aus einem Rüstungswettlauf entstehen, zu wenig berücksichtigen. Eine staatenübergreifende, internationale Wahrnehmung gemeinsamer Interessen zur Initiierung Präventiver Rüstungskontrolle fehlt. Dass sich dies jedoch auch ändern kann, hat das historische Beispiel des ABM-Falles gezeigt. Auch im Fall der Robotik sind staatenübergreifende Lernprozesse denkbar, die zu einer verstärkten Wahrnehmung der negativen Folgen eines ungehinderten Rüstungswettlaufs für die Sicherheit aller Beteiligten ins Zentrum rücken.

Die Fragen nach der Definition der zu verbietenden technologischen Optionen, der Gewinnverteilung und den Verifikationsmöglichkeiten sind zwar wichtig, um die Erfolgsaussichten der Regimebildung im Bereich der präventiven Rüstungskontrolle bewerten zu können. Die Analyse jedoch nur darauf zu konzentrieren, genügt nicht. Vielmehr müssen gerade auch die dominierenden Denkmuster und deren Alternativen wieder verstärkt in den Blick genommen werden, um die oben genannten Lernprozesse zu initiieren.

The Role of Civil Society in the Control of New Weapon Technologies: The Case of 'Less Lethal' Weapons

Abi Dymond and Brian Rappert*

Abstract: This article sets out some of the difficulties involved in attempting to control technologies – in particular, those weapons sometimes termed 'less lethal' – and argues that, faced with such challenges, civil society can support regulatory efforts in five distinct, yet inter-linked, ways. Yet, the act of fulfilling such roles, whilst valuable in many ways, can also bring with it inherent tensions and ambiguities that we ignore at our peril.

Keywords: Less lethal weapons, Science and Technology Studies, civil society, governance
Schlagworte: Weniger tödliche Waffen, Wissenschafts- und Technologiestudien, Zivilgesellschaft, Steuerung

1. Introduction

The end of the Cold War has seen a marked increase in the production, use and transfer of so-called 'less lethal' weapons, in law enforcement and military contexts alike. Yet comparatively little attention has been given to the thorny issue of their governance, and in particular what role the civil society can and should play within this. This article tackles this issue, outlining some general difficulties in regulating weaponry, before arguing that civil society stakeholders have an important role to play. Five distinct, yet inter-linked, facets of this role are elaborated. Yet, civil society involvement is not a panacea, and is not without its challenges. Ultimately it is argued that the responsibility lies with state actors to ensure that the weapons they select for use are adequately tested, controlled, and evaluated.

Before elaborating on these points, some definitions are necessary. First, we use the term 'less lethal' weapons to refer to a class of weapons which, in general, have as their stated aim to "subdue or incapacitate" rather than to cause "serious harm or death".[1] As we are at pains to underscore later on in the article, while this term is now well established, we do not accept it as an unproblematic reflection of the intent or outcome of such weapons in practice. We focus predominantly (albeit not exclusively) on this class of weapons – drawing our examples from technologies as varied as chemical irritants, electric-shock weapons and acoustic devices – for several reasons.

First, there is a growing demand for such weaponry – with the global less lethal weapons market estimated at $1.4 billion in 2011[2], and expected to treble by 2020[3] – which brings to the fore issues around the trade, use, monitoring and evaluation of such technologies. However, standard setting efforts have rarely kept pace with technological developments. Indeed, whilst standards for the use of lethal forces are relatively well understood, standards for the use of less lethal weapons are much more ambiguous. In practice their use can prove highly controversial. For example, whilst Article 3 of the UN Basic Principles on the Use of Force and Firearms states that less lethal weapons should be 'carefully evaluated' and 'carefully controlled', what this might mean in practice is not clearly spelt out. This is perhaps not surprising in light of the vast range of less lethal technologies now available; the differing claims that are made for, and about, their relevance, utility and lethality; and the undone science around their functioning and effects.

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1 W. P. Bozeman and J. E. Winslow (2005), 'Medical aspects of less lethal weapons.' *International Journal of Rescue and Disaster Medicine,* 5(1), 37–47.

