arms Survey, "Options for Engagement: Armed Groups and humanitarian norms", 2010. Available at <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2010/en/Small-Arms-Survey-2010-Chapter-12-EN.pdf>.

Box 7: Restricting the use of specific weapons by NSAGs in Mali

Engagement with NSAGs can be aimed at restricting their use of specific weapons of concern, such as surface-to-air missiles, mines, and indirect fire weapons such as mortars and rockets. In 2014, MINUSMA briefly considered asking armed groups which were party to the peace process to surrender 122mm rockets. This was considered because such rockets are imprecise when used with single tube launchers, as was the practice amongst armed groups, and because MINUSMA's Weapons Intelligence Teams had noticed the frequent use of such rockets against its camps and in the making of IEDs targeted at its convoys. Similar proposals were floated for developing Geneva Call-type deeds of commitment⁷⁶ with armed groups to demonstrate their goodwill in relations to mines and IED components, as well as unusable ordnances that can be used for IED construction, but for which armed groups have no weapons systems. These projects did not proceed at that time, due to worries about antagonizing armed groups and of not being able to enforce such measures.

In 2017, restrictions were eventually imposed on the armed groups that had signed the 2015 peace agreement, and splinter groups. This was done to limit clashes between them and with Government forces—i.e. ceasefire violations—but also to prevent potential abuses against civilian populations. These NSAGs were ordered to stop patrolling with heavy weapons and convoys of more than five vehicles without the authorization of MINUSMA. Such restrictions, however, proved difficult for the peacekeeping mission to enforce in practice, because of capability limitations and risk aversion, and also due to caveats from many of the United Nations troop contributing countries. The problem with setting up such red lines is that the moment NSAGs realize that they will not be enforced, the mission as a whole may potentially lose credibility. It remains to be seen whether the ongoing implementation of the recommendations from the 2017 Report on Improving Security of United Nations Peacekeepers by Lieutenant General (Retired) Carlos Alberto dos Santos Cruz will change these dynamics.⁷⁷

4.2.2 Arms control during cantonment phase immediately after violent conflict

A cantonment is a military garrison or camp, and the term is used in this context to describe a process by which armed forces are required to move to a designated area. The pre-cantonment or cantonment phase agreed to as part of an interim security measure—often after reaching an interim ceasefire or peace agreement and in preparation of a future DDR and/or integration process—can be a key entry point for engaging with NSAGs and initiating arms registration and secure storage. Heavy weapons may already have been withdrawn at this stage, while SALW are generally kept in cantonments or assembly sites—often in shipping containers, sometimes following proper registration, sometimes not—but remaining under NSAG control. Provided cantonment sites are located outside populated areas,⁷⁸ and only authorized personnel leave the sites with weapons and in limited numbers for specific missions (as part of joint-integrated patrols for instance). Such arrangements can considerably limit the potential for accidents with weapons, armed abuses against civilian populations, and ceasefire violations. These arrangements are very context-specific and involve various levels of international monitoring and assistance.

⁷⁶ Specific documents generated by Geneva Call, to which NSAGs may publicly commit, confirming their intention to respect specific commitments on humanitarian norms.

⁷⁷ Carlos Alberto dos Santos Cruz, William R. Phillips and Salvator Cusimano (2017), *op. cit.*

⁷⁸ Cantonment outside populated areas and “weapons free zones” may be difficult for NSAGs to accept if they have been formed as self-defence groups or if the difference between civilian and combatant is blurry. Such groups will argue that weapons represent a source of security for their communities. Resistance may also arise where NSAGs use civilian populations as human shields.

Box 8: Interim NSAGs' arms control in cantonment in Nepal and Colombia

In Nepal, following the Comprehensive Peace Agreement made in 2006, the People's Liberation Army maintained full control over its weapons by granting its combatants the responsibility of keeping the keys of the containers where they were stored, while United Nations troops exercised 24-hour control, until they were handed over to a national technical committee and later, in the scope of army integration, to the State.

More recently in Colombia, a similar process was followed for the "laying down of weapons" of the Fuerzas Armadas Revolucionarias de Colombia (FARC), whereby arms and ammunitions were first gathered and identified in FARC temporary camps in 26 zones and points under their control, then stored in containers and monitored by a tripartite Monitoring and Verification Mechanism (FARC, Government and United Nations mission), before being deactivated and destroyed by the United Nations mission at the end of the process. In collaboration with FARC and the Colombian security forces, the United Nations mission also conducted operations to extract arms and destroy explosives located in arms caches. In the course of the process for the laying down of arms, the United Nations mission collected a total of 8,994 arms, 1,765,862 ammunition rounds, 38,255kg of explosives, 11,015 grenades, 3,528 antipersonnel mines, 46,288 electric detonation caps, 4,370 mortar rounds and 51.911 meters of detonating cord and fuses.⁷⁹

