

Small arms, children, and armed conflict:

Background Research Paper

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Policy Options and Background Research

The findings of this research project are presented in two reports. A policy options paper presents a framework for effective action on the issue of small arms and children in armed conflict. It is available at www.worldvision.ca/smallarms. This background research report provides an overview of the literature and initiatives taken to address the links between small arms and children in armed conflict

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I. Introduction

The involvement of children in armed conflict (CAC) and small arms and light weapons (SALW)¹ have both attracted significant international attention as thematic issues over the last five years. The link between them seems obvious to practitioners, and it is acknowledged in broad policy statements on both issues. The common ground between these two theme areas, however, has not received much detailed attention in policy development or program implementation. It is suggested that more attention to the linkage could enhance policy development and programming in both fields.

The objective of this study is to better understand the connection between small arms and the involvement of children in armed conflict through an examination of the existing literature in both fields and other sources of information. The specific purpose for focusing on the links between the two issues is the development of effective strategies to implement Security Council resolutions that identify the illicit trade in small arms and light weapons as a critical factor in violations of the rights of children and their recruitment into armed groups.

Recent Security Council resolutions on children and armed conflict, Resolutions 1460, 1539, and 1612, call for specific actions to protect children from the impacts of armed conflict and to control the illicit trade in small arms and light weapons. Resolution 1460 calls on member states to take action to prevent the illicit flow of small arms to forces that do not respect international laws for the protection of children. Resolution 1539, adopted a year later, specifically asks the Secretary General to propose effective measures for doing this. In addition, Resolution 1539 calls for using a ban on the supply of arms as a targeted measure against forces who fail to meet their commitments to end the use of child soldiers. Resolution 1539 follows a report from the Secretary General that names specific parties for violation of their obligations to protect children and it expresses the intention of the Security Council to take progressive measures in these specific situations. The goal is to hold forces accountable for compliance with international child protection laws. Resolution 1612 provides for a monitoring and reporting mechanism and the use of specific measures to achieve compliance. These are strong statements; but implementation of them in specific situations has been very weak.

While child protection and SALW have gained increased attention at the level of the United Nations (UN), debates on the complexity of small arms control and child protection in the real world are also underway. These debates are occurring in and between ministries of foreign affairs, defense departments, NGO coalitions and UN agencies, to name but a few. Common to most discussions is the gap between international commitments and implementation on the ground where children are at risk. Essential to closing that gap is a better understanding of the factors involved and what measures might be effective to change them.

Following an overview of the impact of SALW for children, this paper outlines various strategies to address the issue and discusses implications for child protection in legal terms and in physical security. Lessons are also drawn from the experience of armed youth in other contexts. The paper concludes with a framework for action, including short-term and long-term recommendations for states, civil society and the Security Council. Four case studies are included to illustrate how the framework might apply in real scenarios.

Security Council resolutions have identified the illicit trade and transfer of small arms and light weapons as a critical factor contributing to violations perpetrated against children; now it

is time for the Security Council, along with other actors, to turn these commitments into action.

II. Commitment to Action: A Common Challenge

In 2001, *Biting the Bullet* issued a special report entitled “*Putting Children First: Building a Framework for International Action to Address the Impact of Small Arms on Children.*”² It included a broad preliminary framework for international action to address the nexus between SALW and children in armed conflict. Building on that report, this study aims to identify more specific policy options to address the role that small arms play in the involvement of children in armed conflict.

Strategically, the decision to focus attention on the problems of SALW and CAC as thematic issues has been a sound one. It has allowed advocates and practitioners to draw on existing knowledge in related fields and build broad-based public support for the development of new international norms and new approaches to programming. The 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, for example, drew considerable attention to the global effects of small arms. With increased focus came opportunities for new research, pilot projects, and field programs. A survey of current written material on the small arms problem suggests that the scope and sophistication of work in this field has increased dramatically since the initial UN Conference. If one asks whether these efforts have actually improved the situation on the ground, the answer would have to be “very little.” It is hopeful, however, that these activities will have an effect over the longer term.

At their heart, NGO coalitions on these issues are attempting to shift current concepts of state and inter-state responsibility, while creating global opportunities for engagement and systematic responses to violations. Through persistent attention, state-champions and civil society organizations have created a momentum that allows UN member states less and less opportunity to avoid fulfilling their commitments on these issues; if upheld, those commitments might actually afford real protection to current and future victims of small arms violence and human rights abuses.

While advocacy groups emphasize the commonalities between these issues from the perspective of affected communities, it is also important to recognize the differences from the perspective of armed groups. While some armed groups may be convinced to stop using child combatants and landmines, they are unlikely to give up their small arms. The centrality of small arms as tools of insurgency or state authority suggest that removing small arms once conflict has broken out is unlikely. In many cases, actually protecting civilians in situations of armed conflict would either require a resolution to the conflict itself or military intervention to protect vulnerable populations targeted in the course of hostilities.

Stemming the flow of weapons to groups already engaged in armed activity through embargoes or other sanctions may reduce the levels of violence, but it does not address root causes and often does not have an immediate or predictable effect. While these options may work in some cases, determined armed groups may rely more heavily on smaller amounts of newly sourced, black market, civilian or military weapons and ammunition; use improvised munitions and homemade explosives; carry out attacks against civilians with machetes; or adopt terrorist tactics including bombing and suicide bombing. In situations of asymmetric warfare, the use of small arms is supplemented with an increasing use of explosives, including by child suicide bombers. In some cases, if SALW supplies are limited and improvised explosives are being used to gain power, the perverse logic of terrorism may even aim to

increase state repression in the hopes of encouraging a broader base of popular rebellion. In these situations, conflict resolution and addressing the deeper causes of the conflict need priority attention in the search for strategies to protect children and civilians from armed violence.

Calls to cut off supplies of small arms and ammunition to groups involved in the abuse of children have increasing international support; but preventing all transfers of these weapons, including transfers to non-state armed groups, still does not have wide support. While state sovereignty is commonly used as an excuse to avoid international intervention to protect civilians, states still reserve the right to undermine or violate sovereignty by transferring SALW to opposition groups when they deem it to be in the interests of their own security, or that of their allies. Examining the connection between the transfer of SALW and their uses raises important moral questions about the legitimacy of different types of armed action and about international support for certain types of armed action. Is there ever a “legitimate” insurgency against a violent and oppressive totalitarian regime? If some cases of armed insurrection are morally and perhaps even legally justified, then under what circumstances can they be supported internationally? Is a ‘legitimate’ insurgency carried out against a violent and oppressive totalitarian regime de-legitimized when it adopts underage recruitment as a strategy? These are difficult questions that come to the surface as one moves from hortatory injunctions against the use of child combatants and small arms to specific strategies for implementation in specific situations.

It is ironic to note that many insurgent groups have been described as illegitimate until they succeeded in their bid for state capture, at which point they have come to be considered legitimate entities and have been granted the respect and privileges of state governments. In these contexts, is it possible to consistently apply human rights criteria, such as respect for the rights of children, as a basis for international recognition and support of state and non-state forces alike? It is in the context of these questions that the issue of arms transfers must be considered. At present the movement to sanction all armed groups that violate the rights of children does provide an important entry point for reducing the harmful effects of armed violence on children, without forcing an even more difficult examination of all of the ambiguities inherent in the international system.

Ideally many of the current and proposed interventions related to the SALW and CAC issues could have the effect of altering the choices that state and non-state actors make during wars and insurgencies, regardless of whether international bodies are willing or able to take action to peacefully resolve armed conflicts as they are mandated to do. As likely, armed groups will only seek to comply with emerging international norms around child recruitment, targeting civilians, humanitarian access and proliferating SALW when they seek recognition as legitimate belligerents, and often only as the fighting is subsiding and a peace process is taking form.

Is it feasible to prevent an emerging non-state armed group from recruiting child combatants? Engaging non-state armed groups on the landmine and child recruitment issues has been discussed. Direct dialogue between the Security Council and non-state armed groups in order to encourage compliance with human rights and humanitarian norms is also a step in the right direction. However, engagement needs to be carried out on a more systematic basis as a way of ensuring compliance with international law, such as explaining to all armed groups that they will be held accountable for the methods they employ, when they want to secure humanitarian access, and when they want to engage in peacemaking.

As the Nepalese case suggests, when counter-insurgency measures become more successful and voluntary recruitment wanes, armed groups often target children for recruitment as potential combatants. Avoiding this option may make sense as a moral and legal choice, but armed groups may not see it as a militarily expedient one. What kind of incentives for child-demobilization can the international community create in cases where an armed group's 'survival' depends on its ability to coerce, abduct, brutalize and indoctrinate children into becoming child combatants? This was the case with the RUF in Sierra Leone and it is the case currently with the LRA in Uganda and Sudan. The former was ended only when the international community stepped in to physically protect civilians. The civilian population in Uganda has not been as fortunate. From the perspective of an outsider, the lack of popular support and the need to abduct children and force them to become combatants suggests that their cause lacks legitimacy, which in turn raises questions about the ethics of giving them recognition through engagement for the purposes of child protection.

An equally difficult ethical question is what to do in situations where vulnerable children volunteer to become combatants in order to address their own needs and desires for security, sustenance, power, belonging, prestige or revenge. Indeed, recruitment strategies, training, tactics and motivations vary dramatically between rebel movements, with very real consequences for any attempt at engagement by international organizations and NGOs to promote compliance with emerging norms.³ Careful engagement with these groups can have a positive effect if it clearly puts the best interests of the child at the center of attention.

The control of SALW held by armed groups is even more problematic. Since SALW are the primary tools used to carry out irregular warfare, their use is often seen as the *modus operandi* of these groups. One entry point may be a focus on safety. It remains to be seen whether it is possible to engage armed groups in efforts to make SALW proliferation 'safer' in the areas over which they have control. Similarly, efforts to control the storage and use of SALW by poorly trained state-affiliated paramilitary groups can be crucial to improving public safety, especially where these weapons are stored in the home.

The level of influence that international actors have with armed groups and the strategies that they employ vary widely. Factors to be considered include the capability, orientation and objective of armed groups; their level of sensitivity to international perceptions; the employment of varying command and control strategies; and their level of knowledge of obligations under international humanitarian law, among others.⁴ Even in situations where groups seek legitimacy and make commitments to avoid underage recruitment or stop using certain kinds of weapons (such as landmines), monitoring compliance is difficult. The recent experiences in negotiating commitments to end the use of child soldiers with non-state armed groups such as the SPLA in southern Sudan, the LTTE in Sri Lanka, LURD in Liberia, RCD-Goma in the Democratic Republic of the Congo among others, have shown that, despite commitments to the contrary and some limited demobilization of child combatants, child recruitment continues.⁵ The use of the "Geneva Call" instrument to negotiate a ban on the use of anti-personnel landmines by non-state armed groups has achieved some significant successes, with 21 signatory non-state armed groups in four countries (Somalia, Sudan, Philippines and Iraq). Monitoring compliance with these agreements has proved problematic, although not impossible in principle.⁶

Child advocacy groups have worked to create a framework for progressive action, moving from engagement and incentives to more punitive measures. The framework is reflected in Security Council Resolution 1539, which calls for progressive measures, starting with

requests for information in cases where child recruitment is suspected and dialogue with the parties reportedly involved in recruitment in order to end it. The development of plans of action to encourage and pressure offending parties into compliance would include incentives in the form of support from international donors; if there is no progress, measures would turn toward more punitive actions. This approach is an attempt to put in place a practical, international framework that will both “name and shame” offending parties and generate systematic and effective responses to violations. (See Annex I)

As Casey Kelso of the Coalition to Stop the Use of Child Soldiers rightly suggests, “*Adopting resolution after resolution which fail to protect children from conflict has created ‘resolution fatigue’ among governments at the UN and cynicism among the public...the UN should step up efforts to demand accountability by governments and groups using child soldiers. The Council should act to end weapons flows to violators and apply targeted sanctions to parties that fail to end their use of child soldiers.*”⁷

As with many Security Council resolutions and high-level reports on the protection of civilians in situations of armed conflict, the problem is not a lack of language to describe what needs to be done to protect civilians. It is rather a continued lack of political will to act in a climate where concrete measures and mechanisms to physically protect civilians, including children, from the worst forms of violence in armed conflict have yet to be put in place.

III. Impact of Small Arms & Light Weapons on Children and Youth

A number of studies have examined the impact of SALW on development and humanitarian activities, both by breaking down effects thematically and by illustrating them through case studies.⁸ These studies paint a grim picture of the direct and indirect effects of weapons proliferation and use during conflicts and in their aftermath. Intentional and accidental killing and injury, armed attacks, armed sexual violence, psychological trauma and increased looting and banditry are the most obvious direct effects.⁹ The indirect effects of SALW proliferation and use include forced migration and the destruction of household and community assets, livelihoods, local economies and employment opportunities. SALW related insecurity also creates conditions where public services and infrastructure, such as healthcare, education, roads, electricity, food distribution, and trading systems, cannot be maintained or become inaccessible to large numbers of people.¹⁰ In this context, it is important to understand more deeply the specific impacts for the lives of children and youth.

A. Weapons as survival strategies for children and youth

Children and youth involved in armed groups fall into two broad groups: 1) those who have been abducted and forced to serve as combatants, in auxiliary roles and as sexual slaves; and 2) those who have volunteered to participate in the activities of armed groups. According to the existing body of research on child combatants, children most vulnerable to recruitment or abduction are those who have been separated from their family, displaced, orphaned, abandoned, are living or working on the street, are involved in prostitution or come from child or female-headed households.

Voluntary recruitment may not be entirely voluntary for these children, and the reasons for doing so vary considerably. In many cases, children who “choose” to join armed groups do so because of the lack of other options for protection and survival. Sustained exposure to violence with no protection from government agencies can cause some children to turn to

armed groups. Economic necessity can be another reason children volunteer to join groups; some armed groups entice children to join by promising them regular meals, clothing and other necessities. The desire to help protect their community by joining local defence units can be another reason for voluntary participation in armed groups. In addition to reasons of physical safety and survival, children may join groups because of political ideology, prestige, the desire for revenge, traditional beliefs about the entry of boys into manhood, or existing family association with fighting forces.

In some cases, youth may join home guards with the encouragement of parents, elders or community leaders in order to protect their communities and then be forcibly absorbed into frontline military units and deployed elsewhere. In one example, child and adolescent home guards recruited to protect internally displaced camps in Katakwi in eastern Uganda were removed from their communities and taken, without the knowledge of their communities, to supplement depleted units of the Ugandan People's Defense Forces (UPDF) in the DRC and Sudan. The community was then vulnerable to attack by Karimojong cattle raiders and LRA rebels.¹¹

Even though girls make up a smaller number of combatants, it should not be assumed that all girls are abducted or physically forced to join. Research carried out by the Quaker United Nations Office (QUNO)¹² has found that even in situations where girls are widely abducted by armed groups, not all girls join as a result of physical coercion. Some girls join for the same reasons as boys. Some girls make a choice to become soldiers because having a gun is likely to provide greater protection against being raped, abused in other ways or killed. Physical and/or sexual domestic abuse might lead girls to seek protection within an armed group. These factors may also contribute to the participation of boys in armed groups, although studies have not addressed this issue. While in many situations girl soldiers are sexually exploited and abused, in other cases they may choose one or more partners for emotional or other benefits.

The QUNO studies also suggest that, in some cases, girls join because they want to demonstrate their equality with boys, to gain skills and leadership opportunities. Girl combatants will, of course, face the same risks of death and disability faced by boys in these cases.¹³ However, while girls share many of the difficulties of reintegration with boys including social stigma, education, livelihood, addiction and substance abuse, they may face additional social stigma and reproductive health issues that boys do not. The stigma of sexual abuse as well as the birth of babies through sexual violence can make reintegration more difficult for girls. Many girls formerly associated with armed groups become involved in prostitution.¹⁴

Addressing the problems of abduction and volunteer participation in armed groups requires increased protection and alternative survival options for children. In order to reduce the demand for small arms for protection and economic survival among children and youth, alternative protection measures and livelihood options must be made available to them. This requires the use of more comprehensive approaches to the issues of children and the use of SALW. In their paper *Exploring Small Arms Demand: A Youth Perspective*, Angela McIntyre and Taya Weiss suggest that use of SALW by young people and participation in armed groups should be considered as political, economic and security issues, not primarily as humanitarian ones. They consider children and youth to be political actors who have been disempowered by the severe constraints that conflict places on their options for involvement in society. In conflict situations, the presence of small arms can have important effects on the decisions that

children and youth make; small arms can be used to threaten, coerce, or offer a sense of empowerment to children and youth.¹⁵

McIntyre and Weiss make another important point in their analysis of the link between child and youth participation in armed violence and the demand for small arms. They argue that children and youth must be given the tools and “safe spaces” for resolving their conflicts peacefully and non-violently:

“The implication is that conflicts that absorb and otherwise affect children and youth could have entirely different dynamics in the absence of small arms and light weapons. In fact, non-violent conflict is an essential part of transformation and one in which youth engage universally as they challenge authority and values and seek identity and independence. But children and youth need safe spaces in which to do so.”¹⁶

McIntyre and Weiss go on to suggest that children and youth are active agents in their societies rather than passive recipients of decisions made by others:

“Children’s spaces are invaded by arms in two distinctive but closely linked ways. The first goes back to the impact of small arms on development – the economic impacts, displacement and damage to the social fabric. Understanding the second demands that, in accordance with the call to recognize children as participants and resilient innovators, we see children as actors and decision makers in violent environments, responding to the pressures, opportunities, norms and values of their societies.”¹⁷

The view of children as decision-makers must guide the response to the issue of children using small arms for survival. If children have the capacity to choose to use weapons for survival, then, through empowerment, alternative livelihood options, addressing grievances and better security for themselves and their communities, they would equally have the capacity to choose *not* to use these weapons. Section VI-D of this paper looks at ways in which the impacts of SALW could be reduced by addressing the reasons for demand for these weapons and providing alternative options for children and youth.

B. The Use of SALW in sexual assaults and exploitation

The use of rape as a weapon of war has been documented throughout history. Specific targeting of children has been documented in a number of recent armed conflicts, including Sierra Leone, Sudan, DRC, Uganda and Rwanda. In conflict situations, small arms are commonly used to facilitate sexual assault against children. Rape of girls captured by the RUF in Sierra Leone, for example, was routine. In 2002, Physicians for Human Rights reported that 53% of displaced women and girls who had ‘face-to-face contact’ with the RUF suffered some form of sexual violence, including gang rape, sexual slavery, forced marriage and molestation.¹⁸ Small arms are used not only to intimidate and coerce women and children during these sexual exploits, but also to seriously harm and kill them. For instance, in the 1994 Rwandan genocide, hundreds of thousands of women were raped before being massacred as part of the strategy to humiliate and eradicate the Tutsi population.

Without the use of weapons, sexual violence could not be carried out on a massive scale. In times of war or internal disturbance, it is almost exclusively the presence of small arms, as opposed to other types of weapons, that facilitates these forms of humiliation, violence, abuse and torture. Time and again, eyewitness accounts describe how groups of armed men have committed sexual violence in public while under protection from the guns of fellow fighters. Without the threat of these weapons, the community could have prevented sexual violence.

The high incidence of HIV/AIDS in conflict areas makes sexual violence not only physically and psychologically traumatic for victims and communities, but also deadly for victims of the attack. HIV/AIDS is yet another weapon with lethal consequences for the victim. According to anecdotal evidence, a high incidence of HIV/AIDS generally does not deter combatants, including children and youth, from carrying out sexual crimes or engaging in consensual sex; rather, the culture and environment of violence in which many children and youth find themselves contributes to other forms of risk taking, such as unprotected sex. The risk taking can go both ways, and in some situations, those who are infected with HIV/AIDS may be more prone towards violent behavior. In Sierra Leone, for instance, some young RUF fighters are said to have justified their highly violent and anti-social behavior on the grounds that “we’re all going to die of AIDS anyway.”¹⁹

Sexual violence against boys and men also occurs during armed conflicts, though on a smaller scale than that against girls and women. The homosexual rape of young boys during conflict, including sodomy both by older children or adults, receives little attention largely because information about this type of stigmatized violence is extremely difficult to obtain.²⁰ Without the coercive threat and use of weapons, mass sexual violence against females or males in war would be considerably more difficult, if not impossible.

In addition to the forced sexual violence that is facilitated by small arms, Alex De Waal points out the link between the macho culture of war (of which SALW are a part) and sexual exploitation. While it is probable that most sexual encounters by soldiers are consensual, De Waal points out:

“that does not make the woman an equal ‘partner’—the very word conceals the hierarchy inherent in most soldiers’ sexual encounters. Army garrisons are typically surrounded by bars and brothels. Soldiers are paid well and regularly by the standards of rural Africa, where impoverished young women may be obliged to resort to ‘survival sex’: selling their bodies for the necessities of life. Officers’ macho culture encourages multiple sexual ‘conquests’, and their status and pay makes them attractive to young women seeking favours and security. The risk-embracing nature of military life makes a mockery of safe sex messages. Why use a condom tonight when you may go into combat tomorrow?”²¹

Specific programming with women and girl children has been crucial for ensuring that these members of society receive equal and adequate resources to meet their particular needs in situations where they are vulnerable or where they face specific forms of discrimination and specific heightened threats (from sexual assault, sexual assault with a weapon, forced or early ‘marriages’, forced prostitution, forced pregnancies and STDs).

Strategies described in the literature include:

- development of local child protection networks, with a special focus on girls;
- use of reproductive health kits in emergency conflict situations;
- safe motherhood programming;
- family planning;
- community awareness-raising;
- measures to combat sexually-transmitted diseases, including HIV and AIDS;
- initiatives to tackle sexual and gender-based violence;
- access to abortion services;²² and
- prosecution of rape as a war crime at the ICTY and ICTR.²³

While some of these activities are crucial interventions to prevent attacks and mitigate the immediate effects of violence, many are remedial and legal measures. Few provide actual physical protection to prevent sexual violence facilitated with SALW.

C. Psycho-socio impact of exposure to SALW

Exposure to gun violence and participation in fighting forces has a severe impact on the psychological well being of children caught in armed conflicts. The trauma associated with witnessing, participating in, or being targeted by armed violence can have lifelong effects, both for the individuals directly affected and for their families and communities. The following example illustrates the potential effects on children and youth when violence is carried out with small arms and light weapons in a low-intensity conflict context.

Even five years after escaping the Lord's Resistance Army, former male and female abductees in the Gulu District of northern Uganda continued to experience the following:

- sleeplessness, nightmares and flashbacks;
- an inability to cope with and a general fear of the unknown;
- unstable weight maintenance and poor self-image;
- ongoing depression and suicidal tendencies;
- sensitivity to strange or loud noises and sudden movements; and
- irritability either while at home, at school or at work.

Former boy soldiers further expressed other problems including:

- feelings of shame about past actions and of guilt about having survived while others died or continue to be in captivity;
- low self-esteem and hopelessness about the future;
- a lack of confidence in their ability to create a home or family, to make a living and to improve themselves; and
- anger at rebels for taking away their youth, at the government for doing nothing and at their communities for not understanding them.²⁴

Unfortunately, without resources to deal with their trauma, it is likely that these effects would continue well beyond the five-year mark and have a long-term impact on the development and well being of these former abductees.

