A Forum on the Arms Trade Report

Addressing Non-State Actors:
Multiple Approaches

May 2018

Yeshua Moser-Puangsuwan, Maria Pia Devoto, Camilo Serna Villegas, Matthew Bolton, Wilder Alejandro Sanchez, Seth Binder, Robert Watson, Jeff Abramson

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Executive Summary

While the attacks of September 11, 2001 focused many in the United States on the dangers posed by non-state actors, challenges to state authority and international order by such groups are not new. With the global community now more aware of conflicts other than those between states, there is a need to better understand approaches that do—or do not—work when addressing non-state actors. Taking a wide view of what they see in their respective work and an expansive definition of "non-state," experts in this report offer an array of recommendations, in many instances based on working with or engaging non-state groups.

Drawing upon his experience in directly reaching out to armed non-state actors, primarily but not exclusively around landmine research and anti-landmine advocacy, **Yeshua Moser-Puangsuwan** offers advice to those who would approach such groups. Recognizing that there is danger in doing so, but also a need from a humanitarian perspective, he recommends being well aware of one's own goals and the likely expectations of any engaged group as just two of many steps in outreach to non-state actors.

Noting the important achievements of the Mine Ban Treaty, especially in the context of Colombia where former FARC rebels are now engaging in mine clearance efforts, **Maria Pia Devoto** and **Camilo Serna Villegas** use developments in the country as an example of how it is possible for non-state perpetrators of armed violence to become agents of reconciliation. After briefly describing a group of 20 former combatants, now part of the "Humanicemos DH" effort, they argue that this work could be a model for other non-state armed groups still in the country.

Matthew Bolton turns to another part of the world to discuss the roots of increased armed violence in Kenya by and against pastoral communities, initially around wildlife "poaching" but now linked to regional and global networks. Drawing upon insights from Arms Trade Treaty (ATT) Academy meetings in the region and other scholarship, he concludes that when agreed by Kenya and properly implemented, the ATT could provide paths to improved community security, in part through increased transparency and better risk assessment in the arms trade.

Wilder Alejandro Sanchez explores the troubling reality that weapons used by armed non-state actors in Latin America often come from the stockpiles of police

or national armed forces. While recognizing that there are other sources of weapons and that there have been some successful cases of arms recovery, he argues that much more can and should be done to stem this flow of weaponry. Recommendations include tackling corruption more directly, possibly through stronger training and stiffer legal penalties, and also better sharing of records across jurisdictions.

Seth Binder and **Robert Watson** tackle the ongoing practice of U.S. arming of non-state actors, noting both recent and historic examples. They argue that the lack of institutional capacity of many non-state actors, as well as the long life of various weapons, contributes to risk associated with such practices. They find that despite claimed goals—often short-term ones—, U.S. aid to non-state actors has typically not proven successful, resulting in unintended consequences and long-term instability.

Jeff Abramson turns the issue around by looking for ways that civil society-led initiatives have an impact upon non-state actors, whether armed or arms producing. Using examples that broadly fall under the "humanitarian disarmament" umbrella, he identifies efforts to convince armed non-state groups to commit to the norms of the Mine Ban Treaty, actions to stop weapons production by stigmatizing financial investment in their manufacturers, and calls by scientists and artificial intelligence experts to prohibit killer robots. He concludes that such efforts focused on human security have a track record of success that merit ongoing support.

Authorship

Experts listed by the Forum on the Arms Trade were invited to participate in this publication, bringing in other colleagues if desired, to author short essays about how their work provides insights into challenges posed by non-state actors (broadly defined). Rather than create an exhaustive report, the intention is to gather diverse perspectives from those working on arms trade, security assistance, and weapons use, often in different regions of the world and focused on distinct issues. Each essay was reviewed by at least one peer, but each should be considered the independent work of the author(s).

Inclusion on the Forum on the Arms Trade expert list, and inclusion in this publication, does not indicate agreement with or endorsement of the opinions of others. Institutional affiliation of authors, when detailed, is indicated for identification purposes only.

Approaching Non-State Armed Groups: Lessons from an Anti-Landmine Activist and Researcher

By Yeshua Moser-Puangsuwan

As a humanitarian disarmament activist, I share little in common with non-state armed groups, who by their definition have a desire to acquire arms and a willingness to use them. Nonetheless, as an actor in armed conflict, non-state armed groups must be encouraged to respect the behaviors the humanitarian movement is seeking from all actors. This requires some level of engagement.

For the past 20 years I have frequently been involved in engaging non-state armed groups in Asia; primarily on the issue of landmine use, but also on other issues. During that time, I also developed a training program for the country researchers involved in the Landmine Monitor, the annual publication of the International Campaign to Ban Landmines (ICBL). The ICBL uses the following definition for a non-state armed group:

> Non-State Armed Groups include any identifiable group that uses armed methods and is not within the formal structure of a recognized state. This includes:
>   1) counter-state armed political movements, guerrilla movements and rebel armed forces;
>   2) militias or civil patrols often operating under the sanction of official entities, *but not within the legal state structure*; and,
>   3) criminal groups, private military companies, others.[1]

Based on my experiences, this essay offers practical lessons for activists on whether and how to engage such groups.

Determine any existing basis for engagement

A political assessment of an opportunity to engage a non-state armed group would include any codes of conduct issued by the group. Many armed groups do have codes of conduct, the oldest known one being the Three Main Rules of Discipline and the Eight Points for Attention drawn up for the Red Army during the Second Revolutionary Civil War in China (1927-37).[2] The International Committee of the Red Cross (ICRC) certainly has the most experience engaging non-state armed groups to allow humanitarian access for their medical interventions. Rapporteurs for UN Special Mechanisms regularly engage non-state armed groups and recommend cessation from certain war behaviors. In Kashmir, local civil society organizations successfully engaged armed groups to halt the use of explosive weapons in highly populated areas.[3] Groups that have no political platform whatsoever, or are solely criminal enterprises, will be difficult if not impossible to engage in a humanitarian dialogue.

Why

The first thing that must be clear to an activist contacting a non-state armed group is why they have chosen to contact an armed group, and why the

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Yeshua Moser-Puangsuwan notes that approaching armed non-state actors is a high risk activity and recommends doing your homework and being aware of the assumptions groups might have about your intentions. Pictured here, he is engaging with a combatant of the Shan State Army South in Myanmar/Burma.
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armed group may be responsive to such a request. If there is an identifiable political wing of an armed group, this is a probable first focus. The activist needs to understand the armed groups political motivations, and what if any entry points that opens. The armed group may have a constituency, claimed or real, such as an ethnic group or identifiable community which they claim to represent. The activist should search for allies within that group. The activist should have a clear sense of the armed group's propaganda, especially if any of it relates to the issue about which they are being engaged.

Access

Accessing non-state armed groups is not straightforward, as they are hunted by states and all apparatuses a state has to deploy, and are the subject of surveillance, likely by multiple parties.

Activists engaging armed groups need to be sure that their activities cannot be used by others. A negative example of this is a colleague who sought, and was granted permission, by a government, to engage a non-state armed group about possible negotiations. The state actually had no interest in negotiations, and deceptively made use of his engagement to clandestinely follow him to the meeting place. All the members of that group who agreed to meet him were then killed by government agents. My colleague survived but carried the psychological scars of this deception for many years.

Never once in all my own interactions with non-state armed groups did I seek advance permission of state authorities. I might subsequently share some details of my meetings with an armed group with a state authority, but only as long as it was general and I determined it to be helpful.

Activists also need to assure their own security. Both in relation to the armed group and the armed groups enemies, which are usually the state but could also be other armed groups.

An armed group will be suspicious of anyone coming to engage them. An agreement by them to meet is usually a form of security guarantee from them (they will not harm you). However, they dictate the circumstances. This can involve waiting in an isolated area so that the activist's approach can be observed, then being asked to move to a new location by cellphone, perhaps multiple times, sometimes blindfolding so that the activist cannot recall, even under duress, where they were.