2 Business Wire (2012), *Homeland Security Research Corp.'s New Market Research: Non-Lethal Weapon Technologies to Transform 21st Century Conflicts* available online at http://www.businesswire.com/news/home/ 20120405005511/en/Homeland-Security-Research-Corp.%E2%80%99s-Market-Research-Non-Lethal (accessed 15th January 2015).

3 Summary of Homeland Security Research Publication Non-Lethal Weapons: Technologies & Global Market – 2012-2020 in Report Linker (2011), *Non-Lethal Weapons: Technologies & Global Market – 2012-2020,* http://www.reportlinker.com/p0799475-summary/Non-Lethal-Weapons-Technologies-Global-Market-.html (accessed 26th September 2012).

However, this lack of agreed standards means that the rapid proliferation and evolution of less lethal weaponry can provide us with an interesting opportunity to look at the role of civil society in more detail, and to examine how, and to what extent, it can assist in such processes of evaluation and control.

Second, cognisant of the need to go beyond what Kraska calls the 'military/police dichotomy',[4] we look at the role of civil society in attending to the use of weaponry in a range of contexts. Many less lethal weapons are used in environments traditionally classified as law enforcement and military in character. For example, the family of acoustic devices known as LRAD (discussed in the final section of the article) is advertised as having a range of military and policing applications.[5] Some have argued that the weapon was initially manufactured primarily for military use[6] and that few tests have been done on its applicability for use in the crowded, built up, urban settings that may characterise police use.[7]

Third, we use a broad, inclusive notion of civil society that includes academics as well as national and international NGOs and pressure groups. It is important to stress that focusing on the role of civil society is not to detract from the important role to be played by the state. Indeed, as the primary users and core regulators, the onus for the control and evaluation of less lethal weapons rests in the main with agencies of the states, national ministries and departments (and to a lesser extent inter-state organizations). Instead, we seek to elaborate both on the variety of roles that civil society can take, and on the bounds to these roles.

2. Difficulties in Control

Our analysis is rooted in the recognition that the control of technology in general is often characterized by uncertainty and disagreement; features that can figure intensively for weaponry. Building on long-standing academic analyses of technological assessment,[8] elsewhere one of us was involved in outlining demands and difficulties associated with evaluating weapons in the context of armed conflict as well as some of the major inputs that can be made from civil society.[9] That previous analysis will serve as a framework for examining less lethal weapons in this article.

The difficulties associated with controlling weapons are many. To name only a few: the potentially substantial and irreversible harms to life involved; the typically complex, fraught, and sequestered away contexts of use; the long lead time between the development of weapons and the accumulation of evidence about their effects; the scope for debate about what counts as excessive force and how it can be prevented; the comparative resources inequalities between promoters and detractors of weapon systems; the entrenchment of technologies within the practices of individuals and organizations; and the prevalence of government and commercial secrecy.

These considerations exist alongside those associated with controlling technology in general. As Collingridge argued, attempts to control technology are situated on a horn of a dilemma.[10] Technologies are most easy to control at their initial stages of development. In time, the extent of resources development, the formation of routines and career structures built around technology, the establishment of beliefs – processes that can happen in a wide range of organisations, amongst them NGOs – can also mitigate against the introduction of prohibitions, restrictions, or other forms of regulation, or particular forms that regulation might take. And yet, while intervention might be easier early on, it is more difficult to justify then too because negative consequences cannot be documented. To this central dilemma, Collingridge advocated establishing conditions in which it is possible to maintain flexibility and to learn from experience about the adoption of technologies.

3. The Roles of Civil Society

Nonetheless, despite the conditions that frustrate the control of technology, those from civil society, international government organizations, and some governments have introduced widely ranging international and national limits on what counts as permissible violence. The 1997 Mine Ban Treaty and the 2008 Cluster Munition Convention are prime examples of the potential for collaborations with civil society. Based on the lessons of such experiences, five key inter-related roles for civil society working in armed conflicts were identified by Rappert and others: [11]

- Information gathering
- Analysing
- Framing
- Re-defining
- Communication and representation

In this section we consider these roles in relation to less lethal weapons across a wide range of situations.

