

Small Arms Monitor

Civil society reporting on the UN Programme of Action

Follow-up mechanisms for the UNPoA

Ray Acheson | Reaching Critical Will of WILPF

Tuesday afternoon's discussion at the UN Programme of Action (UNPoA) preparatory committee (PrepCom) focused on follow-up mechanisms to the Second Review Conference, to be held later in 2012. At stake is the effective implementation of the UNPoA and the International Tracing Instrument (ITI); many states are keen to develop a six-year implementation plan leading up to the 2018 Review Conference in order to seize key opportunities and tackle key challenges in making sure the UNPoA achieves its objectives. However, as dialogue continued throughout the afternoon, it became clear that at least a few states are hesitant to consider new formulas for moving ahead, arguing that any new mechanisms for implementation would be outside the scope or mandate of the original UNPoA.

The debate began with the Japanese delegation's non-paper on follow-up mechanisms. In order to make further progress in implementing the UNPoA, Japan is calling for a basic programme for the next round of intersessional meetings leading up to the Third Review Conference in 2018. In order to do this, the non-paper says, states will need to prioritize the issues they wish to address over the next six years. Japan's suggestions include stockpile management and reporting though the paper also lists the manufacture of small arms, public awareness, and DDR programmes as other possibilities.

Furthermore, the paper outlines possible structures and fora for meeting. Should the Biennial Meeting of States (BMS) continue? Should more Meetings of Government Experts (MGEs) be incorporated? Would a Group of Government Experts (GGE) be of any value?

Japan's non-paper proposes four possible options, though in its statement on Tuesday afternoon the Japanese delegation made it clear that this is not an exhaustive list. Its preference is that during the next review cycle, states convene an MGE on stockpile management and destruction; a GGE on developing a reporting template; an MGE on a second issue; and then a PrepCom and Review Conference.

Overall, Japan's non-paper received wide support. In terms of process, many delegations, including Belize, the European Union, Mexico, Netherlands, New Zealand, Norway, and Switzerland indicated their interest in having MGEs worked into the next review cycle. The Cuban delegation expressed support for MGEs with clearly defined

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The *Small Arms Monitor* features civil society reporting and analysis on meetings of the UN Programme of Action (UNPoA) on small arms and light weapons.

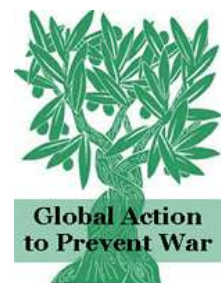
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mandates. The Italian delegation said it would support further MGEs provided they are able to give added value to the process. India's delegation said it can agree in principle to MGEs, which have the advantage of being open-ended and inclusive as compared with GGEs. However, the Indian delegation also emphasized that the BMS format should be preserved. The US delegation said it would prefer that the BMS bring together technical experts and practitioners to exchange best practices. The Egyptian delegation argued that the BMS process cannot be replaced by other meetings.

Regardless of the types of meetings, Belize, Mexico, Netherlands, New Zealand, Norway, Germany, Sweden, Switzerland, and other delegations issued support for developing some sort of structured approach to the next review cycle. Swiss Ambassador Fasel argued, "The creation of a structured, predictable inter-sessional meeting programme would help promote continuity and complementarity amongst the meetings of the PoA. We believe this would provide a pragmatic and operationally-driven mechanism through which to strengthen PoA follow-up."

Other delegations, such as Italy and the United States, cautioned delegates to avoid holding "meetings for the sake of meetings". The US delegation said adding more meetings is not the solution to overcoming an unsatisfactory meeting; the solution is to "fix" what went wrong. The Cuban delegation said increasing the number of meetings per review cycle is unnecessary. Pakistan's delegation said it sees value in planning in advance but that a multiplicity of meetings will not necessarily advance UNPoA objectives or its implementation. It voiced preference for adherence to the follow-up mechanism as set out in UNPoA as written.

Several delegations, including the European Union, Germany, Italy, and the Netherlands, called for the Review Conference to agree on benchmarks or indicators for success. The EU suggested the Conference to agree on an implementation action plan for the next review cycle that includes concrete objectives, activities, and performance indicators. Pakistan's delegation, on the other hand, argued that "statistical models" for

implementation would not be useful and that implementation is a long-term goal that requires political will, adequate resources, and patience.