Activists should assume they will be under surveillance by the state. In some cases, a state may reveal this in order to threaten the activist to cease their engagement with an armed group. This can be done by directly calling the activist on their cellphone with a somewhat threatening message like "We know why you are here." and then hanging up, for example. Or it may be a blatant attempt at recruitment of the activist with offers of assistance or benefits. I've experienced all of these. I believe my

best protection has been to make clear at all times to all actors my humanitarian agenda. Use any and all channels to put this message out, and the fact that humanitarian principles require engagement of all actors on those principles without favor.

Assumptions

Activists need to be on guard for assumptions, likely unstated, which an armed group may have about why they are being engaged with. Armed groups live within a tightly contained bubble and tend to see things in black and white. 'Others' are either with them or against them. In such a situation, how will an activist's topic of engagement be perceived? I had a disastrous experience with an armed group who had become very open with me about landmine warfare, but once finished, then turned to me and asked when I would be teaching them how to breach the enemies' minefields. Clearly, I had not laid the proper ground for them to understand why I was there. I found myself well within their military camp and some rapidly unhappy, but very well armed, combatants around me. Fast thinking managed to save the situation from deteriorating and for me to leave unscathed, but I learned a very valuable lesson from it in making sure the reason I have approached the group is unambiguous and regularly restated.

Do your research

The first casualty of armed conflict is the truth. Activists approaching an armed group need to know all the available facts, but be equally aware of where their knowledge of the situation ends. This will aid the activist in cutting through propaganda and distortion, and assist in bolstering the activist's argument for the issue or topic of engagement. One armed group said to me, and regularly to the media, that there were no civilian mine victims from their mines as they were battery operated and ceased working shortly after being laid. My own research showed the number of civilian victims, and the persistence of the mine for much longer that this claim. Clearly laying out these facts before they raised the issue did two things: (1) it demonstrated that I knew what I was talking about, which gave me standing; and (2) it cut through a layer of propaganda and allowed us to talk about the real issues directly.

Protect your colleagues and yourself

It is frequently a criminal offense to meet with a non-state armed group within the country of the government against which it struggles. It is usually safest to meet them in their rear base, which may well be in a neighboring country. This is also likely where their leadership or decision-makers reside. Planning must be taken very seriously if any member

of the activist delegation to engage the armed group resides in a country in which contact with such a group is illegal, or where the authorities are likely to take punitive action, even extra-legally, against one of the delegation. While activist organizing may be quiet and discreet, there should be no illusion that it can be protected by secrecy. Although engagement is likely to be organized as a non-public event, it should be assumed that it will be known to the authorities sooner or later. As security services have it in their own interest to portray any contact with an armed group in the most negative light, it will assist the activist's group's security if they issue a public report immediately after the fact announcing the engagement, humanitarian goal of the engagement, and result. Such reports will require extreme diplomacy and tact in their production. A press conference can be helpful in dissemination, if suitable to the situation.

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No conflict situation is waged by a single side, and meaningful intervention in support of humanitarian principles requires the engagement of all sides to a conflict. Engaging non-state armed groups should be approached as a high-risk activity. Activists doing so must have clear goals, and a comprehensive analysis of the situation. Even with the best of preparation, a fall back plan should be in place in the case that things go wrong. Tread carefully!

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Landmines: A Singular Approach to Non-State Actors— The Colombian Case

By Maria Pia Devoto and Camilo Serna Villegas

This document briefly recounts the background of antipersonnel landmines and how the Mine Ban Treaty was brought into being. Colombia, which has endured problems due to many armed non-state actors (specifically the FARC), provides a case study for using a humanitarian approach to these actors. It details an example of progress and achievements relating to demining and the reconciliation of those who were involved in the country's armed conflict.

The Humanitarian Approach

The influence of the International Committee of the Red Cross (ICRC) and the Red Crescent Movement, defending humanitarian principles since their inception, along with civil society coalitions such as the International Campaign to Ban Landmines (ICBL) and the political will of a group of progressive diplomats who think "out of the box," has allowed for laying the foundations for negotiations outside of the traditional bounds of treaty-making. This has led to the development of humanitarian disarmament treaties based on international humanitarian and human rights law.

The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction (known as the Mine Ban Treaty or Ottawa Treaty) was the first successful case of an international negotiated treaty based on a weapon's humanitarian consequences. Since then, this has become the contemporary approach to arms treaties and demonstrated that civil society has a fundamental role in giving treaties legitimacy and transparency.

Antipersonnel Mines

Anti-personnel mines, defined as "a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons" (Article 2.1 Mine Ban Treaty), are weapons that have been used in most conflicts since World War II.By the 1990s, these weapons had caused thousands of casualties and injuries to civilians all over the world. At that time, the ICRC stated that, in medical terms, antipersonnel mines had become an "epidemic" of injury, death and suffering."[1]

In 1992 the International Campaign to Ban Landmines (ICBL) was founded to address the humanitarian devastation caused by antipersonnel mines and started to call for a ban as the only solution to stop the suffering. Petitions, passed resolutions, moratoriums, seminars, national laws banning the weapon, worldwide mobilizations,

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Maria Pia Devoto and Camilo Serna Villegas look to the "Humanicemos HD" initiative, in which former FARC rebels become deminers, as a means toward reconciliation in Colombia. Pictured here, a deminer with the Colombian Campaign Against Landmines, which helps coordinate training, engages with members of a mine-effected community. © January 2018, Alexis Aubin, Campaña Colombiana Contra Minas.

and the prominent support of "Lady Di" created momentum for a ban.

The treaty was negotiated in Oslo and by December 1997—after a whole year of meetings, conferences, and civil society campaigning actions—122 nations signed the Mine Ban Treaty in Ottawa, Canada.

The Treaty

The Mine Ban Treaty is not only a prohibition on the weapon itself, but a comprehensive approach to respond to the humanitarian impact posed by these weapons: assisting victims, educating populations, destroying stockpiles, and cleaning up territories. It aims to put an end to the threat of landmines.

Twenty years after its approval, 164 states are implementing the treaty, and this has had life-saving results, as the 2017 *Landmine Monitor* stated. Unfortunately, a small number of states and non-state armed groups do still use antipersonnel mines, which contributed to a high number of casualties in 2016. [2]

Since the beginning of the Ottawa Process, a group of ICBL members has understood the need to broaden the scope of treaty implementation to include other non-state actors.There is not a single definition for Armed Non-State Actors (ANSAs), given the ambiguous characteristics of some groups. However, for the purpose of NGOs' efforts, especially

to address the humanitarian impact of landmines, ANSAs are defined as any armed actor with a basic structure of command operating outside state control that uses force to achieve its political or allegedly political objective.[3]

NGOs are promoting engagement efforts with ANSAs to raise awareness about landmines and humanitarian concerns because they have control over the territories where communities are affected by these weapons. The Geneva Call, for example, promotes the "Deed for Commitment for Adherence to a total Ban on Antipersonnel Mines and for Cooperation in Mine Action."[4] Since its creation, it has engaged about 100 ANSAs in 25 countries; 52 ANSA have signed the "Deed for Commitment" and more are engaged in mine clearance or to limit their use.[5]

FARC Changing Course: from key actors in the conflict to demining actors

The South American nation of Colombia, which has been fighting against various ANSAs for decades (FARC, ELN, M19, etc.), now finds itself in a promising time in light of the peace process with the oldest group in the country (the FARC). Many organizations operating in the country have blazed the trail for processes for dealing with the

consequences of so many years of violence. Among them is the Colombian Campaign to Ban Landmines, which works in humanitarian demining. As such, the Campaign has demining bases in many of its assigned municipalities, allowing them to get to know the people working in demining and their stories. Below is an example of that work and a broader telling of initiatives in Colombia.

It is very hot in the Colombian Campaign to Ban Landmines' demining training base, located in the municipality of Algeciras Huila, a former FARC (Revolutionary Armed Forces of Colombia) guerrilla group stronghold. Under the scrutinizing eye of Instructor John, a decorated former sergeant and expert in demining procedures, there is a group of 20 men and women who at first glance look to be country people being trained to carry out a dangerous task: finding and deactivating antipersonnel mines located in the country's fields. However, these men and women are all ex-combatants who once used the mines as a weapon in the war that the FARC waged against the Colombian state for more than 50 years.

John trains them in security procedures, demining position, how to handle tools, and using the personal protective equipment (flak vest, clothes and footwear, helmets, etc.) that protects them from accidental explosions. In the hot sun, each of them applies the skills learned and hopes to pass the humanitarian deminer accreditation test.

