

Report from Norway

Executive Summary

Norway recognises that there is a strong interdependent and dynamic relationship between armed violence and development. Armed violence is a threat to development, and failed or lack of development can lead to armed violence. This relationship has been analysed and documented in depth by states, international organisations and civil society organisations. Norway supports the efforts undertaken by the United Nations within this area to map, analyse and alert member states to this interrelationship. If not properly addressed, armed violence severely reduces the attainability of the Millennium Development Goals (MDGs) by 2015.

There is a need to continue to promote adherence to, implementation of, common understanding of and further development of the international normative and regulative framework set up to protect people from the effects of armed violence. To capture the realities on the ground in areas affected by armed violence, actions need to be taken both within Human Rights and International Humanitarian Law.

Norway has developed a set of criteria for development assistance to armed violence reduction programmes. Common for all efforts to reduce armed violence, is that policy and programming need to be based on evidence from affected areas and to target clearly identified risk factors using multi-sectored interventions engaging relevant stakeholders and in cooperation with communities and national authorities.

Norway recommends the Secretary General to maintain the focus on the armed violence agenda as a key obstacle to reach MDG-targets and to include armed violence reduction in the MDG Review Process. Norway urges all Member States to support UN efforts to address the armed violence and development nexus, and to integrate armed violence reduction in national development plans and assistance programmes.

Introduction

UNGA resolution 63/23 on Promoting Development through the Reduction and Prevention of Armed Violence contains the following operative paragraphs:

Stresses the need for a coherent and integrated approach to the prevention of armed violence, with a view to achieving sustainable peace and development;

Requests the Secretary-General to seek the views of Member States on the interrelation between armed violence and development and, in close consultation with the relevant agencies, funds and programmes of the United Nations system,

and with the three United Nations regional centres for peace and disarmament, to submit a report to the General Assembly at its sixty-fourth session.

In order to formulate appropriate policy responses by the international community and the United Nations system to the challenge of addressing the interrelation between armed violence and development, the Secretary General has invited Member States to submit their Government's views on the issues.

Part I: Armed Violence and Development

Norway recognises that there is a strong interdependent and dynamic relationship between armed violence and development. Armed violence is a threat to development, and failed or lack of development can lead to armed violence. This relationship has been analysed and documented in depth by states, international organisations and civil society organisations. Norway supports the efforts undertaken by the United Nations within this area to map, analyse and alert Member States to this interrelationship.

Armed violence can be defined as follows:

The intentional use of physical force, threatened or actual, with arms, against oneself, another person, group, community or state that results in loss, injury, death and/or psycho-social harm to an individual or individuals and that can undermine a community's, country's or region's security and development achievements and development prospects.

Armed violence poses significant threats to development and counter hard-won development gains. The ready availability of small arms in contexts of growing socio-economic inequalities, rapid urbanization, unemployment and breakdown in rule of law increases the likelihood of armed violence and organized crime. Such violence puts a great burden on affected countries, erodes governance structures, jeopardizes development investments and destroys development achievements.

Armed violence occurs in different contexts, ranging from full scale international wars via low-intensity conflicts to situations that fall outside recognised definitions of armed conflicts. Armed violence may also be a serious threat to development and human security in non-conflict-situations. Similarly, certain development efforts, or lack of proper social and economic sustainable development, resulting in denial of political and social rights may contribute to heightened social tensions in non-conflict areas, which in turn may lead to incidents of armed violence. Poverty reduction, social inclusion and democratic participation may therefore be effective means to reduce armed violence.

Similarly, explosive remnants of war (ERW), including unexploded cluster munitions, landmines and other unexploded ordnance kill and maim, restrict movement, prevent cultivation of land and limit access to resources and services. Explosive remnants of war are also increasingly being used to develop improvised explosive devices (IEDs), with devastating consequences. Explosive remnants of war remain dangerous for many

years after the conflict where they were used has ended, and thus prolong the armed violence effects of the conflict into the post-conflict phase and even beyond that.

