

Small Arms Monitor

Civil society reporting on the UN Programme of Action

Debate on the draft report

Ray Acheson | Reaching Critical Will of WILPF

On Thursday, member states gathered to review the Chair's draft report of the UNPoA PrepCom. While the report is entirely procedural in nature—indicating the nature of the PrepCom, listing documents to be sent to the upcoming Review Conference, etc.—debate broke out on two key issues: the introduction, which specifies the nature of the Review Conference; and whether or not the list of background documents should contain documentation from the 2011 meeting of government experts (MGE). States also discussed other background documentation and the nomination of the President of the Review Conference.

Introduction

The introduction to the draft report references UN General Assembly resolution 66/47, which contains the decision to hold the next Review Conference and stipulates that the Conference should be used for reviewing progress made in the implementation of the UNPoA. The resolution, and thus the introduction, also encourages states to explore ways to strengthen the UNPoA's implementation, including through the possibility of convening a further MGE.

The Algerian delegation raised concerns with this formulation, arguing that the Review Conference's mandate is only to review progress in implementation of the UNPoA. He used the current preparatory committee agenda to support this argument, noting that it does not explicitly include a reference to enhancing or strengthening implementation. The Syrian delegation likewise argued for deletion of everything in the introduction that refers to the content of the Review Conference.

However, several delegations reacted with surprise to this objection, noting that the language in the introduction is taken directly from resolution 66/47, which was adopted by consensus by the General Assembly in December 2011.

As a solution, Morocco's delegation suggested that the introduction quote directly from the resolution, using quotation marks to make it clear that it is the verbatim text. The Egyptian delegation endorsed this suggestion, specifying that the introduction would thus quote directly from operative paragraphs 6, 7, and 14 of resolution 66/47.

23 March 2012

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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.

The *Small Arms Monitor* is coordinated and edited by the Reaching Critical Will project of the Women's International League for Peace and Freedom and Global Action to Prevent War.

All views expressed in this publication and corresponding blog, attmonitor.posterous.com, are solely those of the contributing authors and do not necessarily reflect the positions of the supporting organizations.



Reaching Critical Will

a project of the Women's International League for Peace and Freedom



New Zealand's delegation also endorsed Morocco's suggestion, but expressed concern with the underlying significance of states' concerns with the introduction. The delegate from New Zealand argued that the whole point to the review process is to strengthen implementation and to assist member states implement the UNPoA in their national systems. If some delegations want to explicitly proscribe states from helping others in implementation, he cautioned, they should say so now, because this indicates a fundamental problem for moving forward.

No one responded to the New Zealand delegate's concerns, but several other delegations—including Austria, the Caribbean Community (CARICOM), Indonesia, Kenya, Mexico, Netherlands, Norway, South Africa, Sweden, and Switzerland—indicated their support for the change suggested by Morocco. The report was adopted with this change.

Letter on the MGE

The section of the report dealing with background documentation includes the report of the MGE and a letter from the Permanent Representative of New Zealand, Chair of the MGE, addressed to the Secretary-General of the United Nations.

Algeria's delegation argued that since the letter from Ambassador McLay of New Zealand summarizes the work of the MGE under his own responsibility, it should not be included in the documentation.

The New Zealand delegation argued that it has always presented the outcome of the MGE as a reflection of the Chair's views and are willing to continue to do so. However, the New Zealand delegate objected to the idea that the letter cannot be included as a background document at all, noting that background documentation does not tie states to anything. He suggested that a footnote could be introduced that references operative paragraph 5 in resolution 66/47, which "*Endorses* the report adopted at the Open-ended Meeting of Governmental Experts held in New York from 9 to 13 May 2011, and takes note with appreciation of the Chair's summary of discussions, prepared under his own responsibility, reflecting his interpretation of the main points under discussion." Many delegations firmly indicated their support for

the inclusion of this letter in the background documentation, including those of Australia, Austria, CARICOM, Germany, Indonesia, Kenya, Madagascar, Mexico, Netherlands, Nigeria, Norway, South Africa, and Switzerland. Most of these delegations indicated support for New Zealand's suggestion of a clarifying footnote.

In the revised version of the report introduced on Thursday afternoon, a footnote was incorporated, reading "This summary was prepared under the Ambassador's own responsibility and reflected his interpretation of the main points under discussion. It does not seek to provide a full record of discussions, nor should it be seen as reflecting the consensus view of States."

Morocco's delegation pointed out that the wording is awkward and suggested a slight modification. This was supported by Algeria, who also suggested emphasizing that the letter was prepared by the Chair of the MGE. The New Zealand delegation accepted this proposed amendment. The adopted footnote eventually read, "The summary annexed to the letter was prepared by the Chairman of the MGE under his own responsibility and reflected his interpretation of the main points under discussion," and then continued to the end of the original.

Working papers

The Cuban delegation requested that all of the working papers submitted by member states to the PrepCom should be included in the list of documents sent to the Review Conference. Australia, Austria, the European Union, Indonesia, and Mexico indicated their support on this issue, with Austria and the EU specifying that all the papers should be presented on equal footing. Cuba and Indonesia also requested that the working papers be given proper reference numbers so that they can be reflected in the report.

This was changed in the revised version of the report, though Indonesia took the floor to request that the NAM working paper be listed ahead of the EU paper since it was submitted first. The Holy See suggested changing another aspect of the text to allow for observer states to submit working papers to the Second Review Conference. The Iranian delegation suggested the language be changed to "participating states" to allow everyone to submit papers. This

suggestion was endorsed by New Zealand. The Algerian delegation, however, argued that the official documents should only include those submitted to the PrepCom. The Secretariat clarified that some states have indicated that they will be submitting working papers directly to the Review Conference at a later date. Norway and Switzerland endorsed the Secretariat's explanation. The language was eventually changed to reflect that the papers referred to could be submitted to the PrepCom or in advance of the RevCon.

