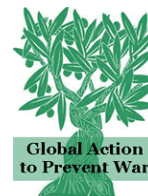


MGE Monitor
NGO reporting and analysis on the
Meeting of Government Experts on the
UN Programme of Action on small arms
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A case for regionalization

Katherine Prizeman | Global Action to Prevent War

As the MGE continues to discuss the technical and practical challenges of implementing the UNPoA, there has been significant reference to existing regional cooperation as well as a call for further such collaboration. Ambassador McLay devoted a section of his pre-meeting papers to ‘Regional Cooperation,’ which is encouraged in the provisions of the ITI. More specifically, the UNPoA emphasizes regional cooperation for tracing purposes, including the strengthening of information exchange.

Several delegations have already made reference to regional efforts to improve implementation of the UNPoA. Sudan, Kenya, and the DRC all referred to the Nairobi Protocol for the Prevention, Control, and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa signed in 2004 by the countries of Burundi, DRC, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Seychelles, Sudan, Tanzania, and Uganda. These states compose a region that is severely affected by the proliferation of small arms resulting in sustained armed conflict, crime, and degradation of the environment. This regional instrument represents a tool to directly address the

challenges present in the implementation of the UNPoA.

The Nairobi Protocol is representative of states that are generally not manufacturers of small arms, but rather subject to the illicit trafficking through import of SALWs. As such, the Protocol calls for national legislation to criminalize the illicit trafficking, manufacturing, and possessing of small arms as well as the falsifying of markings on SALWs. Furthermore, the Protocol calls for the strengthening of sub-regional cooperation among national police, intelligence officers, and border control agents. In addition, states parties are called upon to improve national databases, communications systems, and upgrade equipment technologies. States are urged to establish inter-agency groups of relevant bodies to improve information sharing. The Protocol covers both civilian-owned and state-controlled SALWs and places great importance on marking, record keeping, and tracing as the tri-fold approach to implementation of the UNPoA. Markings are required at the point of manufacture as well as time of import. States parties are urged to keep adequate records of SALWs for no less than 10

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years. Other relevant provisions of the Protocol cover disposal of seized SALWs, voluntary surrender of weapons, and harmonization of information exchange.

Illicit trade in SALWs is inherently a transnational issue that penetrates porous borders and fuels issues that are a regional concern and demand a regional response. The security and well-being of the region is at stake. Furthermore, this sub-region of Africa is particularly vulnerable to illicit trafficking in SALWs because of exacerbating circumstances such as internal political strife, terrorist activities, and extreme poverty. Although these circumstances are not entirely particular to this group of states, they do form the basis for necessitating a comprehensive strategy for addressing illicit trade in SALWs in this sub-region of non-manufacturing importers of arms. Such a comprehensive strategy would inevitably change depending on the set of circumstances particular to a group of cooperating states. That is to say, the comprehensive strategy for Latin

American and Caribbean states would undeniably emphasize different priorities to better address the specific concerns of that region.

Such a Protocol does not ensure successful implementation, but indeed it does provide further solidification of a legal framework to support cooperation on an issue, which necessitates a response buttressed by regional support. By nature, the ITI and the UNPoA cannot be operational in national political silos. Both the ITI and the broader UNPoA necessarily require that states, no matter to which region they belong, cooperate with other states to ensure successful implementation of the UNPoA and, in turn, stymie the illicit trade of SALWs. Even the most discriminate and meticulous national system of marking is deemed worthless if sufficient tracing and record keeping is not sufficiently carried out by cooperating countries in contact with those same marked arms.

A rare moment for reflection

Jessica Erdman | Global Action to Prevent War

On the second day of the Open-Ended Meeting of Governmental Experts (MGE), delegations were asked to perform a rare task—to reflect and comment on the shortcomings of their national implementation of the UN Programme of Action (UNPoA). This acknowledgement of capacity gaps and implementation obstacles by member states allowed the conversation to move toward an unusually candid analysis about the current condition of attempts to combat illicit trade in small arms and light weapons (SALWs).

The Chair, Ambassador Jim McLay, framed the discussion by requesting states' views on marking, and later in the afternoon, record-keeping of SALWs. Ambassador McLay proposed questions ranging from the obstacles of accurately recording data to the difficulties of transferring manual-based records to electronic records. States offered sobering analyses of their best practices, and at times, requested international cooperation and assistance in achieving these goals.