If not properly addressed, armed violence severely reduces the attainability of the Millennium Development Goals by 2015. Underlining the urgency to act are the additional pressures being generated by climate change and the global financial crisis. Both phenomena are increasing risks of violence and crime by increasing competition over diminishing resources (especially land and water) and by increasing unemployment and access to livelihoods.

Norwegian practice and policies

Addressing armed violence in all its shapes has been a core priority for Norway for more than a decade. Efforts to reduce incidence of and impact from armed violence have been multi-tracked. Support has been provided to programs aimed at reaching the Millennium Development Goals and at reducing armed violence in affected areas and assisting victims, as well as to initiatives aimed at strengthening and developing relevant international normative and regulative frameworks, including export controls, International Humanitarian Law and Human Rights instruments.

Armed violence is caused by a complex set of interrelated factors and several responses are needed to address the problems – involving areas like crime fighting, justice, public health, peace and reconciliation efforts, export-controls and development. Strategies to address and reduce armed violence must reflect this complexity.

The normative framework

In general there are two sets of international instruments relevant to protecting people against armed violence; Human Rights instruments and instruments of International Humanitarian Law. Human Rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of Children, codify the right of all people to live safe from armed violence.

International Humanitarian Law, including the Geneva Conventions and its protocols, regulates the means and conduct of armed conflicts and aims to protect civilians from unacceptable harm during armed conflicts.

Norway has contributed actively to the development and implementation of several new international instruments and initiatives that in various ways address the multi-faceted issue of armed violence. This includes all relevant Human Rights and Humanitarian Law instruments, including the 1997 Mine Ban Convention and the 2008 Convention on Cluster Munitions; the Convention on the Rights of Persons with Disabilities, the Optional Protocol on Child Soldiers, the ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the worst forms of Child Labour, the UN Protocol (2001) against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Ammunition, supplementing the UN Convention against

Transnational Organized Crime (CATOC) of 2000, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the UN program of Action on Small Arms, Security Council resolution 1325 on Women Peace and Security and the International Criminal Court. Currently, Norway works actively within the Arms Trade Treaty process and the Geneva Declaration on Armed Violence and Development.

There is a need to continue to promote adherence to, implementation of, common understanding of and further development of this international normative and regulative framework set up to protect the lives and safety of people from armed violence. To capture the realities on the ground in areas affected by armed violence, actions need to be taken both within Human Rights and International Humanitarian Law in ways that ensure mutual reinforcement between the two sectors. Furthermore there is a need to complement the instruments with efficient response mechanisms – such as the International Criminal Court, mandated to prosecute individuals for use of armed violence amounting to either genocide, crimes against humanity or war crimes. This would for instance include serious violations of IHL such as intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities, and the intentional launching of attacks in the knowledge that the incidental loss of life to civilians or civilian objects would be clearly excessive to the concrete and direct military advantage anticipated (the proportionality principle). Another important area is related to the efforts to identify the direct participants to hostilities. The International Committee of the Red Cross has taken the lead on this work, which may help to reduce the scope of armed violence during armed conflicts.

The strengthening of the international normative architecture has led to a stronger focus on the humanitarian and developmental costs incurred by war, armed conflict and armed crime. Landmines and cluster munitions provide an illustrative example: These weapons were until recently seen as legitimate weapons that could be used well within the constraints of the Laws of War. In both cases empirical data from affected areas established that these weapons caused unacceptable harm to civilians, and a majority of Member States found that their use would lead to indiscriminate and disproportionate effects. The processes that lead to these Conventions and the Conventions themselves will result in a global standard against the use of these and other weapons with similar effects. This standard gains acceptance also by non-states parties. Evidence suggests that an increasing number of armed non-state actors also respect this standard.

Progress can also be found in the development of and adherence to norms to protect civilians in armed conflict. War tactics aimed specifically against women and children, such as rape and recruitment of child soldiers, have now been explicitly recognized as war crimes by the ICC Statutes, and this has already led to indictments.