Despite being aimed at reducing violence and civilian harm within a specified territory and seeking to buy time and space for political negotiations to move forward, it must be acknowledged that in some cases such arrangements can backfire. They can contribute to NSAGs consolidating control over areas, allowing fighters to regroup and rearm, and can fuel criminal networks and economies.⁸⁰ This is often the case when security arrangements conceived as interim and temporary in nature become protracted as peace negotiations fail to progress, yet none of the parties are ready to return to full-on war.⁸¹

4.2.3 Disarmament, Demobilization and Reintegration (DDR) and associated processes

Disarmament, Demobilization and Reintegration (DDR) has long been the default tool the Security Council has resorted to when dealing with NSAGs, particularly when deploying a peacekeeping operation. "Traditional DDR", as prescribed in the International DDR Standards (IDDRS), is "a process of removing weapons from the hands of combatants, taking the combatants out of military structures and helping them to integrate socially and economically into society."⁸² The recommendation of the United Nations is that weapons collected as a part of a DDR process should be destroyed. Thus, some DDR processes have resulted in the collection and destruction of large amounts of arms and ammunition. In other cases, States have opted to store and re-use some of the weapons collected in their security forces. This has led to a recognition of the growing need to

⁷⁹ Security Council document S/2017/801, para. 23.

⁸⁰ See for instance James Cockayne, John de Boer and Louise Bosetti, "Going Straight Criminal Spoilers, Gang Truces and Negotiated Transitions to Lawful Order", *Crime-Conflict Nexus Series: No 5*, United Nations University Centre for Policy Research, April 2017. Available at <https://i.unu.edu/media/cpr.unu.edu/post/2475/Going-Straight-Criminal-Spoilers-Gang-Truces-and-Negotiated-Transitions-to-Lawful-Order.pdf>.

⁸¹ See Berghof Foundation, "Security Arrangements Before, During and After Negotiations: A Strategic Framework". Available at https://www.berghof-foundation.org/fileadmin/redaktion/Publications/Other_Resources/Strategic_Frameworks/20140613_StrategicFramework_SecurityArrangements.pdf.

⁸² United Nations Disarmament, Demobilization and Reintegration Resource Centre, "1.10 Introduction to IDDRS", pg 2. Available at http://unddr.org/uploads/documents/IDDRS_1_10_Rev_2014.pdf. Also see <http://www.unddr.org/iddrs.aspx>. Note that the Integrated DDR Standards are currently under revision and guidance on disarmament and small arms and light weapons is under development as part of this revision.

integrate technical principles of weapons and ammunition management and more comprehensive arms control measures into the framework of “traditional” DDR programs. This has resulted in the development of a dedicated handbook.⁸³

The need to reflect the range of DDR practices which have sprung up in response to the changing nature of conflict, including new ways to manage arms and combatants, has prompted a revision of the IDDRS. The overall aim of these “second generation DDR” approaches remains the same (to support a peace process, create political space and contribute to a secure environment). However, new DDR practices shift the focus away from combatants and towards the resilience of communities, focusing on risks of armed violence, targeting “hot spots” and concentrating on indicators of violence. Revising and/or strengthening gun laws is also central to the second generation DDR (after many years of being seen as peripheral), hence a new focus on ISACS as a contribution in this regard. They prioritize reinsertion and reintegration of former combatants as an alternative means of providing them with livelihoods (including through emergency employment). This work seeks to prevent further recruitments, of youth in particular, by militias and armed groups, when the (political) preconditions for traditional DDR are not in place and/or to complement an ongoing DDR process.⁸⁴

4.2.4 Community Violence Reduction

The most successful of the alternative DDR programs has been Community Violence Reduction (CVR), initially piloted in Haiti in 2006. It was launched after it became evident that the type of DDR the Security Council had mandated was not suited to address the issue of urban gangs and gun violence. Similar community security-type short-term employment programs aimed at preventing recruitments by armed groups—including potentially violent extremist ones—and militias have since been replicated in five other peacekeeping missions in the Central African Republic, Mali, the Democratic Republic of the Congo, Sudan and Cote d’Ivoire, despite questionable sustainability beyond the lifetime of a United Nations operation.⁸⁵ The realignment of the United Nations Development Programme (UNDP) towards reintegration, and away from supporting targeted longer-term socio-economic reintegration of ex-combatants programs as a part of a DDR process, has left an important gap in this area. Programmatic peacekeeping budgets, for example, only support short-term reinsertion projects, including CVR.