4 B. Kraska (2007), 'Militarization and policing – Its relevance to 21st century police' *Policing*, 1(4), 501–513.

5 Please see the LRAD Corporation website http://www.lradx.com/site/ (accessed 15th January 2015).

6 Canadian Civil Liberties Association v. Toronto Police Service, 2010, ONSC 3525 COURT FILE NO.: CV-10-404640 DATE: 20100625 Point 42. Available online at http://www.cavalluzzo.com/docs/default-source/cases/2010-onsc-3525-canadian-civil-liberties-association-v-toronto-police-services---adrienne-telford.pdf?sfvrsn=2 (accessed 15th January 2015).

7 The court in the Canadian Civil Liberties Association v. Toronto Police Service case discussed in more detail later in the article – a case centering around the use of the acoustic device the LRAD by police forces – noted that the test results available to them were 'conducted in an open, rural area (the Deerhurst air strip), on sunny days with light winds. As a result, I did not have before me any results from tests conducted in an urban environment, such as downtown Toronto, where the LRADs most likely would be used for crowd communication or control'. Ibid, point 21.

8 Joseph Morone and Edward Woodhouse (1986), *Averting Catastrophe*, University of California, Berkeley; Charles Lindblom, (1979), 'Still muddling, not yet through' *Public Administration Review,* 39, 517-26 and A. Rip, T. Misa, and J. Schot (1995), *Managing Technology in Society*, Routledge, London.

9 B. Rappert, R. Moyes, A. Crowe and T. Nash (2012), 'The roles of civil society in the development of standards around new weapons and other technologies of warfare' *International Review of the Red Cross* 94(886), 765-785.

10 David Collingridge (1980), *The Social Control of Technology*, St. Martin's, New York.

11 B. Rappert, R. Moyes, A. Crowe and T. Nash (2012), 'The roles of civil society in the development of standards around new weapons and other technologies of warfare' *International Review of the Red Cross* 94(886), 765-785.

3.1. Information Gathering

The compilation of data on the effects of weapons is a central basis for devising appropriate controls. This applies to both their pre-deployment testing and post-deployment monitoring. Especially in relation to the aim often ascribed to 'less lethal' weapons – namely to result a lesser amount of harm than some alternative option (or in the words of the Principle 2 of the UN Basic Principles on Use of Force and Firearms to 'increasingly restrain… the application of means capable of causing death or injury to persons) – the collection of data is an essential requirement to evaluate whether they meet such expectations. This is compounded by the conditionality of effects. If used too often, too closely, too long etc. then the claimed relative diminishment of harm can be anything but. Therefore, monitoring the in-practice deployment of the category of weapons is crucial. Civil society can further information gathering in their demands to authorities and weapons manufacturers, through collecting such data themselves, and through this building recognition what information deficiencies need redress.

The history of the introduction of less lethal weapons indicates many grounds for concern about the extent and quality of information assembled by developers and users.[12] To mention but one example, in the past one of us (Rappert) examined the introduction of CS chemical incapacitant sprays into police forces in England and Wales in the mid-1990s. Against public concerns, governmental officials at the time repeatedly offered assurances about their safety. The scrutiny given to the sprays was said to be akin to that given to pharmaceutical drugs. Through drawing on the work of individuals and organizations in civil society as well as independent research, however, it was possible to document many deficiencies in what was known by UK Home Office and individual police forces.[13] This applied both to the pre-approval testing and evaluation of the sprays as well as their post-deployment monitoring. With regard to the former, while the British government failed to elaborate the basis for its assurances, through the work of civil society it was possible to understand that determination of safety were based on testing the effects of CS and its solvent on their own, not in the spray form, as well as against a recognized sparsity of research about the effects of the combination of CS and its solvent. Such work also helped demonstrate issues with the manufacture of such products, with the company that manufactured the sprays allegedly admitting that it had not been measuring the concentration of CS in its products.[14]

With regard to post-deployment monitoring, critical points related to: the limited surveillance mechanisms that were in place to monitor (especially the long term) effects on those sprayed as well as on officers unintentional contaminated, the use and aftercare requirements, and the failure to undertake follow-up research acknowledged as important.