Delegations such as Australia and Kenya noted the difficulties that come with funding shortfalls for reducing SALWs. Without adequate funding, strategic plans can fall short of their functions: to prevent and combat illicit trade in small arms. The Republic of Tanzania suggested looking at Australia's method of record-keeping for its cost-effective nature. Gary Fleetwood of the Australian Crime Commission offered a comprehensive explanation of the Australian method of recording firearms. Mr. Fleetwood pointed out that first and foremost, the purpose of keeping records is to identify and isolate a firearm against all others. Noting that firearms can exist for over a century, Mr. Fleetwood explained the Australian method of identifying firearms by using descriptors, such as the barrel, manufacturer's name, caliber, and serial number. The combination of these features allow their entry into a courtroom as evidence when necessary.

Other delegations aptly observed that if record-keeping systems are to be so meticulous as to allow firearms to be used as evidence in a case, those who are responsible for entering and maintaining the data must be provided with the proper training. Trinidad and Tobago and France in particular highlighted the need for strong record-keeping, while Canada and Norway highlighted the need for more training of police officers, as well as training workers in new technologies/software systems.

There is great variance in the methods of record-keeping by states. The Democratic Republic of Congo and Mexico have a system that reports directly to the Ministry of Defense. The United States, on the other hand, has a decentralized reporting system, with legislation that prohibits the creation of a national registry. Norway has a system that combines national and local levels to create a multi-layer record-keeping system.

Mr. David Kimaiyo of Kenya offered another point of view on the issue of record-

keeping management during his presentation. Mr. Kimaiyo noted Kenya's use of best practice guidelines, as well as a regional instrument, the Nairobi Protocol, which was used when creating the database system. However, no matter the system of record-keeping, all delegations were able to agree that record-keeping is the first step towards combating the illicit arms trade.

States openly recognized the capacity gaps in implementation of the UNPoA, whether due to geographic locations, such as Sudan pointed out, or simply due to inadequate funds, poor training, or lack of national legislation. We can only hope that these reflections will be used not just in an open-ended meeting, but when developing policy and implementation strategies on an international, regional, and national level. By asking states to look inward, Chair McLay has framed the MGE for states to engage in substantive and interactive discussions, rather than proclamation of statements in member states' national capacities.

Exploring how to apply development in the arms treaty

Deepayan Basu Ray | Oxfam

Experts and representatives from UN agencies, member states, and civil society met recently to explore how strong developmental criteria could be included in an Arms Trade Treaty (ATT). The meeting, organised by UN Women, UNICEF and Oxfam, concluded that the treaty needs to have a strong basis in development in order to be successful in preventing the conditions that have given rise to the need for such a treaty. The summary report (below) provides an overview of the key conversations at the event which took place under the Chatham House Rule.

The argument that that development is not affected by armed violence is difficult to defend anymore – the overwhelming evidence shows that development processes come to a halt and disrupt service delivery when armed violence is rife. The World Bank has already found that not a single fragile/conflict-affected country has yet achieved a single Millennium

Development Goal (MDG), and will find it increasingly difficult to do so before 2015. The Security Council has repeatedly found that there was a demonstrable link between the plundering of resources and proliferation of arms through porous borders to groups operating in the countries of the Great Lakes region. Surveys conducted by the UN also found that a significant percentage of the population in the DRC declared they did not have access to markets, health services, and schools because of the threat of armed violence and insecurity. The Geneva Declaration – endorsed by 108 countries – states that development interventions cannot succeed if the frequency and lethality of armed violence is not dealt with.

Insecurity is not just a curse on war and conflict-affected situations. Data shows that the effects of armed violence is felt in both conflict-affected and 'stable' societies, with statistics now revealing that the majority of the annual

740,000 deaths as a result of armed violence is happening in non-conflict settings.

These realities provide a complex backdrop and context to the ongoing deliberations on an Arms Trade Treaty. Translating the nuances of these realities has proven a difficult task during formal plenary sessions at the ATT meetings at the UN. To complement these debates, participants of this round table came together to discuss how to translate development tools and processes into the ATT.

To begin with, there was an affirmation of the need for the ATT to be legally binding, and based on international obligations on – amongst others – human rights, development, corruption, and humanitarian law. Participants

felt that the ATT should develop clear and nuanced criteria to ensure that arms transfers did not affect development processes whilst still enabling countries to address their security needs.

Discussions also revolved around ensuring that all relevant international processes were effectively interlinked with the ongoing ATT process – such as the UN Convention Against Corruption, the Geneva Declaration and the implementation of the UN Program of Action. Finally, participants felt that procedurally, there would be a greater chance of success if the ATT focused on the **impact** of armed violence, rather than attempting to define the act itself.