In non-conflict contexts, studies have examined the psycho-socio impact of exposure to gun violence on the performance of children at school. In their paper "Mitigating the Effects of Gun Violence on Children and Youth," James Garbarino, Catherine P. Bradshaw, and Joseph A. Vorrasi examine the effects of firearms violence on children, identify risk factors for child and youth involvement in such violence, and suggest a number of ways in which parents and teachers can help prevent and heal the scars of such involvement. A number of their observations are also relevant to the conflict context:

- Exposure to violence can cause intrusive thoughts about the traumatic event and sleep disturbances
- Children and youth exposed to gun violence commonly experience difficulty concentrating in the classroom, declines in academic performance, and lower educational and career aspirations

- Violence-exposed children also may show a decline in cognitive performance and school achievement.
- Young people exposed to gun violence experience lasting emotional scars.
- Some children may develop posttraumatic stress disorder (PTSD), which has been shown to affect brain development
- The psychological trauma of gun violence may lead some children to arm themselves “for protection,” or desensitize them so that they feel less hesitation about engaging in violent acts.
- Children exposed to gun violence may become more likely to perpetrate violence themselves.
- Age and social and cognitive development are key determinants of how children respond to community violence.
- The effects of community gun violence can be particularly severe if exposure occurs during critical periods of neurological growth and development, such as early childhood and early adolescence. For example, children who are exposed to traumatic events before age 11 are three times more likely to develop PTSD than children over age 12.
- Adolescents who witness a single episode of violence, such as a school shooting, may experience greater stress than younger witnesses because they feel guilty about surviving and about not being able to help other victims. These feelings of guilt, coupled with anger and the desire for revenge, can make this type of violence exposure particularly difficult for teens.
- Other outcomes associated with exposure to violent trauma include increased delinquency, risky sexual behaviors, and substance abuse.²⁵

The authors also suggest responses and preventive measures that could be undertaken in order to mitigate these effects or, ideally, prevent such violence in the first place:

- Carrying out trauma-focused group interventions to treat violence-exposed and victimized children and adolescents;
- Training teachers and parents to identify warning signs;
- Encouraging parents to actively prevent exposure to gun violence by monitoring their children’s activities;
- Effectively identifying and referring violence-exposed youth to mental health services;
- Altering the social and physical structure of the school; and
- Helping children feel connected to and supported by their teachers and peers.²⁶

Resources to deal with the psychosocial impact of armed violence on children are being developed and distributed through the Inter-Agency Network for Education in Emergencies (INEE). The Italian NGO AVSI has, for example, developed and shared a ‘Psycho Social Handbook for Teachers’ and an accompanying training manual. The materials are aimed at helping children and youth cope with past traumas so that they can move ahead in a productive and peaceful manner.²⁷

D. Impact of SALW on education and schools

In addition to the negative psycho-socio impact of SALW on the performance of children in school, small arms and light weapons impact education and schools in other ways. The instability created by SALW in conflict areas generally limits access to education for children, particularly in developing countries. Conflict creates higher numbers of orphaned, separated,

displaced, and street children, and education may not be possible for these children when survival is at stake.

Access to education in emergencies has become a separate field of work within the context of advocacy on children and armed conflict. An early initiative led by the International Education in Emergencies Network (INEE) focused on acceptance of education as an essential component of humanitarian assistance, dubbed “the fourth pillar of IHA.” When it is not practical to build schools, informal approaches can continue learning and provide an important protection network for children during times of social instability. The work in this area is currently focused on the implementation of standards for the delivery of education in emergencies and the development of training materials and flexible curricula.

To reinforce the importance of education, the Watchlist for Children and Armed Conflict has made submissions to the UN Security Council that repeatedly call for education to be recognized as a protection activity and recommend that contributing countries make education eligible for funding as an emergency activity.²⁸

In conflict areas, schools can sometimes be sites of danger for children rather than havens of protection. Schools can be the targets of attack, appropriation by armed groups, beacons for forcible recruitment or sites for weapons storage. In northern Uganda and southern Sudan, children continue to be abducted directly from schools by the Lord’s Resistance Army (LRA) to serve as combatants or sex slaves for this rebel group. During the recent invasion of Iraq, it was widely reported that schools were used to stockpile weapons and ammunition by Iraqi forces.

While schools cannot protect children from all forms of danger, they can help to reduce levels of voluntary recruitment among children and youth. Studies have found a correlation between performance in school and voluntary youth participation in armed groups. Appropriate education opportunities for children and youth have a deterrence effect on recruitment, re-recruitment and SALW/firearms use in both conflict and post-conflict contexts. Schooling and attentive family supervision can help mitigate the dangers of youth involvement in SALW violence, both as victims and perpetrators. Unfortunately, teacher and family supervision is often weak or absent during armed conflict or displacement.

Schools would seem to be ideal sites for re-integration of ex-combatant children. For many former child soldiers, however, the return to school after escape or demobilization can be humiliating as they often need to struggle to keep up with younger children. Fear of humiliation often discourages ex-combatants from returning to school and leads to further frustration and alienation. It has also been suggested that teachers and parents may object to having former child soldiers in their classrooms, fearing that they will have a disruptive effect on other children.²⁹ Careful attention to these factors with focused strategies is needed to achieve successful reintegration of former combatants into appropriate educational settings and community life.

Children and youth in ‘non-conflict’ contexts also face small arms violence at school. An alarming study of youth gangs in El Salvador noted the high incidence of children and youth becoming armed while at school. In the school surveyed during one month in 1996, a total of 17% of girl pupils came to school armed, 14% had stabbing weapons with them, 7% clubs, 5% pistols, and 3% long-barreled weapons. The study also noted that young people were increasingly making their own hand grenades. Some of these had exploded by mistake, causing casualties among fellow-pupils.³⁰

Schools can provide an opportunity for teachers to identify signs that children may be at risk of participating in armed violence. The US Federal Bureau of Investigation (FBI) has created a guide for teachers and school administrators in developed, non-conflict contexts. This guide suggests that the following warning signs may indicate the potential for child or youth violence with a firearm: a low tolerance for frustration, depression, lack of empathy, exaggerated sense of entitlement, excessive need for attention, inappropriate humor, rigid views, fascination with violent entertainment, access to guns or weapons, and high exposure to violent media.³¹

One current initiative to address small arms violence in schools is being carried out in El Salvador by the Ministry of Education, in partnership with UNICEF and domestic NGOs. In El Salvador large numbers of weapons are left over from the civil war and from civilians who armed for self-protection. The purpose of the project is to help pupils, parents, and teachers recognize and document armed violence through qualitative and quantitative surveys in 20 schools in the area of San Salvador and then develop measures to contain it. On the basis of forty workshops, solutions are to be developed with the affected groups of stakeholders, and measures implemented. The results of the experience will be made available for implementation in other schools, and analysis of the impacts will be disseminated to the broader public.³²

Comparing the effects of and remedies for child and youth exposure to SALW/firearms violence in conflict and non-conflict contexts may not offer a perfect opportunity for developing good practices and identifying lessons learned across different developmental and cultural realities. Nevertheless, judging from the literature, the effects of child and youth experience with SALW related trauma are most likely universal. While understanding different cultural approaches to psychological healing and preventing cycles of violence is essential for effective programming, lessons learned in this area in developed contexts have some relevance for related programming in the developing world.³³ Significant differences remain, unfortunately, in the opportunity and resources available in the developing world to carry out appropriate preventive interventions, to assist children at risk, and to rehabilitate and support victims in ongoing and post-conflict situations.

E. Small arms, family stress, and family protection

Under dangerous circumstances, it is often difficult for parents or caretakers to cope with providing daily needs, let alone offering the protection, support and supervision that may be necessary in order to safeguard children and youth from becoming involved in armed groups. A recent study of the levels of mental distress experienced by Afghan mothers caring for children in two refugee camps in North West Frontier Province (NWFP) of Pakistan found extraordinarily high rates and severity of hopelessness and suicidal feelings among refugee mothers. This is an area characterized by the widespread proliferation and use of SALW. The study suggests that the high numbers of SALW may have had important public health and social implications. One hundred and six women (36% of the sample) screened positive for a common mental disorder. Ninety-six women (91%) of those screening positive had had suicidal thoughts in the previous month, and eight women (9%) rated suicidal feelings as their topmost concern. Further, the study highlighted the fact that depression and mental disorders in mothers are known to be associated with emotional, behavioral and conduct problems in children, and suggested that this could contribute to creating a “vicious cycle of despair, despondency and anti-social behavior.”³⁴

During conflicts, the presence of firearms in the home may put women and children at heightened risk of deadly domestic violence. In this way, the increased presence of weapons in the home as a result of civilians arming themselves for self-protection, the creation and arming of civilian paramilitary organizations, and the storage of weapons at home by soldiers on leave can have disastrous consequences. According to a recent study, homicide rates associated with small arms have doubled in Israel since the beginning of the second Intifada. The ratio of ‘femicides’ – the killing of women by their intimate male partner or other close relative- committed with firearms has tripled since the mid nineties. Ben-Nun, the author of this study, suggests that not only do these figures illustrate the militarization of Israeli society, but also that,

“Sociological research is beginning to demonstrate the cascading effect on violence against women, including more often than not the psychological terror that children are subjected to daily by the mere presence of a weapon in the house, and the tacit and overt threat of its use by fathers, husbands and other relatives.”³⁵

Conflict may increase the presence of weapons in the home and increase the likelihood of domestic violence and intimidation aimed at women and children. This is especially likely in situations where local paramilitaries have been created. These individuals, with only rudimentary training often serve as ‘home guards’ in their own communities, which requires them to store their military weapons and ammunition at home, often with unsafe, or non-existent safe storage facilities.

In domestic gun control efforts, the “guns attract gunfire” message has been used to educate people about the dangers that arming for self-protection poses to members of the household where guns are kept and to suggest that owning a gun may actually make it more likely that its owner and other family members will be wounded by gunfire.

In summary, children and youth are impacted when their primary caregivers at home are traumatized or depressed as a result of the use of SALW in conflict, and when guns are brought into the home for storage.

IV. Protection: Norms, Security Council Resolutions, and Reality

Protecting the security and rights of children in armed conflict has gained momentum since the 1996 publication of the groundbreaking report by Graca Machel on *The Impact of War on Children*. The language and measures that are currently proposed raise the same issues of sovereignty, physical protection, arms-control, intervention and multilateralism that have plagued broader efforts to limit armed violence, protect civilians in times of war, improve governance and encourage economic and social development. Child protection issues, and in particular the child ‘soldier’ and small arms nexus, has provided an entry point by building on the indisputable need to protect children from abuse, based on the Convention on the Rights of the Child and its optional protocol. Where states are in violation of international law and conventions to prevent child recruitment and its attendant abuses, they now often choose to deny their recruitment rather than to deny its illegality.

Concurrently, the literature in the child rights field has moved from one of documenting abuses and outrages against children towards an approach that identifies children in situations of armed conflict as rational actors making decisions, often from amongst extremely circumscribed options. These approaches are beginning to inform demobilization and

reintegration strategies, efforts to prevent voluntary and forcible child recruitment, and preventive strategies for small arms violence against or by children in domestic, criminal and conflict contexts.

The protection of children in situations of armed conflict is made more difficult by the widespread availability and misuse of small arms. While children have always been victims of armed conflicts, the literature indicates that the creation of lightweight automatic weapons has facilitated the use and abuse of children in armed conflict in ways and on a scale that had not been possible until the twentieth century. Though the question of protection for children is not separate from the broader questions of how to create conditions of physical security for vulnerable populations in times of war or instability, there is a growing recognition that children are impacted differently. Effective strategies to improve protection for children focus on their specific circumstances in schools, homes, villages, IDP and refugee camps, and DDRR programs. Effective short and long-term strategies encompass a wide range of components from prosecution of individuals and groups that violate international laws to physical protection for children living in armed conflict zones.

Clearly one of the steps to be considered is effective control over the supply of small arms. Resolution 1460 urges UN member states to *“take effective action...to control the illicit trade in small arms to parties in armed conflict that do not respect fully the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict.”*

The November 10, 2003 Report of the Secretary General recommends that,

“The Security Council should take concrete steps where insufficient or no progress has been made by parties in accordance with its resolutions 1379 (2001) and 1460 (2003). Such measures could include the imposition of travel restrictions on leaders and their exclusion from any governance structures and amnesty provisions, a ban on the export or supply of small arms, a ban on military assistance, and restriction on the flow of financial resources to the parties concerned;”

The Coalition to Stop the Use of Child Soldiers has promoted the idea that a complete ban on arms transfers and military assistance, and not simply a ban on small arms transfers, should be one measure in a systematic and graduated response to non-compliance by parties who continue to recruit children. The Watchlist on Children and Armed Conflict, in its January 2004 report, *“Protecting Children in Armed Conflict: Blueprints for Compliance,”* recommends that the Secretary General expand the list to consider action in cases of other violations beyond child recruitment. This expanded list of situations could start with especially egregious violations such as killing and maiming, rape and other grave sexual violence against children; and it might also include denial of the right of access to humanitarian assistance, denial of the right to education, and abductions of children. When clear criteria are developed, it might be expanded to include the illicit exploitation of natural resources and the illicit trade in small arms and light weapons.

The suggestions by the Secretary General are a recognition that it is not only the illicit flow of small arms and light weapons that fuel abuses against children, but also the ‘legal’ trade and the funding that allows procurement. However, any attempt to stem the flow of SALW to fighting forces (whether state or non-state) will have to take into account cross-border and regional factors, black market and informal flows of weapons, and the political nature of arms transfers. While the distinction between legal and illicit flows is a major sticking point for

states approaching this issue, it may seem academic to victims of SALW violence, child and adult alike.

Resolution 1539, adopted on April 22, 2004, reflects both the public pressure to improve international efforts and the complexity of the challenge. In one paragraph, the resolution links a number of cross-border activities and asks the Secretary General to propose effective measures to deal with them:

Expresses its intention to take appropriate measures, in particular while considering sub regional and cross-border activities, to curb linkages between illicit trade in natural and other resources, illicit trafficking in small arms and light weapons, cross-border abduction and recruitment, and armed conflict, which can prolong armed conflict and intensify its impact on children, and consequently requests the Secretary-General to propose effective measures to control this illicit trade and trafficking;

As one example of the challenges that this approach faces, many states still consider it to be their prerogative to transfer weapons when they deem it to be in the interests of their national security, regardless of the human rights record of recipient forces or their use of child combatants. Consider the geo-strategic and domestic implications of even a single case: the US military, in their drive to overthrow the Taliban in 2002, supported and transferred arms to the Northern Alliance despite the fact that this opposition group had a well established record of using child combatants.

A. Building on past international norms

It is a well-established principle of international human rights law that children under the age of 15 years must not be recruited into armed forces or armed groups or allowed to take part in internal armed conflicts. This language is stronger than that used by the rules governing international armed conflicts, which state that "all feasible measures" must be taken to ensure that children under the age of 15 years do not take part in hostilities. If, despite this rule, children do take a direct part in hostilities and are captured, they remain fully protected by the law.³⁶ A new convention, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (25 May 2000) entered into force on the 12th of February 2002. Article 1 of the optional protocol states that "*parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.*" Article 2 states that, "*parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.*"³⁷ Age 18 is becoming a new international norm for the minimum age for deployment, while recruitment still varies from age 16 to 18.

Other international laws also address the use of small arms when children are present. According to the Beijing Rules, contacts between military personnel and children must be conducted in a manner that respects the legal status of the child, avoids harming children, and promotes their well being.³⁸ The ICRC considers the use of firearms against children to be an unnecessary and disproportionate use of force, and asserts that firing live ammunition at children who are throwing stones indicates a complete breakdown in the soldiers' discipline and a complete lack of command and control by their superiors.³⁹ The Geneva Conventions describe the conditions under which children can be taken as prisoners of war and offers internationally agreed legal guidelines for the treatment of captured child combatants.⁴⁰

The U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the U.N. Code of Conduct for Law Enforcement Officials provide international standards governing the use of force in law enforcement. The Principles and Code of Conduct also provide guidance and standards for use of force for occupying forces.

According to Principle 9 of the Basic Principles,

“Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”

In a recent report on the post-war civilian deaths caused by US forces in Iraq, Human Rights Watch assesses the application of the UN Code of Conduct, including its application to the use of lethal force against children, suggesting that,

“The U.N. Code of Conduct for Law Enforcement Officials applies similar international human rights standards for law enforcement. Article 3 of the Code requires that “[law] enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.” The official commentary accompanying Article 3 sets forth detailed standards applying to the use of firearms, arguing for restraint in their use (“The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children”), and recognizing the principle of proportionality in the use of firearms (“In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved”).⁴¹

B. Emerging international norms

The prosecution of individuals for trafficking weapons to groups known to commit grave breaches of international human rights and humanitarian law, including the illegal recruitment of children into armed groups, is an emerging field. The UN Economic and Social Council’s Sub-Commission on the Promotion and Protection of Human Rights commissioned a report on SALW in the context of human rights and humanitarian norms.⁴² The initial report, tabled in 2002, examined the following questions: What is the relationship between the availability and misuse of small arms and light weapons and human rights violations? How does the current body of human rights and humanitarian law address issues regarding the availability and misuse of small arms and light weapons? What further action is necessary to prevent human rights abuses caused by the availability and misuse of small arms and light weapons? Importantly, the report concluded that,

“there are evolving norms of international human rights and humanitarian law that require States to exercise due diligence by (i) taking effective measures to prevent, prosecute and punish violations with small arms within their jurisdiction, and (ii) taking effective measures to prevent the transfer of small arms to human rights abusers. In addition, international human rights and humanitarian law are evolving to address the accountability of non-State actors for major abuses, including abuses committed with small arms.”⁴³ (See Annex IV for additional selected recommendations).

Gillard's earlier study, *"What is legal? What is illegal? Limitations on Transfers of Small Arms under International Law,"* also came to the same conclusion:

*"...if one looks beyond the field of disarmament and sanctions, into other areas of law, including international humanitarian and human rights law, it becomes apparent that there exist a number of significant limitations on states' freedom to transfer or authorize transfers of small arms. In fact, it is possible to discern the emergence of a rule of customary law based on non-binding international codes of conduct and their counterparts in national law, requiring exporting states to assess the respect for fundamental principles of international law in recipient states and to refrain from authorizing exports in situations where the weapons will be used in violation of these principles."*⁴⁴

In order to make his case that accountability for transfers should be seen as an emerging norm, Gillard points to a number of expressed binding and non-binding prohibitions. These include: considerations under international humanitarian law; embargoes (including those against non-state armed groups); UN Security Council resolutions; the International Law Commission's articles highlighting 'secondary responsibility' for transfers; the UN Charter; customary international law; and finally, various agreements, codes of conduct and the precursor to the current 'Arms Trade Treaty' or Draft Framework Convention on International Arms Transfers.

More recent analysis in a Human Rights Watch report, "Weapons and War Crimes: The Complicity of Arms Suppliers," also notes the emerging international legal precedents on the prosecution of individuals responsible for the illegal recruitment of children as combatants, including through command responsibility. Most notable among these has been the Special Court for Sierra Leone indictment against former Liberian President Charles Taylor and other precedents at the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR). This could eventually set an international legal precedent for prosecutions by linking manufacturers, state suppliers, brokers, and shipping agents with the end use of SALW by groups and individuals knowingly implicated in violations of the laws and customs of war and international human rights and humanitarian law. Taylor's indictment specifically draws the link between his involvement in the commission of war crimes in Sierra Leone and the provision of arms, stating that,

*"To obtain access to the mineral wealth of the Republic of Sierra Leone, in particular the diamond wealth of Sierra Leone, and to destabilize the State, the ACCUSED provided financial support, military training, personnel, arms, ammunition and other support and encouragement to the RUF, led by FODAY SAYBANA SANKOH, in preparation for RUF armed action in the Republic of Sierra Leone, and during the subsequent armed conflict in Sierra Leone."*⁴⁵

Indictments in ongoing cases also include explicit reference to culpability for the war crime of recruitment of child soldiers under the age of 15. These include the indictment against Sam Hinga Norman, a leader of the Kamajors and coordinator of the Civil Defence Forces (CDF) who were fighting against the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC), supplied in part by Charles Taylor. The charges against Sam Hinga Norman include criminal responsibility for aiding and abetting crimes against humanity and the recruitment of child soldiers:

"At all time relevant to this Indictment, The Civil Defence Forces did, in the Republic of Sierra Leone, conscript or enlist children under the age of 15 years into armed forces or

groups, and in addition, or in the alternative, use them to participate actively in hostilities. By his acts or omissions in relation, but not limited to, these events, SAM HINGA NORMAN pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crime alleged below: Count 8: Conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities, another serious violation of international humanitarian law, punishable under Article 4.c. of the Statute.”⁴⁶

The report also suggests that the Office of the Prosecutor for the Special Court for Sierra Leone consider indictments based on charges for “aiding and abetting” through the provision of arms to be within its jurisdiction.⁴⁷ Similar charges could be brought against state and non-state actors involved in underage recruitment in other contexts; they would apply to recruitment below age 15 years in customary international law and for state parties to the ICC and below age 18 years for state parties to the Optional Protocol to the Convention on the Rights of the Child.⁴⁸

It remains to be seen how these legal arguments will be applied to the ICC’s investigation of the Lord’s Resistance Army (LRA) rebel group operations in northern Uganda and southern Sudan. This group, which exemplifies the deadly nexus between SALW and forcible child recruitment, has committed countless crimes against humanity. The investigation was announced by the ICC and the Government of Uganda in January 2004. Unfortunately, in this case, the threat of investigation by the ICC during an on-going armed conflict may, in fact, make a negotiated settlement more difficult to achieve, and, in doing so, prolong the conflict and its deadly effects on children. If the leaders of the LRA should ever be brought to trial, indictments could include charges against those who knowingly aided and abetted these crimes through the provision of weapons to this group and literally thousands of counts of forced child recruitment, among other egregious crimes against humanity. However, since the Government of Sudan has been the LRA’s principal source of arms, criminal indictments of Sudanese government or military officials might not be attractive to donors hoping to encourage the peace process in Sudan. In the interest of saving many lives, the same argument could be applied to the Uganda case.

The difficulties of prosecuting those involved in shipping weapons in violation of UN embargos and groups involved in violations of the rights of children includes the fact that some of these individuals are protected by friendly governments. A case in point is the protection of Victor Bout, the notorious arms broker reported to have been involved in a number of embargo-busting arms deliveries to Liberia and the DRC among others, by the Government of Russia.⁴⁹ Further measures are needed to hold governments accountable for the actions of those individuals and armed groups they protect and support.

C. What does protection mean in reality?

Current legal and humanitarian frameworks for ‘protection’ are insufficient to physically protect vulnerable populations, including children and youth, from armed violence or forcible recruitment by state and non-state actors. Even in situations characterized by the massive and systematic commission of war crimes against children, physical protection may not be forthcoming. Protection of children from SALW violence or forced recruitment is selective and politicized. It is small comfort to a woman who, at gunpoint, has just been hacked up with a machete and is forced to watch, bleeding and helpless, as her children are burnt to death in their home, that after the fact the perpetrators will be carefully disarmed and demobilized by the international community, once the conflict is over. Similarly, the fact that

there is now an international court capable of pursuing the most egregious violators at some later date may offer cold comfort when facing such horrors. These programs and remedial legal approaches are not protection. They do not physically protect vulnerable populations in times of war, nor do they help to end conflicts.

Legal protection may help to create broad deterrence over time and make it more difficult to arm future rebellions. In other cases, the threat of international criminal prosecution for war crimes may, in fact, prolong fighting and further endanger civilians.⁵⁰ In this sense, the movement to combat the culture of impunity for war crimes, while laudable, is not without cost. Humanitarian, human rights and peace-building interventions aimed at aiding children and other vulnerable populations in situations of armed violence can, in some cases, increase the level of danger faced by children if not accompanied by physical protection and international political attention. More consideration is needed for effective implementation of the UN mandate of member states to take responsibility for resolving conflicts, and in that way ending violations of the rights of children and misuse of small arms.

States cannot be allowed to absolve themselves of the necessity and responsibility to, firstly, address the conflicts themselves by creating and supporting real peace processes and, secondly, stepping in to provide physical protection for civilians when their own governments are incapable or unwilling to provide adequate protection. The tension apparent between the responsibility to protect and state sovereignty is nowhere more apparent than in cases of violations of the security of children.

Protection forces, in the few cases where they have been attempted with sufficient resources and political will have been effective, even though they do face risks from SALW and, increasingly, explosives. Examples of actual protection operations include the current deployment of US, Canadian, French and Chilean forces in Haiti with a stated mandate to intervene to protect civilians from violence; the deployment of a French-led Interim Emergency Multinational force in support of MONUC in the DRC in 2003; the current International Security Assistance Force (ISAF) deployment in Kabul; the French “Operation Unicorn” deployment in Ivory Coast in 2003; British deployment in Sierra Leone in 2000; and the deployment of the Australian led International Force for East Timor (Interfet) in 1999-2000.