Understanding the differentiated gender impacts of armed violence – whether in the home, during armed conflict or in immediate post war contexts – is necessary for developing appropriate and gender-sensitive interventions and programs.

Victims of armed violence are increasingly recognized as having rights to assistance and rehabilitation, as well as being given standing as experts on how best to address incidence of and impact from armed violence. This has been most articulated with the landmine and cluster munitions processes, and backed up by the Convention on the Rights of Persons with Disabilities.

Within the international normative and regulative architecture, one major challenge remains on small arms driven armed violence in low-intensity or post-conflict zones and areas affected by organized crime. Most victims of violence do not die in war, but as a result of violent acts in their own communities. Small arms violence constitutes a widespread and complex problem, not easily addressed with one specific international instrument. Norway supports international measures and processes to prevent illegal trade in and the spread of small arms, and to achieve measurable reductions in armed violence, including the UN Program of Action, the Firearms Protocol, the Arms Trade Treaty process and the Geneva Declaration process.

Many of the instruments above address the supply of weapons and other instruments of armed violence. Stopping the use of certain weapons and reducing circulation of and access to arms and ammunition are core features of armed violence reduction actions. At the same time it is crucial to address the driving forces behind the demand for weapons and other instruments of armed violence. Therefore armed violence reduction strategies need to combine measures that address both supply and demand.

The Millennium Development Goals defines concrete and measurable aims and strategies for international actions on sustainable development. Because lack of proper social, political and economic development may increase the risk of armed violence, actions to fulfil the MDGs may significantly reduce incidence of and impact from armed violence.

The programmatic work

Norway supports projects aimed at reducing incidence of and impacts from armed violence in Africa, the Americas, Asia and Europe. Support flows to a broad spectre of approaches and actors and include projects within: mine action and ordnance mapping and clearance; assistance to victims and survivors; demobilization, disarmament and reintegration of former combatants; and security sector reform and efforts to control the flows of small arms. In addition, Norway supports several research and documentation projects, such as the Landmine Monitor, Norwegian Initiative on Small Arms Transfers and the Small Arms Survey.

Norway cooperates with the United Nations, the International Committee of the Red Cross and other international organizations, regional organisations, national and local civil society, national authorities and international NGOs in this work.

Norwegian financial support is structured along two axes; short-term humanitarian assistance and long-term developmental assistance.

On the development side, Norway contributes to the MDGs through support to sustainable development, poverty reduction, peace and reconciliation, and post-conflict reconstruction processes.

For the humanitarian assistance, a set of criteria for prioritization of support has been developed to ensure armed violence reduction relevance, including:

- Activities should have a humanitarian orientation and measurable effects within strengthened protection of civilians during and after armed conflicts by:
 - Reducing threats from mines, cluster munitions and other explosive ordnance
 - Reducing use and proliferation of small arms and ammunition
 - Supporting rehabilitation and social inclusion of victims and their families
- Activities should increase the knowledge base and understanding of the problem and its possible solutions by mapping and analysing, and by making lessons and experiences accessible for other actors
- Activities should be in accordance with national plans and priorities in the affected area and take place in coordination with relevant UN-organisations and other humanitarian actors
- Activities should assist states in meeting their obligations under relevant international treaties
- Activities should support efforts to meet national development goals and the MDGs
- Activities must recognise the differentiated gender impacts of armed violence in developing appropriate and gender-sensitive interventions and programs
- Activities with non-state actors shall contribute to their increased respect for International Humanitarian Law and Human Rights
- Activities should support implementation of IHL and HR conventions and contribute to further development of these.

Common for all efforts to reduce armed violence, is that policy and programming need to be based on evidence (using data, empirical assessments and contextual analysis) from affected areas, and that efforts need to target clearly identified risk factors using multi-sectoral interventions engaging relevant stakeholders in cooperation with local communities and national authorities.