The European Union, France, Germany, and the Netherlands also highlighted the need for self-assessment and peer-review mechanisms in order to determine the progress of implementation and identify gaps and needs.

In terms of potential topics for consideration over the next review cycle, many delegations—including the European Union, France, Norway, and Sweden—issued support for the inclusion of stockpile management. Norway also suggested the implementation of the ITI, taking stock of relevant technical and scientific advances, end-user certificates, and border controls as possible topics. Mexico and Norway agreed that munitions would be an important topic for further consideration. The US delegation reiterated its opposition to ammunition being included in the UNPoA process.

Others highlighted the importance of national reporting as a future topic. Sweden's delegation noted that reporting is not only important for transfer controls but serves more generally to build confidence among states. Japan's delegation suggested that questions in the reporting template could be made more specific in order to assess gaps in implementation and to match potential donors and recipients. Cuba's delegation argued that national reports should continue to be voluntary and that presentation of reports biannually would increase the number of reports and enhance their quality. It also said that standardized forms are fine but that states must have the possibility of including any information they consider relevant.

Algeria and Cuba said that enhancing international cooperation and assistance would be an important for any follow-up mechanisms to consider. The Norwegian delegation, agreed that it could be included as either a cross-cutting or stand-alone issue.

Several delegations, including those of Algeria, Cuba, and India, cautioned that the selection of some subjects should not overshadow others and that areas selected for focus should reflect a balance of priorities among different groups and regions. Egypt's

delegation argued that any UNPoA meeting should deal with the Programme in all its aspects.

Some delegations also commented on aspects of the Chair's indicative non-paper on follow-up mechanisms. The US delegation liked the idea of linking regional meetings with the global process, including aligning regional meetings with the UNPoA six-year cycle. The Cuban delegation said it does not object to early identification of thematic items for consideration at the BMS or MGEs as long as states have enough time to convene broad consultations and the items reflect shared priorities. The Mexican delegation agreed with taking into account regional meeting contributions to avoid duplication and capitalize on specificities of each meeting.

A debate broke out after Venezuela's intervention, in which the delegate cautioned against going "beyond the scope of the UNPoA". The Venezuelan delegation expressed its concern that by trying to pursue "new" commitments, states will fail to implement actions to which they are already committed. It also suggested that some countries are shifting the goal posts of implementation and asked, if some states keep trying to change UNPoA, how are we expected to fulfill new requirements and demands?

Several delegations responded to these comments. New Zealand's delegate acknowledged the concerns of some states about making changes to review cycle, noting that the case for changes will need to be made

clearly and convincingly. However, he also argued that the history of the UNPoA is one of evolution, pointing out that significant changes have already been made within the process since 2001. New Zealand believes further refinements are possible and desirable in order to focus the UNPoA more sharply on addressing key opportunities and challenges and emphasized that changes to the review process would not be a change to the UNPoA's mandate but to its tools to ensure its implementation. The Mexican and Norwegian delegations agreed with New Zealand that delegations need to remain open-minded in pursuing new formulations to enhance the implementation of the UNPoA.

From a civil society perspective, fine-tuning a process in order to make it more responsive to reality on the ground is part and parcel of developing any instrument, agreement, or norm. Flexibility is always necessary in any arrangement that requires long-term implementation. So are benchmarks and indicators of implementation—in the realm of nuclear disarmament we have seen how the absence of concrete timelines and benchmarks have led to the disregard of disarmament obligations; hopefully we can avoid similar problems in the small arms field. Indeed, we look forward to a fruitful discussion during the rest of the week and at the Review Conference as delegations assess and determine the optimal way to move forward, now that we have more than a decade of experience working with the UNPoA behind us.