⁸³ DPKO & ODA, “A Handbook for United Nations DDR Practitioners : Effective Weapons and Ammunition Management in a Changing Disarmament, Demobilization and Reintegration Context”, 2018.

⁸⁴ DPKO, “Second Generation DDR Practices in Peacekeeping: A Contribution to the New Horizon Discussion on Challenges and Opportunities for UN Peacekeeping”, 2010. Available at https://peacekeeping.un.org/sites/default/files/2gddr_eng_with_cover.pdf.

⁸⁵ See UN News, “Top UN peacekeeping officials hail success of community violence reduction programmes”, 16 November 2016. Available at <https://news.un.org/en/story/2016/11/545512-top-un-peacekeeping-officials-hail-success-community-violence-reduction>.

Box 9: South Sudan Community Security and Small Arms Control (CSAC)

The Community Security and Small Arms Control (CSAC) project, set up jointly by UNDP and the United Nations Mission in South Sudan (UNMISS), aimed to develop a comprehensive and strategic approach to address the many challenges faced by South Sudan. These challenges included resource-based conflicts, lack of government services, ethnic tensions, the proliferation of arms, the legacy of decades of conflict, and to promote peace and reconciliation in South Sudan. It has been one of the longest running UNDP programs in South Sudan. The project collected more than 5000 serviceable military weapons from militias, developed national legislation and institutions for SALW control and implemented conflict sensitive development projects selected according to local stakeholder conflict mapping and analysis. Most importantly, it provided an alternative model to that of forcible disarmament.

Evaluation of the project has found that CSAC interventions contributed to peace and security at a local level by increasing people's sense of security, improving inter group relationships and building more resilient communities which are better able to resist violence and provocation. Although the project strengthened the peace infrastructure at local level, it was not of sufficient scale to make a significant impact at State level and the ongoing political and security crises has eroded earlier gains in several states in the country.⁸⁶

Increasingly CVR has been linked to gun violence reduction, with a number of entry points to develop integrated practices. These could start by using such programs to better understand the factors that encourage SALW acquisition within a given community (including through perception surveys). This can serve to identify potential arms control options in relation to community benefits that help achieve the goals of the CVR programme, including awareness raising activities about the risks of unsafe and unsecure handling of arms and ammunition. It can also include the introduction of 'gun-free zones' (GFZs) in locations such as schools, businesses, municipal buildings, religious centres, parks, sports areas and plazas, or entire villages, in areas which suffer from pervasive crime and an absence of effective law enforcement.⁸⁷ GFZs can be initiated by national and local governments, businesses, NGOs, or directly by communities through local representatives, and can help change social norms and attitudes by reducing the perceived need to carry or possess a gun for safety purposes. GFZs are most effective when used in conjunction with strengthening gun laws and carrying out police reform, as part of a multipronged strategy to reduce supply, demand and misuse of guns.

⁸⁶ Sean Mc Gearty and Philip Deng, "SUMMATIVE EVALUATION: FINAL REPORT", UNDP South Sudan Community Security & Arms Control Project, May 2017. Available at <https://erc.undp.org/evaluation/documents/download/10648..>

⁸⁷ See UNODA Guidelines on how to establish gun-free zones. Available at <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/publications/more/gfz-guidelines/gfz-guidelines.pdf>.

Box 10: CVR program with a disarmament component in CAR

MINUSCA has been experimenting with CVR activities in addition to the formal DDR process—which has yet to start—that include a weapons collection component. From July 2017 to June 2018, 6,283 individuals benefited from CVR activities in eight localities (Kaga-Bandoro, Ndele, Birao, Bria, Berberati, Bouar, Bossangoa and Bangui), including 1,581 women. 234 functional weapons, 16 non-functional weapons, 97 grenades, 115 rockets, 3,298 traditional weapons and 13,531 ammunitions were collected. Other CVR projects have been implemented in Bambari, Batangafo, Kabo, Bangassou and Bouar—with 1,400 weapons collected through CVR in Bangassou.

CVR projects are targeted at areas affected by violence from armed groups and militias and intercommunity violence. They aim to improve security at the local level through economic and social reinsertion of armed group elements and associated community members. Such individuals may be ineligible for the national DDR programme, but their inclusion in an alternative track is critical. CVR projects are also one of the key mechanisms for supporting local peace agreements and reconciliation efforts, including the establishment of safe and secure areas or GFZs. CVR activities seek to complement the pre-DDR program initiated in October 2015, and as a preparatory phase for a fully developed DDR programme, in line with 2014 and 2015 peace agreements, respectively signed in Brazzaville and Bangui. These CVR activities are designed to stabilize communities by engaging combatants in income-generating activities and sensitization to encourage reconciliation.⁸⁸

4.2.5 Civilian disarmament, weapons collection and gun laws

Civilian disarmament and weapons collection activities, sometimes called “micro-disarmament” (first coined in a supplement to the 1992 Agenda for Peace), have often been used to help collect weapons and ammunition in circulation among the civilian population in a post-conflict environment and in locations of pervasive violent crime. They are only successful if integrated as part of a broader national security and “rule of law” strategy or coordinated stabilization work carried out between a number of strategic partners. They are generally developed in conjunction with interconnected or phased dialogue and security initiatives, and require community buy-in and trust in law enforcement authorities in order to be successful.