Part II: Domestic policies

Addressing armed violence in Norway

With approximately 1, 3 million firearms owned by civilians, Norway has one of the highest density per capita of private gun-ownership in Europe. Regulations of gun ownership have gradually become stricter over the past decade, and include obligations to keep arms and ammunition physically separated in individually secure steel safe-boxes, and provisions for law-enforcement personnel to inspect private stores of arms.

The most recent revision of regulations¹ brings Norwegian arms ownership control in line with EU regulations.

Ordinary police are unarmed and do not carry service weapons outside special duties. The amount of military service arms stored either in private homes or in unguarded stores has been drastically reduced over the past decade as a result of change in policies.

Amnesties to encourage registration or collection of unregistered arms are implemented occasionally, most recently in the fall of 2008.

Arms Export Controls

Norway's strategic export control regime is governed by the Act of 18 December 1987 No. 93 relating to control of the export of strategic goods, services and technology (Export Control Act). No goods, services or technology that may be of significance for another country's development, production or utilisation of products for military use, or that may directly serve to develop a country's military capability, or goods or technology that may be used to carry out terrorist acts, cf. section 147 a) of the Penal Code, may be exported without the permission of the Ministry of Foreign Affairs. List I (weapons and military materiel) and List II (dual-use goods) includes the products and technology for which such permission is required. Control of technology also includes control of intangible transfers of technology.

The Act prohibits from trading in, negotiating or otherwise assisting in the sale of weapons or military materiel from one foreign country to another without special permission.

In addition, a licence is required for export of any goods, technology or services for military purposes to areas where there is a war or the threat of war, or to countries where there is a civil war, or to areas that are subject to an arms embargo adopted by the UN Security Council pursuant to Chapter VII of the UN Charter.

The regulations of 10 January 1989 made by the Ministry of Foreign Affairs lay down further rules on implementation of export control. These regulations include the requirement for a licence for the export of goods and appurtenant technology on List I (weapons and military materiel) and List II (dual-use goods). A licence is also required for exporting certain technology, including intangible transfers of technology, technical data, production rights for goods, and certain services. Furthermore, the regulations include provisions concerning exemptions from the licensing requirement and administrative provisions concerning the retention of licences and the authority of the Ministry to set conditions for granting licences.

¹"Våpenforskriften" July 2008

During the entire post-war era there has been broad political consensus in Norway on the control of the export of defence materiel. This is based on a government statement of 11 March 1959, which states that: "In making the decision, importance shall be attached to foreign and domestic policy assessments, and the primary consideration should be that Norway will not permit the sale of arms or munitions to areas where there is a war or the threat of war, or to countries where there is a civil war." In a decision of the same date, the Storting "takes note of the statement made by the Prime Minister on behalf of the Government. The Storting declares most emphatically that arms and munitions may be exported from Norway only after a careful assessment of the foreign and domestic policy situation in the area in question. In the Storting's opinion, this assessment must be conclusive of the question whether such goods are to be exported." The Ministry of Foreign Affairs' assessment of these conditions includes a number of political and technical questions, such as issues relating to democratic rights and respect for fundamental human rights.

In 1997, the Storting unanimously endorsed a clarification related to the 1959-decision, stating that "an assessment by the Ministry of Foreign Affairs should include consideration of a number of political issues, including issues relating to democratic rights and respect for fundamental human rights."

Norway aligned herself with the EU Code of Conduct on Arms Exports in 1998. Since 2004, a closer cooperation with the EU within the framework of the Code of Conduct has been conducted, including regular exchange of information on how the eight criteria set out in the Code of Conduct are applied in the assessment of applications for licences to export defence materiel from Norway. The EU Common Position on Arms Exports adopted in December 2008 is formally reflected in the Norwegian export control rules since May 2009.

Part III: Key actors in Norway

Government

The Ministry of Foreign Affairs (MFA) is the main actor involved in developing policies and supporting program activities within armed violence. In 2009, the MFA established a 2-year project on Humanitarian Disarmament that will be the coordinating body within policy development and programme support for actions on mines, cluster munitions and armed violence.