Proposals for enhancing international cooperation and assistance

Katherine Prizeman | Global Action to Prevent War

Tuesday's discussion was focused in large part on the issue of international assistance and cooperation and its critical importance for the proper implementation of the PoA. The consensus among the majority of delegations was that the current level and functioning of international assistance and cooperation is not sufficient for the full implementation of the PoA and, therefore, for combating the excessive accumulation and uncontrolled spread of small arms and its wide spectrum of humanitarian, socioeconomic, and security consequences. The Argentinean and Cuban delegations, among

others, noted the widespread and cross-cutting impacts of assistance and cooperation on full PoA implementation.

A positive example of international cooperation cited by CARICOM was cooperation through a memorandum of understanding (MOU) with the United States for access to the e-Trace program, a web-based firearm trace request system for law enforcement agencies that provides for the electronic exchange of crime gun data in a secure web-based environment free of charge. Although many delegations referenced successful cooperative

programs and initiatives such as this, several member states continued to express the view that developed states and international and regional organizations should, upon request of developing countries, render greater cooperation and assistance, in particular financial and technical support. The representative of Thailand, for instance, noted that the lack of expertise on various aspects of the PoA remains a serious obstacle to implementation.

Several delegations proposed various methods of addressing this gap. The representative of New Zealand expressed interest in compiling a list of relevant expertise on relevant PoA provisions for the use of all member states as well as improving donor coordination through hosting a possible working session at the August Review Conference to facilitate donor-recipient relationships. In addition to supporting the New Zealand proposal for a working reception on donor-recipient coordination, the US also stressed the role of National Points of Contact in facilitating the matching of needs and resources. The Australian delegation offered a comprehensive, 10-point plan for improving assistance and cooperation with many helpful points, in particular mapping donor expertise. The Japanese delegation also noted that identifying the needs of regions, rather than just individual states, would promote better facilitation of assistance.

The delegation of Indonesia, on behalf of the Non-Aligned Movement (NAM,) submitted a comprehensive Working Paper on this topic, emphasizing that in order to sufficiently address the pluralistic challenges associated with the illicit trade in small arms and light weapons (SALW) through a political document such as the PoA, it is essential that the appropriate level of resources and expertise is made available to member states to strengthen national implementation capacity. Equally important, the NAM called for the full implementation of the International Tracing Instrument (ITI), the purpose of which is to promote and facilitate marking and tracing to enhance the effectiveness of and complement existing bilateral, regional, and international agreements to combat the illicit trade in SALW. The complementarity of the ITI, PoA, and

Firearms Protocol, along with related work of the World Customs Organization and INTERPOL, and efforts towards a forthcoming Arms Trade Treaty, should not be overlooked.

Reiterated throughout the NAM Working Paper is the necessity of rendering “actual and continued unconditional and non-discriminatory assistance to developing countries, upon their request” thereby underscoring the importance of consistency and fairness in granting assistance. This point of non-discrimination and availability of assistance to all states was explicitly supported by the Cuban, Tunisian, and Iranian delegations. Furthermore, the NAM was careful to propose that assistance should not take the form of a reallocation of resources originally devoted to economic and social development programs. In a comprehensive list of potential areas of cooperation and assistance, the NAM underscored the following aspects of PoA implementation: weapons collection and destruction; disarmament, demobilization, and reintegration (DDR), including collection, control, storage and destruction of weapons, most especially in post-conflict situations; stockpile management; marking, tracing, and record-keeping; trans-border customs cooperation and networks for information sharing among relevant agencies; maritime border surveillance; capacity-building, public awareness, education, and confidence-building programs; legislation development; and preparation of national reports and other facets of national coordination. Moreover, international assistance is often required in the form of technology sharing such as mobile X-ray technologies, scanners, and radar systems. Some delegations, such as South Africa and Sweden, placed particular importance on the technical assistance required for adequate stockpile management and physical security, especially in conflict and post-conflict situations.