The term protection is now applied to a broad range of activities. International humanitarian organizations and UN agencies have examined the concept of protection from the perspective that many activities can contribute to the safety of individuals in vulnerable situations. Indeed all activities aimed at attaining respect for international human rights and humanitarian law are considered forms of protection.⁵¹ In a 2000 policy paper series on protection measures, the UN Office for the Coordination of Humanitarian Affairs includes: rights-based protection; advocacy; engagement with non-state actors on humanitarian issues; early warning; preparedness; strengthening local capacity; training; vulnerability assessments; coordinated programming; and promoting protection in assistance programs, such as protection from sexual exploitation in camp situations, protection against child recruitment through schooling, integrating mine awareness into programming, and integrating data collection for documentation and tracing with registration for relief programs.⁵²

Save the Children describes protection as “all activities aimed at securing full respect for the rights of an individual – in this case a child – as set out in the relevant human rights instruments and international humanitarian law.” Their recent report, *Children not Soldiers*:

guidelines for working with child soldiers and children associated with fighting forces, suggests that protection is composed of three complementary types of action:

1. *Responsive action*: aimed at preventing, putting a stop to, and/or alleviating the immediate effects of a specific pattern of abuse;
2. *Remedial action*: aimed at restoring dignified living conditions through rehabilitation, restitution and reparation;
3. *Environment building*: aimed at creating and/or consolidating an environment (political, institutional, legal, social, cultural and economic) conducive to full respect for the rights of the individual.

This report emphasizes the need for improved monitoring of violations and recommends that states should set up effective systems for monitoring and reporting that work alongside UN bodies, the International Committee of the Red Cross (ICRC), NGOs and civil society groups. It also offers recommendations on a wide range of roles in child protection: the training of armed forces, police and peacekeepers to protect the rights of children (including the production of training materials in appropriate languages); the important role of child protection advisors; the main international legal standards relating to the recruitment and use of children in armed conflict; the reintegration of child soldiers and their protection in the justice system; and legal developments relating to the prosecution of those responsible for the recruitment of children.⁵³

Specific rights-based approaches relating to children may take advantage of the fact that, unlike other human rights laws, the Convention on the Rights of the Child has no derogation clause, suggesting that even in emergency situations where some human rights can be suspended by states, rights pertaining to children remain.⁵⁴ This suggests that in situations where civil liberties and other human rights have been suspended, interventions to protect the rights of children could offer additional opportunities to conduct monitoring missions and exert pressure for more physical protection to protect the rights and lives of vulnerable children.

Many UN agencies and representatives also have important ‘protection’ functions in relation to children in situations of armed conflict that fall short of physical protection. A number of these agencies and offices have included the proliferation of SALW as an issue that complicates their protection activities. These include the Representative of the Secretary General on IDPs, whose primary function is advocacy and the Office for the High Commissioner for Human Rights (OHCHR) whose relevant functions include monitoring and the strengthening of national institutions, training and information sharing. The UN Development Program (UNDP) is often hampered in its ability to carry out conventional child development in ongoing conflict situations because of the presence of small arms. UNDP’s Bureau for Conflict Prevention and Recovery has been piloting community based SALW research and initiatives as well as innovative DD&R programs. The UN High Commission for Refugees contributes to protection through its international presence, monitoring, victim assistance and interventions to reduce violations of human rights and humanitarian law. The United Nations Children’s Fund (UNICEF) draws public attention to the link between SALW proliferation and abuses of the rights of children. The field operations of the World Food Programme and the World Health Organization are also adversely affected by the presence and misuse of small arms and light weapons, including the targeting of staff, the looting and destruction of food and medical aid, addressing the food and medical needs of wounded persons, and the limitation of access to affected populations resulting from SALW violence.

The UN Office for the Coordination of Humanitarian Affairs (UNOCHA) is currently developing guidelines for engagement with non-state armed groups, and it is in the process of holding regional seminars on protection of civilians in order to produce checklists and strategies for mainstreaming protection activities into coordinated development and relief assistance. The results of these workshops will be incorporated into briefings and reports for the Security Council and the Secretary General's 2004 Report on Protection of Civilians.⁵⁵

The International Committee of the Red Cross undertakes child protection activities on two levels: in the field and in terms of the law. Child protection in the field involves a number of measures including: identification and tracing unaccompanied children; restoring family links and reuniting children with their families; and calling for the release of child detainees. In terms of legal protection, the ICRC strives to ensure that the fundamental principles of international humanitarian law are recognized and respected as widely as possible by all belligerent parties.⁵⁶

At the 28th International Conference of the Red Cross and Red Crescent, held in Geneva in December of 2003, member states of the Human Security Network,⁵⁷ working in cooperation with the Geneva-based Centre for Humanitarian Dialogue, sponsored the small arms workshop entitled "Small arms and Human Security: Humanitarian Impacts and Options for Action." The recommendations of that forum included that:

- States heed the ICRC's call to include international humanitarian law criteria in national regulations on arms transfers;
- All those concerned should pursue the robust implementation of the UN Programme of Action on Small Arms, particularly in terms of greater control of: arms production and transfers; effective stockpile management; comprehensive disarmament, demobilization and reintegration programmes in post-conflict situations; and the strict enforcement of arms embargoes and the development of legislation to regulate arms brokering activities;
- Recognition that the 2005 Biennial meeting and the 2006 Review Conference to assess implementation of the UN Programme of Action will provide crucial opportunities for the movement and States to come out in force on the issue;
- Greater respect for and protection of humanitarian workers, allowing them to carry out their activities free of the threat of armed violence or deliberate attacks;
- Further action-oriented research to enhance understanding of the factors propelling the demand for small arms and light weapons and to build closer connections between disarmament and development activities.⁵⁸

The 1999 "Report of the Secretary General to the Security Council on the Protection of Civilians in Armed Conflict" makes concrete recommendations in the categories of legal protection, prevention from conflicts, and physical protection. This report suggests that, in situations of on-going armed conflict, humanitarian access does constitute a form of protection. However, it is insufficient to provide assistance to a vulnerable civilian population while failing to protect them physically from armed attacks. In some cases, the provision of humanitarian assistance in the form of food and non-food items can actually increase the vulnerability of civilians, making them an attractive and easy target for looting by predatory armed groups seeking supplies and opportunities for forcible recruitment. This situation has been described in January 2004, not without some irony, by a human rights activist operating in such a context as, "one stop shopping for the rebels".⁵⁹ Unfortunately this is not a unique

phenomenon, which begs the question of why, in spite of the rhetoric, additional physical protection measures are rarely taken to avoid or remedy such situations.⁶⁰

Removing weapons from circulation may help to prevent the post-conflict militarization of society, easy recourse to renewed violence, and the rise of armed criminal groups and the severity of domestic violence. It should be remembered, however, that many liberation, rebel and terrorist groups, including some of those that currently recruit children, began with a handful of determined men, armed with hunting rifles and shotguns, attacking a local police station in order to capture more sophisticated arms and ammunition.

It is widely understood that any attempts to address the issue of small arms use, either by or against children, must also acknowledge the role that governance and accountability plays in the choices that individuals, including children and youth, make when considering arming or disarming.⁶¹ This should not suggest that efforts to combat the proliferation of SALW are meaningless, but rather that they are only one critical component of efforts to make societies safer. Broader, structural efforts to promote political pluralism, democracy and state accountability are also needed in order to create stable societies where citizens will not consider arming in order to challenge the state.

V. Child Participation

The active participation of children and youth in addressing small arms and light weapons issues is key to effective programming. Involving children and youth in program design and implementation is essential for understanding the context, recognizing local factors that contribute to small arms use, identifying local influences that can be catalysts for social change and developing, implementing and monitoring strategies.

The involvement of children in these issues must be done comprehensively rather than simply using them to identify sources of arms. Experience shows that children may fear revenge if they reveal sources of small arms supply in isolation. The security of children participating in strategies to reduce the supply and demand of small arms must be ensured.

One excellent example of research that used a comprehensive approach in child participation is the 2000 report “Small Arms Survey in Darfur And Investigation of the Child Soldier,” carried out by the Sudanese NGO CHARM. This research was carried out with the help of trained child interviewers in Darfur, an area bordering Chad in western Sudan. Since the publishing of this report, Darfur has become an area of intensive armed conflict, characterized by massive displacement and human rights abuses. The methodology involved meeting with government officials, community surveys and data collection, interviewing arms traffickers, and focus groups with those convicted of SALW related crimes in the affected area. More than 200 children participated in this survey either as data collectors or respondents.

Those who responded to the surveys and interviews indicated the same issues cited by insurgents that have now taken up arms against the central government. Specifically, the report states that,

“Darfur has known tribal and community conflicts since the last century. Almost all the conflicts were settled through community based mechanisms...The main causes of conflicts were:

- *The political marginalization of the region.*
- *The degradation of the environment and the competition over the meagre natural resources.*

- *The lack of socio-economic development.*
- *The instability of the region.*
- *The proliferation of the small arms.*
- *The poor governance.”*

Of the children screened as part of this study, 100% admitting having a moderate knowledge of SALW in their communities, while 70% suggested that they had good knowledge about small arms. According to the study, 35% of the children in the rural areas either used or knew how to use small arms and 80% believed that there were no working bylaws for the control, monitoring or licensing of small arms.

According to respondents, the followings factors encouraged the use of small arms: religious beliefs (seen in this context as an issue of ‘self-defense’) (90%); local culture (70%); tribal reasons (60%); and government (seen in this context as an issue of ‘popular defense’) (50%). In addition, 100% of respondents looked down upon an ordinary citizen who did not know how to use small arms on necessity. 100% of female respondents looked down upon men who did not know how to use small arms on necessity. 50% believed that children should use small arms while two-thirds of children expected children to use small arms on necessity.

The study also examined local opinions about what was needed to reduce the levels of SALW violence plaguing the region. All children suggested employment programs, socio-economic development, and delivery of basic services as remedies to the problem, in addition to small arms collection and enforcement of the law. 70% of the children suggested education as the first priority response. Ominously, an examination of court records indicated that over the previous seven years 4,757 children had been convicted in crimes using small arms. The study suggested that, if this number of children had been arrested for crimes involving small arms, then the true number of users must be much greater. It concluded that, “a region with 4,757 armed criminal children is sitting on a time bomb.”

In relation to child recruitment, the study found that the community did not view the ‘child soldier phenomenon’ as a negative one. It also found that:

“All officials denied recruitment of child soldiers below 18. Although the paramilitary forces are under their authority the age scrutiny is left to the tribal leaders. In the same connection, 50% of the tribal leaders interviewed reflected that there are no stringent criteria for avoidance of child recruitment. The overriding criterion seemed to be the readiness of children who are willing to come forward for recruitment.”

With disturbing accuracy, the study suggests that the current conflict in Darfur is entirely predictable:

“If 35% of the children in rural Darfur used or know how to use small arms and children inherit the tribal revenge – then the situation is likely to worsen in the future taking into account the magnitude of tribal conflicts in Darfur.”⁶²

This action-oriented research project provides a good model for similar research projects in other areas where destabilizing conditions indicate the potential eruption of civil conflict. This research could serve as the basis for early warning systems, programming and policy interventions.

VI. A Multi-Faceted Strategy

There is no one solution to this complex problem. A multi-faceted strategy is needed to engage youth and communities from the local to the international level in a wide variety of strategies that reduce the demand for SALW and control the supply of weapons and ammunition.

Children and youth can be equipped to use non-violent methods for responding to conflict and communities can be engaged in promoting an end to a culture of violence. The demand for SALW must be addressed through consultation with communities in conflict zones in order to better understand the roots of the conflict and the reasons for the demand. The supply and trade in SALW and ammunition must be tracked and controlled through mechanisms such as an international marking and tracing system, arms embargoes and arms registries. Engagement with non-state armed groups to promote compliance with international norms may also hold some promise for gradual steps toward the improvement of human rights standards. In each area, regional approaches show potential for effectiveness.

This section looks at six strategies for addressing the issue: conflict resolution, peace education, community-based demand reduction, controlling the supply of weapons and ammunition, regional initiatives, and addressing the issue through disarmament, demobilization and re-integration.

A. Conflict resolution: an essential component of protection

While much of the focus for dealing with small arms has been on the weapons, workshops with young people and discussions with youth workers turn to the conflicts that give rise to the desire by youth to arm themselves and the need for more deliberate attention to conflict resolution without resorting to violence.

The pattern that emerges is unresolved conflict leading to fear of violence, leading to youth arming themselves for protection because of lack of confidence that anyone else or the community in general will be able to provide protection for them or their families. In many cases small or local unresolved conflicts escalate as a result and become entrenched conflicts; in some cases unresolved conflict at the local level intersects with national political tensions or tensions between larger people groups to erupt into violence. Once the cycle of resorting to violence and arming oneself against violence is entrenched, conflict resolution is an essential component of any strategy to reduce the level of arms.

There are examples of local initiatives to develop conflict resolution skills by churches, peace groups, and development organizations. The focus is usually training individuals to identify potential sources of conflict early and intervene early, before the level of violence has escalated to a situation of armed conflict. Young people can become leaders in the use and training of non-violent dispute resolution among peers and in their communities. Good local examples could be replicated, if more resources were available in this field of work.

Greater attention is also needed to more complex conflict resolution strategies in existing situations of armed conflict, especially the long-standing, entrenched conflicts that perpetuate the choice of violence to resolve disputes and draw young people into a culture of violence.

B. Engagement with non-state armed groups for human rights compliance

The development of internationally agreed principles governing the transfer of SALW and systematic engagement with non-state armed groups remains problematic. While some states have domestic policies prohibiting the transfer of weapons and ammunition to non-state actors, others reserve the right to intervene in support of such groups for a variety of reasons, not the least of which is that some states may want to support non-state armed groups who are believed to be engaged in legitimate resistance against violent totalitarian regimes or occupation forces. There is currently no international consensus on this issue, although many NGOs and governments decry support for arms transfers to groups that commit human rights abuses. Some states have domestic policies prohibiting the transfer of weapons to non-state armed groups in order to avoid the moral and legal dilemmas involved in such activity.

Since it is unlikely that non-state armed groups will negotiate themselves out of existence or agree to disavow the use of SALW, others have suggested that it may be possible to work with these groups to support compliance with international norms. Without being drawn into the questions of whether or under what circumstances attempts by non-state armed groups to challenge the state are legitimate, successful engagement with these groups requires ethical guidelines and training. For example, it is reported that, in one case during talks with rebels about releasing abducted children, child soldiers or abducted children were executed, after the intervener left, for speaking to neutral parties who sought their release. If children or youth are used to gather information about practices of armed groups, their protection must be ensured.

C. Peace education and disarmament initiatives targeting children

UNICEF has developed a number of peace education activities targeting children and youth in areas experiencing conflict. Some of these activities specifically address the problems associated with SALW (including landmines) in and around communities. Others aim to contribute to the re-establishment of peaceful communities by reducing the recourse to arming for self-protection and providing children and youth with skills in non-violent conflict resolution.⁶³

Examples of UNICEF's peace education activities directly relating to SALW include:

1. Peace and Disarmament Education. A multi country project, "Disarming Children and Youth: Raising Awareness and Addressing the Impact of Small Arms," has been undertaken in Kosovo, Somalia, Southern Sudan and Tajikistan. The objective is to initiate change in the attitudes and behaviour of children, their families and communities to oppose the use of small arms. The strategy is to develop children's skills for conflict resolution, offer alternative behaviours to youth, and build pressure for changes in public policy through youth involvement in peace-building at community and national levels.

2. Developing a Landmines and Small Arms Advocacy Kit. This kit provides UNICEF staff with the resources to undertake advocacy on these issues. A booklet, "Child Rights Guide to the Mine Ban Treaty," raises awareness of the impact of landmines on children, and explains the relationship between the Convention on the Rights of the Child and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Landmines and their Destruction. (See Annex V for a list of other UNICEF peace education activities designed for children and youth in conflict areas.)

Some disarmament campaigns with a long-term vision for building peace include initiatives relating to children. One example is the United Nations Study on Disarmament and Non-

Proliferation Education, which was submitted to the First Committee of the General Assembly at its 57th session on October 9, 2002.⁶⁴ With an increased awareness of the need to reverse cultures of gun ownership and violence, cities as diverse as Paris and Baghdad had disarmament campaigns targeting children's toy guns.⁶⁵

Another recent example of a project combining education, youth disarmament, community mobilization and peace building is the GTZ funded pilot 'Karamoja Peace Education Project.' This project created cadres of SALW youth educators through school-based peace clubs to initiate community peace education and outreach to armed youth. It examined the underlying and secondary causes of insecurity, as well as 'triggers' for violence in the target communities; it focused on both school youth and armed youth in remote areas. While a lack of resources in the initial pilot hampered the ability of the youth peace educators to reach some of the armed youth (many of whom are cattle herders and some of whom engage in cattle raiding) it is still considered to have created a basis for further programming.⁶⁶

D. Demand reduction

A shift towards a community-based, public health perspective on demand reduction has shaped recent efforts. These efforts range from addressing some of the root causes of SALW ownership to targeted interventions based on epidemiological studies of temporal and spatial patterns of small arms misuse in communities. In some cases the factors driving demand may simply be poverty, desperation, lack of opportunity, and existing misuse of SALW. In other cases, small arms are used in an attempt to redress both perceived and very real grievances, including persecution, occupation and political exclusion.

Many of the demand reduction initiatives involve community consultation, conflict-mapping, improving local security conditions through peace building and community policing, and the creation of appropriate individual and community incentives for disarming. Some initiatives have focused on changing norms and perceptions relating to SALW ownership, including cultural or 'traditional' attitudes to the role of weapons in society and masculinity. Others have worked towards creating physically safe, weapons-free spaces in the community. In the longer term demand reduction initiatives need to address fundamental issues of governance and security sector reform in order to result in sustainable change.

Small arms reduction programs can have unforeseen and perverse consequences. Efforts to raise penalties for adult arms smugglers in Rio de Janeiro, for example, led to more youth being used to traffic arms. National weapons collection programs can also be politicized, discriminatory, and brutal. Anti-crime initiatives focusing on weapons collection in Bangladesh, for example, have involved extra-judicial killings.⁶⁷ Uganda's much heralded weapons collection program in Karamoja district that netted approximately 9,000 military weapons was reportedly characterized by the killing, torture and beating of civilians.⁶⁸ Later, the guns were returned to the community from whom they had been collected in order to prevent the infiltration of LRA rebels.

Small arms demand reduction programs, in their increasing sophistication, will likely play a key role in reducing the harm that SALW cause in communities. There is, however, a need for more rigorous evaluation of the effectiveness and pitfalls of the various programming approaches in this area, to make them more effective, and to ensure that they 'do no harm' to the communities they are designed to assist.

The Quaker United Nations Office (QUNO) has been a leading investigator of the dynamics of small arms demand, including efforts to specifically identify factors contributing to small arms demand among youth. Conferences organized by QUNO and local partners have also examined traditional cultural practices surrounding firearms ownership and use, as well as efforts to curb demand for SALW in different geographical contexts.⁶⁹

QUNO reports have identified ways in which community insecurity drives the demand for small arms. Their research suggests that demand is driven not only by episodes of violence, but also by other forms of physical, social or even group-identity insecurity. According to QUNO's findings, demand for SALW may result from the lack of basic physical needs such as food, shelter, fuel or land, opportunities for work or education, protection from others who are armed and threatening, or from ineffective mechanisms for ensuring physical safety (such as policing or judicial systems). Social insecurity may result from a person lacking a position of honour or respect in their community, prestige goods that symbolize a positive life or access to influence, decision-making or political power. In extreme cases, the fear of group annihilation may drive the demand for SALW for a cultural or ethnic group.⁷⁰

QUNO has also identified at least five broad program directions to lessen the demand for guns. These five program areas are 1) strengthening self-worth for children and youth, particularly boys, 2) community economic and social development programs, 3) improving conflict resolution capacity, 4) working towards good governance (including better accountability and stronger police and judicial mechanisms), and finally, 5) improving public access to government, particularly for marginalized groups.⁷¹

While these broad program directions for demand reduction may be applicable in many contexts, specific programs cannot be carried out in a cookie-cutter way. They must be developed in a historical and political context, each requiring a detailed survey, interviews, consultation and analysis in order to understand the factors fuelling local demand and use.⁷² Initial research work, including community-based surveys and interview-based assessments of children and youth, asks those in the SALW affected communities what they need; this step is critical for shaping project development. This information should be collated with official sources in order to 'map' the dynamics of SALW and associated conflicts and insecurity within the target community. This process could include an assessment, for example, of the typical profile of children and youth involved, the specific age group most at risk, the attitudes of the youth toward violence and the perceived causes of the phenomenon.

A workshop held by QUNO Port-au-Prince, Haiti, in June 2003, entitled, "Small Arms Demand in the Caribbean: Special focus on Haiti and Youth Issues," provides an example of a community consultation process for addressing SALW demand. This workshop brought together representatives from a number of regional and international CBOs, NGOs and the UNDP. Many of these organizations identified best practices and specific factors influencing their ability to decrease demand for SALW while improving community safety. Many of these lessons would be applicable to other contexts.

QUNO has concluded that such participatory assessments are an essential first step to gauge potential support, identify unforeseen obstacles, and promote community ownership of the process. In addition, they suggest that a successful strategy for youth disarmament is based on not pointing an accusing finger at any one group – criminal or legal – but instead insisting on bringing everyone to the planning table. The critical concept, according to QUNO's findings, was to treat the gun violence issue as a public health problem, rather than a legal/criminality issue.

E. Controlling the flow of arms and ammunition

The search for effective measures to end the recruitment of child soldiers includes calls to cut off the supply of arms and military assistance to forces that abuse children. Paragraph 7 of Security Council Resolution 1460, for example, calls on member states to “*take effective action, in keeping with their existing responsibilities under international law, to prevent illicit arms transfers to parties to armed conflict that fail to fully respect relevant provisions of applicable international law relating to the rights and protection of children in armed conflict.*” In the subsequent Resolution 1539, the Secretary General is specifically asked to recommend strategies for addressing the cross-border flows of arms to forces that abuse children. In addition, the Coalition to Stop the Use of Child Soldiers advocates that UN member states stop providing both arms and military assistance to forces that refuse to stop recruiting child soldiers. In each case, the challenge is effective implementation of arms control measures.

Hortatory injunctions to stop the flow of arms to forces that abuse children may have value as tools for moral and political persuasion; effective enforcement, however, will require a comprehensive and systematic approach to the regulation of international flows of arms and ammunitions. Enforcement measures include a full range of actions: properly supported monitoring of sanctions regimes and arms embargoes; a non-politicized, systematic and graduated response to violations; and collaboration between all relevant actors in monitoring and reporting recruitment and weapons and ammunition flows. These must be based on a comprehensive marking and tracing mechanism, which might build on expansion of the UN Conventional Arms Register to include all classes of SALW. Useful initiatives include regional coordination on SALW trafficking and child protection; the harmonization of domestic firearms legislation and SALW and ammunition import/export criteria; and locally tailored community-based weapons collection programs. In the longer term, legal measures may be effective, such as domestic and international legal prosecution for arms trafficking and egregious violations against the rights of children including recruitment. Other proposals include: agreement on international standards for engaging with non-state armed groups; controls on ammunition; and the adoption of an international ‘Arms Trade Treaty’ (ATT), as suggested by the international “Control Arms” campaign.

1. Marking and tracing

An international marking and tracing mechanism is needed and could serve preventive, investigative and enforcement functions. It would provide a basis for domestic and international criminal prosecutions for illicit trafficking, including sanctions busting; identifying and preventing losses from military and other official or authorized arms stocks; identifying lines of supply to countries/organizations subject to UN or other arms embargoes, and, enabling appropriate authorities to identify, monitor and disrupt arms trafficking activity.