On the basis of experiences from the deployment of a number of less lethal weapons in the UK and elsewhere (with a specific focus on electroshock Tasers), we as authors have recently drawn a number of additional lessons for agencies bringing in less lethal weapons, including the need to improve research design and methodologies; reform the basis of evidence gathering; acknowledge the science that remains undone, and to heed the science when it is available.[15]

3.2. Analysing

In practice, as the above examples show, the gathering of data and evidence is only an initial step and one that is of limited utility in itself. Information needs to be assessed and imparted with meaning for decision making. This invariably requires more than just scientific or medical input about the effects of force, but also demands attention to normative considerations. In relation to the use of violence, which harms matter, how, and what these mean for the actions of the police and the military are topics where active consideration and debate should be fostered.

Those in civil society can play important roles in this regard, such as:

- *Identifying patterns of potential or actual (mis)use of less-lethals that may be of concern*. For example, a series of reports published by Amnesty International in 2004 and 2008 – widely cited in the academic literature – highlighted the deaths of more than 330 people after being struck by Taser and identified patterns of use of concern, including multiple or prolonged shocks and use with restraints.[16]
- *Assessing the adequacy of evidence and analysis*. This might entail a critique of the lack of randomized studies and quantitative data analysis but might also entail recognition that such analyses are not always possible in certain circumstances – and that this should not forestall taking action when there are other grounds.[17] This role might also entail a critical analysis of the evidence that is available to date, an activity particularly crucial in the debate around less lethal weapons where much evidence may be generated by the manufacturers or by those affiliated with them. This can carry its own risks. Indeed, an article by Azadani and others[18] found that those studies

12 See N. Davison (2009), *'Non-Lethal' Weapons* Palgrave Macmillan, London and B. Rappert (2003), *Non-Lethal Weapons as Legitimizing Forces?: Technology, Politics and the Management of Conflict*, Frank Cass, London.

13 B. Rappert (2003), 'Health and safety in policing', *Social Science and Medicine,* 56(6), 1269-1278.

14 Wright, S. and Evan, R. (1999) 'British police face a CS gas attack' *The Guardian,* Thursday 8th July. Available online at http://www.theguardian.com/science/1999/jul/08/freedomofinformation.politics (accessed 16th January 2015).

15 A. Dymond and B. Rappert (2014), 'Policing science: the lessons of Tasers', *Policing* 8(4), 330-338.

16 Amnesty International (2004), *United States of America – Excessive and lethal force? Amnesty International's Concerns about Deaths and Ill-treatment Involving Police Use of Tasers,* Amnesty International, London and Amnesty International (2008), *Less Than Lethal? The Use of Stun Weapons in US Law Enforcement,* Amnesty International, London. Cited in a variety of academic publications including, for example, J. Ho, W. Heegaard, D. Dawes, S. Natarajan, R. Reardon and J. Miner (2009), 'Unexpected arrest-related deaths in America: 12 Months of open source surveillance', *Western Journal of Emergency Medicine,* 10(2), 68–73; J. Macdonald, R. Kaminski, and M. Smith (2009), 'The effects of less-lethal weapons on injuries in police use-of-force events', *American Journal of Public Health,* 99(12), 2268–2274; and D. Zipes (2012), 'Sudden cardiac arrest and death following application of shocks from a TASER electronic control device', *Circulation,* 125, 2417-2422.

17 A. Dymond and B. Rappert (2014), 'Policing science: the lessons of Tasers', *Policing*, 8(4), 330-338.

18 P. Azadani, Z.H. Tseng, S. Ermakov, G. Marcus, and B. Lee (2011), 'Funding source and author affiliation in TASER research are strongly associated with a conclusion of device safety', *American Heart Journal,* 162(3), 533–537. For a response, please see G. Vilke, C. Sloane, and T. Chan (2012), 'Letters to Editor: Funding source and author affiliation in TASER research are strongly associated with a conclusion of device safety', *American Heart Journal,* 163(3).

funded by Taser were nearly 18 times more likely to find that the device was safe than studies without such an affiliation.