Member states acknowledge the necessity of international assistance and cooperation for those states that lack the national capacity, but not necessarily the political investment, to ensure that states abide by and conform to PoA expectations. How this assistance is to be rendered in an equitable, transparent, and non-discriminatory manner is, like the

implementation of the PoA provisions themselves, one of the greatest challenges of the small arms process. The representative of Egypt underscored that the scale and effectiveness of international assistance must not only be improved, but must be measured. As a means to buttress the effectiveness of assistance, the NAM paper called for a set of indicators to evaluate cases of international assistance, which was also echoed also by the New Zealand delegation. Similarly, the NAM suggested that states cooperate with regional organizations, in particular with the three UN Regional Disarmament Centres, to establish and improve cooperation mechanisms such as trust fund arrangements for rapid mobilization of expertise and resources. Likewise, the UN Institute for Disarmament Research (UNIDIR) was called on to continue to carry out studies on the financial and technical needs of PoA implementation, particularly the sum total of technical assistance provided since 2001 and the corresponding impact on implementation priorities. Other proposals in the NAM paper included development of an online database of relevant academic research studies and reports submitted by states providing implementation assistance that would be compiled annually by the UN Office for Disarmament Affairs.

As made clear by the NAM presentation, a primary challenge of international cooperation and assistance is to evaluate its concrete

effectiveness on the ground. An inevitable consequence of such evaluations in whichever form they make take, whether through additional reporting or the application of indicators, will be an increase in administrative responsibilities that will have to be borne by donor states, recipients or, more likely, both. As the German delegate noted, cooperation is neither a one-way street nor, as we were reminded by the South Africa delegation, exclusively a North-South street. Genuine cooperation requires efforts by all member states. In a system that is already overwrought with many reporting responsibilities for member states, the likelihood that states will agree to another set of evaluation burdens is low. The commitment by states to PoA implementation reporting on a biannual basis has already proven less than universal insofar as many member states still fail to submit reports regularly and within the allocated time frame. Nevertheless, it is clear that international assistance and cooperation will need to be improved and assessed in order to enhance overall PoA implementation. It would be wise to formulate an evaluation of assistance and cooperation that does not further burden member states and discourage regular follow up, but facilitates the matching of needs and resources in a straight forward and transparent manner.

How the UNPoA can support and address the rights of survivors

Hector Guerra | International Action Network on Small Arms

In this crucial year for the UN Programme of Action on small arms (PoA) we have a unique opportunity to address the needs of survivors and victims of gun violence building on knowledge and experience gained since 2001. IANSA, as a network of civil society organisations, continues to advocate for measures that we originally highlighted some years ago in the UN small arms process based on the growing community of survivors active and campaigning to prevent gun violence.

As we are all aware, for every individual killed by small arms, many more survive with serious injuries, often permanent disabilities that impede the resumption of a normal way of life. Since the PoA was agreed in 2001, millions

of people have been injured through non-fatal small arms violence, something that was acknowledged on Monday by Angela Kane, the High Representative for Disarmament Affairs in her opening remarks. We all know that the economic, emotional and psychological effects of armed violence on survivors are huge, and also inflict a heavy toll on their families, friends, colleagues and neighbours. We know that civil society and member states alike are conscious of the need to reduce human suffering, prevent harm, and create safer communities.

The PoA addresses survivor assistance very weakly. It does not explicitly refer to the subject, although the opening declarative sentences of the PoA express the grave concern

of States for: 1) human suffering (paragraph 4); 2) the humanitarian and socio-economic consequences of small arms misuse (paragraph 2); 3) the devastating consequences of small arms misuse on children (paragraph 6); and 4) the negative impacts of small arms misuse on women and the elderly (paragraph 6)

As a starting point, the IANSA Survivors Network urges member states to give more and thorough consideration to the needs and rights of victims and survivors and their inclusion as stakeholders in the UN small arms process. This includes:

- **Include survivors of armed violence in small arms programme design and intervention activities.**

Victims of nonfatal small arms misuse are a constituency that can help identify risk factors and contribute to interventions and policy development. Through health service providers, advocacy organisations and government agencies, their opinions and input may provide fresh insights on issues that are not well understood, including how to reduce the demand for small arms.

- **Include stakeholders who are in a position to consider the needs of survivors of armed violence on National Coordination Agencies on Small Arms.**

The PoA requires National Coordination Agencies to be 'responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects'. This should include 'tertiary' prevention, which reduces the worst consequences of the problem, including access to rehabilitation services, psychosocial support, trauma counselling and employment. To deliver this commitment, membership of National Commissions should include stakeholders such as health professionals, supporters and caregivers, as well as survivors, who are often voiceless in decisions that affect their own future.