Feasibility is a major question. Under UN auspices, a group of 23 governmental experts undertook a study on the feasibility of an international instrument on marking and tracing arms.⁷³ The group recommended that the UN General Assembly make a decision to negotiate an international instrument to identify and trace illicit SALW; they stressed the need for an internationally binding tracing and marking system. The United Nations General Assembly [Resolution 58/241](#) entitled “The illicit trade in small arms and light weapons in all its aspects” was adopted by the General Assembly on 23 December 2003. The resolution established an open-ended working group (OEWG) to negotiate an international instrument to enable states

to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. Negotiations on the instrument will begin in June 2004. In support of this process, the United Nations Institute for Disarmament Research (UNIDIR) published *The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons*.⁷⁴

Meanwhile a Belgian NGO, *Groupe de recherche et d'information sur la paix et la sécurité* (GRIP),⁷⁵ has developed a draft convention for the marking, registration and tracing of small arms and light weapons. The draft proposes that registration, tracing, and verification of all SALW be done through the establishment of an International Control Agency and national agencies that are specialized and work only on small arms and light weapons in each State Party. Based on legislation, enforcement mechanisms would include penal sanctions for violations. This proposal would also regulate the various activities related to arms transfers such as manufacturing, sales, brokering, transport and financing.⁷⁶

A comprehensive weapons tracing and documentation regime requires the creation of a full-time body dedicated to tracing international weapons transfers and investigating black, grey market transfers, and false end-user certificates. This would combine work currently carried out by ad hoc UN sanctions monitoring bodies and human rights or disarmament organizations. It is necessary to collect and collate information in confidential ways to avoid implicating NGOs in intelligence gathering or putting sources at risk. This body must be able to monitor and prevent flows, track them when they do happen, and serve as a deterrent to black market trafficking and grey market/destabilizing state transfers. To do so it would need to create a structure that can handle and make use of a high volume of information.

While development and relief NGOs have played an important role in identifying the dynamics of arms transfers on the ground, they are often overburdened with other pressing tasks and may not have the necessary expertise to accurately assess the significance of the presence of specific weapons systems or to identify different types of small arms, let alone distinguish weapons markings and manufacturing variations by the model or manufacturer. Lock suggests that,

*“A steady flow of reports on the type of weapons in use in specific locations would enable an international monitoring agency to reconstruct the puzzle of the international black market networks. Modeling these networks will be a tedious, time-consuming process, but the reward would be qualitative improvements in the capacity of state agencies to intervene... NGOs can make a difference and help to highlight the machinations of the illicit arms traders forcing governments to act”*⁷⁷

Recently, in addition to the work being carried out by official UN embargo monitoring experts, this type of work has been carried out by groups like Human Rights Watch and Global Witness, who have been able to identify the sources of arms transferred to government and non-state armed groups recruiting children and in violation of the UN arms embargo to Liberia.

A number of existing initiatives could also contribute to the development and implementation of a marking and tracing initiative. One example is the South African Regional Police Chiefs Cooperation Organization (SARPCCO) conference on marking and tracing SALW, along with identification and handling of explosives. Similarly ISS and IANSA have collaborated on the training of trainers for SALW research. Various workshops have been held to train experts in weapons identification and tracing. NGO initiatives, such as the Norwegian Initiative on Small Arms Transfers (NISAT), will contribute to a better understanding of the

illicit flow of arms through international databases on black market transfers, domestic regulations and domestic manufacturing capacity for small arms, light weapons and ammunition.

In relation to youth, a number of research projects on children in armed conflict are currently being carried out, with the support of various donor agencies.⁷⁸ Similarly, organizations such as WarChild and the Women's Commission for Refugee Women and Children⁷⁹ are training young people to be researchers. Their participatory, adolescent-led, research studies could collect data and anecdotal information on children's knowledge of SALW and ammunition supply routes. In northern Uganda, for example, escaped child soldiers often have this kind of information and are debriefed by the Ugandan military. These youth may also have important clues to understanding the dynamics of regional SALW and ammunition supply. While children and youth may be willing to share their knowledge in some cases, they may also be fearful of disclosing this sort of information in situations where they may still be vulnerable to re-recruitment or reprisals. Consequently, all such research efforts must be undertaken with the safety of children and youth in mind.

2. Ammunition control

Preventing the flow of ammunition to armed groups who violate the rights of children is an option to consider, but feasibility is a major constraint. Without ammunition, all reusable small arms and light weapons are useless. Single use SALW would include grenades and mines and some 'fire and forget' man-portable anti-tank or anti-aircraft weapons. While some forms of small arms ammunition may be manufactured locally, the requisite materials are not readily available in sufficient quantities to make this an attractive option for most insurgent groups. In many cases, it is much easier for insurgent or non-state armed groups to manufacture 'craft made' firearms than it is to produce ammunition for them. Anecdotal evidence and common sense suggests that levels of ammunition supply directly affect the choices that armed insurgent groups make and the tactics that they adopt. Similarly, but on a different scale, evidence shows that civilian 'cattle raiders' armed with small arms may choose to raid when they have fifty rounds of ammunition and to stay at home when they have ten.⁸⁰

Most states have the technological capacity to produce their own ammunition, and many as one hundred states are actually engaged in production of ammunition. In light of the global capacity to manufacture ammunition, Declerq suggests that attempts to prevent destabilizing accumulations and transfers through the enforcement of supply-side controls "should take into consideration the possibility that such efforts could contribute to a greater diffusion of production capacity."⁸¹ His assertion that control efforts may contribute to a greater diffusion of production should be taken seriously.

The local manufacture of 'craft' weapons is an indication of what people will do in order to acquire firearms when they want them. This phenomenon is not limited to conflicts in the developing world. Peacekeepers in Bosnia discovered underground weapons production workshops that produced crude handguns, rifles and shotguns.⁸² Hamas members in the Gaza strip and West Bank fire homemade rockets and mortars at Jewish settlements. Villagers in the Philippines manufacture homemade handguns and even semi-automatic shotguns with detachable magazines.⁸³ More famously, local gunsmiths in Pakistan and Afghanistan have used hand tools to produce copies of handguns and AK 47s. The evidence suggests that effective regulation may need to include the transfer of components for sophisticated SALW to groups violating child rights in a conflict context.⁸⁴

The other danger is that generic unmarked or intentionally mis-marked weapons (copies that include false or duplicate serial numbers) will be produced in greater quantities.⁸⁵ Unmarked weapons have been produced by states in the past in order to preserve deniability while transferring weapons to insurgent groups, during assassination attempts and covert operations. States may also stockpile weapons captured in conflict zones in order to re-transfer them to state or non-state allies at a later date and avoid having to transfer their own traceable weapons. Again, this may be done in order to be able to deny responsibility. For example, the U.S. Central Intelligence Agency (CIA) is believed to have obtained several tons of Soviet-made arms confiscated from Palestine Liberation Organisation (PLO) forces by the Israelis in 1982, and transferred them to the Nicaraguan Contras.⁸⁶

In her 1998 work, *Deadly Rounds: Ammunition and Armed Conflict*, Stohl suggests a number of measures and research efforts that can be taken to limit destabilizing ammunition transfers to groups that commit rights violations. Stohl suggests that:

- Destruction must be viewed as an essential part of dealing with surplus ammunition.
- New ammunition control initiatives should be explored, including control strategies that have a multilateral and/or regional focus and are tied to weapons control initiatives.
- Transparency of ammunition imports and exports must be encouraged through extensive record keeping and regulation of imports and exports, perhaps as part of a new arms registry.
- New methods of identifying and marking ammunition and tagging propellant powder should be addressed.
- Fieldwork needs to be undertaken to examine trade routes, modes of ammunition transfers, supply networks, tracing of ammunition shipments, prices, and the dynamics of demand and price elasticity.
- Control over the transfer of ammunition components such as propellant and primers should be examined.
- Contextual questions, which probe the effects of regional, sub-regional, and international actors on ammunition supply and re-supply, are important to understand the global scope of the ammunition problem.
- Environmental questions, which deal with the detection and externalities of ammunition production and stockpiles, should be examined.⁸⁷

3. Targeted sanctions and arms embargoes

While legal remedies, protection strategies, and preventive programming will help to reduce the impact of small arms and light weapons, tougher measures may be called for in some situations. In the Secretary General's 1999 report on the protection of civilians in armed conflict, he suggested that member states "impose arms embargoes in situations where civilians and protected persons are being targeted by the parties to the conflict, or where the parties are known to commit systematic and widespread violations of international human

rights and humanitarian law, including the recruitment of child soldiers.”⁸⁸ Embargoes are less dangerous for the civilian population than generalized sanctions and they can be more successfully targeted. They are also less dangerous and expensive than other measures taken under Chapter VII of the UN Charter.

The effectiveness of embargoes is under question. To improve them, UN Secretary General Kofi Annan recently suggested that the Security Council should consider "coercive measures" against states that "deliberately violate" these sanctions and consider giving greater attention to blocking the flow of ammunition to areas of conflict. He also recognized that "progress ... depends almost entirely on the political will and technical capacity of states to do this.”⁸⁹

In the past, arms embargoes were created with little or no support for monitoring and reporting violations. Recent UN and NGO efforts to investigate embargo violations in Angola, Liberia and Somalia demonstrate that it is possible, with the right resources, political will and access, to find out where the arms are coming from and who has facilitated their financing and delivery

The U.S. based Small Arms Working Group (SAWG) has advocated the development of an arms embargo unit to work in support of the UN Sanctions Committee. In addition to gathering information about possible embargo violations, this unit would:

- Assess the status of each embargo regime in order to sound an early warning on frequent violations or any escalation of violations;
- Make in situ visits as necessary or dispatch teams of professional experts to investigate violations of specific embargoes;
- Analyze and report the findings of such investigations;
- Make recommendations to the Secretary-General on arms embargo regimes generally and implementation of individual embargo regimes; and
- Serve as the repository of a permanent database on reported sanctions violations, the movement of military equipment and personnel to sanctioned entities, and individuals and companies involved in the violation of embargoes, including brokers, shippers, bankers, and officials.

The unit should be staffed with experts on weapons trade, financial flows, customs controls, and dual-use technologies, as well as with a legal advisor. It would be essential for this unit to work with a wide range of international organizations, such as INTERPOL, the World Customs Organization, the Secretariat of the Wassenaar Arrangement, regional and national law enforcement agencies and SALW focal points, UN peacekeeping operations, DD&R and community-based weapons collection programs, regional UN disarmament offices, and regional organizations such as the OAS, ECOWAS and SADC.⁹⁰

In situations where weapons flows are contributing to the commission of war crimes and crimes against humanity, but where UN member states and the Security Council have not moved to create a peacekeeping presence, every effort should be made to create weapons monitoring missions as an interim measure. The Security Council has approved such a mission in the past, even without a peace agreement between the belligerent parties. The United Nations Observer Mission Uganda-Rwanda (UNOMUR) was created in June of 1993

with an explicit mandate to monitor destabilizing weapons flows across the Uganda-Rwanda border. Security Council resolution 846, authorizing the establishment of UNOMUR, stated that UNOMUR, “*shall monitor the Uganda/Rwanda border to verify that no military assistance reaches Rwanda, focus being put primarily in this regard on transit or transport, by roads or tracks which could accommodate vehicles, of lethal weapons and ammunition across the border, as well as other material that could be of military use;*” and requested a report on the implementation of UNOMUR within sixty days of its deployment.⁹¹

Similar missions would have been extremely useful in West Africa in recent years and could have prevented weapons flows and perhaps cross-border child recruitment between Liberia, Sierra Leone, Ivory Coast, Burkina Faso and Guinea. While not without political difficulties, these monitoring missions would certainly save lives and perhaps prevent the eventual need to deploy full-fledged peacekeeping forces after the damage has been done.

Embargoes can be an effective measure in specific situations. For the long term, however, effective prevention requires reasonable regulations for the supply of weapons through export controls with tracing, monitoring, and investigative powers that go beyond individual Security Council resolutions and specific embargoes.

4. Inter-operability

In order for arms control efforts to be effective, it will be important that states share documentation software created to ensure secure inventory of weapons and ammunition stockpiles, weapons and ammunition retrieved or confiscated in the course of criminal investigations, and weapons and ammunition captured or surrendered in the course of military operations or peacekeeping operations. Building the capacity of developing nations to create comprehensive national registers of all civilian and state held SALW is also an area where states with secure, interactive electronic firearms data retrieval systems can contribute by sharing technology. For the purposes of information sharing related to an international marking and tracing mechanism, it will be important to ensure the compatibility of secure database software.

5. Transparency and confidence building: UNCAR

Transparency initiatives, such as expansion of the UN Register on Conventional Arms (UNCAR), could contribute to controlling accumulations and transfers of SALW. The register is a voluntary mechanism whereby states provide data on their imports and exports of arms, as well as available background information regarding their military holdings, procurement through national production, and relevant policies. An expansion of the register has been proposed for some time, including by past UN Secretary General Boutros Boutros Gali and more recently by UN Secretary General Kofi Annan.⁹²

In August 2003, a panel of experts made recommendations⁹³ on possible technical adjustments to the register. The General Assembly then endorsed two recommendations from the Disarmament Committee: that the UNCAR’s lower reporting threshold for large-calibre artillery systems be changed from 100 to 75 millimetres; and that Man-Portable Air-Defense Systems (MANPADS), which are shoulder-fired anti aircraft missile launchers, should be covered by the register. They also recommended that States wanting to do so could include transfers of small arms and light weapons in their annual national submissions. In this way, a number of weapons considered to fall under the UN definition of “light weapons” have now been brought under the voluntary reporting provisions of the UNCAR. Unfortunately states

are not legally bound to participate and are unlikely to report weapons transferred as part of covert operations. In spite of these limitations it can serve as a component of confidence building and accountability efforts, if more states agree to participate. Regional initiatives could also encourage states to participate in similar binding exchanges of information on SALW and other conventional weapons systems.

6. The Control Arms campaign and the Arms Trade Treaty (ATT)

The Control Arms campaign was launched in October 2003 by more than 500 organizations, including the International Action Network on Small Arms (IANSA), Amnesty International and Oxfam. According to the campaign's website,

“The centre piece of this effort is a push to promote negotiation of an Arms Trade Treaty by 2006, when the U.N. will host a follow-up to the 2001 small arms conference. The proposed Arms Trade Treaty is intended to cover all conventional arms and would apply to all manner of arms transfers, including transshipment and re-exports, not only direct exports. Some states have begun to step forward to champion the treaty idea, with Mali and Costa Rica taking an early lead. Negotiating such a binding international instrument on arms transfers would represent a major step forward in defining state responsibility for the human rights consequences of arms transfers.”

The ‘Arms Trade Treaty’, otherwise known as the ‘Draft Framework Convention on International Arms Transfers,’

“addresses the existing obligations of states under international law and applies them to decisions to authorize arms transfers. Its central provisions would prohibit arms transfers where the authorizing government knows or ought reasonably to know that the weapons will be used to commit genocide, crimes against humanity, serious human rights abuses, or serious violations of international humanitarian law.”⁹⁴

F. National Focal Points

The creation of focal points within UN agencies and national governments is emerging as a mechanism for co-coordinating smaller efforts into systematic and effective strategies. In the area of child protection, the role of youth commissions and child protection advisors sometimes fulfill a similar function.

Considerable progress has been made in designating national focal points for SALW, as specified in the UN Programme of Action. In child protection, child protection advisors in UN peacekeeping missions and youth commissions in post-conflict situations were designed to play a similar role. Focal points have been suggested to coordinate efforts to end the recruitment and use of child combatants in the specific listed situations, under resolutions 1460 and 1539. Other agencies have suggested that national focal points for sexual exploitation should be established.

The effectiveness of these measures is a question. It remains to be seen how the activities of these various child protection and SALW focal points could be coordinated. Coordination amongst UN agencies and between UN agencies and non-UN programming has been problematic in the past, not least because of competition over donor resources and priority setting.

G. Regional Initiatives

The need for a coordinated approach to dealing with the negative impacts of SALW proliferation on children has been raised in many regional fora. Regional initiatives have focused on reducing the availability of small arms as well as creating a coordinated strategy for disarmament and demand reduction among children and youth.

One regional initiative that is available for replication in other parts of the world is the development by OSCE member states of a SALW best practices handbook. This handbook was developed for governments, parliaments, non-governmental organizations and international organizations; it provides guidance for legislative initiatives and program development. The handbook covers the following issues that are of universal concern to states supplying and affected by SALW:

- National Controls over Manufacture of Small Arms and Light Weapons
- Marking, Record-keeping and Traceability of Small Arms and Light Weapons
- National Procedures for Stockpile Management and Security
- National Control of Brokering Activities
- Export Control of Small Arms and Light Weapons
- Definition and Indicators of a Surplus of Small Arms and Light Weapons
- National Procedures for the Destruction of Small Arms and Light Weapons
- Best Practice Guide on Small Arms and Light Weapons in Disarmament, Demobilization & Reintegration (DD&R) Processes

The OSCE model for sharing information and best practices, which received political support at the UN General Assembly in October 2003, is publicly available.⁹⁵ In December 2003, the 55 OSCE foreign ministers endorsed an additional document, which addresses the risks arising from stockpiles of conventional ammunition and sets new regional standards for stockpile management. This initiative could also be replicated in other regions.

West Africa has been held up as a model for regional cooperation through the Bamako declaration and ECOWAS Small Arms Moratorium. However, weapons smuggling during the recent conflicts involving Liberia, Sierra Leone, Ivory Coast and Guinea, illustrate the failure of regional and international actors to prevent a destabilizing flow of arms. In spite of the successes of the ECOWAS Moratorium, many agencies and organizations have realized that efforts are still fragmented, representing a collection of emerging best practices, lessons learned and pilot projects rather than a fully operational and effective system for controlling SALW transfers. A number of initiatives are currently under way that should contribute to more effective and comprehensive programming.

Youth have received special attention in this region. In September 2002, UNICEF gathered together country office representatives and partner agencies from twelve African countries to draft a strategy for “Raising Awareness and Addressing the Impact of Small Arms on Children and Youth.” Participants were asked to identify the problems they saw as most related to both the supply of and demand for small arms among children and youth. They were then asked to categorize each problem as social, political or economic.

Social factors were considered to be those that prevented access to certain social systems:

- The status conferred on children by possession of firearms;
- Tradition and culture that embrace firearms;

- Association with armed groups and the status gained by belonging to them;
- Self-defense or the protection of others;
- “Resolving” conflicts.

Economic factors were defined as those related to livelihood, including:

- Food shortages;
- Child labour (including child soldiering);
- Socio-economic status;
- Association with drug cartels and other organized crime groups;
- Firearms becoming a part of livelihood strategies.

Political factors were defined as situations where young people’s armed participation is required in political strategies, for example:

- The recruitment of children into armed movements, including both voluntary and mandatory conscription;
- Political instability and coups d’etat;
- Militarized culture;
- Existence of civil defense forces;
- War;
- Association with non-state actors and others attempting to seize power

Regional youth strategies hold some promise for effective action. In Africa, for example, UNICEF created a draft regional strategy to disarm youth. It was developed at the September 2002 UNICEF and ISS conference “Disarming Children and Youth: Raising Awareness and Addressing the Impact of Small Arms,”⁹⁶ This regional strategy was a first attempt to identify the issues that should be addressed by UNICEF and its partners, in order to lessen the impact of SALW on children in African countries. As such it may serve as an example for other regional initiatives.

Some of the key lessons drawn from this initiative included the importance of working with partners, youth participation, integration into country programmes, political sensitivity, advocacy, sustainability and integrating the role of UNICEF at headquarters, regional and country levels.

The objectives of the action plan include: disarmament of armed children and youth; reintegration of children and youth to prevent rearmament; preventing the mobilization of children into militaries; mainstreaming children, youth and small arms issues in policy and practice; education; child development and vocational training; youth engagement in peace building and justice initiatives; and, finally, identifying and applying appropriate resources. The action plan also identified tools and activities that can be used for work in small arms with children and youth. Many of these tools are similar to the lessons learned from the work of QUNO, UNDP and Viva Rio on demand reduction programming; they include advocacy, networking, education and training, research, data collection, and youth participation.

The main challenges for implementation of the action plan included the politicization of issues relating to disarmament, the difficulties of program development in conflict areas, and mainstreaming collaboration and networking. (See Annex V for more detailed information on approaches, actions and priority responses).

Save the Children, UNICEF and Caritas have been involved in the development of child rights training for militaries and peacekeepers. In West Africa, this training has been carried out in collaboration with the Economic Community of West African States (ECOWAS) and used for the pre-deployment training of peacekeepers in Africa. This training is now being considered for replication by South African Development Community (SADC) countries.⁹⁷

Coordination of regional efforts to curb the flow of SALW in West Africa is bringing together a wide range of government and civil society organizations. A meeting in Pretoria in September 2003 identified what was needed for effective implementation. The recommendations from this meeting focused on the need for training; funding; coordination; operational guidelines; work-plans for the development of national, regional focal points and regional secretariats; information exchange and interactions; the development of compatible agendas for action; and, strengthening legislation.⁹⁸

In addition to the OSCE handbook of best practices, the ECOWAS Moratorium and the UNICEF initiatives in Africa, other examples of current regional cooperation initiatives are:

- Southern African Development Community Protocol on the Control of Firearms, Ammunition and Other Related Materials,
- Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.
- INTERPOL engagement with regional policing initiatives
- Wassenaar arrangement
- Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (Bamako Declaration), the Nairobi Declaration on the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (Nairobi Declaration), Protocol on the Control of Firearms, Ammunition and Other Related Materials (SADC Protocol),
- A regional NGO coalition is emerging in support of a regional approach to SALW control in Central Asia. NGOs from Kyrgyzstan, Kazakhstan and Turkmenistan are involved, with the Kyrgyz group Foundation for Tolerance International acting as a coordinator.⁹⁹

H. Disarmament, demobilization and re-integration (DD&R)

The literature on Demobilization, Disarmament and Reintegration (DD&R) programs has grown exponentially over the last few years. Yet, as recent events in Liberia have shown, the need for careful planning is often at odds with the desire to take action immediately after the secession of hostilities, in order to collect as many weapons as possible before they enter illicit markets or are used in crime. The November 2003 Report of the Secretary General on Children and Armed Conflict indicates that the specific needs of children and youth have not yet been sufficiently addressed within the overall planning and implementation of DD&R programs. While the report notes that there is no single model for the disarmament, demobilization and reintegration of children, important lessons are, nonetheless emerging:

- The demobilization of child soldiers should be sought at all times during conflict and special measures should be taken to prevent re-recruitment or reprisal;
- Children who escape, are released or captured from any armed forces or groups should not be considered or treated as enemy combatants;

- The protection and rehabilitation of children, including their disarmament, demobilization and reintegration, should be integrated into all peace negotiations and resulting peace agreements;
- In disarmament, demobilization and reintegration processes, separate and child-specific programmes should be organized for demobilized children; children should not be required to hand in weapons to be eligible for the disarmament, demobilization and reintegration programme and benefits;
- All children associated with armed forces and groups should be included in disarmament, demobilization and reintegration programmes. From the start of the process, there should be a clear definition of who is a child, and of the criteria for eligibility of children for the disarmament, demobilization and reintegration programme. Eligibility criteria should be broad enough to ensure that all children associated with fighting forces, including combatants, cooks, porters, messengers, “concubines” and camp followers, have access to the programme;
- In the interest of rebuilding a healthy society, reintegration programmes need to take an integrated community approach; interventions that single out former child soldiers may result in their being further stigmatized. In some situations, such as in Mozambique, traditional “cleansing” ceremonies to facilitate reintegration have proved very effective;
- Monitoring and follow-up of demobilized children are important to ensure successful reintegration and delivery of benefits;
- Local civil society groups, such as elders and religious leaders, play a vital role in negotiations for the release of child soldiers from fighting groups as well in disarmament, demobilization and reintegration processes; they should be provided with more support and resources;
- Child protection and rehabilitation is a process that goes beyond disarmament, demobilization and reintegration. Donor support and commitment to longer-term community reintegration is required to prevent recruitment and re-recruitment. Progress for demobilized children must represent a viable alternative to military life;
- Special attention must be given to the specific needs of girls and their stigmatization, including those heading households, sexually exploited, combatants and those with children. Particular attention must also be given to the special needs of children with disabilities.¹⁰⁰

Some of the most innovative DD&R initiatives have begun to incorporate economic incentives beyond the simple “cash for weapons” model, although this remains a component in many demobilization programs. Large-scale provision of business training and micro-credit as incentives for former combatants to hand in arms are other initiatives that have been used in the Democratic Republic of Congo by UNDP’s Bureau for Crisis Prevention and Recovery. Micro-credit DD&R initiatives targeting armed youth and involving livelihood assistance have also been carried out by World Vision in Bougainville, New Guinea.¹⁰¹ Preparations by UN agencies for the implementation of community-based disarmament and

peace building in the Sudan have indicated that a comprehensive approach to disarmament will also be implemented there.