At the end of the day, everyone returns to the base house that welcomes them with shade, food and refreshments. There, they mingle with the other men and women who also work clearing the estimated 100,000 square meters of mine-contaminated land in the municipality of Algeciras.

Nancy[6] eats her dinner and talks happily with John and the other instructors and supervisors, most of them former military. In the past, they were combatants on opposing sides, with the mission of killing each other. Today, they all depend on each other while working towards the same objective; achieving a landmine-free Colombia by 2021.

These 20 people are part of a FARC strategy that seeks to turn some of their former combatants into a humanitarian demining organization. With this intention, they created a formal entity called "Humanicemos DH" ("Humanizing Humanitarian Demining"), for which they sought and received accreditation under the national authority's standards.

The Colombian Campaign to Ban Landmines and two other humanitarian demining organizations that operate in Colombia were entrusted to train the operation of the first units of FARC ex-combatant deminers.[7] The main goal is that by 2019

"Humanicemos DH" will be able to carry out mine clearance operations autonomously, following the safety parameters that apply internationally.

During its long conflict with the Colombian government, the FARC used anti-personnel mines as a means of encircling their camps and bases to delay government military offensives. They also use the weapons as part of their own offensives, scattering them on roads, villages, or any place where either the army or the paramilitaries could reach. Most of these mines were planted without any record or map of their location, frequently by guerrilla combatants who were later killed in action.

In 2015 the Landmine Monitor reported that the FARC was one of the largest users of landmines in the world, despite the fact that a year earlier a negotiation process had begun with the Colombian guerrilla group. What's more, an agreement had been reached to carry out a pilot demining exercise in which members of the Armed Forces and the FARC committed to working together to demine a small area located in the mountain ranges of the Antioquia Department.

In 2016, the Colombian Government and the FARC reached a final peace agreement to end the conflict, and with it the use of landmines by the latter. However, the threat of mine-contaminated land remained a pressing issue in the peace process.

To start the healing process after so many years of war, suffering, and pain, the 2016 peace agreements raised an alternative restorative justice with multiple reparation and non-repetition mechanisms. Some of these include obliging the ex-combatants to reconstruct war-affected infrastructure, clear landmines, replace illicit crops, and search for missing persons' bodies.

Once the agreement came into force, the National Mine Action Authority distributed former FARC territory among the demining organizations that had accredited themselves in the country, thus intending to comply with the commitment made through the Mine Ban Treaty to rid Colombia from landmines by the year 2021.

Among these territories, the municipality of Algeciras was one of the most heavily mined in Colombia. This municipality, blessed with fertile land in which everything from tropical fruits to coffee is grown, was a strategic corridor between the eastern and jungle lands of San Vicente del Caguan, Caquetá, and the productive southern lands of Huila. San Vicente del Caguan was the epicenter of the failed negotiations between the FARC and the Colombian government at the beginning of the 2000s. In this region, the FARC general command was established to monitor the military-cleared zone granted by the government as part of the commitment to carry

out dialogues there. When the peace process ended abruptly, the FARC retreated toward the mountains and surrounding jungles, among them those in Algeciras. An indeterminate number of mines were planted and at least 57 people have fallen victim to them, among whom at least three were children.

The "Humanicemos DH" effort creates the possibility of reparation. While reintegrating ex-combatants into civilian life, it will also allow them to have a source of income as they are complying with their peace process commitments and clearing land heavily contaminated by antipersonnel mines.

The experience of FARC as deminers, one where the perpetrator becomes an agent of reconciliation, has the potential to guide other non-state armed actors operating in Colombia, including the National Liberation Army (ELN) with whom the government holds dialogues in Quito, Ecuador. This experience brings hope of a sustainable and lasting peace.

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Using the Arms Trade Treaty to Address Pastoralist Conflict and Wildlife Crime in Kenya's Marginalized Regions

By Matthew Bolton

I n early 2017, some 10,000 pastoralists armed with automatic rifles raided farms, wildlife reserves and conservancies in Laikipia, Kenya, attacking wildlife, people and raiding livestock. The region was and is currently affected by severe drought, and tensions flared as political figures exploited ethnic divisions in campaigning for the 2017 elections.[1] Numerous researchers have found that militarized state interventions to address the kind of cattle rustling observed in Laikipia often exacerbate the situation, introducing new weapons (that enter the illicit market sector through theft or sale) and extrajudicial violence. Heavy-handed suppression is also expensive, diverting important resources away from sustainable development.[2]

Militarized state responses to the collapsing populations of elephants and rhinos—such as shoot-to-kill policies—have often failed to meet human rights standards and have even been implicated in poaching.[3] Indeed, such responses may undermine important efforts to engage and build local capacities for sustainability, peace, and alternative livelihoods.[4]

There are, however, alternatives to militarized responses to pastoralist conflict and wildlife crime, rooted in human rights, the rule of law and international cooperation and assistance. Excess availability of arms can fuel militarization, as parties to conflict escalate responses to the increasing danger posed by each other and deadly weapons become more widespread in ownership and uses. Over the last decade states and civil society have constructed transformative legal and normative frameworks to address the human suffering caused by an unregulated arms trade and unchecked proliferation of small arms and light weapons (SALW). These include the United Nations Programme of Action on SALW (PoA) and regional SALW instruments (including, in Africa, the Nairobi Protocol, Kinshasa Convention, ECOWAS Convention and SADC Protocol). Similarly, the previous African elephant poaching crisis in the 1980s—which was fueled by the influx of guns in Africa's Cold War proxy conflicts—was stopped not so much by militarized interventions but rather through international legal and normative change. For example, the ivory trade ban was instituted through the framework of an international treaty—the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It was supported by a global awareness-raising

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Drawing upon findings from Arms Trade Treaty (ATT) Academy meetings in Africa, Matthew Bolton finds that the treaty offers approaches to improve human security in communities suffering from armed violence among non-state actors as well as with the state. Pictured here, a Kenya Wildlife Service ranger discusses monitoring poaching during an ATT Academy held at Lake Nakuru National Park. © June 2016, Control Arms

campaign—by both States and NGOs—that in many societies transformed ivory from a symbol of luxury to one of disgust.[5]

Most recently, in 2013, the Arms Trade Treaty (ATT) established, for the first time, global regulations on the transfer of conventional weapons that can prevent arms getting into the hands of human rights abusers, terrorists, war criminals and organized criminal groups. Championed by African states, global civil society and faith leaders who called attention to the devastation of armed conflict on the continent, the treaty creates new opportunities to limit SALW proliferation in regions affected by pastoralist conflict, wildlife crime and armed cattle raiding. If it is universalized and rigorously implemented, States can use the ATT as a normative framework for assessing and mitigating the risks that arms transfers will exacerbate armed violence in pastoralist communities, including cattle raiding and wildlife crime, as well as counterproductive, militarized approaches to controlling pastoralist regions. ATT implementation could include supporting programs that limit the risks of diversion and misuse of SALW and associated ammunition, as well as international, regional and national cooperation and assistance for human security and sustainable development. While the majority of African states have signed the ATT,

movement toward ratification has been slow outside West Africa. In particular, the level of accession in the East and Horn of Africa region—an area struggling with the human impact of pastoralist conflict—has been low.[6] Kenya was particularly crucial in this diplomatic victory, as one of the eight "co-authors" (seen as custodians of the process) of the 2006 General Assembly Resolution that launched the treaty process. However, Kenya has not yet joined the ATT.[7]

This article draws on and summarizes the findings of two more detailed reports written for the ATT Academy,[8] a 2016-2017 project that trained government and civil society personnel from East and the Horn of Africa on the treaty, implemented by Pace University and Control Arms with funding from the United Nations Trust Facility for Supporting Cooperation on Arms Cooperation (UNSCAR).[9]

Armed Violence in Kenya's Marginalized Regions

The East and Horn of Africa region is home to one of the largest concentrations of pastoralist communities—some 20 million people whose cultures and livelihoods have traditionally revolved around herding cattle, camels, sheep and/or goats.[10] Nomadic and semi-nomadic life-ways are well-suited and adapted to the arid and semi-arid Great

