



PARLIAMENTARY FORUM
ON SMALL ARMS AND LIGHT WEAPONS

Policy Statement on Small Arms and Security System Reform

Board of the Parliamentary Forum on Small Arms and Light Weapons,
meeting in Managua, Nicaragua, October 24th, 2009

Security System Reform (SSR)¹ can be defined as *a dynamic concept to design strategies for the management of security functions in a democratically accountable, efficient and effective manner to initiate and support reform of the national security infrastructure.*²

The security system overall includes;

- 1) core security actors (e.g. armed forces, police, gendarmerie, customs and immigration, intelligence and security services, and border guards,);
- 2) security management and oversight bodies (e.g. ministries of defence and internal affairs, financial management bodies and public complaints commissions);
- 3) justice and law enforcement institutions (e.g. the judiciary, prisons, prosecution and corrective services, traditional justice systems); and
- 4) non-statutory security forces (e.g. private security companies, guerrilla armies and private militia).³

The UN Programme of Action on Small Arms and Light Weapons (UN PoA)⁴ reaffirms the inherent right of States' to individual and collective self-defence under Article 51 of the UN Charter, and hence their right to retain small arms and light weapons for self defence and security needs. Consequently many of the actors within the security system require access to firearms as a key component of their legitimate work. Other non-statutory actors (warring factions and organized criminals) also require access to firearms as 'enablers of violence'.

¹ Also known as Security Sector Reform. The terms are often used interchangeably.

² Sources for the content of this statement are primarily from; 1) Linkages between Security Sector Reform (SSR) ... and SALW, *Fitz-Gerald A M*, (Whitehall Policy Concept Paper), London, 09 January 2003; 2) Security Sector Reform and the Demand for SALW, Project PLOUGHSHARES Briefing 01/7, *Donald D* and *Olanisakin F*, 2001; and 3) OECD DAC Handbook on Security System Reform - Supporting Security and Justice, OECD, 2007.

³ OECD DAC Guidelines on Security System Reform and Governance. ISBN 92-64-00786-5, Paris, OECD, 2005.

⁴ Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, UN Document A/CONF.192/1, 20 July 2001.

Thematic areas of engagement during security system reform are wide ranging and include; development of legislative and regulatory policy; capacity development; force restructuring and re-equipping; security and defence policy; operational planning; logistic support and weapons management; and administrative procedures.

There is growing evidence that a poorly developed or weakened security system creates a demand for weapons, which then improves the capability of armed factions and criminals to target institutional governance structures, the security architecture and local communities. Such poorly developed security sectors often become highly politicised, which results in a range of potential negative impacts. These can include a lack of accountability within the security system, which results in further proliferation of weapons, or poor cooperation between governance organizations and security actors leading to internal instability.

An increase in corruption within government institutions is often seen in politicised security systems, which, when combined with inter-agency rivalries, can lead to the development of a security vacuum. This vacuum will inevitably be filled by warring factions or organised criminal groups. Greater insecurity will result, which increases demand for, and the use of, weapons within the wider community. This resultant demand for weapons is directly related to the perceptions of threat and human insecurity within communities. The laws of supply and demand are as equally valid for weapons as anything else, and the lack of a credible security system makes the supply of weapons to meet this demand relatively easy.

Direct linkages between Security System Reform and SALW Control⁵ programming are still being developed as operational experience is being gained. No systematic analysis has been conducted to establish and clarify the exact nature of these linkages and their implications for SALW Control policy-makers and practitioners. Whilst the OECD policy paper *Armed Violence Reduction – Enabling Development*⁶ does address the impact of armed violence on development and communities, and provides methodologies for the reduction of armed violence, it is limited in terms of small arms and SSR. SALW Control is often about more than the reduction of armed violence⁷, (although this is always highly desirable), and until wider analysis of direct linkages is developed SALW Control interventions may necessarily struggle to take adequate account of other SSR policies and projects and to provide integrated solutions.

Yet recent operational experience from SALW Control programs has identified a range of functional areas where there is an impact at the technical level on SSR related issues. For example;

⁵ Defined as '*those activities, which, together, aim to reduce the social, economic and environmental impact of uncontrolled SALW proliferation and possession*'. These activities include cross border control issues, legislative and regulatory issues, SALW awareness and communication strategies, SALW collection and destruction operations, SALW survey and the management of information, and SALW stockpile management.

⁶ OECD DAC *Armed Violence Reduction – Enabling Development*, ISBN 978-92-64-06015-9, Paris, OECD, 2009.

⁷ It can include; 1) counter-proliferation programs; 2) stockpile management and security programs as part of SSR; reduction in number of weapons accidents; 4) control of legal weapons; etc.

- 1) the stockpile management or destruction of weapons as part of a small arms and light weapons control programme can support a wider SSR programme of restructuring of security forces;
- 2) SALW Awareness may be used to support the development of community based policing; or
- 3) SALW Surveys may be used to gather data on perceptions of human security.