The role of the private sector is beginning to receive more attention. Involving local businesses and multi-national corporations in weapons collection incentives has been proposed as one way to create new opportunities for communities and former combatants.¹⁰² Some are pursuing the possibility of having multinational corporations more involved in development activities in the areas where they are profiting from the extraction of raw materials or from cheap labour. However, the complicity of some corporations in the suppression of human rights, unethical labour practices, and even ethnic cleansing, raises suspicion and community resistance to their involvement in community programs. Efforts to involve the private sector in disarmament should be carefully discussed with affected persons in the community.

VII. Learning from ‘Non-Conflict’ Contexts

A. Armed youth as a global phenomenon

Evidence shows that the victimization of children during armed conflict and the recruitment of youth are facilitated by SALW, but these are only a fraction of the total number of young people impacted by the use of small arms. McIntyre and Weiss suggest that it is necessary to look at armed violence on different scales, including involvement in gangs and organized armed violence, in order to *“understand both the scale of the problem of armed youth as well as the complex social, economic and political aspects of demand in these different contexts.”*¹⁰³

Kübler, among many others, has noted the fascination that violence and games with weapons hold for children and youth. He suggests that they are mostly bound up with feelings of power and superiority. He also notes that violence is often seen as the only way of resolving conflicts in desperate situations. Kübler goes on to assert that the general conditions that children and youth have to cope with are a major reason why they acquire arms, proposing that, *“people arm themselves for protection if the state security institutions are neither capable nor obliged to assert the state monopoly of the use of force to protect the population. Poor economic conditions can also increase the need for self-armament.”*¹⁰⁴

Lock has suggested that similar attention should be paid to children and youth involved in armed violence outside the context of war. He notes that youth often perceive both gangs and police to be potential sources of violence against them, and arm themselves in, *“an intra-societal arms race during which the state loses fully its coercive monopoly.”* Both root causes and practical solutions find expression in his analysis:

*“The excluded constitute a huge reserve army for the illegal economy, organized crime, and not least for armed conflicts. Young men between 12 and 25 years of age are, indeed, the backbone of on-going armed conflicts and organized crime. They are trained on the job and do not acquire other skills. Preventing their integration into crime or war as well as promoting their reintegration into the civil society in post-conflict scenarios presupposes education and vocational training and some hope to find a productive role in society.”*¹⁰⁵

The relationship between family structures, participation in organized violence, type of weapon used and level of violence perpetrated or experienced has been graphically represented.

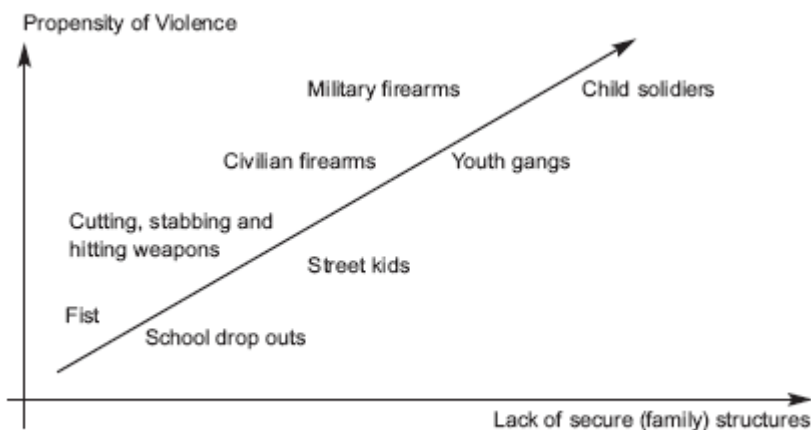


Fig. 1 – Propensity to violence and social contexts in armed youth violence 106

Studies in developed western countries have also uncovered a correlation between socio-economic status, level of education, and youth participation in armed violence. These same studies also note the correlation between youth experiences of domestic violence and youth participation in deviant social activity, including armed violence.¹⁰⁷

Sometimes well-intentioned disarmament initiatives can have unexpected consequences for young people. This has been documented by the youth organization Viva Rio in Brazil. In the article, “Adult criminals use children and adolescents to transport arms,” Jucá describes how the number of children caught transporting weapons for armed criminal groups rose after the implementation of the new disarmament law that established a two to six year jail term for adults caught illegally carrying arms. According to the research, one of the reasons for the increased use of children and youth as firearms ‘mules’ was the light sentences that children and youth often receive for such offences.¹⁰⁸ This perverse impact highlights the fact that interventions and demand reduction programming can create unexpected negative consequences. On-going participation of young people, along with careful monitoring, appears to be the best way to protect the best interests of children.

A workshop in Eschborn, Germany in 2002 drew on the experience of two projects, Development Co-operation and Small Arms Control and Children and Youth in Development Co-operation, to focus attention on situations where the misuse of small arms limits development work.¹⁰⁹ The questions posed at the workshop are relevant for any community-based program to reduce demand for small arms: Why do young people arm themselves? Who actually gets a hold of arms? What methods and techniques could be used to deal with young people with a propensity for violence, especially armed violence? What opportunities and risks arise from different interventions and the involvement of different players?

Presentations emphasized the importance of recognizing that children are by nature ‘immature’ and that juvenile delinquency is a normal developmental phenomenon in adolescents. In light of this, it was suggested that the use of youth courts and a movement away from judicial proceedings towards education and preventive efforts should be considered as useful strategies to reduce youth involvement in gun violence. It was suggested

that some crime-prevention efforts might be reproducible elsewhere, including the special use of ‘youth officers,’ an increased strategic police presence in the community through ‘situational prevention,’ and police cooperation with community organizations.¹¹⁰

Other efforts to reduce armed youth violence include anti-aggressiveness training, group anti-violence workshops and peer mediation.¹¹¹ It was suggested that such efforts should encourage the participants to reflect on their own attitude to violence, to put themselves in the position of potential crime victims, and to examine alternative courses of action.¹¹² (See Annex III for selected observations and recommendations of the GTZ workshop on youth and small arms).

B. Community based initiatives

Children are often involved in forms of armed violence that occur outside of those formally defined as ‘war’ or ‘armed conflict’. The Children and Youth in Organized Armed Violence (COAV) initiative, led by the Brazilian NGO Viva Rio, is a research, advocacy and programming campaign that seeks to address the situation of children and youth involved in armed violence in non-war situations. Their target group is defined as “children and youth employed or otherwise participating in organized armed violence where there are elements of a command structure and power over territory, local population or resources in non-war situations.”¹¹³ It includes children and youth involved in drug trade factions in territorial disputes (as in Rio de Janeiro, Brazil); organized criminal gangs in general (drug and arms traffickers and kidnappers); structured and armed youth gangs; armed ethnic groups; death squads and vigilante groups that execute criminals.

The main objectives of the COAV Project are to identify cases where children and youth are involved in armed groups in countries that are not at war, produce and disseminate information on the problem, educate the international community on the problem, and share best practices and solutions. An international study is being carried out in collaboration with local NGOs in Jamaica, El Salvador, Ecuador, Honduras, Philippines, Sierra Leone, Nigeria, South Africa, Haiti, USA, Northern Ireland and Colombia.

In their 2002 study, “Children of the Drug Trade: A Case Study of Children in Organized Armed Violence in Rio de Janeiro,” Viva Rio identified a number of similarities between the conditions faced by child combatants in conflict zones and those faced by children and youth involved with other groups involved in organized armed violence. These included recruitment methods; the existence of a hierarchical structure with set rules and punishments that do not distinguish between children and adults; remuneration for services rendered; the provision of small arms to minors; and the question of survival.¹¹⁴

Viva Rio’s Program of “treatment” for gun violence in the ‘favelas’ (slum neighborhoods that experience extremely high rates of gun violence, often linked to the drug trade and organized crime) includes three main components that could be applied in similar situations:

1. Alternatives – Programming with all children that provides positive alternative activity: sports, artistic activity, fast-track education programs, job training and placement. In addition, micro programs focus on youth that are already engaged in violence (for example, membership in a special boxing club as a basis for building self confidence and positive self image).

2. *Community policing* – In one *favela*, a new, community-based force was established, with a specially chosen leader and staff selected for their honesty and dedication to law and community. Under community oversight, the police were trained in human rights and community work. A community council was also established in the *favelas* to create a space for dialogue between the community and the police on security and development issues.

3. *Mainstreaming* - Integration of the specific programs for *favela* children into a citywide, multidimensional strategy that included advocacy, public events, attitudinal campaigns, and provision of training and research assistance to police agencies.

The United Nations Development Program (UNDP), which has been a leader in community-based interventions and demobilization programs, suggests that there are three critical components involved: 1) the community is the fundamental actor in the program; 2) the program must support existing structures if it is to be sustainable; and 3) alternative development options must be integrated into the program.

UNDP's experience also suggests that pilot community programs should include participatory research on the measures needed for increased community security, followed by efforts to mobilize community resources and strengthen community support. Community programs typically include support for local organizations, sports programming, and targeted programs for vulnerable groups that focus on economic livelihood and social development.

Groups participating in the QUNO workshop mentioned a number of other components that could contribute to demand reduction through community engagement. These included direct engagement with gangs as a positive structure for change; police-created youth clubs focusing on music and sports; entrepreneurship and micro-credit and emphasizing group activities, values clarification, self-esteem and conflict resolution. Other programs have encouraged literacy through night school or tolerance and self-esteem through debating societies. Some groups have provided counseling after gun incidents or carried out domestic violence awareness through school outreach programs. Still others have sought to provide peace and human rights education.

Some recent initiatives have sought to challenge cultural conceptions of guns as a source of male power or masculinity and/or sought to strengthen alternative sources of 'power' or prestige. Viva Rio's "Women's Campaign for Disarmament: Choose Gun Free- Your Weapon or Me," echoes the suggestion made in 421 BC by the Athenian playwright Aristophanes, in whose play, "The Peace," the women of Athens threaten to withhold sex until their husbands make peace with the Spartans.

C. National strategies and domestic initiatives for controlling SALW

The use of national regulations to control the ownership and use of SALW by individual citizens has been well treated in the arms control and domestic gun control literature.¹¹⁵ Of particular interest for any analysis of children and SALW are domestic regulations governing the minimum age for licensing, ownership and use of firearms; safe storage regulations; controls on ammunition; and protection mechanisms that ban the ownership of firearms by anyone who might be a danger to others, including those who have been convicted for domestic violence or those with a mental illness. While all states have some form of domestic firearms legislation, many underdeveloped states and those emerging from conflict do not have resources for training and enforcement or comprehensive strategies for dealing with

SALW proliferation in their societies. The establishment of national focal points and the development of National Action Plans (NAP) are meant to address these shortcomings.

The development of a National Action Plan by Tanzania created a model for consultative and comprehensive national planning in a region heavily affected by both SALW and the recruitment of child combatants. Other states in the region have since followed suit. As part of the development of the NAP in 2001, three principal bodies were established:

- A National Focal Point on Small Arms and Light Weapons;
- A National Committee for Arms Management and Disarmament; and
- Provincial Task Forces for Arms Management and Disarmament

As part of the NAP, over one hundred micro-projects were identified for implementation at different stages of the plan. These focused on: control of licit stocks, improving border controls, reducing dependency through public awareness, education, the creation of economic alternatives, trans-border cooperation, and strengthening regional capacity. The micro-projects were clustered around a set of six elements:

- Establishment/sensitization of existing national bodies and agencies;
- Review of national legislation, administrative procedures and regulations followed by implementation of the new provisions;
- Training and capacity building;
- Developing international and regional cooperation and information exchange;
- Cooperation and interaction with civil society in order to build support for the National Action Plan and secure civil society involvement in its implementation; and,
- Identification and action on critical areas of control such as cross-border entry points.

According to SaferAfrica, the micro-projects fed into a central long-term plan of action, whose main components were: developing capacity to deal with the small arms problem; the establishment of infrastructures that expedite action in resolving the problem; and the implementation of arms management and disarmament actions nationally and across borders.¹¹⁶ Uganda, Mozambique and Kenya also undertook the development of national plans in coordination with SaferAfrica in 2003.

The SaferAfrica-Angola 2000 project is another example of effective public consultation and involvement in SALW awareness. As well as providing training to the Disarmament Committee of the Angolan government, SaferAfrica, in partnership with the Angolan NGO, Angola 2000, undertook three surveys in three different provinces of Angola – each survey was of 1500 households. As part of their SALW campaign, they distributed 10,000 public awareness brochures in community centres throughout Angola. Two hundred people were also trained to be disarmament monitors at the community level in three provinces. In addition, training workshops were carried out with national, regional, provincial and local authorities and NGOs. Safer Africa reports that this was accompanied by a strong public awareness campaign for disarmament in the media. The involvement of the Angolan government focused on the need for a National Focal Point (NFP) and a National Action Plan (NAP) that would take into account the varied experiences with SALW in both rural and urban areas.¹¹⁷

The recent joint Oxfam and Amnesty International initiative, entitled *Shattered Lives: The Case for International Arms Control*, confirms many of the findings of other community-based initiatives. They have broken the best practices into three categories:

1. *Rebuilding confidence* in the possibility of non-armed security by reducing the quantity of arms in circulation through collection and destruction programs; the establishment of gun-free zones; removing illegal arms; building relationships and trust between differing communities and between communities and police; delivering civic education and awareness-raising programmes; and developing tools for peaceful conflict resolution.

2. *Providing assistance* to the victims of armed violence.

3. *Developing sustainable livelihoods* as alternatives to armed violence.

The study also identified guiding principles for work at the community level:

- *A detailed analysis and understanding of the community* and its governance are essential in order to identify the main reasons why people bear arms. The research should include all stakeholders, particularly people in power and authority, such as the police.
- *A holistic approach* that addresses human rights issues, poverty, justice and impunity for offenders. Reform of policing and criminal justice systems, based on international human rights standards, is essential, along with alternative livelihood strategies.
- *Genuine engagement of the community* must be driven by local people to ensure relevance, ownership, participation, shared responsibility, and understanding. Political representatives and the police must be representative, accountable, and responsive to the community as a whole.
- *Incorporating the needs, perspectives, and talents of all members of the community, including men, women, girls, boys, older people, people with disabilities, and people of different ethnicities and religions.* For young people, alternatives must be found to substitute for the benefits of gang membership, such as a sense of identity, purpose, group support, and security.
- *Partnership between civil society and government* is a key factor. Civil society is essential for achieving constructive change, but sustainable change of policy and practice also requires government involvement. Governments can be strong allies, endorsing, strengthening, and sustaining reforms, but civil society initiatives need to be careful to avoid co-option and inducements to legitimize inappropriate government policy. Effective flows of information are critical to ensure effective co-operation.¹¹⁸

D. Lessons from domestic US gun control efforts

Community-based supply and demand reduction initiatives for youth have been attempted in many jurisdictions of the United States. Efforts have been made to identify best practices in order to improve domestic gun crime reduction strategies. Many of the lessons learned domestically in the United States mirror those in the developing world, although the resources and supportive collaborations between institutions that can be brought to bear on domestic efforts eclipse those available in many developing contexts. Focus areas have included reducing illegal access to guns; reducing use of guns by violent perpetrators; and reducing accidents related to gun violence. Strategies for reducing gun violence include legislative and

regulatory approaches, gun supply initiatives (suppression and interdiction), and demand reduction programs (prevention and intervention).¹¹⁹ Some of the lessons learned from domestic U.S. gun control efforts are as follows:

- Citizen participation in crime prevention efforts has been critical to their success and sustainability.
- Efforts must be long-term in order to be effective, and capacity building in different sectors of the community is often needed.
- The community must recognize its gun violence problems.
- Law enforcement and other key institutions should be enlisted as key partners.
- Staff should be professionals experienced and knowledgeable about the delivery of social services to the target populations.
- Volunteers who can maintain the prevention and intervention strategies are critical to success.
- Funding should be derived from sources both within and outside the community.
- Strategic planning by all stakeholders should produce a comprehensive plan of action with measurable goals and strategies.
- Planning should include an understanding of the risk and protective factors associated with gun violence.
- Plans should be comprehensive and integrated, using a number of strategies to address gun violence from both a supply and a demand perspective.
- It is important to involve those persons who have a direct stake in the well being of the community prior to mobilizing residents who live in the affected neighbourhoods.
- Multiple suppression and prevention strategies are included to address risk factors associated with violent criminal behavior, including aggressive behaviours at an early age, conflicts with authority, gun possession and carrying, gang membership, substance abuse, depression, exposure to violence, poor parental supervision, low academic achievement, truancy, delinquent peers, drug trafficking, and unemployment.
- The most effective programs have been comprehensive, multiple-component programs that address the identified risk factors in multiple ways. Such program strategies include targeted police responses, surveillance of probationers, situational crime prevention using problem-solving strategies, parental supervision, peer mediation and conflict resolution, school-based interventions, community mobilization, legislation restricting youth access to guns, and tough sentences for crimes involving firearms.
- Strategies to reduce gang-related violence include the development of geographically coded information systems to track gang violence, restricting gang members' access to firearms, enhancing prosecution of gang crimes, and punishing and monitoring offenders.¹²⁰

Community based violence prevention interventions are often carried out on a small scale and need to be locally tailored in order to be effective. Development, education and economic/livelihood opportunities are bulwarks against children becoming willingly involved in criminal violence and insurrection, although this approach is often seen as a long-term prevention strategy. Micro-credit and livelihood initiatives targeting youth at risk and former combatants, as well as emergency education, also serve the cause of peace building and disarmament in the short term. A comparative study, “Tackling Small Arms in Central Africa,” examines the theoretical and technical aspects of micro-disarmament programming.¹²¹

Community-based disarmament programs are being implemented in an increasing number of locations, with increasing sophistication. These programs are being integrated with peace building, livelihood, development and community policing activities. National capacity and cooperation between NGOs, donors and national SALW focal points has also increased. As mentioned, it should be remembered that community-based disarmament programs have, in some cases, been politicized and have led to intentional criminal acts including murder, torture and assault, including against children.

VIII. Conclusion and a Framework for Further Action

This paper addresses the link between small arms and light weapons and children in armed conflict by providing an overview of the ways in which these weapons impact children, outlining strategies to address the issue, and discussing protection of children in terms of legal protection and physical security.

The literature and a survey of existing programming provide evidence of the extensive impact that the misuse and proliferation of small arms have for children and youth. Children are both abused with these weapons and use them as tools for self-protection, criminal livelihoods and as members of armed groups. A study of the impacts of SALW on children draws to the fore the responsibility to protect vulnerable persons in times of armed conflict. In particular, the perennial lack of physical protection that children face in these situations limits their survival options and highlights their resilience.

A focus on the small arms factor highlights the importance of conflict prevention, conflict resolution, and peacebuilding to protect young people. The total removal of SALW from existing armed conflicts is an unrealistic goal. While some armed groups, state and non-state alike, may be willing to discuss compliance with international norms governing the recruitment of child combatants and the use of landmines, the centrality of SALW as tools of insurgency or state authority suggest that removing SALW from ongoing armed conflicts will be difficult without addressing the causes of the conflict through conflict resolution and longer-term economic, social, and political development.

Nation states have a primary responsibility for civilian protection. Widespread demand and misuse of SALW, however, often indicates problems in governance or low recognition of a state's authority. When a state is unwilling or unable to protect children from small arms misuse, it is necessary for external actors to provide the necessary pressure or resources for conflict prevention, conflict resolution through peace processes, support for local initiatives to protect children, and/or appropriate intervention for the purposes of protecting children and youth.

At the international level, Security Council resolutions 1460, 1539, and 1612 provide a strong basis for improving the protection of children threatened by armed conflicts and making progress on the issue of small arms control. Effective implementation of these resolutions could make a major contribution toward addressing the factors outlined in the research. The policy options paper reviews the options for implementation and suggests practical strategies for action on a number of fronts. See www.worldvision.ca/policy for the policy options paper.

In addition to state and international involvement, it is essential that SALW and CAC issues are addressed at the community level with the engagement of children and youth. More

action-oriented research that is conducted by and for children and youth is needed. Community-based strategies can reduce demand and improve local security conditions to protect young people from abuse by or involvement in armed conflict or armed crime.

A growing body of research on the international flow of small arms indicates that monitoring, tracing and interdiction activities to control SALW flows need to be applied on a systemic basis to avoid allegations of political motivation. To start, controlling SALW and ammunition flows to groups that violate the rights of children is one area that has broad appeal; international support for such initiatives should be considered as an urgent priority. While reducing the supply of SALW and ammunition to these groups, including state actors, may not end conflicts, it may induce compliance with other international child rights, human rights and humanitarian norms.

Measures to include in an effective framework for action

Lessening the impact of SALW and the demand for these weapons by children and youth will require a multi-faceted approach with measures taken by communities, states and the Security Council. These measures include:

- Early intervention with all relevant actors in conflict resolution and peace processes;
- Systematic international monitoring of SALW and ammunition flows;
- An internationally agreed and comprehensive marking and tracing mechanism;
- Interdiction of and international prosecution for transfers to groups violating human rights and humanitarian norms;
- Community-based demand reduction strategies based on analytically and ethically sound participatory action research;
- Comprehensive DD&R programming for former child and youth combatants, based on analytically and ethically sound participatory action research and assessments;
- Prosecution for war crimes including underage recruitment as well as knowingly aiding and abetting these crimes through arms transfers;
- Greater use of international and regional transparency and accountability measures;
- Regional and national cooperation, joint planning and programming.

In order to fulfill the goal of preventing flows of SALW and ammunition to groups involved in serious violations against the rights of children in situations of armed conflict, as per Security Council Resolution 1460, member states should use the following framework for further action:

Short-term measures

The UN Security Council in cooperation with UN member states should:

- Initiate monitoring, active investigation and documentation of all aspects of the supply of SALW and ammunition to all armed groups involved in serious violations against children, including underage recruitment and other war crimes. The forces targeted for monitoring could begin with those who have been named as part of the Secretary General's list. Robust and comprehensive investigations, as have recently been carried out by UN sanctions monitoring bodies and NGOs tracing SALW flows into Liberia from and through a number of states, could serve as a model for international action and as a foundation for even more rigorous global monitoring.

- Use lists as a tool to encourage compliance with international norms. To quote the November 2003 UN report on embargo violations in Somalia, “a list should be compiled of individuals or groups engaged in the illegal manufacture, trade, stockpiling, transfer, possession, transportation, insurance and financing of the acquisition of illicit weapons, with a view to proposing possible future actions against such violators.” This should take place in each case where arms are being transferred to groups committing systematic and grave breaches of child rights.
- In situations where the flow of SALW to groups involved in serious violations of the rights of children are either in violation of UN embargoes or are contributing to breaches of international peace and security, put in place, under Chapter 7 of the UN Charter, UN monitoring missions to interdict these movements, including in bordering countries suspected of serving as transshipment points via air, land or sea routes. Take similar measures to prevent cross-border underage recruitment.
- Work collaboratively towards compliance with groups accused of underage recruitment. Take graduated measures, beginning with the initiation of dialogue with forces involved in violations of child rights and culminating in the imposition of arms embargoes and a ban on military assistance and training, where state and non-state armed groups refuse to take sufficient action to prevent underage recruitment and other war crimes against children. These graduated measures should also be contemplated against states involved in the transfer of weapons to groups involved in these violations, either as suppliers or acting as trans-shipment points.
- Build upon current legal arguments and precedents contributing to the prosecution of individuals for war crimes relating to underage recruitment and other egregious violations of child rights, including criminal responsibility according to ‘command responsibility’ up to the head of state level. These arguments should be encouraged and developed in order to expand the range of crimes considered to warrant such international legal sanction. Such arguments should also include prosecution for supplier states’ secondary responsibility for ‘aiding and abetting’ the commission of crimes against humanity by knowingly facilitating the transfer of SALW or ammunition to groups known to systematically violate the rights of children and other civilians. Such prosecutions should not be undertaken if they would serve to prolong conflicts that are ongoing, by creating a perverse incentive for belligerents to continue fighting.