Rift Valley and surrounding savannahs. Seeking pasture and water through regular movement over wide areas, herders can avoid overgrazing and limit their impact on fragile ecosystems.[11] However, pastoralists in the East and Horn of Africa have been marginalized politically, economically, and socially. Colonial governments seized some of the best grazing land traditionally used by pastoralists, enclosing it for white settlement, government use, or for wildlife reserves. Pastoralist communities were often displaced into, or confined to, marginal areas. They were also subjected to neglect through systems of indirect rule, which armed and abetted proxies doing the state's bidding. Government interventions tended to be punitive and coercive, rather than offering investment in security and development. Such policies often continued into the postcolonial period.[12] Scarcity of water and pasture has been exacerbated by climate change and environmental degradation.[13]

In December 2016, at a Control Arms NGO meeting in Nairobi, Kenya, participants stressed the importance of not reading pastoralist conflict through the lens of "culture" (i.e. pathologizing nomadic and semi-nomadic people as somehow inherently problematic). Pastoralist conflict is often misrepresented as a localized, outmoded and "primitive" practice of "cattle rustling." Similarly, a 2016 Kenya Wildlife Service presentation to the ATT Academy noted that the participation of pastoralists in wildlife crime may be explained by their proximity to wildlife reserves and conservancies, which were often actually alienated from pastoralist communities. However, pastoralist conflict and wildlife crime is often a manifestation of broader conflicts in the region's "peripheries" and overlaps with tensions over power, wildlife conservation, land and water.[14] Cattle rustling and wildlife crime are also embedded in sophisticated organized criminal complexes and neo-patrimonial patronage systems. Arms trafficking connects patronage and stolen cattle or wildlife products through networks that extend throughout the region and even the world.[15] The proliferation of SALW and ammunition, commercialization of cattle trafficking, the globalization of wildlife trafficking networks, private enclosure of pasture, and political polarization have increased the stakes of conflict in pastoralist communities.

Using the ATT as a Framework for Addressing Armed Violence in Kenya

While support for the ATT remains strong in Kenya's diplomatic community, civil society and faith institutions, accession has been delayed by powerful countervailing forces. These include an executive branch skittish about global treaties following confrontations with the International Criminal Court and a security establishment that resents external scrutiny. However, the ATT offers opportunities to address the negative impact of the arms trade on pastoralist conflict and wildlife crime and also mitigate problems with militarized efforts to control them.

The weapons used in pastoralist conflict in the East and Horn of Africa region are often circulating from one country to another. Assault rifles from Ugandan government stockpiles in Moroto, looted by Karamajong militias in 1979, spread to Kenya.[16] Guns from the conflicts in Ethiopia, South Sudan, and Somalia have converged and circulated throughout the region.[17] While militarizing borders may seem like an obvious solution to trafficking in the region, it can often contribute to arms proliferation, since security forces may "leak" weapons to local groups and fuel the demand for illicit meat. Nevertheless, more careful controls on the movements of arms into and through the East and Horn of Africa region could contribute to stemming diversion to unauthorized users and uses. Given that much of the supply of weapons involved in pastoralist conflict in East and the Horn of Africa has come from state sources, much more needs to be done to limit diversion of guns and ammunition to unauthorized users and uses.

The ATT requires states parties to assess and mitigate risks that a transfer of conventional arms, ammunition, or parts and components will be used to "commit or facilitate" transnational organized crime, terrorism, serious violations of international human rights and humanitarian law, "serious acts of gender-based violence or serious acts of violence against women and children" or "undermine peace and security" (Article 7). If such risks exist, exporting states parties are obligated to collaborate with importing states in risk mitigation measures (Article 7.2). If an "overriding risk" remains, then the exporter "shall not" authorize the transfer. States parties are also required to "take measures to prevent" diversion of arms to unauthorized users or uses (Article 11). The ATT also contains more stringent prohibitions of any transfers of arms if a state party "has knowledge" that they "would be used in the commission" of genocide, crimes against humanity or war crimes (Article 6.3).

Transparent reporting on transfers, aided by the ATT, could thus be very useful in addressing armed violence in pastoralist communities, by aiding research on movements of weapons most at risk of exacerbating the situation. One potential avenue of ATT-mandated cooperation and assistance would be a more careful identification and analysis of arms trafficking in the region, tracking how guns move and potential sources of "leakage" from state stockpiles. Sharing this information could enable states—both in

the region and beyond—to target policy and programs to disrupt trafficking routes and prevent diversion of weapons to militias, gangs and organized crime networks. For example, states could improve data gathering and sharing within the CITES-mandated Monitoring the Illegal Killing of Elephants (MIKE) program. MIKE enables states to record and report the types of weapons and ammunition used in poaching in an international database, but it is currently underutilized. Other potential sources of information include police and military data on illegal firearms, as well as regional institutions engaged in cooperation on countering SALW proliferation (such as the Regional Centre on Small Arms [RECSA] in East Africa), as well as conservation (such as the Lusaka Agreement Task Force).[18] ATT anti-diversion measures should not only be directed at halting the illicit flow of weapons to cattle raiders and militias, but could also ensure that state security forces do not use the weapons they receive in ways that create insecurity, violate human rights or contribute to gender-based violence. The ATT can serve as a catalyst for improving export, import, brokering, transit and trans-shipment controls in smart ways. The information sharing, cooperation and assistance provisions contained within the ATT enable states to work together and engage in conversations about best practices.

Insecurity and poverty are key drivers of both pastoralist conflict and SALW proliferation. A lack of livelihood opportunities in the legitimate economy often provides incentives to engage in cattle raiding. Reducing both the supply of and demand for weapons used in pastoralist conflict thus requires peacebuilding as well as sustainable development efforts. For example, around Lake Nakuru National Park in Kenya, community groups have partnered with Kenya Wildlife Service to increase access to water, promoting sustainable rural livelihoods that reduce pressure on the park. The ATT encourages states parties to engage in "international cooperation," information -sharing, and provision of "international assistance" (including through a newly established "voluntary trust fund") (Articles 15 and 16). ATT states parties are also required to meet in annual Conferences of States Parties to review implementation. ATT-mandated measures could be used to build peace and development in regions where there is a nexus of pastoralist conflict, wildlife crime, and SALW proliferation. Membership in the ATT may also help with applications for development assistance, or peacebuilding and sustainable development programs that aim to address the root causes—marginalization, deprivation, persistent instability—of SALW proliferation.

Rather than seeing the ATT as a threat to Kenya's national security—as it is sometimes misunderstood by elements of Kenya's security establishment—the treaty offers avenues for building human security in communities suffering from armed violence. The ATT offers an approach to addressing armed violence and wildlife crime in pastoralist communities through rule of law, human rights, and international cooperation. As the Honorable David Musila, then Kenya's Assistant Minister for Defense, stated during the 2012 ATT negotiation conference:

> Kenya continues to suffer negative effects of unregulated trade of … SALW which is causing devastating impact on social, political and economic wellbeing of its people. … We realize that an ATT will not solve all the problems of the world. However, a robust legally-binding treaty on international arms transfers that will leave an effect in reducing the flow of arms from the legal to the illicit trade will certainly be a very important step in reducing human suffering.[19]

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A Worrisome Conundrum: Latin American Defense and Security Forces and Weapons Trafficking

By Wilder Alejandro Sanchez

Latin America continues to face internal and transnational security threats that include drug cartels, transnational gangs, insurgent movements, as well as street crime. Naturally, preventing criminals and terrorists from obtaining weapons is an objective for any government. This goal becomes even more complicated when the weapons in question are obtained from the very institutions that are tasked with combating criminal and violent organizations.

Tragically, in recent years there have been a number of incidents in which weapons were taken from military bases and police stations across Latin America; this suggests a lack of adequate security measures in such facilities at best, or collusion between corrupt defense personnel and criminal enterprises at worst. When it comes to preventing violent non-state actors in Latin America from obtaining weapons to commit crimes, step one should be, unsurprisingly, that they do not come from military and police depots.