Such programs involve various activities often including the tightening of the regulatory framework for arms possession by civilians following a grace period to enable a voluntary arms collection programme, as part of post-war efforts to tighten up gun laws. Sometimes they are coupled with the reform of community-based policing programmes to make them more responsive to the security needs of communities. These programmes are predicated on measures such as registering the user, licensing the gun, reframing permissible forms of use, and revising regulations on possession of guns. This can significantly change, restore and repair damaged social contracts and norms, open up debate, discussion and contestation about public security, the use and misuse of force, and the delivery of public services, which are all vital to sustainable peace. Critically, civilian disarmament must be based on local political/peace agreements and meet the communities’ minimum conditions for security in order to adhere to “do no harm” principles and be successful.

⁸⁸ Internal documents provided by DPKO’s DDR Unit. The mandate given to the United Nations Mission in the Central African Republic (MINUSCA) uniquely authorizes peacekeepers to “regroup and canton combatants and confiscate and destroy, as appropriate, the weapons and ammunition of elements of personnel who refuse or fail to lay down their arms.”, Security Council resolution 2149 (2014), paras. 29 and 30(g). See also <https://minusca.unmissions.org/DDRR>.

The African Union recently established an “Africa Amnesty Month for the Surrender and Collection of Illicit Weapons” as part of its “Silence the Guns by 2020” initiative.⁸⁹

Civilian disarmament programmes generally mobilize communities and civil society organization in a public awareness campaign in an attempt to change community attitudes towards firearms.⁹⁰ Development actors, and UNDP in particular, have progressively abandoned traditional buy-back and individual cash incentives for the voluntary surrender of weapons and now favour community-based programmes which exchange weapons for development, such as ‘weapons for development’,⁹¹ ‘community arms collection for development’, and ‘weapons lotteries’. These programmes are centred on modifying community preferences. Periodic weapons collection programs are a means to an end, but all too often become an end goal.

4.2.6 Improvised explosive devices

In the 21st century, improvised explosive devices (IEDs) have increasingly been used by NSAGs, including terrorists, in conflicts. IEDs have become a leading cause of deaths and injuries in some States, with devastating impacts on civilians, as well as national and international security forces. Overall, IEDs are broadly categorized as “victim-operated”, “command-initiated” and “time-initiated.” Traditional arms control frameworks have struggled to address the IED problem for several reasons. First, IEDs come in many forms and levels of sophistication, fabricated by military and/or commercially available components. Second, IEDs are deployed predominantly by NSAGs, while multilateral conventional arms control instruments primarily focus on responsibilities of the State in regulating and controlling arms. Third, IEDs are used in a wide range of environments, including in urbanized areas, posing challenges to prevention and response efforts in conflict-affected settings.

At field level, the MINUSMA has started using a Weapons Intelligence Team and UNMAS has been providing technical and advisory assistance to national authorities on the mitigation of dangers posed by IEDs. UNMAS has also assumed a coordinating role within the United Nations system on this issue. Guidelines on IEDs Threat Mitigation in Mission Settings have been developed by DPKO and the United Nations Department of Field Support,⁹² while United Nations IED Disposal Standards are being elaborated by UNMAS.⁹³ These efforts have, so far, largely focused on training peacekeepers in safe disposal and threat mitigation.

Increased emphasis by States on preventing the flow of materiel and knowledge is needed, which would require disrupting IED-making networks through coordinated local and regional efforts.⁹⁴ The adoption of Security Council resolution 2370 (2017) acknowledges the importance of preventing the proliferation of IEDs and their production and deployment by terrorist actors. The General Assembly, through resolution 72/36 on countering the threat posed by IEDs, “recognizes that

⁸⁹ African Centre for the Constructive Resolution of Disputes (ACCORD), “SILENCING THE GUNS, OWNING THE FUTURE: Realising a conflict-free Africa”, 2015. Available at <http://www.peaceau.org/uploads/arusha-au-high-level-retreat-report-web.pdf>.