- **Assess gaps in service provision to survivors in National Action Plans on Small Arms and develop measures for filling them.**

Although the right to health recognises the primacy of prompt treatment for all injured persons, regardless of the context or the legal status of the victims, the reality sometimes falls considerably short of this. States have a

responsibility to ensure that adequate health facilities and medical personnel are available to serve the medical needs of all victims of armed violence. This should include emergency response systems, trauma care, and rehabilitation services.

- **Invest in trauma care for victims of small arms violence.**

Prompt medical treatment cannot always rely on the availability and expertise of health professionals. Providing emergency first aid training for police officers and others likely to be the first to find an injured person—first responders—can be a low-cost and effective way to reduce fatalities and excessive injuries.

- **Coordinate measures to help survivors of sexual violence.**

Sexual violence is widely used as a tool of war. States should address the trauma of sexual violence, as well as the physical effects on the reproductive health of women and girls. For example, these concerns can be incorporated in disarmament, demobilisation and reintegration programmes.

- **Promote research on the trauma of witnessing gun violence or its aftermath.**

Understanding the effects of being threatened by or witnessing firearm violence is necessary to help raise awareness of the problem. The trauma is likely to be greater than that associated with being threatened by or witnessing other forms of violence.

- **Strengthen the links between the UN small arms process, injury prevention and victim assistance, and pursue research into the impact of prevention activities in firearm-affected areas.**

Greater engagement of the health community can help to identify clearer goals and approaches to tackling the small arms problem.

While to some, these issues may appear to pale into insignificance compared to the nature and scale of the global illicit small arms issue, the experience of members of the IANSA Survivors Network underscore why they must be taken into account. An appreciation of the experience and expertise of survivors of gun violence will have important consequences for the way in which successful long term strategies are formulated to help combat the global small arms crisis. The Review of the PoA is an important opportunity for this.

Humanitarian imperatives of the UNPoA

Ray Acheson | Reaching Critical Will of WILPF

During the first two days of discussion, the potentially positive effects on armed violence of a rigorously implemented UN Programme of Action (UNPoA) were made clear by member states. Many states still view the UNPoA as the best instrument for combating the illicit trade in small arms and light weapons (SALW) and thereby reducing the impacts that the misuse and accumulation of arms have on socioeconomic development, poverty, health, security, and peace. However, there are still divergent views on how best to address the intertwined issues of development and small arms control.

During Tuesday's deliberations, the delegations of Armenia, Bangladesh, Belize, Egypt, Norway, and Switzerland, among others, all noted the humanitarian impact of the illicit trade in small arms. They also, in various ways, cited the relevance of the UNPoA for dealing with the causes and/or consequences of armed conflict.

The Egyptian delegation reiterated the Arab Group's call for addressing the underlying causes of conflict, "including poverty, epidemics and marginalization". In this connection, the Egyptian delegation also called for the international community to increase its efforts to "assist capacity building in the implementation of the UNPoA financially and technically."

Egypt is not the only country that sees implementation of the UNPoA as a direct response to dealing with the causes of conflict. The Swiss delegation called on states to consider how SALW projects "could take into account the multi-faceted nature of SALW issues and ways to tie them into larger development frameworks." Ambassador Fasel noted that UN member states have recognized that "development, peace and security and human rights are interlinked and mutually reinforcing" (A/60/1), and that the 112 states that support the Geneva Declaration on Armed Violence and Development "recognize the

interrelation between violence and development and the need to tackle the risks and effects of armed violence and underdevelopment in a holistic way."

However, not all states see the UNPoA and development as being so interlinked. The Nigerian and South African delegations argued that donor countries should not expect recipient countries to use development funds for implementation of the UNPoA, as not all states see it as a development issue. South Africa said UNPoA assistance needs to be sustainable and come from dedicated funding. Nigeria's delegate called on states to delink the concept of cooperation and assistance from aid and not to treat it as a "patron-client relationship".