Recent Cases from Regional Armed Forces

There are a number of recent cases of the theft of weapons from military depots across Latin America. For example, in early January 2016, two rifles were robbed from the Uruguayan Army's battalion "Florida".[1] One soldier was accused of helping criminals sneak into the facilities to steal the weapons. Unfortunately, these crimes have occurred before in the small South American state: in 2011

the Uruguayan daily El Observador reported that throughout the 2009-2011 period, as many as 19 weapons (15 FAL rifles, two submachine gun, and two Browning 9mm guns) were stolen from the Uruguayan air force and navy. Uruguayan sailors were found to have traded their weapons for recreational drugs.[2]

Similar thefts have also occurred in Peru: in early April 2017 as many as 130 grenades were stolen from the Peruvian Air Force's Punta Lobos base.[3] A year earlier, 18 Galil rifles were reported missing from the arsenal of the 115th ordnance battalion in Loreto region (in the Peruvian Amazon).[4] The hypothesis was that the weapons were delivered to FARC insurgents in Colombia or Brazilian criminals - the theft likely took place sometime in late 2015 but the weapons were only reported missing in January 2016.[5]

As for Bolivia, a group of Brazilian criminals, in cahoots with a Bolivian citizen, stole equipment from a Bolivian naval base in 2015.[6] The weapons taken included 11 rifles, five guns as well as ammunition.

One particularly troubling incident occurred in

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Colombia in 2015, as some 400 weapons (109 rifles, 87 pistols, among others, according to the Colombian media) were stolen from the artillery battalion "San Mateo de Pereira."[7] One sergeant and one soldier were reportedly charged for the theft.

Finally, in August 2017 there was a violent incident in Venezuela when a group of individuals (who apparently were anti-government, former military personnel) attempted to steal weapons from the Venezuelan Army's Paramacay base, where the 41st armored brigade is headquartered.[8] A firefight that reportedly lasted three hours between the military and the thieves, ensued, with several of the latter killed. It is unclear if any weapons were stolen.

Recent Cases from Regional Police Forces

As for weapons taken from police bases, there have been similar incidents, particularly in Mexico. For example, in October 2016, unidentified individuals entered a police station in Nezahualcóyotl, State of Mexico, overpowering the police officers. According to the local media, the criminals left with three handguns, one carbine and one shotgun.[9] That same month, 20 long-range and 10 short-range weapons disappeared from a different police station in Morelos region.[10]

Meanwhile, in late October 2017, 28 guns disappeared from a police base in Iquique, Chile.[11] The media reports on the incident stressed that the weaponry was not part of the local police's own depot, but rather that they were delivered there for safekeeping. The origin of the weapons aside, such a crime is very problematic.

Other recent thefts have been reported across police stations in Colombia, Costa Rica and Peru.[12]

Successful Recoveries

It is worth noting that there have been several successes when it comes to stopping these crimes and retrieving the lost weapons. Case in point, Uruguayan authorities foiled an attempt to rob an army base in Chuy in early July 2017—according to Uruguay's *El Pais*, one of the criminals was a former soldier.[13]

Additionally, many lost weapons have been retrieved. For example, in 2015, several individuals were detained in Brazil, and security forces retrieved the 11 AK-47 rifles that had been stolen from the aforementioned Bolivian naval base.[14] That same year the Chilean police (Policía de Investigaciones de Chile) recovered one Ingram Mac-10 machine pistol and one FN/FAMAE Norinco pistol, which had been stolen from a military base in Arica.[15] Also in 2015, the Colombian army reported that it had retrieved some 12 weapons out of the 400 that were stolen from a military base in Pereira.[16]

An Issue that Hinders An In-depth Analysis

Before we continue with our analysis, one disclaimer is necessary: The author has not been able to find reliable governmental statistics that detail how many weapons are missing from military and police depots. There have been sporadic reports that have tried to keep track of the data. For instance, a March 2015 article in the Argentine daily *La Nacion* explains that a preliminary report by the Comisión Provincial por la Memoria (provincial commission for remembrance) stated that, at that time, in Buenos Aires region alone, some 900 weapons were believed to be missing from local police stations, although that was a conservative estimate.[17] Similarly, a 2015 report in Peru's daily *La Republica* explains how, at the time, 86 members of the country's police and military were charged with stealing weapons from their respective units and police bases.[18] Colombia's renowned *Semana* has also reported on this problem.[19]

Similarly, research centers such as FLACSO and the Small Arms Survey have drafted occasional case studies about weapons trafficking in different Latin American states (Ecuador and Honduras, respectively).[20]

Nevertheless this problem requires constant monitoring not only by governmental offices, but also by non-governmental organizations in order to ensure transparency.[21]

Discussion

The objective of this essay is not to imply that Latin American criminals are exclusively obtaining weapons from military or police depots; in reality that number is probably minuscule when compared to other sources—many U.S. media reports consistently point out that most of the weapons Mexican cartels utilize come from the United States.[22] Nevertheless, this analysis has demonstrated that this is a recurring issue in the region, with missing weaponry that includes pistols, rifles, and grenades. It is *a* problem that should be addressed.

In many cases, weapons were taken from military bases or police stations because corrupt police or military personnel willfully cooperated with criminal organizations, begging the question: what convinces a Latin American police or military officer to provide criminals with weapons that will be most likely utilized against security forces?

When it comes to discussing the best practices to combat weapons trafficking, some suggestions are self-evident. Case in point, having a database with the model and serial numbers of missing weapons is necessary, so that when a gun is retrieved from criminal organizations, the authorities can track where said weapon came from. A problem with this

Seizures of weapons from drug cartels, such as this one in Mexico in 2011, are often featured in the news in Latin America. Less well addressed is the problem of those weapons coming directly from military or police sources, says Wilder Alejandro Sanchez. © 2011, Yuri Cortez/AFP/Getty Images

proposal is that, as aforementioned, many weapons are smuggled across border lines so that crime syndicate "X" in country "Y" uses a weapon that was taken from country "Z"—as was probably the case for the Galil rifles stolen in Peru. This is a particular problem for Ecuador, which serves as a corridor for weapons smuggled from Peru to Colombia (known as "ant-type smuggling" or *tráfico hormiga*).[23] Ideally, cooperation initiatives between regional police and armed forces should include greater sharing of information regarding the weapons that are seized from criminals.

There are already several agreements in place to promote record sharing between regional governments, such as the Inter-American Convention Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives and Other Related Material (CIFTA)[24] Additionally there are a number of bilateral agreements among hemispheric governments to combat crimes related to weapons trafficking—for example the governments of Ecuador and the United States signed an agreement to improve cooperation to combat crimes such as drug and weapons trafficking in late April 2018.[25]

Furthermore, there is something particularly disappointing about finding out that the individuals

tasked with protecting a country and its citizens from criminals and insurgents are precisely those providing the latter with weapons to attack the former. Is there a "best practice" that can be suggested for those specific crimes? Harsher prison sentences for those found guilty is an obvious option. In fact, several military and police personnel have been prosecuted (fairly or unfairly depends on how one interprets the evidence) for some of the aforementioned incidents: as a result of the missing Galil rifles, four army officers were given six-month prison sentences.[26] Similarly, in Chile, four ex police officers have been prosecuted for the missing guns in Iquique.[27]

Another suggestion would simply be, as naive as it may sound, stronger indoctrination courses in military and police academies, so that new recruits do not forget the pledge they are making to protect their country and fellow citizens, and how helping criminals obtain weapons is the polar opposite of said oath. A Latin American military officer interviewed by the author argued in favor of this proposal, arguing that "you can put five more guards, four more security cameras and three more locks at weapons arsenals, but such incidents will continue to occur… you have to train soldiers better, educate them better, pay them better."[28] On the other hand, another

Latin American army officer explained to the author, that such incidents should prompt armed forces to "take security measures of the weapons depots to the extreme."[29] There is certainly no one-stop-solution to address the issue of weaponry theft.

As a final point, it is important to highlight that the theft of weaponry from military bases is not a problem solely relegated to Latin America. In the U.S. "more than $1 million in weapons parts and sensitive military equipment was stolen out of Fort Campbell, Kentucky, and sold in a vast black market," according to an August 2017 report by the *Associated Press*.[30] Another theft occurred in the U.S. Army's facilities in Stuttgart, Germany, in 2016.[31] Without a doubt, "rotten apples" exist in defense and security forces across the world.