⁹⁰ See Robert Muggah “Managing ‘post-conflict’ zones: DDR and weapons reduction”, Small Arms Survey, 2005. Available at <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2005/en/Small-Arms-Survey-2005-Chapter-10-EN.pdf>.

⁹¹ See for instance Geoffrey Mugumya, “Exchanging Weapons for Development in Mali: Weapon Collection Programmes Assessed by Local People”, UNIDIR, 2004. Available at <http://www.oecd.org/countries/mali/35113370.pdf>.

⁹² Available at www.un.org/disarmament/convarms/ieds.

⁹³ This was acknowledged in Security Council resolution 2365 (2018).

⁹⁴ UNIDIR, “Addressing Improvised Explosive Devices: Options and Opportunities to Better Utilize UN Processes and Actors”, 2015. Available at <http://www.unidir.org/files/publications/pdfs/-en-641.pdf>.

existing approaches in multilateral arms regulation, while valuable, do not fully address the issue of improvised explosive devices, and therefore strongly urges States to develop and implement, where appropriate, all national measures, including outreach and partnerships with relevant actors, including the private sector.”⁹⁵

Pursuant to an earlier General Assembly resolution (A/RES/71/72) on IEDs, the United Nations Office of Disarmament Affairs (UNODA) established an information hub on IEDs, while the World Customs Organization, INTERPOL and the United Nations Office of Drugs and Crime (UNODC) launched Program Global Shield, which is aimed at preventing the smuggling and illicit diversion of precursor chemicals. It is also essential for national authorities to engage with private sector actors on the issue of IED components, that are often obtained from commercial sources, including explosive substances, detonators and dual-use chemical precursors such as ammonium nitrate, nitric acid or potassium chlorate.⁹⁶ General Assembly resolution 72/36 notes the relevant research undertaken by the UNIDIR on this, and encourages States in a position to do so to continue to support its work in this area.

4.2.7 Illicit arms and the conflict-crime-terror nexus

The “nexus” between crime and violent conflict has been a subject of growing international concern. Organized crime and illicit trafficking, although a threat to security and stability in post-conflict countries in their own right, continue to be most often considered in their relation to terrorism. The combined effect of the end of the Cold War and the rise of globalization and technologies led local arms actors to seek non-State sources of financing and armament through illicit markets and criminal networks. This has, in some cases, produced marriages of convenience between actors involved in armed conflict, terrorist actors in need of weapons and finance and organized crime willing to do business.⁹⁷ Hence the particular attention given by the Security Council to preventing terrorist from acquiring weapons.⁹⁸

Conflict-affected States are particularly vulnerable to the conflict-crime-terror nexus. Criminal and terrorist networks tap into and extend corruption, and exploit gaps created by ineffective regulatory systems, porous borders, weak law enforcement and inconsistent rule of law to engage in illicit trafficking, including of SALW. Many States affected by armed conflict, including those emerging out of it, lack the capacity to fully implement relevant regional and global instruments to curb the illicit arms trade and prosecute crimes associated with arms. The response has, however, largely been focused on building institutions and the rule of law as a deterrent.⁹⁹

Implications for arms control are many, including the need to engage early to counter transnational organized crime in the context of violence reduction and peacebuilding efforts, and to operate at

⁹⁵ General Assembly Resolution 72/36 (2017).

⁹⁶ See for instance <http://unidir.org/files/publications/pdfs/ied-geneva-meeting-march-2017-en-683.pdf> and <http://www.unidir.org/programmes/conventional-weapons/examining-the-roles-responsibilities-and-potential-contributions-of-private-sector-industry-actors-in-stemming-the-flow-of-improvised-explosive-devices-and-related-materials>.

⁹⁷ John de Boer and Louise Bosetti, “The Crime-Conflict ‘Nexus’: State of the Evidence”, United Nations University Centre for Policy Research, July 2015.

