

Moving from Words to Action:

SMALL ARMS NORMS



Nearly 7,000 small arms are burned in Cambodia to mark the beginning of the UN Small Arms Conference (9 July 2001)

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in the form of resolutions, recommendations, declarations, and codes of conduct, is not legally binding. Yet all these sources play a role in the regulation of small arms. Key instruments in this regard include the UN Firearms Protocol (a treaty) and the UN *Programme of Action* (soft law).

An international politics approach to norms emphasizes process. The chapter highlights the role of 'norm entrepreneurs' in actively pushing for the adoption of new norms, their diffusion and adoption throughout the international community, and their eventual 'internalization' (automatic acceptance and application) within this same community.

It is no easy task to apply this understanding of norms, whether legal or political, to a determination of specific small arms norms. A lack of information on current state practice limits our ability to reach firm conclusions at the global level. Nevertheless, the chapter offers several important insights.

From a legal perspective, there is a significant body of law regulating international arms transfers, either directly or indirectly. Other international instruments seek to regulate the use (or misuse) of small arms by state agents, though these are not legally binding.

The word 'norm' frequently accompanies discussions surrounding the UN Small Arms Conference process. While some observers claim the UN Conference *Programme of Action* gives concrete expression to a range of small arms norms, others deny the instrument's relevance to international efforts in this area.

This chapter assesses the normative significance of the *Programme of Action* and, more broadly, the existence or emergence of small arms norms at the global and regional levels.

The first section explains norms from both a legal and an international politics perspective. What are such norms, how are they created, and how do we know they exist?

Treaties and custom are the two principal sources of international legal norms. Conversely, 'soft law',

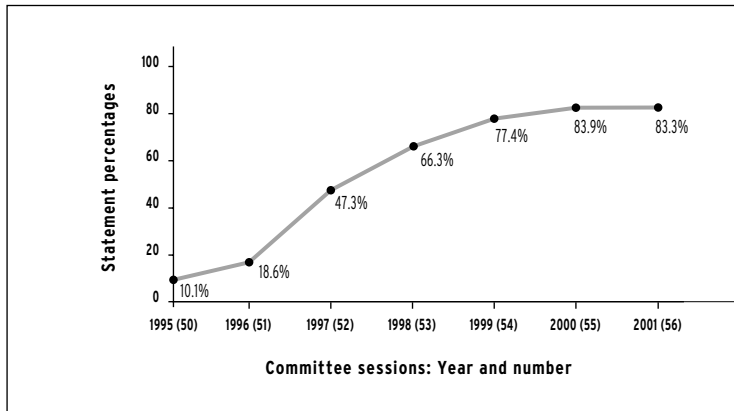
The political perspective emphasizes process, with the number of norm adherents typically continuing to grow after the point of formation per se.

It seems clear that the level of commitment to addressing small arms is sufficiently strong, worldwide, to have normative significance.

The international politics perspective is especially informative when assessing the normative significance of state behaviour at the global level.

Drawing upon governmental statements compiled from the First Committee of the UN General Assembly and the UN Small Arms Conference, the chapter examines how states have come to define the small arms problem and what measures they believe should now be taken to address it.

Figure 7.1 Percentage of governmental statements mentioning small arms during the UNGA First Committee general debates, 1995–2001



There is a great deal of divergence among states when it comes to the specific details of what needs to be done on small arms. Nevertheless, in general terms the commitment to tackling the problem is strong enough to have normative significance. From a political perspective, this means a global norm exists that commits states to take action to prevent, combat, and eradicate the illicit trade in small arms and light weapons in all its aspects.

The last section of the chapter focuses on southern Africa where the Firearms Protocol of the Southern African Development Community (SADC) appears to be spurring the development of subregional norms. Among the countries surveyed in the subregion, there is a norm requiring the possession and use of firearms by civilians to be regulated by the state. Although this regulation may take different forms, the common elements include restrictions relating to the age of the firearms holder, the types of weapons that can be held, and the reasons for possession.

Although internationally a contentious issue, regulating the civilian possession of firearms is existing practice for many countries in Africa.

A norm for the destruction of unwanted weaponry, though less well entrenched, also appears to be taking hold in southern Africa. Subregional cooperation, though quite extensive as a result of existing mechanisms, has not yet extended to small arms, though the potential for this appears strong as efforts to implement the SADC Protocol gather steam.



The UN Security Council votes unanimously to adopt Resolution 1343, re-imposing an arms embargo on Liberia because of its support for armed rebels in neighbouring Sierra Leone (7 March 2001).

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In its concluding section, the chapter emphasizes the importance of the UN Conference *Programme of Action* to international efforts to tackle the small arms problem—specifically in terms of norm development. As a unique expression of global consensus on small arms issues, the *Programme* will be central to norm determination and norm development at the global level in the coming years.

Nevertheless, transparency remains the exception rather than the rule with respect to state practice on small arms. Although the general commitment to action exists, it is not yet clear whether and how states are following through on the specific commitments they accepted in the *Programme* to take concrete action on small arms.