Long-term measures

The Security Council should:

- Enhance ‘protection’ activities for populations vulnerable to SALW violence, especially in refugee and IDP camps. In situations where SALW are reported to be contributing to illegal child recruitment or violations of child rights, deploy international monitors with expertise in human rights, humanitarian law, child rights and SALW to conduct an assessment and develop practical action plans.
- Engage at the earliest opportunity in dialogue with belligerent parties involved in violating child rights and underage recruitment and create incentives for compliance

with international norms, seek humanitarian access, encourage and support participation in peace processes and reconciliation

- Mandate and implement DD&R best practices that address children and youth needs

States should:

- Create and provide adequate resources for a comprehensive international SALW marking and tracing regime, including training, the standardization of electronic data collection and sharing of hardware and software;
- Agree to cooperate in the investigation of SALW and ammunition transfers to specific groups, based on the lists in resolution 1460, even before the development of an international marking and tracing mechanism;
- Collaborate with other states, regional and international institutions in monitoring and investigation of all illicit and destabilizing SALW and ammunition flows.
- Continue the expansion of the UN Conventional Arms register (UNCAR) to include all classes of SALW.
- Enter into, at the state level, binding regional SALW transparency and information sharing arrangements similar to the UNCAR, if the UNCAR cannot be made binding.
- Develop comprehensive regional strategies to disarm children and youth, working with all relevant groups and actors to design programmes in cooperation with affected communities.
- Coordinate national SALW focal points, child protection advisors, national child protection agencies, national SALW action plans, and relevant CBO and NGO efforts.
- Work towards the international standardization of end-user certificates and the development of agreed minimum standards for national legislation relating to civilian possession, import, export and trans-shipment of SALW and ammunition;
- Work towards the development of international norms on stockpile management, the destruction of surplus weapons stocks and the harmonization of SALW legislation at regional and global levels.

Civil Society should:

- Implement demand reduction programming and community-based SALW collection, preventative strategies and programming based on emerging best practices, as one component of national plans and campaigns. Encourage ethical participatory action oriented research initiatives focused on the role of SALW in the phenomenon of ‘children associated with fighting forces’.
- Ensure that children, youth and women have an important role to play in designing and implementing demand reduction exercises and that data collected is disaggregated

by sex and age. Ensure that research and data collection is conducted in a way that does not endanger participants.

- Encourage and support community-based peace-building activities designed to address local circumstances, with the full participation of local actors.

XI. Case studies: Applying the Framework

The framework for action suggests that a number of short and long-term measures should be carried out in order to stop the flow of small arms, light weapons and ammunition to groups violating the rights of children and address the conditions that lead to the arming of children and youth. This section will attempt to apply the framework for action to a number of case studies in order to determine its relevance. Case studies were chosen to reflect the range of situations covered by Security Council resolutions that link the two issues: Liberia, Somalia, Al-Qaeda and the Taliban, and Uganda.

A. Liberia

Liberia is a conflict fuelled by small arms and light weapons and the use of child combatants. All parties to Liberia's recent civil war have used children as combatants and have committed war crimes against the civilian population of Liberia. A January 2004 Human Rights Watch report documented sexual violence against children by Liberian Government forces, Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL), all of which have recruited and deployed child soldiers.¹²²

Recent UN and NGO reports on violations of the arms embargo against Liberia provide an excellent example of what can be accomplished by a concerted effort to monitor and trace weapons back to their source. While these efforts did not involve active interdiction of flows, the imposition of the embargo in the first place may have constrained Charles Taylor's regime from procuring enough weapons and ammunition to hold onto power in the face of an insurgency that had the backing of neighbouring Guinea. The peacekeeping force currently being deployed in Liberia has not established control over the entire country nor have DD&R campaigns and community disarmament programs begun to collect weapons on a meaningful scale, after a tragic and premature start to the disarmament process. Unconfirmed reports recently alleged that rebel training is being carried out near the border with Ivory Coast.¹²³ Reports that rebels in northern Ivory Coast will not disarm as planned also suggest that the cycle of violence fuelled by SALW and child soldiering in West Africa may not be over.¹²⁴

During the conflict, monitoring of the arms embargo was carried out by UN monitors, human rights groups and NGOs. An embargo was created against Liberia under Chapter VII of the UN Charter through UN Security Council resolution 1343 in 2001, after the Council determined that Liberia's support for RUF rebels in Sierra Leone constituted a threat to international peace and security in West Africa. This resolution stated that,

“ all States shall take the necessary measures to prevent the sale or supply to Liberia, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territories...”

In addition, the resolution suggested that states should,

“consider, and to take appropriate action on, information brought to its attention by States concerning alleged violations of the measures imposed ... identifying where possible persons or entities, including vessels or aircraft, reported to be engaged in such violations, and to make periodic reports to the Council”

It also created a panel of experts who would carry out such investigations.

As early as 2001 Human Rights Watch reported on transfers of weapons to the Taylor regime that originated in Eastern Europe.¹²⁵ The recent Human Rights Watch report is a good example of the potential for effective monitoring and documentation. In November of 2003 Human Rights Watch released a briefing paper and issued a press release on the findings of their investigators, who were monitoring violations of the UN arms embargo against Liberia.¹²⁶ The HRW publication, which drew on detailed findings in a UN report prepared by an independent panel of experts on Liberia, highlighted the role of central and eastern European governments in permitting the illegal trade. It helped generate pressure for the arrest by Slovak police of Peter Jusko, an arms dealer implicated in the UN report.¹²⁷ The international human rights and environmental watchdog Global Witness also reported on the way in which the timber trade was used to violate the embargo. Their report, in May of 2003, documented how Chinese-made AK-47s, machine guns and rocket-propelled grenade launchers made their way to Liberia and were paid for with Liberian timber exports. Profits from the exports were also used to buy weapons from Libya and Eastern Europe. Earlier attempts to lodge sanctions on logging had failed due to opposition from China and France, who import the timber.¹²⁸

According to a February 2004 Human Rights Watch report, the arms dealers supplying Liberia arranged arms deals in Kyrgyzstan, Moldova, Serbia, Slovakia, and Ukraine; most of these deals were completed before their illegal activities were exposed. U.N. officials had previously determined that these arms dealers were linked to and operated closely with the air cargo companies of Victor Bout, featured as a major sanctions-buster in numerous U.N. reports.¹²⁹ Alarming, the report also details attempts to transfer Mi-24 helicopter gunships from Kyrgyzstan through Slovakia to Liberia.

UN weapons expert, Alex Vines, has demonstrated the effectiveness of field monitoring and investigation. He was able to trace weapons back to the factory in Serbia where they were produced, by examining the serial number on an assault rifle possessed by a child soldier belonging to antigovernment forces. The weapons had been captured from government forces killed in battle. His investigations in Serbia confirmed that the weapons had been transferred in violation of the embargo and revealed that the weapons have been exported using a false end-user certificate to Nigeria.¹³⁰ An October 2002 UN report had also documented six air-freight shipments carrying surplus Yugoslav equipment to Liberia between 31 May and 25 August 2002, delivering 210 tons of small arms, light weapons, and ammunition. The consignments included 5,000 automatic rifles, over four million rounds of rifle ammunition, machine guns, pistols, grenade launchers and hand grenades.¹³¹

In a January 2004 letter to the Security Council the UN Secretary General requested that the Security Council approve the deployment of a panel of five experts, for a period of five months, to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the implementation, and any violations of the embargo, including any violations involving rebel movements and neighbouring countries,

and the various sources of financing for the illicit trade of arms, including from natural resources.¹³²

Could the actions proposed in this framework make a difference in the case of Liberia?

It is precisely the type of detailed monitoring and tracing outlined above, in conjunction with interdiction, customs control and regional cooperation that is required in order for sanctions regimes to be effective and to prevent the arming of groups violating the rights of children. The arms embargo monitoring that was carried out by the UN panel of experts and NGOs is remarkable for its detail. As mentioned, it is the actual interdiction of arms transfers that will alter the course of conflicts. In the case of Liberia, the Taylor regime was already under an embargo and travel ban. The threat of criminal indictment did not seem to deter Taylor from attempting to destabilize the region, or to continue child recruitment. Likewise, the scrutiny of the international community did not prevent LURD and MODEL from recruiting children and committing war crimes.

The prospect of prosecuting war crimes carried out by the parties to the war in Liberia has not been discussed a great deal, although the peace agreement provides for a truth and reconciliation commission. It remains to be seen whether members of the international community will support the investigation of war crimes carried out in Liberia over the past decade. The indictment of Charles Taylor and the prosecution of others implicated in the commission of crimes against humanity in Sierra Leone, by the Special Court for Sierra Leone, are setting important legal precedents. Not least among these are the charges being made for underage recruitment according to command responsibility. As mentioned, the prosecutors office understands its jurisdiction to include the possibility of pursuing charges for 'secondary responsibility' for these crimes, which could include charges for aiding and abetting through the provision of arms and ammunition to forces illegally recruiting children or committing violations against civilians.

The expansion of the UNCAR, a marking and tracing mechanism, and tighter regional controls might have helped to prevent some of these flows. However, the UNCAR is not compulsory. An effective marking and tracing mechanism would most likely serve to track flows that have already been detected back to their source, and in the case of Liberia, some states in the region, notably Burkina Faso, were allies and knowingly facilitated the transfer of weapons.

Collecting weapons and carrying out a well-organized DD&R program in Liberia is one area that could have a big impact, especially for the lives of former child combatants. Creating adequate security at the community-level, at first through peacekeeping and later through community policing, peace building, development and reconciliation activities will be a critical first step towards a lasting peace. As noted, however, there remain risks that arms and fighters will simply move into northern Ivory Coast or further afield. As Liberia begins to rebuild its governance structures, policing and military institutions under the watchful eye of a UN peacekeeping operation, tight controls over weapons ownership and stockpiles will need to be established; and Liberia will need to establish a new relationship with its neighbours. Only then will Liberia begin to engage in the implementation of regional and international norms against child recruitment and SALW trafficking. In the meantime, there is a strong need for child protection and community disarmament efforts to be coordinated at a national level, in order to prevent victimized and orphaned children on the one hand, and former child combatants on the other, from being exposed to or involved in armed violence again.

Human Rights Watch has noted in their January 2004 report *“The Guns are in the Bushes”*: *Continuing Abuses in Liberia* that,

“Several observers have blamed UNMIL for insufficient preparation of the DDRR process. For instance, fighters had apparently received little or no information about the precise sequence and content of the DDRR process. Special interim care centers for child and female combatants had not been prepared, and cantonment centers had not been adequately staffed or provisioned... It must be recognized, however, that UNMIL was under serious pressure to begin the program given that significant numbers of fighters, including child soldiers, had been “spontaneously demobilizing”: leaving their units (although not necessarily the command structure), retaining their weapons, and integrating into displaced or home communities in the previous months. Programs for these individuals were virtually nonexistent. In addition, UNMIL’s capacity to properly address the DDRR process has been hampered by insufficient numbers of troops. Without sufficient UNMIL deployment throughout the country and security for expanded humanitarian operations, a flawed DDRR process is likely to persist—presenting serious threats to future stability in Liberia and the region.”

The report concluded that, *“Much of the Liberian civil war consisted of children shooting and killing other children. The fragile peace in Liberia today cannot be solidified unless they are disarmed and rehabilitated.”*¹³³

B. Somalia

Arms transfers to Somalia, in violation of a 1992 arms embargo, have had a number of implications. SALW have been used to arm and kill children and other civilians, as well as peacekeepers, during and after Somalia’s civil war that led to the collapse of state power. Understanding current SALW trafficking in Somalia involves understanding the role of neighbouring states in arming rival Somali factions, and, most recently, the transshipment through Somalia of SALW used in terrorist attacks in Kenya. Somalia is often seen as the world’s pre-eminent example of a failed state and of a conflict fuelled by SALW and the use of children in clan militias. While the current peace process holds promise and the level of violence in Somalia is considerably less than it was in the early nineties, small-scale skirmishes between rival groups do periodically escalate into episodes of major bloodletting. The vast majority of this violence has been carried out with small arms. In some situations, small-scale initiatives have been able to control small arms use on a local basis.¹³⁴

During the 1990s, Ethiopia and Eritrea allegedly backed opposing Somali clans. Before Ethiopia and Eritrea were made subject to their own arms embargo, both received major weapons from Russia and Bulgaria. Finland, Germany, Italy, Israel, and China delivered weapons to Eritrea, and Eastern Block countries (Czech Republic, Belarus, Kazakhstan, and Hungary) and USA delivered arms to Ethiopia. Arms from Djibouti and Ukraine were also reported to have made their way to Somalia. Arms from Russia, Libya, N. Korea, Yugoslavia, and Egypt were sold in Somali market places.¹³⁵ Ethiopia and Eritrea were themselves subject to a non-mandatory UN embargo in 1999 (1227), which was replaced by a mandatory UN embargo (1298)¹³⁶ in 2000. These embargoes were lifted in May of 2001.

While an arms embargo was imposed on Somalia in 1992,¹³⁷ it took the UN Security Council an additional ten years (until May of 2002) to request that an action plan be put together detailing the required resources and expertise to generate independent information on violations and enforce the 1992 weapon and military equipment ban. Their report recommended that *“a list should be compiled of individuals or groups engaged in the illegal manufacture, trade, stockpiling, transfer, possession, transportation, insurance and financing*

of the acquisition of illicit weapons, with a view to proposing possible future actions against such violators”¹³⁸

On the 16th of December 2003 the Security Council requested that the Secretary-General establish a monitoring group composed of up to four experts, for a period of 6 months, to focus on the arms embargo violations, including transfer of ammunition, single use weapons and small arms. The reference to single use weapons is noteworthy, and mirrors efforts to have MANPADS included under the UNCAR. It is, of course, precisely these weapons that were reportedly smuggled through Somalia from Yemen or Eritrea for the use of Al Qaeda during their attacks on the Paradise Hotel and an Israeli airliner in Kenya

The embargo monitoring that is now taking place under UN auspices is an important step in the right direction. However, the preliminary report of UN monitors noted that, in addition to less frequent large-scale shipments of weapons into Somalia, there is also a constant flow of small-scale arms and ammunition trafficking across the Red Sea from Yemen. It suggested that, “the constant micro-flow of weapons and ammunition represents hundreds of tons of arms in violation of the embargo over a six-month period”.¹³⁹ In addition to Yemen, weapons are reported to originate or pass through Djibouti, Eritrea, Ethiopia, and the United Arab Emirates. Weapons have been freely flowing into Somalia since the imposition of the embargo in 1992. As their contribution to the ‘war on terrorism’, Germany has been patrolling the Somali coast in an attempt to monitor weapons shipments.¹⁴⁰ Even during this initial analysis, monitors have developed a rough idea of where the weapons are coming from, how they are getting there and how they are being paid for.

While many weapons remain in Somalia, others are trafficked into other areas. According to UN investigators, a consignment of 700 AK 47s was recently smuggled into Kenya from Somalia. The two shoulder-fired SA-7B missiles that were launched at Arkia Air flight 582 in Kenya came from either Yemen or Eritrea via Somalia.¹⁴¹ According to Johan Peleman, head of the UN investigative team, “we cannot entirely isolate the problem of violations of the arms embargo of Somalia, you have to look at it from a broader regional security perspective. The case of the missiles shows that.”¹⁴²

According to UN Security Council resolution 1474, that authorized the monitors, the investigators were mandated to explore violations of the arms embargo by land, air and sea. They were commissioned to identify those who continue to violate the arms ban both inside and outside Somalia, as well as their active supporters. The investigators were also asked to research and assess the capacity of states in the region to fully implement the embargo, including through a review of national customs and border control regimes. It included the possibility of establishing a monitoring mechanism with partners inside and outside Somalia, in close co-operation with regional and international organizations, specifically the African Union.¹⁴³

Could the actions proposed in this framework make a difference in the case of Somalia?

While the widespread presence of SALW in Somalia has clearly facilitated the recruitment of child combatants, violations against children, and terrorist operations in neighbouring countries, stabilization of the country and consolidation of the recent peace agreement are likely to be the most salient factors in addressing proliferation. Any reduction in tensions between Eritrea and Ethiopia, Sudan and Yemen could also contribute to a reduction in demand for weapons, although nomadic pastoralists arming for protection, small-scale armed resistance against the state by Oromo, Afar nationalists, and banditry will still create some

demand. The peaceful management of relations between Puntland, Somaliland and the remaining territory of Somalia will also determine the demand for weapons, as will any further involvement of neighbouring states and US Special Forces based in Djibouti in operations against Islamic groups operating from within Somalia. A full-time monitoring group could have some impact on these flows if they had the resources to actually interdict small scale trafficking by land air and sea. However, this could prove to be a daunting task as attempts to control the flow of drugs has shown. One important distinction between these two forms of black market trafficking, however, is that most SALW entering the black market begin as legal state-controlled weapons, providing numerous opportunities to control and trace both before and after these weapons leak or are transferred from official holdings.

The ability to trace weapons and ammunition back to their source through a marking and tracing mechanism could have a significant impact to prevent any new large-scale transfers into Somalia. Similarly, over the longer term, if states were to participate in the UNCAR, and in particular the expanded voluntary reporting requirements to report on stocks and transfers of MANPADS, this might eventually prevent the sort of transfers that allowed terrorists to use these weapons. However, it is not currently known how many of these weapons are circulating on the black market. Any attempt to create regional arms-control transparency and confidence-building arrangements in the greater horn of Africa and gulf region could also have an impact, although this currently seems unlikely.

The eventual establishment of central authority, policing, border and customs controls throughout the territory would allow Somalia or its constituent parts to re-engage with the international community on broader anti-proliferation efforts through a national focal point, the development of a NAP, comprehensive domestic legislation, and enforcement. In the mean time, if peace is consolidated there will be increasing opportunities for community-based disarmament efforts beyond the security sector reform projects currently being carried out with the support of UNDP, such as the development of a new Weapons Law. In order to control existing stocks, they have funded the establishment of armories at local police stations for registration and storage of small arms held by law enforcement officials, developed a registration and licensing system for civilian small arms holders, and helped to register police weapons in Somaliland. A Small Arms Task Force, comprised of members of the judiciary, executive, civil society and parliamentarians, has been formed. As well as encouraging SALW registration, education and awareness campaigns, UNDP has also encouraged a review of current SALW legislation in customary, Islamic Sharia and secular law.¹⁴⁴

It has been suggested that, while there do still exist groups within Somalia who have interests in maintaining a state of collapse (those who profit from war or those concerned by the potential for war crimes prosecutions), stability and rule of law has been emerging in support of commercial interests in many parts of the country. Menkhaus suggests that,

“Most businessmen who initially profited from a war economy have transitioned to quasi-legitimate commerce in import-exports, telecommunications, and transport, and in some cases hold valuable fixed assets which cannot be relocated in times of war. They thus have a greater interest in peace and paying customers, not armed clashes and famine victims. Some still indulge in questionable or illegal business activities, but these do not require and are not well served by armed conflict. War is now, for the most part, bad for business.”¹⁴⁵

Ultimately, it will require a wide array of domestic and international arms control, development, and peace building efforts to address the supply and misuse of SALW in

Somalia. In broad strokes, the framework addresses the necessary ingredients for such efforts over the short and long term.

C. Al-Qaeda and the Taliban

As a de-facto regime controlling large parts of Afghanistan, the Taliban, although subject to travel restrictions and other UN sanctions resulting from their unwillingness to hand over Osama Bin-Laden, were not subject to an arms embargo.¹⁴⁶ Al Qaeda became subject to an arms embargo over the territory controlled by the Taliban in December of 2000, which also sought to control the funds of Bin Laden and his associates. For their role in the US embassy bombings in East Africa, Security Council resolution 1333 of December 2000 decided that all states shall,

*“Prevent the direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control ... by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned;”*¹⁴⁷

Al Qaeda began as a movement waging “holy war” against the Soviet occupation of Afghanistan, facilitated by transfers of SALW from the US through Pakistan. After the Soviet Army left Afghanistan, members of the Mujahideen took their fight elsewhere, including to Bosnia and Herzegovina, Chechnya (Russian Federation) and parts of South-East Asia. Iraq, after the overthrow of the Saddam Hussein regime, has also been seen as providing an opportunity to carry on their campaign against ‘crusaders, Zionists and infidels’.

In July of 2001, the UN Security Council agreed to set up a Monitoring Group with expertise in the fields of arms embargoes, counter-terrorism and related legislation, and, in view of the link to the purchase of arms and financing of terrorism, money laundering, financial transactions and drug trafficking. They also created a Sanctions Enforcement Support Team, under the coordination of the Monitoring Group; it could have up to fifteen members with expertise in areas such as customs, border security and counter-terrorism, to be located in the countries bordering Afghanistan.¹⁴⁸

According to a recent report by the UN monitoring group set up to monitor the sanctions placed against the Taliban and Al Qaeda, the arms embargo has been extremely difficult to enforce, in spite of the fact that neither the Taliban nor Al Qaeda control significant amounts of territory. For example, Saudi Arabia claimed that weapons used in recent terrorist attacks there were being smuggled from Yemen. Yemen, in turn, suggests that these weapons originate in Somalia. The findings of the arms embargo monitors for Somalia (see above) have indicated that the weapons in Somalia often originated in Yemen. The monitoring body specifically mentions the dangers posed by the proliferation of MANPADS to non-state armed groups such as Al-Qaeda. Importantly the December 2003 report of the monitors concluded that,

“The scope of the Security Council resolutions and their incomplete implementation appear unable to stop Al-Qaida, the Taliban and their associates from obtaining whatever weapons and explosives they need, where and whenever they need them, to effect attacks, many of which have devastating results. It has to be emphasized that, owing to the global dispersion of Al-Qaida network, the arms embargo, as has already been mentioned in previous reports of the Group, cannot be confined to a specific

territory, or limited to only those individuals and entities designated on the United Nations consolidated list. It has to be applied, generally, to all Al-Qaida followers scattered all over the world. Otherwise, the resolution remains too limited in its scope to be effective. Preventing Al-Qaida, the Taliban and their associates from acquiring arms will require States to curb the flow of arms to all non-State actors and their associates all over the globe".¹⁴⁹

Could the actions proposed in this framework make a difference in the case of the Taliban and Al-Qaeda?

The use of child combatants by the Taliban has been documented.¹⁵⁰ Al Qaeda clearly do not care who dies as a result of their attacks, adult or child. It does not seem likely that Al Qaeda will respond to any pressure from the international community to comply with any international norms, and indeed, considers the UN itself to be a legitimate target. Where progress could be made, as outlined in the latest UN report, is in the area of tightening controls over weapons transfers to non-state armed groups and the financing that makes them possible. The proliferation of MANPADS is of particular concern and efforts to control this are under way. Clearly, the addition of MANPADS to the voluntary UNCAR register will be insufficient to stem the flow of these weapons. Earlier efforts by the CIA to buy back Stinger missiles on the black market that had been distributed to afghan Mujahideen in the 80s met with considerable success. If, for example, these weapons still existed on the black market, it is likely that Al Qaeda would be using them. That they have been smuggling and using the less-sophisticated SA-7B suggests that this buy back was successful and that few, if any, of these weapons are currently available on the black market.

Since it is unlikely that either of these groups is receiving SALW and ammunition from state controlled stocks, efforts should focus on local black-market supplies. However, the availability of SALW and ammunition is governed in a broader sense by the transfer of these weapons into conflict zones and their proliferation in post-conflict contexts. Hence, efforts to harmonize end-user certificates, domestic and regional and international legislation and coordination, stockpile management as well as weapons collection programs are of the utmost importance. Similarly, the rehabilitation of former Taliban and Al Qaeda child combatants and services for vulnerable refugee and IDP populations may have an effect on new recruitment.

The threat of criminal prosecution for war crimes does not seem likely to deter as determined a group as Al Qaeda. Development and peace building activities in the areas where Al Qaeda recruit could have some impact on the potential pool of volunteers since the radical platform espoused by these groups may be more appealing to the impoverished and dispossessed.