Final Thoughts

Weapons trafficking is a major crime across the world, as it adds the proverbial wood to the destructive fire that is crime and terrorism. Latin America is no exception to this problem as it is not difficult to find at least one incident within the last decade of wicked personnel who have helped criminals obtain weapons from military or police arsenals. To the credit of regional defense forces, several weapons have been successfully retrieved, but the lack of open-source data that shows how many weapons are missing from depots makes it difficult to figure out what quantities we are talking about.

In any organization, including those tasked with security and defense, it is inevitable that there will be bad personnel that will seek to profit by committing criminal acts, which apparently include providing weapons to criminal entities. But while avoiding such incidents may be a utopia, it is important for Latin American police and military forces to constantly come up with new preemptive strategies not only to prevent robberies from happening—like better salaries and stricter security protocols—but, when they do occur, to be able to quickly track them, particularly across borders. Weapons trafficking is a complex and very profitable crime, and Latin American security and defense forces should be combating it, not be involved in it.

The views presented in this essay are the sole responsibility of the author and do not necessarily reflect those of any institutions with which the author is associated.

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U.S. Security Assistance to Non-State Actors: Unintended Consequences and Long-term Instability

By Seth Binder and Robert Watson

Since the Cold War, the United States has been the dominant arms supplier in the world, providing billions per year in arms to well over 160 countries.[1] Most of the time these weapons go to the security forces of a sovereign state, but occasionally the United States has seen it in its interest to provide arms to non-state actors (NSAs), primarily rebel groups not sanctioned by their domestic state to take up arms. Despite the justifications for providing such lethal aid in the short-term, overwhelmingly the aid has not proven successful, resulting in unintended consequences and long-term instability.

There are justified reasons the United States may decide to provide security assistance to non-state actors, including support for counterterrorism operations, the responsibility to protect innocent civilians, pushback against foreign invasion, as well as other possibilities. For example, when the United States began providing the mujahideen with weapons in the 1980s, it not only helped protect innocent Afghans from callous attacks by Soviet forces, it increased the cost of the Soviet invasion until they ultimately withdrew a decade later. At a relatively low financial cost to the United States, it was able to protect lives and weaken its rival superpower.

However, even if we take the most generous view of U.S. intentions when providing security assistance and weapons to NSAs, several unintended consequences can and have occurred. In Afghanistan,[2] the United States trained and armed fighters who later went on to join al-Qaeda and other terrorist organizations, which ultimately led the United States to return in 2001 where it is still fighting in a nearly two-decades long war at the cost of trillions of dollars.[3]

More recently, the United States has been providing more than $2 billion[4] in weapons and training to Syrian rebels, with an additional $300 million requested for fiscal year 2019.[5] The rebels' specific task has been to help the U.S. coalition defeat the Islamic State (ISIS), but while Kurdish militias have seen success on the battlefield against ISIS, numerous reports have documented human rights abuses[6] by U.S.-trained Syrian rebels[7] and the diversion of U.S. provided weapons.[8] This has perpetuated the fighting and fostered new grievances among the victims. Yet, this shouldn't come as a surprise. U.S.-supported Nicaraguan rebels, commonly referred to as the Contras, were frequently accused of human rights

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Seth Binder and Robert Watson argue that the provision of weapons and training to rebels in Syria follows a long pattern of U.S. support to non-state armed groups that can perpetuate fighting and have long-term negative consequences. Pictured here a member of the U.S.-backed Mutasem brigades fires an anti-aircraft gun mounted on the back of a pickup truck as he receives heavy weapons training.

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abuses,[9] and trafficking drugs and weapons.[10] But they weren't the only ones. U.S.-supported UNITA rebels in Angola[11] and the mujahideen in Afghanistan have also received credible allegations of human rights abuses.[12]

Much of this comes down to the unavoidable principle-agent problem associated with the provision of arms to other forces. As the principle, the United States only has so much control over the Syrian rebels (the agent) receiving the equipment and training. The agents have different concerns, objectives, and goals, making it near impossible to guarantee arms will not be diverted, power abused, or objectives carried out.[13] Yet, US involvement makes it culpable.

In addition, security assistance to non-state actors is an inherently destabilizing activity. The weapons and training provided grant the recipients an extraordinary capacity for violence. Security assistance can be a powerful tool, but it is only as effective as the recipients' capacity to receive, contain, and direct these resources toward positive ends. States often struggle to fully implement the institutional frameworks required to prevent the misapplication of assistance; the challenge for non-state actors can be even greater.[14]

The problem of capacity is compounded by the fact that defense articles and training have a life span that can far exceed the scope of their intended use.[15]

Arms and ammunition linger in the communities that receive them. While U.S. policy, priorities, and interests turn to other areas, the arms and training remain, potentially creating long-term instability. Arms provided to the Contras in Nicaragua have been used by drug traffickers; UNITA rebels in Angola returned to the "battlefield";[16] and many of the mujahideen turned to international terrorism.

In part, this is why relations with neighboring states can be strained when providing NSAs with security assistance. But it is not the only reason. By injecting defense articles outside the pre-existing state structures, the United States undermines the "monopoly of the legitimate use of violence within a given territory."[17] This monopoly provides the foundation for state institutions, and underpins a state's legitimacy domestically and internationally. Unilaterally arming non-state actors upends domestic and regional security relationships already strained by conflict.

For example, relations with Turkey, a major NATO ally who sees the provision of arms to the Kurds as a direct threat, have been severely damaged by U.S. assistance to the Syrian Democratic Forces (SDF). This has led to U.S. allies fighting each other in Syria, detracting from the mission's original objectives and further destabilizing the region.[18] Former-

President Obama promised there wouldn't be mission creep,[19] but in Syria the United States is providing training and operations support, U.S. equipment to various state and non-state actors involved in the conflict, and has attacked the Syrian regime, Russian mercenaries, and Iranian-supported militias. Now the United States is coming dangerously close to being involved in direct fighting against Turkey. All risking a further conflagration of the region.

Whether U.S. assistance has turned to short-term responses, such as U.S. support for Libyan rebels, or the long-term engagement evidenced by current U.S. engagement in Afghanistan, problems have arisen. In 1984, a Congressional resolution stated that it would be "indefensible to provide the freedom fighters [mujahideen] with only enough aid to fight and die, but not enough to advance their cause of freedom."[20] Now, the US is providing the "Vetted Syrian Opposition" with just enough assistance to defeat ISIS and anger nearly every ally and foe alike, but not enough assistance to decisively end the conflict against al-Assad and the Syrian regime. Despite the different policy approaches, security assistance has perpetuated and further complicated the wars, while doing nothing to address the endemic problems at the heart of the conflict.

International attempts to regulate the arming of non-state actors have been restrained by the lack of an international consensus on the definition of a "non-state actor." The term is broad enough to include a range of groups, including armed rebels, warlords, private security companies, terrorist organizations, and even "semi" recognized states such as Taiwan and Kosovo. In 2001, John Bolton, then U.S. Under Secretary for Arms Control and International Security, rejected an effort to ban military aid to non-state actors defined as "irresponsible end-users of arms" on the grounds that this would "preclude assistance to an oppressed non-state group defending itself from a genocidal government."[21]

While a definition may not determine whether a group is a responsible end-user, it would give states a better idea of their own responsibility in providing weapons, and the risks associated with doing so. The Canadian delegation to the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, argued for a blanket ban on arms transfers to non-state actors, and attempted to include language in the preamble that would have emphasized states' responsibility in providing arms to non-state actors. However, due to U.S. opposition, neither effort made it into the final document.

One solution could be to forgo any UN consensus, and instead push for regional agreements. The ECOWAS Convention of 2006[22] and the Kinshasa Convention of 2010 define non-state actors and prohibit the transfer of small arms and light weapons to them. The ECOWAS Convention defines NSAs as "any actor other than State Actors, mercenaries, armed militias, armed rebel groups and private security companies." By comparison, the Kinshasa Convention defines "non-state armed groups" as any group that "is not part of the formal military establishment of a state, alliance of states or intergovernmental organization and over which the state in which it operates has no control."[23] While the definitions vary significantly, they both address the risk of arming NSAs, and contribute to a customary definition for the groups themselves. Regional arms control regimes like these could discourage interstate meddling, in that parties would have a vested interest in preventing proliferation in their neighborhood(s) and could provide a unified voice against outside intervention.