- *Evaluating the adequacy of oversight systems in place*. This can be done, for example, by arguing for the need for enhanced data collection around police use of less lethal force and subject injuries in order to be able to start to evaluate the impact, effect and injury rates of different force options.[19]
- *Highlighting undone science around particular weaponry technologies, and research that is yet to be done* – as noted with regards to the information deficiencies around CS spray.

The need for such efforts can be appreciated against the backdrop of the standards for the assessment of any weapon under international humanitarian law. Article 36 of Additional Protocol I to the Geneva Conventions of 1949 stipulates that signatories review new weapons, means, or methods of warfare for their compliance with international law. And yet, few states today carry out formal reviews, the ones that do are overwhelmingly cloaked in secrecy, and even rarer still are ongoing reviews conducted based on battlefield experience.[20] There is no binding international requirement for similar reviews to be conducted for weapons intended for use by law enforcement.

3.3. Framing

The framing of issues is also part of meaning making about acts of violence. By 'framing' we refer to the ideas that structure a sense of what is taking place and what needs to be done about it. By challenging and changing the way in which force is framed, civil society can offer new understandings and possibilities.

For instance, kinetic, chemical, electroshock, and other weapons put under the label of less lethal weapons can result in death and serious injury. A question is how those outcomes are understood. One framing would be to consider individual cases. Instances of force could be examined regarding whether the users involved acted inappropriately, or whether the specific circumstances in question raised problems for achieving minimal harm. In the absence of evidence of intentional abuse, harm could be judged as regrettable, but unavoidable. This way of making sense of injuries is common enough in justifications put forward by security agencies. In contrast, putting injuries together within a wider context – say the failure over time to monitor casualties, to establish appropriate guidelines or reprimand those that violate them, or to disclose information about what took place – can offer a background that suggests something more systematic and troubling at work.[21]

The pervasiveness of framing can be noted by reflecting on the terminology of any topic. Whether we call the search for new weapons for crowd control based on pharmacological drugs the search for 'incapacitants', 'chemical weapons', 'non-lethal chemical weapons' or 'toxic weapons' suggests much about the merits of the pursuit. Questions about terminology also extend to the terms of this article. While we have used 'less lethal' as the overall category, perhaps the most common label for the weapons under discussion here is 'non-lethal weapons'. Although the search for weapons with varied effects has a long history, by the mid-1990s a number of leading police and military proponents had advanced the encompassing term of 'non-lethal weapons' to further funding and development. As noted in the introduction section to this article, what is often seen as holding such technologies together is the intent to find options short of lethal force – typically represented by firearms. As argued before,[22] much of the critical attention from civil society since has centred on the accuracy of 'non-' or 'less-' lethal designations.[23] In practice a consequence of this has been to accept casting the debate at one extreme of the force spectrum. The comparing of 'lethal' versus 'non-lethal' weapons engendered though obscured that the latter were not simply being used as a replacement to lethal force. Rather, the situation in which force was regarded as appropriate was changing with the introduction of such weapons.

3.4. Redefinition

The role of redefinition is similar to framing, but is meant to signal issues that extend beyond how the problems, causes, and remedies with individual weapons or weapon types are framed. Rather redefinition is to point to the implicit thinking and conventions that structure debates.

As an example, take the standing of weapon systems. Unanticipated or problematic consequences can be understood in a variety of ways, which each suggests a sense of the sources of concern. Often weapons are conceived of as neutral tools. Just as a common knife might be used to hurt an innocent person, defend oneself, or perform everyday tasks in the kitchen, so too this has been argued with other weapons. When thought of as mere tools, the aim and intent of users become the dominant areas of consideration. In the right hands weapons can be used for good, in the wrong hands for ill. Proponents of weapons systems have often relied on such thinking to shape the understanding of what is at stake with the introduction of weapons.[24]

In contrast, those in civil society have chosen to attribute a definite moral standing to weapons, at least at times. Biological weapons represent perhaps the clearest case of this. It does not matter whether, when used in specific situations, certain forms of biological weapons can result in discriminate injury under international humanitarian law or prove less injurious than comparative force options that might be used. Today, through the work of civil society and many governments, biological weapons are simply unacceptable, both morally and legally.