SSR necessarily covers a wide spectrum of activities and the need to ensure coordination and cooperation between many stakeholders is widely acknowledged. Translating this into action at the operational level, however, remains challenging. The proliferation and unlawful use of small arms and light weapons poses one of the most pressing security problems in many of the world's poorer countries. Law enforcement agencies in these countries often lack the capacity to investigate and prosecute offenders, or even to collect and secure illegal arms. In some cases, they may even compound the problem themselves by committing serious abuses against civilians, driving up the demand for illegal weapons as a means of self-protection.⁸ It is therefore very important that the linkages between SSR and SALW Control at all levels are clearly identified and strengthened. The proliferation of weapons in one country or region improves the capabilities of criminal or warring factions' and fuels their activities, which has a possibility of creating instability in neighbouring countries or regions.

SSR program planning within a State should always include a small arms and light weapons component, and operational SSR must be coordinated with any parallel SALW Control programs. Additionally the capacity development of oversight mechanisms, (parliamentarians, journalists, non-governmental organizations and civil society organizations), should include a SALW Awareness component to enable them to understand the position of SALW Control within wider SSR programs.

Addressing the fundamental linkages between SALW Control and SSR are an important precursor towards effective democratic governance. The engagement of parliaments and parliamentarians across all regions to jointly address these challenges is essential, particularly to ensure that the issue of small arms and light weapons is placed firmly within the wider security system reform agenda.

Objectives

The Board of the Parliamentary Forum on Small Arms and Light Weapons, meeting in Managua, Nicaragua, October 24th, 2009:

Welcomes the presidential statement of the UN Security Council⁹ that emphasizes that reforming the security system in post-conflict environments is critical to the consolidation of peace and stability, promoting poverty reduction, rule of law and good governance, expanding legitimate State authority and preventing countries from relapsing

⁸ <http://www.nisat.org/security>

⁹ UN Security Council S/PRST/2007/3, 14 February 2007.

into conflict; and confirms the linkages between Small Arms and Light Weapons Control and Security System Reform;

Recognizes that it is the prerogative of each State to assess its security system requirements appropriate to its national security needs in accordance with international law and their legitimate rights under Article 51 of the UN Charter;

Acknowledges the legitimate requirement of States' for reasonable and appropriate stockpile levels of small arms and light weapons within their own national security system, in accordance with the principles laid down within the UN Programme of Action on Small Arms and Light Weapons or other appropriate regional agreements or instruments;

Urges all States' to fully comply with the requirements on the use of force by the security system contained within; 1) Article 3 of the UN Code of Conduct for Law Enforcement Officials;¹⁰ and 2) the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.¹¹

Encourages the development, implementation and the enforcement of national legislation within States' in accordance with the UN Firearms Protocol,¹² supported by effective operational procedures, to ensure the safe, effective and efficient use and stockpile management of weapons and conventional ammunition within the security system;

Takes note of the fact that the forthcoming International Small Arms Control Standards (ISACS)¹³ will provide a set of effective guidelines for the safe and effective management of small arms and light weapons within the security system, and *encourages* their adoption by States' when promulgated;

Urges donors to deepen their political and financial engagement with SSR related programs and projects designed to improve the standards of 1) parliamentary oversight of the security system; 2) training in the appropriate use of force by law enforcement officials; and 3) integrated and holistic SALW Control programs in accordance with the forthcoming International Small Arms Control Standards (ISACS). Such support should be in accordance with the OECD DAC criteria¹⁴ for security-related Official Development Assistance (ODA);

¹⁰ Code of Conduct for Law Enforcement Officials, UNHCHR, (Adopted by UN General Assembly resolution 34/169 of 17 December 1979).

¹¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, UNHCHR, (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990).

¹² UN General Assembly resolution 55/255, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the Firearms Protocol). (Entered into Force on 03 July 2005).

¹³ www.un-casa-isacs.org. (Password currently required from the ISACS Coordinator (coordinator@un-casa-isacs.org) to access this site).

¹⁴ The OECD- DAC High Level Meeting of Ministers and Heads of Aid Agencies of 03 March 2005 agreed that technical co-operation and civilian support for both '*security system reform to improve democratic governance and civilian control*' and '*controlling, preventing and reducing the proliferation of small arms and light weapons*' could count as Official Development Assistance (ODA).

Recommends, as complimentary to legislation and regulation mechanisms, operational oversight structures are established or strengthened, such as developing the capacity of an Ombudsperson or Parliamentary Committees, to improve oversight of the use of force by the security system and appropriate SALW Control programs;

Supports the members of the Forum and their parliamentarian colleagues to formulate legislative and regulatory frameworks for the appropriate use and effective management of weapons and to develop effective mechanisms for control and oversight in order to better ensure that individuals and communities are not placed at risk due to the inappropriate use of force or ineffective stockpile management of weapons; and

Mandates the Secretariat to follow the development of the issue of Small Arms and Light Weapon Control in relation to Security System Reform and take action in line with the adopted policy.