Ultimately, U.S. provision of security assistance to non-state actors carries enormous risk and should only be executed as policy after thorough cost-benefit analysis that weighs short-term benefits against the likely unintended long-term consequences. Mitigation strategies must also be considered to address the inevitable consequences if in fact assistance is initiated. Non-state actors' lack of institutional capacity, the lifespan of materiel provided, and the general inability of the United States to align its objectives with those of its non-state proxies exposes the tension between security assistance's long and short-term goals. An internal CIA study reportedly notes that covertly arming and training rebels has rarely worked in the past.[24] America's recent covert and overt support in Syria hasn't seemed to fair much better. While these policies have the potential to achieve short term objectives, they create lasting and long-term consequences that have too often failed to achieve peace and stability.

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Using Non-State Initiatives to Address Non-State Actors: Lessons from the Humanitarian Disarmament Approach

By Jeff Abramson

O ver the past two decades, an approach now termed "humanitarian disarmament" has had increasing success in creating multilateral instruments that ban some of the world's worst weapons, most notably landmines, cluster munitions, and nuclear weapons. At first glance, treaty-making would appear to have little relevance to non-state actors, who functionally have rejected the authority of their state. Yet, the humanitarian disarmament approach, when perceived more broadly and examined more closely, has had and continues to offer lessons for addressing non-state actors. The key is reframing the discussion as being about human security and using the power of civil society-led initiatives to create change.

This short essay looks more closely at efforts to: (1) convince armed non-state actors to abide by international agreements (namely the Mine Ban Treaty via deeds of commitment); (2) end production of banned weapons (primarily via the Stop Explosive Investments campaign related to cluster munitions); and (3) stop weapon creation by pre-emptive efforts led by scientists, industry and others (as relates to killer robots).

Humanitarian Disarmament

At the core of humanitarian disarmament is defining security at a human level, rather than using more traditional assessments of security based on a state's domestic strength or power relative to another state.

By defining security based on human needs, members of the International Campaign to Ban Landmines in the 1990s were successfully able to argue that victim-activated antipersonnel landmines were inherently indiscriminate, harming civilians long after hostilities ceased, and should no longer be used. The Mine Ban Treaty, which was one result of their efforts, is today one of the world's most successful international agreements—with use of factory-made antipersonnel mines now limited to only a small handful of states and non-state actors. The Convention on Cluster Munitions was concluded in 2008 and built on the same principles of banning an indiscriminate weapon. Humanitarian disarmament principles also guided the discussion around the unacceptable human

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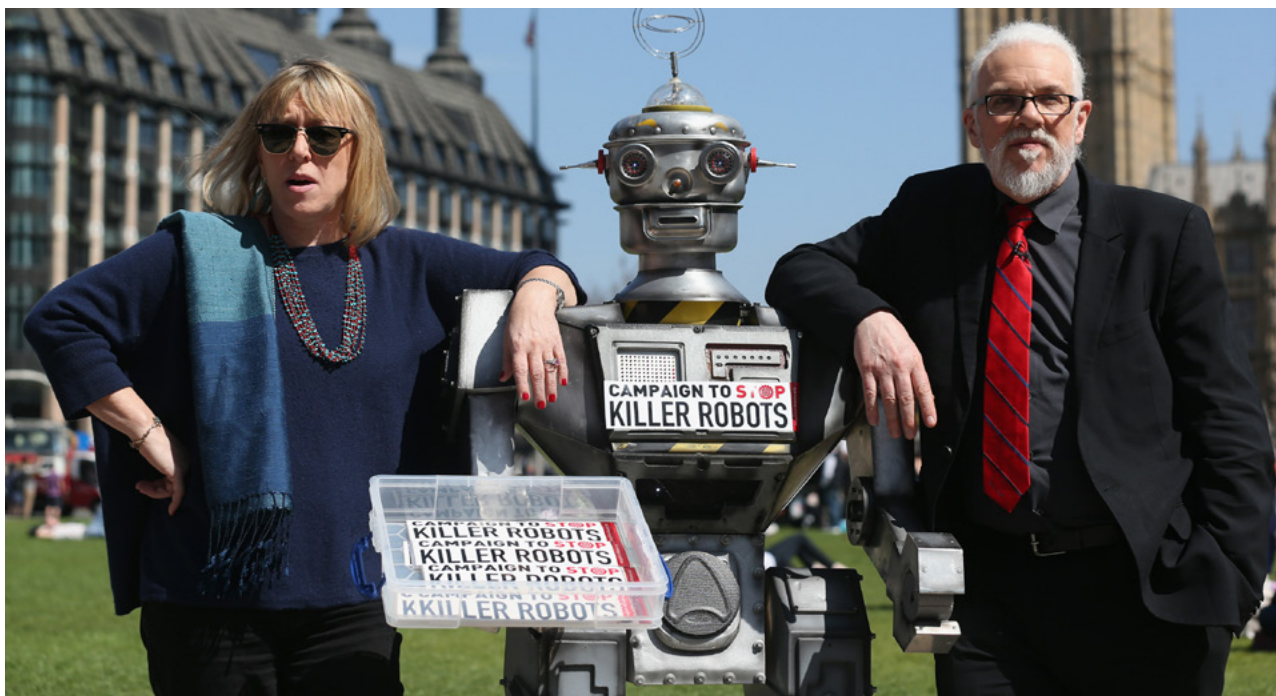
Jeff Abramson argues that humanitarian disarmament civil society-led initiatives, which can also be called non-state initiatives, do work to address non-state challenges. Pictured here Nobel Peace Laureate Jody Williams (left) and professor Noel Sharkey, the chair of the International Committee for Robot Arms Control, call for a ban on fully autonomous weapons at a 2013 launch event for the Campaign to Stop Killer Robots.
© 2013, Oli Scarff/Getty Images

consequences of nuclear weapons use and helped the International Campaign to Abolish Nuclear Weapons (ICAN) lead the world to conclude the Treaty on the Prohibition of Nuclear Weapons and garner the Nobel Peace Prize in 2017. Efforts to implement the first of these treaties have already resulted in significant destruction of weapons stockpiles, clearance of contaminated land around the world so it could be put to productive use, assistance to victims, and declines in new casualties.[1]

While these three treaties are the best-known examples of the humanitarian disarmament approach, additional efforts are ongoing to address current and potential future use of weapons in indiscriminate ways. For example, the International Network on Explosive Weapons (INEW) is working to tackle the use of weapons with wide-area effects in populated areas because they inflict instant and ongoing human suffering. As the name suggests, the Campaign to Stop Killer Robots seeks to prohibit autonomous machines from being developed and used, highlighting the dangers of lethal weapons that act without human control. And the Control Arms campaign, in continuing to promote effective implementation and universalization of the Arms Trade Treaty, focuses on addressing the humanitarian harm caused by the arms trade.

Convincing Non-State Actors to Abide by International Norms: Landmines and Deeds of Commitment

From a traditional security perspective, directly approaching armed non-state actors can be dangerous and is always fraught with the challenge of appearing to take the side or assessing the validity of an actor's deeds. From a human security perspective, however, there is value in making sure that armed non-state actors behave as responsibly as possible. Educating and attaining commitments from armed non-state groups can in some instances prove possible and useful.

One of the best known efforts was originally organized as the Non-State Actors Working Group of the International Campaign to Ban Landmines, but later became a separate organization named Geneva Call. Geneva Call engages armed non-state actors to adopt unilaterally the "Deed of Commitment" (officially "Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action"), by which armed non-state groups publicly sign and pledge to adhere to the norms embodied in the Mine Ban Treaty. Today, Geneva Call lists 52 armed non-state actors as having signed the deed of commitment relevant to landmines. A total of 63 have signed at least one

of what are now three deeds (the others are related to protection of children, and sexual violence and gender discrimination).[2]

This effort and other similar ones, while controversial, are examples of how the humanitarian disarmament approach to promotion of international agreements can have relevance to and impact the actions of non-state actors (as well as states).

[Please see essays in this publication by Yeshua Moser-Puangsuwan, and Maria Pia Devoto and Camilo Serna Villegas, for additional successful examples of reaching out to and working with non-state armed groups on landmine-related efforts.]