An additional example might be that of body worn electric-shock weapons (devices which are fitted on different parts of the body – most commonly worn around the waist, wrist,

19 J. Payne-James, E. Rivers, P. Green and A. Johnston (2014), 'Trends in less-lethal use of force techniques by police services within England and Wales: 2007–2011', *Forensic Science, Medicine and Pathology,* 10, 50–55.
20 B. Rappert, R. Moyes, A. Crowe and T. Nash (2012), 'The roles of civil society in the development of standards around new weapons and other technologies of warfare' *International Review of the Red Cross* 94(886), 765-785.
21 B'Tselem (1998), *Death Foretold,* B'Tselem, Jerusalem: 10.
22 B. Rappert (2012), *How to Look Good in a War: Justifying and Challenging State Violence,* Pluto, London, Ch. 6.
23 See N. Davison (2009), *'Non-Lethal' Weapons,* Palgrave Macmillan, London.
24 B. Rappert (2001), 'Scenarios on the Future of Non-lethal Weapons', *Contemporary Security Policy,* 22(1), 50-74.

ankle, or thigh – and deliver an electric shock when activated by remote control). In stressing not only the physical effects and pain generated by the shock itself, but also the mental suffering generated by simply wearing a weapon capable of generating such a shock at another's push of a button, attention is drawn to what are presumed to be the inherent, definite characteristics of the device itself. Following input from civil society and advocacy organisations, these weapons have been internationally condemned as unacceptable by a number of different fora, including international and regional torture prevention bodies. Thus the Council of Europe's Committee for the Prevention of Torture (CPT) opposes "the use of electric stun belts for controlling the movement of detained persons, whether inside or outside places of deprivation of liberty" and the UN Committee against Torture has recommended that stun belts should be "abolish(ed)...as methods of restraining those in custody". The European Commission has classified "electric-shock devices which are intended to be worn on the body by a restrained individual, such as belts, sleeves and cuffs… (which have) a no-load voltage exceeding 10 000 V" as a device "which has no practical use other than for the purpose of torture and other cruel, inhuman or degrading treatment or punishment" – again stressing the moral standing of the weapon in question.[25]

There are though other ways of defining the standing of weapons that do not locate their acceptability in either the user or the technology 'itself'. Indeed, the science and technology studies literature, amongst it a train of thought associated with Actor-Network Theory (ANT), challenges us to question such binary oppositions, and to pay attention to a 'third possibility',[26] namely, that via complex interactions of agency[27] both technology and user are transformed. In this, unforeseen outcomes are generated. In this way of thinking, we need to consider the possibility that weapons may interact with human agency to impact both officer and subject actions in complex, often unforeseen ways. Take, for example, the red-dot laser sight available on Taser products. This has come to be seen not just as an aide to assist with the targeting of the metal probes the device fires, but as a function with an ability to assist in de-escalating situations and in altering subject behaviour. When asked about the benefits of Taser for the co-author's doctoral research, police officers commonly refer to the red-dot function. Typical comments include stating that the red-dot is 'very effective' in resolving situations, or indeed that it is the 'best thing' about the weapon. Others officers tell stories illustrating the use of the function 'as a deterrent', and highlighting the importance of the visual element, that the subject can 'look down and see (it)'. Such examples show that if we are interested in the effective and appropriate regulation of less lethal technologies, we need to look not just at the intent of 'users', and the characteristics of 'weapons' – important though these are – but also to look at how these can be mutually constructed, and can evolve over time. This in turn reinforces the point made earlier about the role that civil society can have in analysing patterns of use – a role made all the more crucial with the potential for such patterns of use, and rationales, to shift over time.