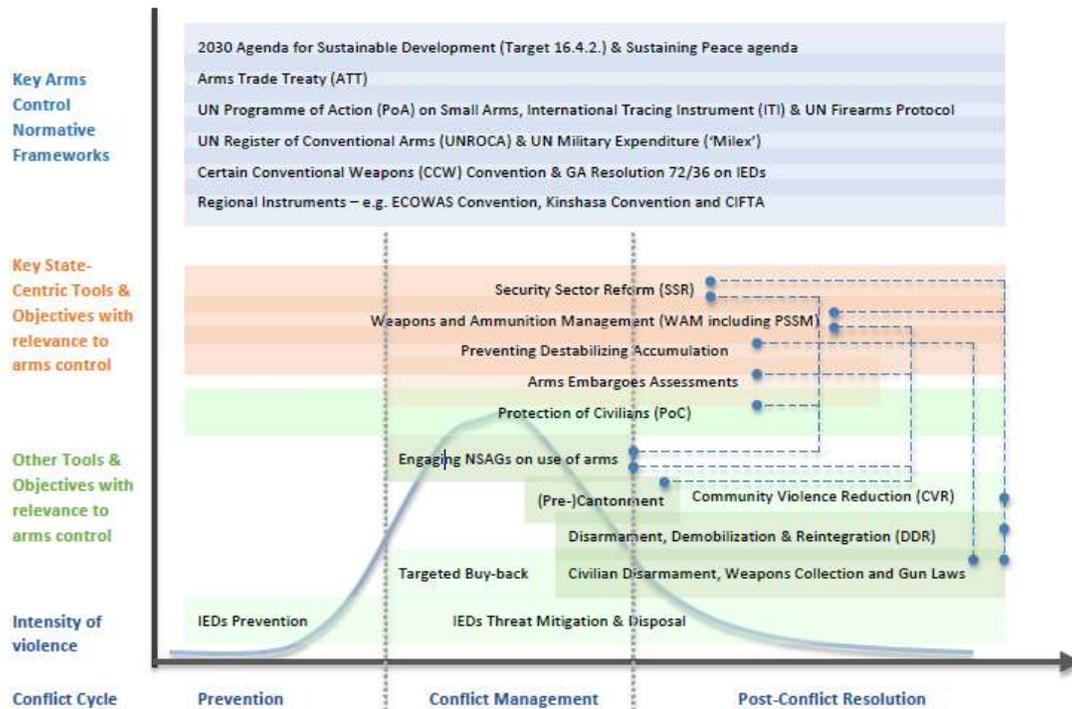
⁹⁸ Security Council resolution 1373 (2001) requires States to refrain from providing any form of support to entities or persons involved in terrorist acts, including by eliminating the supply of weapons to terrorists. An open briefing of the Counter-Terrorism Committee on “Preventing Terrorists from Acquiring Weapons” was organized on 17 May 2017. Resolution 2370 (2017) also urges greater collective effort to prevent terrorists from acquiring weapons.

⁹⁹ See for instance the World Development Report 2011: Conflict, Security and Development. Available at <http://wdr2011.worldbank.org/>.

multiple levels—local, national and regional.¹⁰⁰ States emerging out of armed conflict may face particular challenges in the context of urbanization and development in this regard. Increasingly, the Internet is being abused for weapons trade, including in components and precursor materials used to build IEDs. Terrorist groups actively disseminate guidance material and share knowledge on manufacturing and deployment of IEDs. The Dark Web markets (which exist on parts of the web that are not listed by search engines and may require specific software or configurations to use) are attractive to terrorists as they offer almost perfect anonymity and hence preclude tracing.¹⁰¹ As the State rebuilds, it is essential that security sector activities take into account these emerging threats.

The impact of these emerging challenges could be mitigated by strengthening investigative and monitoring techniques in recording and tracing weapons in conflict environments. A number of initiatives already exist, including the INTERPOL Illicit Arms Record and Tracing Management System, as well as the iTrace database, developed by Conflict Armament Research.

Figure 2: Arms control frameworks and conflict prevention and management tools applicable throughout the conflict cycle



¹⁰⁰ An example of a regional approach is the UNODC Sahel Program which supports countries from the region in their efforts to implement the Firearms Protocol and develop effective criminal justice systems against illicit trafficking, organized crime and terrorism. See <https://www.unodc.org/westandcentralafrica/en/2018-01-31-results-firearms-and-aircop-in-2017.html>.

¹⁰¹ See Giacomo Persi Paoli, Judith Aldridge, Nathan Ryan and Richard Warnes, "Behind the curtain: The illicit trade of firearms, explosives and ammunition on the dark web", Santa Monica, CA: RAND Corporation, 2017. Available at https://www.rand.org/pubs/research_reports/RR2091.html.

5 Reflections for further integrating arms into prevention policies and actions

5.1 ASSESSING HOW THE ARMS CONTROL TOOLKIT CAN BE ADAPTED TO ADDRESS VIOLENCE AND CONFLICTS IN INCREASINGLY DYNAMIC AND COMPLEX ENVIRONMENTS

The first reflection is that there is a need to assess how existing arms control frameworks and tools apply (or do not apply) to preventing and resolving modern internal conflicts and civil wars, which often take place in dynamic environments, including in urbanized settings. It is therefore essential to further unpack conventional arms control and assess its applicability to preventing and managing modern conflicts, with a particular focus on identifying whether the tools and guidance currently available effectively support risk management in urbanized environments, preventing the diversion of emerging and improvised conventional weapons systems and components, and managing arms in the hands of NSAGs.