Ending Weapons Production: Stop Explosive Investments and Cluster Munitions

In 2009, the year after the conclusion of the Convention on Cluster Munitions, the first "Worldwide Investments in Cluster Munitions: A shared responsibility" report was published and the Stop Explosive Investment campaign launched. The report raises awareness about financial institutions that invest in cluster munition production, identifying both a "Hall of Fame" to recognize financial institutions that stop doing so, and "Hall of Shame" for those who do not. The campaign also identifies and encourages states to adopt legislation banning such investment. The latest report, published in May 2017, continued to identify new institutions for its Hall of Fame; additional countries and institutions have since stopped investment or stated that they would.[3]

Ultimately, this has successfully pressured some cluster munition producers to discontinue making the weapons. A key example is found in the actions of U.S. companies Textron and Orbital ATK that are not barred by U.S. law from producing cluster munitions, but have reiterated they would not do so even after U.S. policy changes last year walked away from government commitments to destroy certain stockpiles.[4] In March 2018, Orbital ATK sponsored an issue brief, which read in part "there is broadly supported consensus among the world's nations that CM [cluster munition] does not belong in modern military arsenals." It explicitly cited the disinvestment campaign as creating risk for companies and as contributing to the wisdom of moving away from cluster munition production.[5]

Using financial pressure to change behavior is, of course, not unique to humanitarian disarmament campaigns. But approaching human security challenges with these tools in mind brings recent developments on gun control efforts in the United States into new focus. In the wake of the outcry and advocacy after the February 2018 student shooting that killed 17 people at Marjory Stoneman Douglas High School in Parkland, Florida, many major financial institutions, stores, and other non-state entities took measures that stopped the sale of assault-style weapons, barred gun-purchasing transactions, cut ties to the National Rifle Association, or took other actions that broadly supported gun control.[6] This apparently spontaneous effort indicates the power of treating a weapons-related issue from a human security perspective and building financial and other pressure to convince non-state actors (broadly defined) to act differently.

Killer Robots: Actions by the Scientific Community To Pre-empt Weapons

Within the traditional state-based international arms control system, the Convention on Certain Conventional Weapons (CCW) is the current home for discussion about the creation and use of machines that can autonomously identify and use lethal force against humans. Called lethal autonomous weapons systems (LAWS) within that structure, but more popularly termed "killer robots," these weapons have been condemned by many who believe that machines should not be making life or death decisions and fear the human security consequences of doing so. While definitional issues of what constitutes "meaningful human control" continue to animate discussion at the CCW, 26 states have now agreed with the Campaign to Stop Killer Robots' conclusion that these weapons should be prohibited, as of the latest round of CCW meetings in April 2018.[7]

A key fear associated with the development of killer robots is their likely use by non-state actors, in part because they could be inexpensive and ubiquitous. Many scientists, artificial intelligence (AI) experts, and industry members, who have been key voices promoting the agenda against killer robots, have explicitly raised these concerns. A 2015 open letter against autonomous weapons, which as of early May 2018 had been signed by nearly 4,000 AI/robotics researchers, reads in part:

> Unlike nuclear weapons, they require no costly or hard-to-obtain raw materials, so they will become ubiquitous and cheap for all significant military powers to mass-produce. It will only be a matter of time until they appear on the black market and in the hands of terrorists, dictators wishing to better control their populace, warlords wishing to perpetrate ethnic cleansing, etc.

High profile signers of the letter, such as Elon Musk and the recently deceased Stephen Hawking, bring

international attention to the topic.[8] The issue is also raised among the global industrial elite, such as at annual World Economic Forum gatherings in Davos. Recently, national open letters signed by AI experts, in places such as Australia, Belgium, and Canada, have called on their governments to support a ban on killer robots. A fictional video depicting these concerns, "Slaughterbots," produced by a professor at the University of California now has had more than 2.5 million views on YouTube.[9] In April 2018, more than 3,000 Google employees signed a letter opposing work on weapons after learning about Google's involvement in AI technology that could improve drone targeting,[10] and controversy erupted at a South Korean university over possible collaboration with companies to make killer robots.[11] Ultimately, actions being taken by civil society, including among those who could be responsible for creating killer robots, are building a stigma against the weapons and could serve to pre-empt their use even before states decide exactly what they want to do.

Rethinking

A key lesson to learn from these diverse examples is to rethink the challenge of non-state actors. While state-based activity has its place, so too do efforts by civil society-led initiatives that directly engage or impact upon non-state actors, some armed and some responsible for producing arms. The creative work being done in support of humanitarian disarmament is grounded in concern about human security, which is often a better lens for thinking about security challenges. Many successes have been made to date, and a diverse array of approaches continue—all meriting greater attention and support.

ENDNOTES

1. See the latest editions of the Landmine Monitor and Cluster Munition Monitor for details on the use of these weapons, casualties caused by them, assistance to victims, clearance of contaminated land, and other related information, www.the-monitor.org.

2. "Deed of Commitment" and "Armed Non-State Actor" webpages found under the "How we work" section of the website, Geneva Call, https://genevacall.org/.

3. "Worldwide Investments in Cluster Munitions: A shared responsibility." PAX, May 2017, http://www.stopexplosiveinvestments.org/report. The Stop Explosive Investment website details more recent developments, including: "Japanese companies divest from cluster bombs" December 2, 2017, http://www.stopexplosiveinvestments.org/news/58/59/Japanese-companies-divest-from-cluster-bombs; and "Italy bans investments in cluster bombs producers," October 4, 2017, http://www.stopexplosiveinvestments.org/news/55/59/Italy-bans-investments-in-cluster-bombs-producers. Note, a similar report, "Don't Bank of the Bomb," first published in 2013 uses the same approach to identify investments in nuclear weapons production, and now supports the new Treaty on the Prohibition of Nuclear Weapons.

4. Textron spokesperson reconfirms that it will not make cluster munitions in John Ismay, "U.S. Will Keep Older Cluster Munitions, a Weapons Banned by 102 Nations," *New York Times*, December 1, 2017, https://www.nytimes.com/2017/12/01/us/cluster-munitions-pentagon-south-korea.html.

5. "Modernizing the U.S. Munitions Arsenal," Government Business Council, underwritten by Orbital ATK, March 2018, https://www.govexec.com/insights/reports/modernizing-us-munitions-arsenal/146953/.

6. See for example: Brad Tuttle, "All the Companies Cutting Ties With the NRA After Deadly Florida School Shooting" *Time*, March 1, 2018, http://time.com/money/5172471/nra-enterprise-first-national-bank-of-omaha-boycott-protests/; Kate Taylor, "Here are all of the retailers that have stopped selling assault-style rifles and changed firearm policies following gun-control activists' protests," *Business Insider*, March 2, 2018, http://www.businessinsider.com/retailers-change-gun-policies-after-gun-control-protests-2018-3; Stacey Samuel, "National Teachers Union Cuts Ties With Wells Fargo Over Bank's Ties To NRA, Guns," *National Public Radio*, April 20, 2018, https://www.npr.org/sections/thetwo-way/2018/04/20/604236275/national-teachers-union-cuts-ties-with-wells-fargo-over-banks-ties-to-nra-guns.

7. Find a list and recap of latest meeting at "Convergence on retaining human control of weapons systems," Campaign to Stop Killer Robots, April 13, 2018, https://www.stopkillerrobots.org/2018/04/convergence/.

8. "Autonomous Weapons: An Open Letter From AI & Robotics Researchers," Future of Life Institute, https://futureoflife.org/open-letter-autonomous-weapons/.

9. An overview of these and other developments in 2017 is found in "National campaigning against killer robots," Campaign to Stop Killer Robots, December 7, 2017, https://www.stopkillerrobots.org/2017/12/national-outreach/.

10. Scott Shane and Daisuke Wakabayahsi, "'The Business of War': Google Employees Protest Work for the Pentagon," *New York Times*, April 4, 2018, https://www.nytimes.com/2018/04/04/technology/google-letter-ceo-pentagon-project.html.

11. David Gilbert, "A South Korean university is building killer robots—and AI experts are not happy," *VICE News*, April 5, 2018, https://news.vice.com/en_ca/article/59j593/kaist-ai-killer-robots-weapons.

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