3.5. Communication and Representation

Civil society can foster critical attention toward the commitments behind and the consequences of weapons. Communications are tied up with the framing and (re-)definition of situations, and the aforementioned examples of Cluster Munitions, mines, and body worn electric-shock weapons may well represent examples of how NGO efforts at communication and representation can assist with widespread renouncement. Another way in which NGO attempts at communication and representation can bring about reconsiderations of force is via strategic litigation. For example, in 2010 Canadian NGOs initiated court action over the Toronto's Police proposed use of the acoustic device the LRAD (Long Range Acoustic Device) around the G20 summit in Canada. The LRAD can be used as a communications device (i.e. as a loudspeaker or a megaphone) but also has an 'alert' function, which transmits a high-pitched piercing sound. They submitted that the mere possibility of the device being used in the latter mode (or in the former mode, if used at a level above relevant health and safety legislation) may have a 'chilling' effect on the right to protest, was 'largely untested', had not been approved for use by the relevant authorities and might reasonably result in 'temporary or permanent loss of hearing'.[28] Their case resulted in a partial injunction, with the Court finding that the 'Toronto Police Service's standard operating procedures for the use of the Alert function on the 100X and 300X models permit the exposure of demonstrators to an undue risk of hearing damage' and resulted in restrictions on the manner in which the alert function could be used,[29] potentially setting an important precedent.

4. Conclusion

This article has set out some of the difficulties involved in attempting to control weapons technologies and argued that in the face of uncertainty and disagreement civil society has a valuable role to play in gathering information, analysing, framing, re-defining, communicating and representing issues associated with less lethal weapons and other technologies.

Yet in so doing, such efforts also highlight the important ambiguities that come along with such a role. This includes: first, the consequences of how debates unfold due to the actions and inactions of civil society. We mentioned either the question of whether focusing on and contesting claims about the lethality of weapons may have detracted attention

25 Omega Research Foundation (forthcoming, 2015) *The International Manufacture, Trade, and Use of Body Worn Electric Shock Equipment: A briefing for law enforcement, correctional officials, oversight bodies, human rights monitors and trade control officials,* Omega Research Foundation, Manchester.

26 B. Latour (1994), 'On technical mediation: philosophy, sociology, genealogy', *Common Knowledge,* 3(2), 31.

27 A. Pickering (2008), *Against Human Exceptionalism* Written for a paper presented at ''What Does It Mean to Be Human'; University of Exeter 2008.

28 Paul J. J. Cavalluzzo and Michael D. Wright (2010), *Factum of the Moving Parties Canadian Civil Liberties Assn. v. Toronto (City) Police Service,* Canadian Civil Liberties Association, Toronto. Points 26, 58 and 4ii, respectively. Available online at http://ccla.org/wordpress/wp-content/uploads/2010/08/2010-06-21-Factum-of-the-Moving-Parties-CCLA-et-al-v.-TPS-and-OPP-C0121406.pdf (accessed 15th January 2015).

29 Canadian Civil Liberties Association v. Toronto Police Service, 2010 ONSC 3525 COURT FILE NO.: CV-10-404640 DATE: 20100625 Point 137. Available online at http://www.cavalluzzo.com/docs/default-source/cases/2010-onsc-3525-canadian-civil-liberties-association-v-toronto-police-services---adrienne-telford.pdf?sfvrsn=2 (accessed 15th January 2015).

from whether such weapons are reducing the amount of force used, or are facilitating more force than before. Second, issues of representation – or what, in ANT terminology, one could describe as some NGOs becoming an 'obligatory point of passage' for those who have been subject to particular uses of force. Representations made of the effects of weapons are bound up with important considerations about the voice and standing given to those affected. Given the potential for the availability of less lethal weapons to expand the situation in which force is used – and thus who is considered a legitimate offender – how affected individuals are represented and advocacy claims about them are made, is a matter of some importance. Third, and relatedly, it is also worth paying attention to broader factors – for example, around the formal constraints on what can be studied, the structures of research organizations, and professional expectations about what is worth knowing – that may delimit where the attention both of civil society, and of other actors, gets directed.

Finally, it is crucial that the active involvement of civil society is seen as a complement to, and not a substitute for, efforts by the state. Indeed, if the benefits of civil society engagement are to be fully realised, there is a need for states to conduct an open and honest dialogue with such stakeholders and for sustainable funding to be made available to support them in their work. States should also ensure that the results of testing conducted on weapons, and the guidelines and other policies that impact on their use, are made publicly available, and that detailed statistics on the use of less lethal weapons are collated and published.