This may include focusing on the means and methods of applying WAM elements in urbanized environments, including engagement with NSAGs. It may also include the mapping of weapons systems utilized and deployed in modern conflicts, including improvised materiel, and examining how existing instruments and tools may help regulate and control their proliferation. This effort may also entail a focus on risk management methods and approaches, including an examination of transparency and confidence building instruments and their effectiveness in preventing excessive and destabilizing accumulations of arms. Focus could also be placed on monitoring and evaluating the compliance of States with relevant arms control instruments, including violations of embargoes and/or supplying weapons to NSAGs.

Based on the initial assessment, the arms control toolkit may need to be adapted as appropriate, with a series of prioritized focus areas that would include guidance on utilizing arms control tools in dynamic and complex environments. These focus areas may include:

- data collection and management of risks associated with arms as part of a conflict analysis;
- integrating arms management as part of SSR processes;
- engaging armed groups on their (mis-)use of arms in populated areas;
- designing and building weapons management in the context of ceasefires (for example as part of the upcoming United Nations guidance on ceasefires), cantonment and evolving DDR situations (building on guidance on disarmament and SALW that is under development as part of the IDDRS revision);
- designing and integrating arms control as part of community violence reduction; and
- identifying conditions under which civilian disarmament, arms collection programs and the tightening of gun laws can be effective, safe and sustainable for communities.

While most of these are, or have become, arms management, they can greatly contribute to reducing violence and advancing the negotiation and/or implementation of a peace agreement in the short term, and pave the way for a future when conditions that have led people to keep weapons have been addressed.

Such work should be done jointly by the United Nations Secretariat (for example UNODA, DPA, the United Nations Peacebuilding Support Office, UNMAS and DPKO partners in particular), UNIDIR and

UNDP with the aim of improving collaboration across policy communities and overcoming siloes across the United Nations system.

Box 11: Potential research questions for further examination: Adapting the arms control toolkit

- What arms control tools and guidance have already been adapted to effectively address violence and conflicts in dynamic and complex environments? What existing tools and guidance need to be reviewed?
- Are there gaps in existing tools and guidance that call for the development of new policies, tools and guidance? If so, what focus areas should be prioritized?

5.2 EMPOWERING PEACEMAKERS AND DEVELOPMENT ACTORS WITH A PARTICULAR FOCUS ON ENGAGEMENT WITH LOCAL AND REGIONAL STAKEHOLDERS

The second reflection is that while the United Nations has developed a useful body of practice on arms management in conflict and the immediate aftermath of conflict, there is limited awareness of arms control tools, as well as of the obligations that States and parties are subject to, among peacemakers and development actors. Consolidating existing tools and making these more readily available to peacemakers (notably United Nations high-level mediators and the Mediation Support Unit Standby Team of Experts) as well as development actors (such as Resident Coordinators and Peace and Development Advisors), including at the local level (for example, peacekeeping field offices and grassroots organizations) could therefore be useful. In this regard, the integration of arms control frameworks—including regional approaches—into peace negotiations, mandates, agreements and mechanisms should also be considered as appropriate.

Further, key actors (including local, regional and international peacemakers, for example Envoys and Special Representatives, but also Resident Coordinators and Peace and Development Advisors) should be empowered—through mandates as well as trainings and mentorships programs—to implement conventional arms control as part of their efforts to prevent, manage and resolve conflicts. In general, arms control should be better embedded into peacebuilding and development plans and programmes as appropriate through dedicated mechanisms.

Such an effort may be initiated by undertaking a pilot exercise, with a select number of Envoys, regional offices of the United Nations Department of Political Affairs and/or United Nations Country Teams to assess and identify programming designs and avenues to integrate arms control into peacebuilding and development processes. This could consist of undertaking case studies,¹⁰² lessons learned exercises and developing further system-wide policies with the aim to empowering peacemakers and development actors to better utilize arms control at local and regional levels.

¹⁰² Note that the DDR Section in DPKO is undertaking a study of current measures, including WAM, implemented by its field staff on DDR components of peace operations to tackle armed group violence.

Box 12: Potential research questions for further examination: Empowering peacemakers and development actors

- What types of approaches and engagements are needed for peacemakers and development actors to integrate arms control as part of their core function?
- Which actors at the local and regional levels should use these arms control tools? How are peacemakers, mediation and development actors already using such tools?
- What type of guidance and capacity support would be needed to train and mentor peacemakers and development actors to integrate and utilize arms control tools and guidance?