The strategic direction for the project on Humanitarian Disarmament has been formulated in "*Norway's Humanitarian Policy 2008*" and further elaborated upon in the parliamentary White Paper on Humanitarian Policy from 2009. The MFA works closely with other ministries and directorates relevant to these issues, in particular the Ministry of Defence, the Ministry of Justice, the Norwegian Agency for Development Cooperation (NORAD) and the Norwegian Defence.

Research Institutes

Several Norwegian research institutes undertake research and policy-work relevant to the armed violence agenda. These include: International Peace Research Institute, Norwegian Institute on Foreign Affairs, Christian Michelsen Institute, Tromsø Mine Victim Resource Centre, Sophie Minde Institute, Norwegian Defence Research Establishment and Fafo Institute for Applied International Studies. The MFA places importance on evidence-based policy development and works closely with these independent institutions on several processes, and occasionally commissions research work in support of ongoing processes.

Civil Society

A broad range of Norwegian NGOs are involved in armed violence related work. They include women's groups, religious communities, development organizations, peace and human rights organisations. Some have large programme portfolios within certain aspects of the sector, such as humanitarian mine action and small arms initiatives, while others take part in global and domestic coalition initiatives. Key actors in 2009 include Norwegian Red Cross, Norwegian People's Aid, Norwegian Church Aid, Save the Children, Norwegian Refugee Council, the Atlas Alliance, Trauma Care Foundation, Norwac, Norwegian Peace Council, Forum for Development and Environment and Women's International League for Peace and Freedom.

Norway has a long tradition of cooperation between government and non-government institutions. Hence, active dialogue with civil society has been a cornerstone of Norwegian humanitarian initiatives. Consultations between government institutions and civil society on policy and program activities are held regularly at many levels, civil society representatives are included in official delegations where relevant, and specific expertise from civil society on particular issues is utilised to inform and develop policies and practise.

On the international level, Norway works closely with relevant United Nations organisations, such as the UNDP, UNHCR and UNICEF, as well as with international NGOs and NGOs from other countries where relevant.

Part IV: Recommendations

To UNSG

- Strengthen the focus on the armed violence-agenda – as a key obstacle to reach MDG-targets – and include armed violence reduction in MDG review processes
- Develop goals, targets and indicators to achieve measurable reductions in armed violence – and explore the possibility of incorporating these targets and indicators into existing MDGs or to develop a new goal (post 2015)
- Ensure that the Armed Violence-agenda has a clear home within the UN – either through a lead agency or an inter-agency partnership with a strong mandate and adequate resources, and ensure cooperation with other international organizations such as the World Bank and regional development banks

- Develop a coherent approach to address armed violence that cuts across the disarmament, development, International Humanitarian Law and Human Rights sectors
- Develop an understanding of the situation in affected areas and base development of policies and responses on these analyses
- Include the victims and survivors on all levels in the processes
- Include civil society in all relevant processes
- Build efforts on existing and emerging normative frameworks within Human Rights and International Humanitarian Law
- Integrate armed violence reduction in overall development policies and frameworks (including United Nations Development Assistance Frameworks)
- Strengthen the emphasis and focus on children and women in conflict and especially on the implementation of SR 1820 and SR 1325.

To Member States

- Support UN efforts to address the armed violence and development nexus
- Integrate armed violence reduction in national development plans and assistance programs
- Ensure an evidence-based approach (data, assessments and analysis) to inform policy and programming
- Include victims and survivors of armed violence on all levels in processes
- Include civil society in processes
- Increase resources for armed violence reduction programming
- Ensure integrated government approaches to armed violence reduction and develop appropriate coordination mechanisms
- Assess the actual situation in the affected areas, communities and peoples and use this as a reference and build policies from bottom-up
- Ensure national implementation in accordance with SR 1820 and SR 1325.

Appendix:

- 1) International treaties Norway is party to relevant for armed violence reduction.