Kleinwaffen in alle Welt? Chancen und Grenzen der Kontrolle in der internationalen Politik

Simone Wisotzki*

Abstract: The illicit trafficking of small arms and lights weapons (SALW) remains a considerable challenge for peace-building efforts and the prevention of violent outbursts of conflicts. The chains of illicit proliferation of SALW often commence as legal transfer of weapons between states. This article reflects upon the diverse sources of illicit proliferation, its consequences for human and state security, and the two main global governance efforts to tackle these problems. States need to take the regulations more seriously and further their implementation. As one of the leading SALW-exporting countries, Germany bears a special responsibility of restraint regarding its SALW arms export policy.

Keywords: Proliferation, small arms and light weapons, arms export policy, armed violence
Weiterverbreitung, Klein- und Leichtwaffen, Rüstungsexportpolitik, bewaffnete Gewalt

1. Einleitung

Die Proliferation von Klein- und Leichtwaffen[1] ist ein globales Problem mit erheblichen Folgekosten. Nur allzu oft beginnt die unrechtmäßige Verbreitung dieser Waffen und ihrer Munition als legaler Rüstungsexport von Staat zu Staat, um in Drittländern Streitkräfte oder Polizei auszustatten. Unzureichende Sicherungsmaßnahmen solcher Waffenbestände, fragile Staatlichkeit, defizitäre Sicherheitssektoren, Korruption, Retransfers der Waffen aufgrund politischen Kalküls oder strategischer Interessen[2] – die Gründe, die aus legalen Exporten und staatlichen Arsenalen unrechtmäßige Kleinwaffen werden lassen, sind vielfältig. Die direkten und indirekten Folgen der Kleinwaffenproliferation sind beträchtlich. Jährlich sterben im Durchschnitt 526.000 Menschen an den Folgen von Schusswaffengewalt. Nur etwa zehn Prozent davon sind Opfer kriegerischer Gewalt, die große Mehrheit der Menschen wird infolge von Gewaltverbrechen getötet (SAS 2013: Chapter 1 Summary). Die indirekten Folgekosten der Proliferation von Klein- und Leichtwaffen sind vielfältig und ungleich schwerer zu beziffern. Jedenfalls trägt ein hohes Aufkommen an unrechtmäßigen Kleinwaffen zur Destabilisierung von Staaten und Gesellschaften bei. Beispiele zeigen, dass Kleinwaffen auf unterschiedlichen Wegen nahezu ungehindert in Konfliktgebiete gelangen und dort zur Gewalteskalation führen (SAS 2014: 215-218).

Seit mehr als zehn Jahren müht sich die Staatengemeinschaft, Regelungen zur Bekämpfung des unrechtmäßigen Kleinwaffen-

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1 Nach wie vor gibt es keine einheitliche, internationale Definition, welche Waffenkategorien die Klein- und Leichtwaffen umfassen. Das UN-Expertenpanel zur Kleinwaffenproblematik von 1997 schlug eine weite Definition vor, die beispielsweise auch Revolver, Sportwaffen und Munition umfasst. Diese umfassende Definition konnte sich in den Verhandlungen des UN-Kleinwaffenaktionsprogramms von 2001 nicht durchsetzen: Munition, Revolver/Pistolen und Sportwaffen sind hier ausgenommen (Greene/Marsh 2012: 2). Der deutsche Rüstungsexportbericht verwendet den Kleinwaffenbegriff der OSZE sowie der EU. Als Kleinwaffen werden militärische Handfeuerwaffen (Maschinenpistolen/-gewehre, Sturmgewehre und leichte Maschinengewehre) begriffen, Leichtwaffen sind von einer Person oder Mannschaften tragbare leichte Waffen, insbesondere tragbare Raketen- und Artilleriesysteme. Der Rüstungsexportbericht (2014: 27) verweist darauf, dass zivile Waffen wie Jagd- und Sportwaffen, aber auch Selbstverteidigungswaffen (Revolver/Pistolen) in diesen Definitionen und damit auch im Berichtswesen nicht eingeschlossen sind.

2 Von Retransfer wird gesprochen, wenn die Waffenexporte nicht im Zielland verbleiben, sondern von diesem weiterverbracht werden.