5.3 NEED TO BETTER UNDERSTAND RISKS AND IMPACTS ASSOCIATED WITH ARMS IN INFORMING CONFLICT PREVENTION AND VIOLENCE REDUCTION

The third reflection is that arms and their impact on violence and civilian harm in conflict and post conflict are not well integrated into conflict analysis and political and security assessments carried out by the United Nations system. Data collection and analysis needs to be improved across the system to improve understanding on the impact of arms, including in terms of civilian casualties, but most importantly to demonstrate the benefits of arms control for conflict prevention and management. The 2030 Agenda and the SDG Targets present an important opportunity to use such data and analysis, including as a contribution to evidence-informed dialogue with Member States, regional organizations, civil society and NGOs. In doing so however, cost effectiveness and efficiency should be key criteria, as well as the need to reduce siloes across the United Nations system and not rush to create new ones.

Arms analysis frameworks should therefore be developed and integrated into existing assessment tools and structures where possible. For example, such an effort could be facilitated through organizing workshops with United Nations missions focusing on illicit weapons profiles with the involvement of existing Joint Mission Analysis Centres (JMAC), United Nations intelligence units/teams and Panels of Experts, where relevant. Similar exercises may be considered with relevant Civilian Casualty Tracking Cells to share lessons learned and practices on the means and methods to data collection, management and use. With regards to data collection methods, lessons could be learned and models adapted from other sectors which more systematically track risks and impacts to inform programming, including from the relevant humanitarian fields. Clear data collection fields and recordkeeping practices would need to be identified and established in order to ensure consistency and coherence by data collectors at the local and regional levels.

In order to operationalize such arms risk analysis frameworks, the relevance, diversity and inclusivity of existing rosters of arms experts (UNDP, DPA Security Council Affairs Division, etc.) should be assessed and clearer categories of expertise—technical, legal, analyst/investigator, etc.—should also be developed and made available across the United Nations system. Arms control and violence reduction expertise should be more systematically included wherever relevant and feasible in joint assessment missions, including country and thematic assessments carried out by various actors, such as DPA, DPKO and the Counter-Terrorism Executive Directorate. This, and the required accompanying mechanism (to be determined), would in turn improve the ability of missions to share information with Panels/Groups of Experts and international tracing instruments (provided information collected on arms is standardized).

The United Nations should also develop more effective integrated regional approaches to illicit arms flows in partnership with regional and sub-regional organizations, as well as national and local actors. Information sharing on critical proliferation trends and risks with and between these entities is essential to successfully implementing the 2030 Sustainable Development and Sustaining Peace agendas. New approaches beyond ad hoc trainings could be explored, such as coaching and side-by-side accompaniment.

Box 13: Potential research questions for further examination: Risk and impact assessment of arms as part of conflict analysis

- How are the trends on illicit flow of arms and ammunition being monitored as part of conflict analysis? What type of data is being gathered and analysed to better understand risks and impact of arms in conflict-affected environments? How are stakeholders from the field of conflict prevention assessing the means of acquisition, weaponization, deployment and use of arms in fragile contexts? What indicators already exists to support this type of data collection?
- Which actors should be involved in the risk and impact assessments of arms? How might the information collected on the risks and impact associated with arms be used to inform conflict prevention strategies and actions? What limitations may exist in undertaking risk analysis related to arms?

6 Conclusions

This paper set out how the widespread availability of conventional weapons exacerbates and prolongs armed conflict and how changes in conflicts has led to a new focus on arms control. It then provided context on the linkages between conventional arms control and the United Nations' agendas on preventing conflict and sustaining peace. The practical entry points identified in this paper for conventional arms control to engage with conflict prevention and management demonstrated how States, NSAGs, NGOs, international organizations and other entities are in possession of tools and approaches to assist with the integration of arms control into broader conflict prevention spaces. The sheer number of potential linkages demonstrates the importance of this paper in framing the space of this discussion. It also sets out how relevant actors will need to work together if arms control is to be fully integrated into preventative and conflict management thinking and actions, as the Secretary-General requested in the Agenda for Disarmament. The reflections included in section 5 of this report are intended to demonstrate how the United Nations system and Member States could potentially work to progress towards this goal.



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The changing role of conventional arms control in preventing and managing violent conflicts

The excessive accumulation, uncontrolled proliferation and misuse of conventional weapons exacerbates and prolongs the violence and civilian harm caused by conflicts. The United Nations Secretary-General's Agenda on Disarmament called for an examination of "how measures for disarmament and arms control ... can contribute to processes for conflict prevention, management and resolution." To support the Secretary-General's call, this paper seeks to contextualize and unpack the linkages between conventional arms control and the conflict prevention and sustaining peace agendas of the United Nations.

The paper sets out practical entry points where arms control already supports and reinforces conflict prevention and management efforts, as well as providing key reflections on how the United Nations system and Member States could further integrate arms control into their preventive and conflict management thinking and actions.