D. Uganda

Unlike Liberia, Somalia, Al Qaeda and the Taliban, Uganda is a state in good international standing. While Uganda has been involved in a number of regional conflicts during the last decade and has provided weapons to a number of armed groups that have committed war crimes and recruited children as combatants, Uganda has never been subject to an arms embargo. In 2001 a U.N. appointed panel urged the Security Council to impose an arms and trade embargo on Rwanda, Uganda and Burundi for plundering Congo's mineral riches in their 2 1/2-year war to topple the former government.¹⁵¹

In 1993 a UN monitoring mission was deployed along the Uganda-Rwanda border immediately before the genocide in order to monitor and investigate flows of weapons through Uganda to the Rwandan Patriotic Front.

The dynamics of SALW proliferation within Uganda are shaped by a number of factors in different areas of the country. SALW are not widely held by the civilian population of Uganda - apart from the northeastern district of Karamoja where small arms are commonly held by nomadic pastoralists. SALW, including AK47 assault rifles, have been used by organized crime operating in the capital city, Kampala. Private security firms operate widely in urban areas, although these firms use a combination of WW I and II vintage bolt-action rifles, shotguns and semi-automatic SKSs. These firms are not allowed to use fully automatic weapons. Under Uganda's Firearms Act, civilians are prohibited from owning fully automatic weapons unless authorized by a government minister.¹⁵²

The current regime came to power as a rebel group in 1986, using SALW and recruiting child combatants, although Uganda is now a signatory to the Optional Protocol to the Conventions on the Rights of the Child, which prohibits recruitment below the age of 18.

Small arms sales to Uganda have been authorized by the US, UK, and South Africa in the past. Uganda has also imported major weapons from South Africa, Belarus, Bulgaria, Poland, and Ukraine.¹⁵³ Various rebel groups have used SALW to carry out insurgencies in Uganda, although the Lords Resistance Army (LRA) is the only one currently involved in fighting on a significant scale.

A voluntary disarmament exercise was carried out in the northeastern Karamoja region in 2001 and early 2002. In February 2002 this became an exercise in 'forcible disarmament', during which human rights abuses were reportedly committed by the Ugandan People's Defence Forces (UPDF).¹⁵⁴ The disarmament exercise was halted in August of 2002 as UPDF detachments and home guards were removed from Teso and Karamoja to re-enforce counter-insurgency operations in the districts of Gulu, Kitgum, Pader and Lira, which were affected by the LRA insurgency, as well as to reinforce UPDF units operating in the DRC. While approximately 8500 small arms (including AK47, G3, Galil, 7.62 mm light machine guns and RPGs) were collected under the voluntary arms amnesty that lasted until mid-February 2002, and the forcible disarmament program carried out by the UPDF and newly raised Karamojong home guards units up until August 2002, the UPDF re-armed the Karamojong with over 10,000 AK 47 rifles in order to prevent LRA infiltration into North-eastern Uganda.¹⁵⁵ If the conflict between the Government of Uganda and the LRA could be brought to an end, the disarmament exercise taking place in the North-East of Uganda could re-commence and peace building and development programs could be carried out in Karamoja and Teso as well as between the Karamojong, Acholi, Pokot and Turkana in neighbouring territories.

For many years the LRA has served as a proxy force for the Government of Sudan in exchange for weapons and training. The LRA has carried out a murderous campaign against civilians both in areas of southern Sudan where they operate and in northern Uganda, as well as fighting against the UPDF, police and government controlled para-militaries. Throughout 2003 the Government of Sudan claimed that they were investigating arms transfers to the LRA by individual Sudanese officers for personal profit and would punish those responsible,¹⁵⁶ potentially making depletion of LRA stocks even more imminent. Determining the veracity of these claims, either way, is difficult. However, a recently escaped LRA officer described recent bi-monthly weapons deliveries by "the Arabs", including the powerful and man-portable Milan anti-armour, shoulder-fired missile.¹⁵⁷

According to Human Rights Watch, these weapons were reportedly in SPLA and Government of Sudan stocks as early as 1998.¹⁵⁸

Recent reports indicate that the LRA is under considerable military pressure from former allies and enemies alike. If the LRA survives this latest offensive and are no longer able to obtain weapons and ammunition from Sudanese forces and pro-Sudanese militias, and do not have substantial contacts with armed groups in the DRC that can provide weapons, then over the medium term, as stockpiles are used up, the type of attacks preferred by the LRA may change. It is not known if the LRA has been provided with weapons and ammunition trafficked across northern Kenya from Somalia, but this is another potential supply route. Anecdotal evidence suggests that apart from Sudanese support, the LRA may finance their operations by selling children into slavery, through looted funds, and selling their own charcoal and marijuana in Juba, southern Sudan. Diminishing LRA supplies of ammunition may be prompting more desperate and vicious attacks against civilians using pangas (machetes), hoes, sticks and perhaps necessitate larger, and more daring, night-time attacks on larger UPDF troop or supply concentrations to replenish ammunition stocks. Hundreds of civilians have been killed in this way over the last few months.

As an example of the way in which weapons proliferation is differentiated regionally, even in neighbouring Karamoja district, which is awash in assault rifles, ammunition for even slightly heavier weapons systems like the Rocket Propelled Grenade (RPG), recoilless rifles and anti-aircraft weapons is unknown.¹⁵⁹

Could the actions proposed in this framework make a difference in the case of the Uganda?

Monitoring of weapons flows and child recruitment that has taken place in Uganda, DRC, Sudan, Kenya and Rwanda are all extremely relevant to understanding the dynamics of weapons use in Uganda. Child recruitment and SALW trafficking must be understood in the context of the conflicts in which Uganda has been involved in recent years. Establishing controls over the demand for small arms within Uganda will probably have as much to do with national reconciliation, regional development and the establishment of multiparty democracy, as it will with crime control. The success of DD&R efforts in Sudan and the DRC may have an impact on the illicit supply of SALW into and through Uganda, as would any potential future Ugandan intervention in neighbouring countries.

Comprehensive monitoring, marking and tracing of weapons could definitely provide a clearer picture of arms and ammunition flows to the LRA. Details on the distribution of newly manufactured weapons might allow for some level of accountability as these could be differentiated from old stocks that have been circulating in the region for decades. There is already a baseline understanding of the types and sources of weapons in use by state and non-state actors in the region, and numerous studies and reports have provided testimony to the source of weapons and their use by and against children.

Both the UPDF and the LRA have been named in the recent Secretary Generals' report as armed groups involved in underage recruiting. The Government of Uganda has responded to these charges by suggesting that underage recruitment is not official government policy, that those recently found to be underage have been released from service, and that underage recruits may have lied about their age in order to join. Charges that the UPDF has used escaped former LRA child soldiers in their campaign against the LRA have not been

addressed, nor have charges of removing Local Defence Units (some of whom were underage) for service elsewhere in frontline units.

What sort of international response is appropriate or proportional to the current scale of child recruitment inside Uganda? An arms embargo seems politically unlikely in the context of Uganda's ongoing counter-insurgency operations that have been supported by two permanent members of the UN Security Council. Similarly, Uganda's support for the US-led 'war on terrorism' and the invasion of Iraq suggest that, as long as Uganda is able to provide verifiable evidence that their use of child combatants has ceased, they will face little international censure. Continuing abduction and abuse of children by the LRA, on the other hand, has met universal international condemnation.

Regardless of the Ugandan Amnesty Act, which provides an amnesty for former rebels wishing to renounce rebellion and re-join society, LRA leaders face the prospect of international criminal prosecution for the mass murders and mass-kidnapping that they have carried out. Domestic amnesty provisions do not protect individuals from criminal prosecution for crimes of an international nature, specifically including the laws and customs of war, international humanitarian law and international human rights law. The investigation by the International Criminal Court (ICC) into LRA abuses makes such charges more likely, while at the same time also serving to make a negotiated settlement more difficult. By making prosecution a public goal of the government of Uganda, this investigation has raised a barrier to a negotiated settlement, even though LRA leaders have always been subject to international justice for the crimes they have committed, in spite of the domestic Amnesty act. Amnesty International has recently suggested that, *"Any Court investigation of war crimes and crimes against humanity in northern Uganda must be part of a comprehensive plan to end impunity for all such crimes, regardless of which side committed them and of the level of the perpetrator."*¹⁶⁰

Uganda has established a National Focal Point for SALW and is creating and implementing its National Action Plan, including a recent resumption of the disarmament exercise in Karamoja. The development of community-based peace building and disarmament programming in areas heavily affected by SALW has been attempted, but needs to be undertaken on a larger scale and in a more sustainable way. Ultimately, an end to the LRA insurgency and the conflicts in the DRC and Sudan risk further proliferation to civilians, but also provide a much safer environment for programming aimed at reducing the demand for these weapons.

Annex I: The Child Soldiers "List" and Next Steps for the Security Council

In resolution 1460 (January 30, 2003), the Security Council established a step-by-step process to address the issue of child recruitment and use, including requests for information, dialogue with the parties involved, development of plans of action, and additional measures for parties who fail to demonstrate progress. However, the Coalition to Stop the Use of Child Soldiers has found that these useful steps have not been systematically implemented, and therefore have not achieved their desired result. In addition, the Security Council now must consider the additional steps it is prepared to take in instances where parties that have been named in the annexes to the Secretary General's November 10, 2003 report (A/58/546-S/2003/1053) do not show sufficient progress in ending their recruitment and use of child soldiers.

The recommendations below are intended to build upon and strengthen the graduated measures already established by the Security Council, and ensure that they are carried out on a systematic basis. Specific recommendations for the Council in cases of continuing violations are also included.

Continuing the List

The Security Council's initiative to identify parties to armed conflict that violate international obligations is critically important and should be continued on a regular basis in order to both publicly identify violators, and to ensure regular monitoring of progress. Because of the scope of child recruitment and use, this list should encompass all such situations where the practice occurs, not only those on the agenda of the Security Council.

The Security Council should request the Secretary General to prepare a regular annual list of all parties to armed conflict that recruit or use child soldiers in violation of international obligations in all situations, as recommended by the Secretary-General (para 105 (h)) in his report ((A/58/546-S/2003/1053).

Requesting Information from Parties Listed by the Secretary-General

In resolution 1460, paragraph 5, the Security Council requests parties listed in the annex of the Secretary-General's report to provide information regarding steps they have taken to end violations in regard to child recruitment and use. However, the Secretary-General's most recent report does not indicate how such information was sought, whether any information was received in response to this request, or if any follow-up took place.

The Security Council should:

- a) Request all parties listed in both annexes to the Secretary-General's report to provide within a specific period of time (e.g. 90 days) clarification regarding their policies on recruitment and use of children, and information on steps they are taking to end recruitment and use of child soldiers, and
- b) Request the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG/CAC) to notify all parties of this request within 30 days, and to send follow-up communication to any party that does not respond.

Dialoguing with Parties

The dialogue envisioned by paragraph 4 of resolution 1460 has not taken place systematically, as evidenced by the Secretary-General's report. In fact, the report does not indicate that any new dialogue have been initiated as a result of resolution 1460. The designation of a focal point for each situation and a mechanism to monitor and document the dialogue would ensure that it takes place on a more systematic basis.

The Security Council should:

- a) Reaffirm its intention to enter into dialogue, as appropriate, or support the Secretary-General to enter into dialogue with all parties listed in the annexes to his report in order to develop clear and time-bound action plans to end the use of child soldiers.
- b) Request the Secretary-General to ensure that such dialogue is carried out on a systematic basis, including by designating a representative (e.g. SRSG/CAC, resident coordinator, UNICEF or another UN agency) in each country to engage in dialogue as an identified focal point.
- c) Encourage member states, UN agencies, peacekeeping missions and others, as appropriate and in consultation with the focal point, to meet with the parties to raise concerns regarding child soldier use and discuss action plans.

d) Request that the Secretary General monitor and document the results of such dialogue and report back to the Security Council.

Developing a Plan of Action

The development of plans of action to end child recruitment and use can be enhanced through a number of measures, including setting deadlines for the submission of such plans, ensuring adequate technical assistance, and assuring financial support for demobilization and rehabilitation programs. Mechanisms to evaluate the plans and verify their implementation are also needed.

The Security Council should:

- a) Request all parties listed in the two annexes to finalize plans of action within a specified period of time (e.g. 6 or 9 months). Such plans should include clear, time-bound measures to end all child recruitment, clear disciplinary or legal measures to be taken against individuals found to recruit children, immediate steps to end use of children in hostilities, and a timetable for the demobilization of children.
- b) Encourage UNICEF and other child protection agencies to provide technical assistance to parties in the preparation of such plans of action.
- c) Urge donor governments and institutions to pledge financial assistance for rehabilitation and reintegration programs when parties complete such plans within the specified period of time, and take credible steps towards implementation.
- d) Request the UN special representative, resident coordinator or other focal point for dialogue (III b) in each conflict situation to form an expert panel, including UN representatives and non-governmental organizations, to monitor and evaluate the implementation of the action plan.

Restricting the flow of arms, related material and the provision of assistance related to military activities

A continuing flow of weapons, particularly small arms, to parties recruiting and using child soldiers helps to perpetuate the abuse. Resolution 1430, at paragraph 7, calls on member states to take effective action, in keeping with their existing responsibilities under international law, to prevent illicit arms transfers to parties to armed conflict that fail to fully respect relevant provisions of applicable international law relating to the rights and protection of children in armed conflict. Consistent with that call, the Security Council should act to ensure that the parties to armed conflict that recruit or use child soldiers should not be eligible to receive arms or military support from UN member states.

The Security Council should:

- a) Clearly and strongly urge member states to immediately halt all direct or indirect military assistance to governments or non-state armed groups that have failed to put an end to the recruitment or use of child soldiers; and that States take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all governments or non-state armed groups that have been demonstrated to continue their recruitment or use of child soldiers;
- b) Urges that such measures would not apply to non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training as notified in advance to the Secretary-General.

Considering additional measures

In resolution 1460, the Security Council indicated its intention to consider additional steps in situations where parties do not show progress in ending the recruitment and use of child soldiers. Specifying and implementing such steps will be critical in order that governments and armed groups understand that continued recruitment and use of child soldiers will result in negative consequences.

The Security Council should:

- a) In situations where parties continue to recruit and use children, fail to submit information regarding steps taken to end child recruitment or use, fail to develop a clear and credible action plans to end such recruitment and use, or fail to meet the commitments included in their action plan, apply targeted measures as recommended by the Secretary-General in para 105 (g) of his November 10, 2003 report (A/58/546-S/2003/1053), including *inter alia* travel restrictions on leaders and their exclusion from any governance structures and amnesty provisions, a ban on the export or supply of small arms, a ban on military assistance, and restriction on the flow of financial resources to the parties concerned.
- b) Take appropriate steps to identify those most responsible for recruitment and/or use of children in violation of international obligations for possible criminal prosecutions.

Employing verification and follow-up measures

The steps initiated by the Security Council must be comprehensively monitored and evaluated, with appropriate mechanisms for follow-up. The Council must also receive full information about the implementation of these steps in order to take appropriate action in the future.

The Security Council should:

- a) Request the Secretary-General to include information on compliance and progress for each relevant party under steps II-IV above in his annual report on children and armed conflict, and whenever appropriate, in country-specific reports.
- b) Request the Secretary-General to ensure that his special representatives and UN resident coordinators in relevant countries consistently address the recruitment and use of child soldiers, including the steps outlined above, and make it a core component of their activities and reports.
- c) Call upon the full membership of the UN for support for UN agencies and NGOs conducting monitoring of parties recruiting or using child soldiers.
- d) Request the Secretary-General to establish a task force on compliance and follow-up which would include the OSRSG/CAC, UNICEF, other appropriate agencies and relevant non-governmental organizations to receive information regarding further violations, review information received from parties on the list, evaluate plans of action and their implementation, and take further action, including sending representatives for further fact-finding and dialogue with parties, recommending targeted measures to the Security Council, etc.

January 2004

Annex II: Legal Protection of Children in Armed Conflict from the Advisory Service on International Humanitarian Law (www.icrc.org)

International humanitarian law provides broad protection for children. In the event of armed conflict, either international or non-international, children benefit from the general protection provided for civilians not taking part in the hostilities. Non-combatant civilians are guaranteed

humane treatment and covered by the legal provisions on the conduct of hostilities. Given the particular vulnerability of children, the Geneva Conventions of 1949 (hereafter GCIII and GCIV) and their Additional Protocols of 1977 (API and APII) lay down a series of rules according them special protection. Children who take direct part in hostilities do not lose that special protection. The Additional Protocols, the 1989 Convention on the rights of the child and its recent Optional Protocol, in particular, also set limits on children's participation in hostilities.

General protection

In the event of an international armed conflict, children not taking part in the hostilities are protected by GCIV relative to the protection of civilians and by API. They are covered by the fundamental guarantees that these treaties provide, in particular the right to life, the prohibitions on coercion, corporal punishment, torture, collective punishment and reprisals (Art. 27-34 GCIV and Art. 75 API) and by the rules of API on the conduct of hostilities, including both the principle that a distinction must be made between civilians and combatants and the prohibition on attacks against civilians (Art. 48 and 51). In the event of non-international armed conflict, children are also covered by the fundamental guarantees for persons not taking direct part in the hostilities (Art. 3 common to the GC and Art. 4 APII). They are further protected by the principle that «*the civilian population as such, as well as individual civilians, shall not be the object of attack*» (Art. 13 APII).

Special protection

GCIV guarantees special care for children, but it is API that lays down the principle of special protection:

«*Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason*» (Art. 77). This principle also applies to non-international armed conflict (Art. 4, para. 3 APII). The provisions setting out this protection may be summarized as follows: evacuation, special zones – Art. 14, 17, 24 (para. 2), 49 (para. 3) and 132 (para. 2) GCIV; Art. 78 API; Art. 4 (para. 3e) APII; assistance and care – Art. 23, 24 (para. 1), 38 (para. 5), 50 and 89 (para. 5) GCIV; Art. 70 (para. 1) and 77 (para. 1) API; Art. 4 (para. 3) APII; identification, family reunification and unaccompanied children – Art. 24-26, 49 (para. 3), 50 and 82 GCIV; Art. 74, 75 (para. 5), 76 (para. 3) and 78 API; Art. 4 (para. 3b) and 6 (para. 4) APII; education, cultural environment – Art. 24 (para. 1), 50 and 94 GCIV; Art. 78 (para. 2) API; Art. 4 (para. 3a) APII; arrested, detained or interned children – Art. 51 (para. 2), 76 (para. 5), 82, 85 (para. 2), 89, 94 and 119 (para. 2) and 132 GCIV; Art. 77 (para. 3 and 4) API; Art. 4 (para. 3d) APII; exemption from death penalty – Art. 68 (para. 4) GCIV; Art. 77 (para. 5) API; Art. 6 (para. 4) APII.

Participation in hostilities

The 1977 Additional Protocols

Participation by children in armed hostilities occurs too frequently. This participation may range from aiding combatants (bringing them weapons and munitions, carrying out reconnaissance missions, etc.) to the actual recruitment of children as combatants in national armed forces and other armed groups. The 1977 Additional Protocols were the first international treaties to cover such situations. Thus, API obliges States to take all feasible measures to prevent children under 15 from taking direct part in hostilities. It expressly

prohibits their recruitment into the armed forces and encourages Parties to give priority in recruiting among those aged from 15 to 18 to the oldest (Art. 77). APII goes further, prohibiting both the recruitment and the participation – direct or indirect – in hostilities of children under 15 years of age (Art. 4, para. 3c). Despite the above-mentioned rules, children who take direct part in international armed conflict are recognized as combatants and in the event of their capture are entitled to prisoner-of-war status under GCIII. The Additional Protocols provide that child combatants under 15 are entitled to privileged treatment in that they continue to benefit from the special protection accorded to children by international humanitarian law (Art. 77, para. 3 API and Art. 4, para. 3d APII).

The 1989 Convention on the rights of the child

This treaty, which has been almost universally ratified, covers all the fundamental rights of the child. Article 38 extends the field of application of Art. 77 API to non-international armed conflict. Article 38 urges States Parties to take all feasible measures to ensure that those aged of less than 15 years do not take a direct part in hostilities (para. 2) and that priority be given in recruitment to the oldest of those aged between 15 and 18 (para. 3). It thus falls short of the ban on direct or indirect participation laid down by APII.

Optional Protocol to the Convention on the rights of the child

The Optional Protocol on the involvement of children in armed conflict, adopted on 25 May 2000, generally strengthens protection for children in armed conflict: the States Parties must take all feasible measures to ensure that members of their armed forces who have not reached the age of 18 years do not take direct part in hostilities (Art. 1); compulsory recruitment into the armed forces of persons under 18 years of age is prohibited (Art. 2); the States Parties shall raise the minimum age for voluntary recruitment from 15 years. This rule does not apply to military academies (Art. 3); armed groups distinct from the national armed forces should not, under any circumstances, recruit (whether on a compulsory or voluntary basis) or use in hostilities persons under the age of 18 years, and the States Parties must take legal measures to prohibit and criminalize such practices (Art. 4).

Statute of the International Criminal Court (ICC)

The Statute, adopted in Rome on 17 July 1998, includes in its list of war crimes within the Court's jurisdiction the active involvement in hostilities of children under 15 or their recruitment into national armed forces during an international armed conflict (Art. 8, para. 2b [xxvi]) or into the national armed forces or other armed groups during a non-international armed conflict (Art. 8, para. 2e[vii]). According to the principle of complementarity, the Court has jurisdiction in situations where a State is unable or unwilling to prosecute. In order to take advantage of this principle and to ensure repression at the national level, States should adopt legislation enabling them to prosecute the perpetrators of such crimes.

National implementation

Despite the rules laid down by international law, thousands of children are nevertheless taking an active part in hostilities and are themselves the innocent victims of those events. States have the primary responsibility to put an end to this situation. They are therefore urged to ratify the treaties protecting children in armed conflict and to take national measures adapted to their legal systems in order to implement these treaties. Whether in legislative or other form, these measures are intended to enable States to respect and to ensure respect for the rules laid down by the treaties. It is suggested that priority be granted to implementation of the following rules.

A State bound by the Optional Protocol to the Convention on the rights of the child should take legislative measures prohibiting and punishing both compulsory recruitment into the armed forces of children under 18 years of age (Art. 2 and 6) and compulsory or voluntary recruitment – and any use of – children under 18 by armed groups distinct from the national armed forces (Art. 4).

States Party to the Convention on the rights of the child (Art. 38, para. 3) or to API (Art. 77, para. 2) should take legislative measures prohibiting the conscription or enlistment in its armed forces of children under 15, and measures ensuring that priority in recruitment be given to the oldest among those aged between 15 and 18.

States Party to APII shall take legislative measures prohibiting the recruitment of children under 15 and any participation by them in internal conflicts (Art. 4, para. 3c).

In order to take advantage of the principle of complementarity, States party to the ICC Statute should ensure that their national criminal legislation makes it possible to prosecute persons who have recruited children under 15 years of age or who have used children as active participants in hostilities (Art. 8, para. 2[b, xxvi, and e, vii]).

Detention and internment

States party to the 1977 Additional Protocols should take legislative or other measures to ensure that any child under 15 years of age who is arrested, detained or interned for reasons relating to conflict enjoys the special protection provided by international humanitarian law (Art. 77, para. 3 API and Art. 4, para. 3d APII).

Death penalty

The States party to GCIV (Art. 68, para. 4) and the Additional Protocols (Art. 77, para. 5 API and Art. 6, para. 4 APII) should take legislative measures under penal and military law to prohibit the pronouncement or execution of a death sentence against anyone aged less than 18 years at the time of the offence, when the offence is related to an armed conflict.

Dissemination

A large-scale effort to promote knowledge of and compliance with international humanitarian law is required in order to ensure true respect for children. States are legally obliged to engage in dissemination activities (Art. 47, 48, 127 and 144 of, respectively, GCI, GCII, GCIII and GCIV; Art. 83 API; Art.19 APII; and Art. 6 of the Optional Protocol of 2000).

Thus, States should include the concept of child-specific protection in peacetime training and exercises at all levels of the armed and national security forces. Likewise, consideration should be given to introducing this subject into the curriculum of universities and specialized institutions, and to organizing campaigns to raise awareness among the general public, in particular among children and adolescents. 02/2003

Annex III: GTZ Workshop on Youth and Small arms – selected observations and recommendations

Research

- While co-operation is possible with all target groups, focal objectives should be set among the target groups.

