

- *When do you have the right to oppose?*
- *What are the existing international rights conventions which would provide a basis for these rights?*

It needs to be made clear as to what the existing legislation is and what commitments governments have already made so that policy makers may make their decisions based on these responsibilities. It has been argued that where international norms are widely accepted, NATO should hold responsibility for maintaining these norms. This, however, becomes difficult to conceptualise when all international commitments are not taken into consideration.

It is a radical concept to think that the state has a monopoly over the means of violence, and if so, does this mean an individual has recourse against the state for not protecting him/her? Canada is struggling with this very problem.

Recommendation:

- ▶ Creation of a research study of a primarily legal nature to map the current conventions and regimes, and to understand who and what they control. This study would be to gather further information and to analyse, for example, the language of the European Union Code of Conduct among other international and customary laws. The study would also synthesize the international legal aspect concerning the arms trade and the transfer and control of SALW. Moreover, new protocols and plans need to be included in this analysis, such as the Arias Plan and its implications.

5. Towards a Consistent Approach – Implications

- *Do we need to apply the same fundamental standards to states as to non-state actors?*
- *How can the issues of good governance, justice and policy framed in human rights be brought back into the discussion surrounding SALW?*
- *Can we restrict transfer to non-state actors if at the same time we do not ensure proper controlling mechanisms?*
- *How do we ensure that states and non-state actors abide by the same international standards relating to the sale of arms?*

Given the complexity of the problem, any solutions must ensure dialogue with non-state actors, must ensure a human rights based justice and governance system, and must address how much of the harm is likely to be addressed by current initiatives and existing conventions. Towards these goals, there is a need for more critical analysis of the emergence of non-state actors including the role of the state and the processes surrounding state collapse.

There is a definitive need to ensure that the same standards of international humanitarian law are applied to states and non-state actors alike. There cannot be a norm on prohibiting arms to non-state actors without prohibitions on the transfer of arms to states likely to infringe upon the human rights of its people. The international community must accept responsibility by shutting down the supply of SALW to all aggressive parties and not just non-state actors.