That said, these states—and many others—do view the UNPoA as important for dealing with the humanitarian consequences of the illicit trade in small arms. In this context, the Norwegian delegation highlighted the importance of victim assistance in both the UNPoA and the soon-to-be-negotiated Arms Trade Treaty (ATT). Norway also sees the UNPoA as a preventative tool. Arguing that the prime motivation behind the UNPoA is human security, Norway said that by fully implementing the UNPoA and addressing some of its short-comings, "we may prevent future armed aggressions".

Keeping the human security imperatives at the fore will be vital to ensure that the UNPoA is effective as a tool that can address the causes and consequences of armed violence and that can even help prevent armed conflict. As Hector Guerra of IANSA writes in the article on survivors in this edition of the *Small Arms Monitor*, "An appreciation of the experience and expertise of survivors of gun violence will have important consequences for the way in which successful long term strategies are formulated to help combat the global small arms crisis."

Sleep deprived

Dr. Robert Zuber | Global Action to Prevent War

During Tuesday afternoon's meeting, a US representative raised a useful concern about 'meeting fatigue' in the context of preliminary proposals (which we feel are worth exploring further) to adopt an MGE-style format for more of the PoA preparatory and review processes.

It is widely recognized that the MGE in 2011, chaired by Ambassador McLay of New Zealand, was a particularly successful use of diplomatic energy. It was the right combination of good diplomatic fortune, a well-defined agenda, and the extraordinary interactive skills of the Chair. It is understandable that many delegations, frustrated by so many hours in so many deadlocked or muddled disarmament sessions, would be attracted to a process that offers a more energetic, focused engagement with key PoA issues—from more robust and transparent capacity support to marking and tracing protocols that can withstand efforts by clever individuals and institutions to undermine their effectiveness.

While 'meeting fatigue' is a legitimate state (and NGO) concern, its mere expression does not directly help us to identify and address its causes so that we can make the best use of our collective time, provide for a regular, robust review of state measures to curb illicit arms, and encourage new collaborative engagements by states and civil society in national and regional contexts to bring illicit weapons under effective state and international control.

It is clear from the surprisingly empty conference room during Tuesday's PrepCom that many delegations have chosen to 'take a pass' on full attentiveness. It is clearly not out of disrespect for the Chair nor is it symptomatic of state disregard for the urgency with which we must address the problem of small arms. With all that is currently going on in disarmament and security, most especially frustrations surrounding key UN processes such as the Conference on Disarmament and Disarmament Commission, it is understandable that delegations would choose to put some of their energy this week into other meetings and mission functions.

There is danger, however, in holding back from meetings such as the PrepCom and thus pursuing an approach that could eventually develop into a habit of tepid engagement with UN disarmament processes. This would be a strikingly unwelcome development. We need all states fully engaged in disarmament policy. We need all states to share and seek both capacity and new ideas to curb illicit arms where appropriate. We need states to make active connections (as happened on Monday across the hall in the Human Rights Committee) between disarmament affairs and aspects of the UN system concerned with human rights, development, women's issues, and related matters. Above all else, we need all states at the table of key meetings as much as their time, energies, and priorities permit.

In our personal lives, fatigue is usually either situational or chronic. It can be a function of a bad night's sleep, too much activity, or unhealthy life habits. It is important to identify the proper causes, but also to recognize that all causes have remedial options. Likewise, to the extent that our 'meeting fatigue' is habitual, it is also correctable. In addition to welcome energy spent on evaluating the timing and context of meetings, delegations can commit to spend less time, practically speaking, on statements that cover familiar terrain and that exist already in printed formats. We can all try to talk a bit less about what we want and a bit more about what we've tried, what we've accomplished, how our policies have evolved, and how we are planning for them to evolve further. We can all be more rigorous in fulfilling our time commitments, starting meetings on time, and keeping interventions focused on the most important 'take away' points and proposals for diplomatic action. Whatever the final disposition of meeting timing and formats, the more 'economical,' focused, and practical the interventions—and there were, thankfully, many such interventions on Tuesday—the more likely that all states will choose to stay active in the PoA process and keep the conference room filled to discuss one of the most important security issues now on the UN's agenda.