- The participation of youth is a key factor for success, since their involvement gives them a sense of 'pride in the product' and a better appreciation of the research results.
- Music, games and other methods are suitable ways of reaching out to young people
- It is virtually impossible to carry out research projects in situations of armed conflict.
- Different groups of researchers should be brought together to take joint stock.
- The activities of other donors should be considered and co-coordinated.
- Greater attention should be paid to relevant publications issued in foreign languages other than English.
- Studies should be carried out and evaluated in conjunction with small-scale activities.

Relevant research topics

- Auto-aggression
- Sub-cultures
- Coding

Suitable qualitative research methods

- Action and activity research
- Compiling of life stories

Suitable quantitative research methods

- Review and analysis of statistical material (e.g. from the public prosecutor's office, the police or forensic medicine)
- Standardized collection of primary data, files and aggregate statistics
- Problem descriptions and needs analyses (with structural, longitudinal and culture comparing components)
- Conflict mapping, organizational environments
- Recording of crime statistics at village and municipality level
- Support for local Ministries of Youth Affairs in data collection

Police youth work

- Educational work among police units on the advantages of preventive as opposed to repressive measures
- Shadowing with local police forces as a confidence-building measure
- Seminars / intermittent counseling for youth police officers (e.g. civic studies)
- The 'be cool, keep cool' approach adopted by the Frankfurt police force could serve as a model (role games to establish the capacity to act in situations involving violence, target group: lower secondary school pupils)
- Using schools as a suitable location for police prevention projects. Young people are more amenable to learning new things in a school environment.

Other potential tools for governmental and non-governmental youth work

- Outdoor/adventure-based learning
- Theatre
- Culture
- Sports competitions (self-defense courses)
- Positive role models/contacts
- Dialogue between the generations

Annex IV: UN Economic and Social Council's Sub-Commission on the Promotion and Protection of Human Rights: SALW in the context of human rights and humanitarian norms – selected recommendations

- States should incorporate into their own laws the Basic Principles on the Use of Force and Firearms by Law Enforcement.
- States should provide training to armed forces and law enforcement on basic principles of international human rights and humanitarian law especially with regard to weapons use, and to investigate and prosecute individuals who violate those principles;
- Special rapporteurs, specifically including the Special Rapporteur on extrajudicial, summary or arbitrary executions, should seek out information and report specifically on human rights abuses committed with small arms and light weapons, and should track in her annual report information regarding the cause and manner of death, and the type of weapons used in reported killings;
- The Human Rights Committee that implements the Civil and Political Covenant should consider drafting a General Comment under article 6 of that Covenant regarding the responsibilities of States to use due diligence to reduce the misuse of small arms and light weapons and to prevent their transfer into situations where they are likely to be used to commit serious human rights violations;
- The Human Rights Committee that implements the Civil and Political Covenant should ask States to report on what steps they have taken (1) to bring their law enforcement agencies into compliance with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement; (2) to prevent, prosecute and punish private actors who commit abuses; and (3) to prevent the transfer of small arms to human rights abusers by the State or private actors within its jurisdiction.
- All United Nations human rights treaty bodies should inquire, as part of the State reporting procedure, about transfers and misuse of small arms and light weapons that violate the treaty obligations of States Parties.

Annex V: UNICEF Draft regional Strategy to Disarm Children and Youth in Africa – selected recommendations and priority responses

Disarmament of armed children and youth

- Advocate for the inclusion of children in peace agreements
- Documentation of the DDR process, including data collection on numbers of children and quantities of weapons collected
- Baseline surveys on the impact of small arms, attitudes toward arms and responses among children and youth
- Engagement of the private sector and NGOs in advocacy and support for DDR programmes

Reintegration of children and youth to prevent rearmament

- Advocacy and awareness raising with parents and communities
- Monitoring and advocacy on commitments regarding the non-conscription of children and youth
- Monitoring the rearmament of children

- Advocate and raise awareness among security forces and armed groups/non-state actors on existing norms in order to prevent the rearming of children
- Advocate for policy change within the security sector at regional and national levels to raise awareness of issues related to children and small arms, for example, improving the functioning of child protection units
- Expand programmes for women and girls (including girl mothers) and ex-combatants to include vocational training and specialized psycho-social care
- Incorporate longer-term approaches to the reintegration of youth

Prevention of arming and mobilization of children in militaries

- Advocacy to prevent recruitment of children under the Optional Protocol to the Convention on the Rights of the Child

Mainstreaming children, youth and small arms issues in policy and practice

- Advocacy and sensitization within UNICEF offices
- Sharing information with UNHCR and other UN agencies
- Specific communication campaigns on children and SALW
- Public awareness in conflict and non-conflict settings on the impact of SALW on children
- Policy development on dialogue with non-state actors, and the development of guidelines for field offices
- Link the impact of small arms on all children, including civilians, refugees and internally displaced persons
- Share information within UNICEF, across UN agencies and with partners
- Support or develop networks on small arms and children
- Meet with national commissions on small arms to mainstream child and youth issues
- Work with human rights organizations on small arms, human rights and children
- Work with women's organizations and others to take up small arms and children issues

Education, child development and vocational training

- Establish gun/violence free zones
- Develop publicity/public information on child-focused themes
- Include anti-violence curriculum in early childhood development
- Diversify vocational training for girls and young women
- Link training and education to agricultural sector strategies
- Introduce small arms issues and non-violence training into school curricula at the primary and secondary levels

Youth Engagement

- Facilitate youth consultations with partners at local, national, sub-regional levels
- Build conflict resolution and mediation skills
- Establish youth-to-youth small arms network

Peace building and Justice

- Conduct long-term research on refugee, IDP and other war affected youth to identify reintegration patterns
- Engage schools in peace building through literature, extracurricular peace clubs, sports, drama and theatre

- Conduct research on juvenile laws, age for weapons possession, and criminality among youth
- Identify partnerships and promote collaboration on judicial reform
- Conduct peace education training in prisons

Resources

- Prioritize small arms programmes and allocation of resources within country offices
- Fundraise among national and international agencies, including the private sector

Priority Responses

Workshop participants identified a number of responses appropriate to their diverse country contexts and programming areas. Some UNICEF offices and partners are working in conflict or post-conflict situations, while others approached the problem from a preventive angle. Nonetheless, the demand factors responsible for the proliferation of small arms show commonalities that call for similar responses.

Advocacy

Mainstreaming was identified as a common starting point, within UNICEF and partner activities, as well as raising awareness of the issue among partner agencies, faith-based organizations, NGOs and youth organizations. Some of the activities recommended are:

- Community-oriented and/or media-based public awareness campaigns;
- Addressing domestic violence and child abuse and encouraging the investigation, reporting and prosecution of these;
- Advocating for enforcement of firearms law and focusing on youth in firearms amnesty campaigns;
- Advocating for better public security and visible policing to restore public confidence;
- Advocating for restorative justice and involving young offenders in awareness campaigns;
- Licensing of handguns to responsible members of community and monitoring so they do not fall into hands of children;
- Support regional and international efforts by joining networks on small arms and support the creation of regional and country based networks;
- Monitor the implementation of national and regional instruments, such as national firearms legislation and the ECOWAS moratorium on small arms;
- Encourage states to sign and ratify the Optional Protocol to the UN Convention on the Rights of the Child on the use of Children in Armed Conflict.

Networking

With the diversity of contexts and programmes, the importance of using available networks, joining existing ones and creating new ones was recognized. The importance of sharing experiences, lessons and challenges in this relatively new programming area was often emphasized. Networking can occur in the following ways:

- Working with religious organizations, NGOs and youth organizations;
- Linking small arms, children and youth issues to education and health systems;
- Linking with development programmes, particularly those addressing small arms demand related problems, such as poverty and lack of education;
- Participation in the activities of IANSA;

- Encouraging African NGOs to create an African network on small arms, children and youth;
- Regular meetings with national organizations working on small arms;
- Liaison with national and regional bodies, such as national commissions on small arms.

Education and Training

A lack of education and training opportunities is a significant element in the demand for small arms, particularly where there is the risk of re-armament in post-conflict situations. Small arms issues can be integrated into reintegration and reinsertion efforts on behalf of children and youth, through:

- Vocational training
- Literacy
- Visiting child ex-combatants in homes to monitor follow-up behaviour and attitude changes
- Cultural and recreational activities to enhance peace
- Conflict resolution and prevention training
- Education can also play an important preventive role, and opportunities for integrating small arms awareness into existing curricula come in many forms, including:
- Introducing small arms components into peace education programmes;
- Sensitization on dangers of arms
- Provide children with pictorial and audio visual samples of small arms, teach them what to do/not to do when they appear in communities;
- Integrate small arms into existing training programmes for police, peacekeepers, social service providers and others to understand the risks associated with availability of small arms to children and youth.

Research and Data Collection

Effective responses require knowledge of policies related to children, youth and small arms, as well as an understanding of their impact, which groups are at risk and the effectiveness of ongoing and past interventions. Data from surveys, such as those exploring attitudes toward arms, can inform public awareness campaigns and help in effectively targeting education initiatives.

Some of the priority actions in this area are:

- Documenting on-going activities on small arms;
- Qualitative and quantitative data collection on children, youth and small arms;
- Research on risk factors for early warning/preventive action;
- Partnering with research institutions.

Youth Participation

Where demand for small arms is related to perceptions of insecurity is status-related and violence is cyclical and socially embedded, giving youth the opportunity to express needs and aspirations and to participate in activities will be extremely valuable. In a broader way, youth participation in community and organizational decision-making and in recreational and cultural activities can address the problem of exclusion. Youth role models speaking to youth may be the most effective way of getting across sensitization messages and to discourage gun cultures. Youth participation can be encouraged by:

- Engaging youth in community level research;

- Formal consultations with youth;
- Youth participation in design of public awareness activities;
- Community theatre and sports activities.

Disarmament, Weapons Collection and Destruction

UNICEF intervention to control the supply of weapons as well as the factors that drive the demand for weapons can include:

- Assessments of arms availability among child or youth combatants;
- Maintaining a child-aware focus in disarmament, demobilization and reintegration programmes;
- Support for arms collection and destruction programmes;
- Developing programmes aimed at reducing the threat of arms to children;
- Collection and replacement of toy weapons;
- Disarming children of non-firearm weapons, for example knives.

Challenges

The challenges faced in raising awareness and addressing the impact of SALW on children and youth fall broadly into three categories:

- Political issues
- Programme development in conflict and non-conflict areas
- Mainstreaming collaboration and networking

Political issues

The prioritisation of children on state agendas varies widely. In conflict situations, the primacy of national security concerns over child protection has meant that the consequences of arms acquisition and proliferation have not necessarily been recognized as a child rights issue. In addition, both state and non-state actors have denied or overlooked the problem of child soldiers and militarisation of youth. Some of the challenges faced in this regard are:

- That explicit references to child soldiers and war-affected children have been omitted from peace negotiations and peace frameworks, resulting in a lack of child-focused DDR schemes;
- There are not always solidarity mechanisms for organizations working on similar issues;
- The nature of warfare can make access, information gathering (i.e. problems with transparency and data availability) and programming difficult or impossible;
- There may be the perception by either state or non-state actors that that organizations are acting politically and organizations themselves can have difficulties in maintaining neutrality;
- States need to be encouraged to follow up on commitments, including reporting on the CRC, implementing the UN Programme of Action on Small Arms and other efforts.

Programme development

Where violent/gun culture have become socially and economically embedded, raising awareness and addressing the impact of small arms can require profound changes in livelihood patterns, behaviour and even culture itself. In contexts where the impact is still contained or controlled, demand factors may still call for preventive measures. Common challenges in these contexts are:

- Addressing psychosocial impacts throughout childhood and youth, including early childhood;

- Education and training interventions need to be long-term, sustainable and linked to social and economic development. Post-conflict reintegration schemes in particular must reflect economic needs, including the restoration of agriculture/food production;
- Perceptions of and real insecurity lead people to arm themselves to protect livelihood;
- Cultural and behavioural changes may be necessary where arms become a part of the identity of communities, ethnic groups or clans.

Mainstreaming, collaboration and networking

UN agencies, NGOs and child rights advocates have made great strides in raising the profile of children at the global level. There is still much work to be done in the area of children and small arms, and further efforts are necessary to meet these challenges:

- Prioritization and support within UNICEF offices, re-alignment of programmes to accommodate children and small arms issues;
- Mainstreaming of children and youth in DDR programmes and giving a child focus to the work of other UN agencies;
- Identifying good partner agencies with a mandate to work on small arms;
- Inventories and surveys of existing training materials;
- Information sharing and collaboration on developing research methods;
- Building the capacity of civil society agencies and promoting their acceptance by governments.

Annex VI: Additional UNICEF Peace Education Activities Aimed at Children and Youth in Conflict Areas

Supporting Peace Education and Education for Conflict Resolution Initiatives at country level.

Initiatives are being implemented in more than 20 countries and target formal as well as informal education. They cover a wide range of activities, including learning-through-playing opportunities, peer mediation for conflict resolution, campaigns for peaceful coexistence, use of theatre and other performance art to raise awareness of the issues, Child Friendly Schools/Community initiatives, capacity building to promote democratic youth leadership, training of child broadcasters, and parents' education for conflict mediation and non-violence.

Supporting development of country-based educational materials, curricula, and teaching manuals for Peace Education and Education for Conflict Resolution.

These materials are used to help children develop skills in problem solving, negotiation, critical thinking and communication that will enable them to resolve conflicts without resorting to violence.

Sport for Development.

A UN Inter-agency Task Force on Sport for Development and Peace has been set up. It recommends that sport should be incorporated as a useful tool in programmes for development and peace, and that communications-based activities using sport should focus on well-targeted advocacy and social mobilization, particularly at national and local levels. UNICEF is promoting girls' education through partnerships at a number of international sport events and messages on peace and conflict resolution.

Life Skills-Based Education for Peace Education and the Environment in Southern Sudan (Operation Lifeline Sudan) Life Skills-Based Education modules for Peace Education and the Environment are currently under development.

The modules provide information and activities that will help mentors and learners to develop knowledge, attitudes and skills for landmine safety, conflict resolution, peace building, and the promotion of human rights. The life skills-based education programme goes beyond the focus on curriculum alone and utilises a comprehensive approach to quality education. In many parts of Southern Sudan, two generations of children have known only war and its traumas. Mentors need to be prepared to receive learners with a wide range of life experiences. The learners include students, post-school aged young people, women's groups, community groups, and local authority personnel. Mentors are trained in participatory teaching and learning methods. Community Centres, which provide integrated services such as education, health care, clean water, and sanitary latrines, serve as gender-sensitive, protective learning environments, which allow children to practice the life skills that they have gained.

The use of new-technologies to promote peace-minded quality education

UNICEF's '[Voices of Youth](#)' internet rights project promotes issues related to adolescent development and participation. This online project provides an opportunity to children and young people to learn about global issues, particularly in the light of how they affect children and young people worldwide share their views with others and look at ways in which they can take action in their own communities.

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Armed groups Project: News, academic papers and links relating to research on armed groups. <http://www.armedgroups.org>

Bonn International Center for Conversion: programs on small arms control, disarmament, arms-control and surplus weapons, conversion and conflict prevention, military technology, production and expenditures, economic and resource conflicts. <http://www.bicc.de>

Campaign Against the Arms Trade: <http://www.caat.org.uk/>

Canadian Peacebuilding Coordinating Committee: Children in armed conflict links, child Protection, advocacy, UN links, small arms resources and links
http://action.web.ca/home/cpcc/en_links.shtml?AA_EX_Session=d36f519f1655815cfdcf342cfcad12f2

Coalition to Stop the Use of Child Soldiers: documentation and links relating to child soldiers research and monitoring, advocacy and public education, networking and capacity building. www.child-soldiers.org

Select Bibliography on Child Soldiers:

<http://www.child-soldiers.org/cs/childsoldiers.nsf/displaysmessage/Links?OpenDocument>

Control Arms Campaign: website of the world's largest small arms control campaign, with advocacy and resource links. Control Arms is a campaign jointly run by Amnesty International, IANSA and Oxfam.
<http://www.controlarms.org>

Children in Organized Armed Violence: Project to identify cases where children and youth are involved in armed groups in countries that are not at war, to produce and disseminate information on the problem, educate the international community on the problem, and share best practices and solutions. www.coav.org.br

Children's Defense Fund: Includes Fact sheets, reports and contacts on gun violence and youth in the U.S. http://www.childrensdefense.org/ss_ydfs_viocrime.php

Centre for defence Information (CDI): Research, policy and advocacy information relating to SALW and children in armed conflict.
<http://www.cdi.org/program/index.cfm?programid=23>

Common Sense: Website containing information for parents on preventing child firearm injuries <http://www.kidsandguns.org>

Federation of American Scientists: Arms sales monitoring project. Research and links.
<http://www.fas.org/>

Facts on International Relations and Security Trends (FIRST): Integrated Security and Development specific search engine, accessible by country and accessing information contained in databases relating to arms production, trade, embargoes and export controls, conflicts and peace keeping activities, country indicators and statistics, government, memberships and agreements, military expenditure, news, events and reference data. Useful to cross-reference with the NISAT SALW and black market transfers databases.
<http://first.sipri.org/index.php>

Geneva Forum – Geneva, Switzerland: a joint initiative of the Quaker United Nations Office, Geneva (QUNO), the United Nations Institute for Disarmament Research (UNIDIR), and the Programme for Strategic and International Security Studies (PSIS) of the Graduate Institute of International Studies. Our overarching aim is to contribute to the successful conduct, conclusion and follow-up of multilateral security and disarmament initiatives in Geneva. www.genevaforum.org

Groupe de recherche et d'information sur la paix et la sécurité (GRIP): French language research and resources on SALW and children in armed conflict, marking and tracing of SALW. Information campaign on the links between small arms and child soldiers in central Africa. <http://www.grip.org/>

GTZ Project on Development Cooperation and Small Arms Control: Research Programming, resources and links relating to SALW. Innovative field programming. <http://www.gtz.de/smallarms/english/>

Human Rights Watch Arms Division: Advocacy oriented SALW research. Substantial research and anecdotal evidence of link between SALW and children in armed conflict. <http://hrw.org/>; <http://www.hrw.org/doc/?t=arms>

Human Security Network: Multilateral advocacy and links on children in armed conflict and small arms. The Human Security Network (HSN) is a group of like-minded countries from all regions of the world that, at the level of Foreign Ministers, maintains dialogue on questions pertaining to human security. The Network includes Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Switzerland, Slovenia, Thailand and South Africa as an observer. <http://www.humansecuritynetwork.org/menu-e.php>

International Action Network on Small Arms (IANSA): global network of civil society organisations working to stop the proliferation and misuse of small arms and light weapons. Advocacy, news and resource links
www.iansa.org
Resources on Child Soldiers
http://www.iansa.org/issues/child_soldiers.htm

Institute for Security Studies: Programs, research and links on arms management and children in armed conflict, hosts the 'small arms net' and 'training for peace' projects and websites. www.iss.co.za

International Alert: Resources and research on light weapons transfers; the impact of development aid; the impact of private military companies; the role of business in conflict and peacebuilding and the role of women in peacebuilding. www.international-alert.org

International Committee for the Red Cross: Resources on protection of children in armed conflict, Geneva Conventions and international humanitarian law. ICRC Children in War Publications and Links to other relevant sites, Focus on Protection of children in armed conflict, assisting children and prevention as well as the use of child soldiers. [www.icrc.org](http://www.icrc.org/Web/eng/siteeng0.nsf/html/children); <http://www.icrc.org/Web/eng/siteeng0.nsf/html/children>

ICRC Children in War Information Kit:
<http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList518/27B4CE4BEC9CB532C1256C5D00466196>

International Peace Research Institute (PRIO) hosts the Norwegian Initiative on Small Arms Transfers (NISAT): Contains information on arms brokering, the EU and SALW, SALW and development, the West African SALW Moratorium, Humanitarian Law and SALW, Security sector Reform, Small arms Production, standards to limit SALW supply.

Contains searchable SALW databases on international production, transfers, policy and legislation and a black-market archives of reported illicit weapons movements.

http://www.prio.no/page/Project_detail/Programme_detail_PRIO_CSCW/9244/37800.html
www.nisat.org

Organization for security and Cooperation in Europe (OSCE)

www.osce.org

Project Ploughshares: Researches, generates and collects resources and does advocacy on SALW, arms control and peacebuilding

<http://www.ploughshares.ca/CONTENT/CONTROL%20WEAPONS/Mines&SmallArmslist.html>

SaferAfrica: arms management, disarmament and security related research, advocacy, programming and links relating to Africa. www.saferfrica.org

Small Arms and Firearms Research and Education Network (SAFERNET): research and information on health and safety aspects of small arms/firearms, national profiles on small arms/firearms regulation and links to sources of information in academic, scientific and governmental publications. <http://www.research.ryerson.ca/SAFER-Net/>

SmallArmsNet: is an information portal for groups and individuals working to contain the proliferation of small arms and light weapons in Africa. <http://www.smallarmsnet.org/>

Saferworld: SALW related training material, mapping, research initiatives, links and resources. <http://www.saferworld.co.uk>

SALIGAD: research, resources and links on efforts to tackle the Misuse of Small Arms and Light Weapons in the IGAD Countries. <http://www.saligad.org/>

Small Arms Survey: Pre-eminent source for SALW information, research and links. <http://www.smallarmssurvey.org/>

South Eastern Europe Clearinghouse for the Control of Small Arms: SALW resources, surveys, country assessments and links. Focus on arms management, national legislation, border controls, SDALW awareness, collection and destruction activities.

<http://www.seesac.org>

Social Sciences research Council (SSRC): Ongoing research project on children and armed conflict. <http://www.ssrc.org/programs/children/>

Stockholm International Peace Research Institute:

<http://www.sipri.se/>

Training for Peace: (training of civilian peacekeeping and peace-building personnel, research and publishing, and policy development. Includes information on conflict management, civilian peacekeeping, civilian police, and other human security issues (gender, children, refugees, HIV/Aids, etc.) <http://www.trainingforpeace.org/>

UN Department for Disarmament Affairs: Resources and links to SALW resources and UN documents relating to SALW control initiatives, research and programming

<http://disarmament.un.org/>

Disarmament and Children resources:

<http://disarmament2.un.org/child/initiative.htm>

UNDP Bureau for Crisis Prevention and Recovery:

<http://www.undp.org/crd/index.htm>

UNDP, Geneva Small Arms/DDR Division Project

<http://www.undp.org/erd/smallarms/>

UNICEF, Office of Emergency Programs: Landmines and Small Arms

<http://www.icbl.org/lm/2002/appendices/unicef.html>

UNICEF Small Arms Exhibit:

<http://www.unicef.org/smallarms/exhibit/html/sa03/prevent02.html>

UN Institute for Disarmament Research (UNIDIR): Substantial resource for SALW research, resources, databases and links. Ongoing research projects on practical disarmament, peacebuilding and weapons for development. <http://www.unidir.ch/html/en/home.html>

Selected publications and activities focusing on small arms <http://www.unidir.ch/bdd/focus-search.php?onglet=5>

UN OCHA Integrated regional Information Network Web Special on Child Soldiers:

www.IRINnews.org/webspecials/childsoldiers/

UN Regional Center for Peace and Disarmament in Africa – Lome, Togo:

<http://www.unrec.org>

UN Regional Disarmament Center – Lima, Peru:

<http://www.inlirec.org>

UN Special Representative for Children in Armed Conflict: Resources and links on the role of the Special Representative and the effects of conflict on children by theme, including SALW. <http://www.un.org/special-rep/children-armed-conflict/>

U.S. Centre for Disease Control: U.S Government data on firearms-related injuries and deaths, <http://www.cdc.gov/ncipc/factsheets/fafacts.htm>

Viva Rio: Brazilian community-based small arms and youth demand reduction initiative.

<http://www.vivario.org.br>

The Watchlist on Children and Armed Conflict: compiles information provided by a variety of sources to inform and influence the UN Security Council, UN and other international agencies, national governments and the public to create policies and programs that protect children's lives. Country Reports, advocacy, resources and links relating to children in armed conflict. <http://www.watchlist.org>

Women's Commission on refugee Women and Children: Programming, research and links on refugees relating to children and adolescents, participation and protection, detention and asylum and reproductive health.

<http://www.womenscommission.org/projects/children/PRS.htm>

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