Nomination of the President

On Thursday afternoon, states discussed the nomination of the President of the Review Conference and the request for the President-designate to "undertake informal consultations, as required," ahead of the Review Conference.

Algeria, Australia, Egypt, European Union, Kenya, India, New Zealand, Norway, and Rwanda endorsed the nomination of the

PrepCom Chair, U. Joy Ogwu of Nigeria, as President of the Review Conference.

Regarding the informal consultations, the delegations of Egypt, India, and Syria cautioned against holding too many informal consultations due to the busy disarmament calendar in 2012. Morocco suggested an amendment that the paragraph on informal consultation read, "The Preparatory Committee requests the President-designate to undertake informal consultations, including open-ended informal consultations, if required, in the period before the Conference."

Australia, Mexico, Norway, New Zealand expressed support for original wording on informal consultations, indicating their confidence in the Chair's ability to determine the necessary number of meetings, but indicated their flexibility on the language suggested by Morocco. Morocco's suggested language was adopted in the end.

Law review

Robert Zuber | Global Action to Prevent War

Thursday's session of the Prep Com was not without its controversy, especially around the inclusion of a Chair's summary from the 2011 MGE under the authorship of Ambassador McLay as one of the background texts for the August Review Conference. The issue of background documentation is by no means irrelevant. Where we've been has a great bearing on where we're headed and how quickly we can achieve important objectives. This may be even truer in diplomatic settings than outside them. In our view, it is clear that Ambassador McLay's summary must find a significant place in the preparatory documentation, though the offer by New Zealand, and affirmed by others, to define that report somewhat differently from other preparatory documents was most welcome. Important working papers produced by Japan, the NAM, Germany and the EU hopefully will also be included in that documentation, albeit also with appropriate alternate designation.

The importance of getting the issue of documentation properly sorted is widely

recognized, in part so that states have dependable, common texts that can allow them to concentrate on the most important business at hand – making PoA implementation as robust and effective as possible. How far delegations will be able to push robustness is steeped in political and capacity considerations; indeed it is as much about building trust as about effective communications and technical generosity.

In terms of 'pushing' robustness, some delegations and NGOs have discussed the possibility that some or all provisions of the PoA could (and should) become legally binding. While such a designation might have benefits in terms of raising the profile of the PoA within the UN system, it is important to reaffirm the many ways that the PoA in its current form is not a 'broken document.' Without the status accorded of a higher legal standing, abundant PoA activity is taking place worldwide on issues ranging from container screening to weapons destruction programs. Pursuing changes to the legal status of the PoA, however attractive that

option seems, could easily immerse delegations in complex negotiations that would deflect attention away from the more direct need to increase national activity, coordination and commitments to eradicate illicit small arms.

It isn't necessary to remind readers of the many ways in which 'legally binding' at the UN is not always so binding at all. In the nuclear field as in other areas of UN activity, legally binding instruments are often disregarded in whole or in part, sometimes over differences of interpretation and sometimes over assertions of national interest that are alleged to trump international legal obligations. Where it exists, this trend is reinforced by a lack of assessment and enforcement with regard to these obligations. The UN in general, we should probably admit, is more effective at establishing norms than modifying the behavior of those who contravene them.

In the case of the ATT, the legally binding nature of a hoped-for final treaty document has raised stakes that are proving difficult to resolve through consensus. The likelihood that a first iteration of an ATT will not reflect all or even most of the hopeful normative and practical recommendations made by NGOs and states is higher than we

would like. Where illicit transfers are concerned, 'treaty anxiety' must not be allowed to compromise efforts to eliminate diversion and protect civilians from abuse. That being said, the negative policy impacts of state anxiety within a consensus framework are hard to predict. They would be equally unpredictable if we moved towards a 'legally binding' PoA.

Helping states implement the PoA more effectively must be the principle goal of the Rev Con. Efforts to make PoA commitments legally binding should enhance and not derail progress on organizing more effective state activity to prevent illicit small arms, as well as on state and international efforts to make tools, best practices and direct assistance more accessible by a wider range of governments. It is not clear at this stage that enhancement would be the likeliest outcome from such efforts.

As one of the groups that helps to monitor a wide range of disarmament-related activities at the UN, we thank the diplomats and NGOs who have stayed the course this week and provided rays of hope that the August Review Conference – legally binding or not – can both celebrate a broad array of current accomplishments and lay out a blueprint for new successes.

Women and gender at the PoA Prep Com

IANSA Women's Network

As this week of the PoA Prep Com for the August Review Conference comes to a close, IANSA Women's Network is actively lobbying for gender mainstreaming in the PoA. UN Security Council Resolution 1325 (2000) recognises the active role that women can play in peace processes and it binds member states to ensure women's full participation accordingly. It has also proven to be a decisive mandate for the field of small arms control policy and practice calling for the inclusion of women in decision-making and to take gender issues into account. Meetings to discuss the PoA provide opportunities for women to participate in decisions on such issues.

High-level participation by women was evident this week. The meeting was opened by Ms Angela Kane, newly appointed High

Representative for Disarmament Affairs. Ambassador Joy Ogwu of Nigeria was elected as Chairperson of the meeting and Chair Designate for the Review Conference on the PoA. Her draft indicative non-papers, released prior to the meeting, refer to UNSCR 1325 and the role of women in DDR processes.

A number of member states and regional organisations made statements in favour of women's participation and gender mainstreaming. Some have made the explicit link to UNSCR 1325, including the US and Germany, and have highlighted the important role of women in the PoA's implementation. Germany stated, "Women are generally as much affected by armed conflict as men. UN Security Council Resolution 1325 (2000) urges states to ensure increased

representation of women at all decision-making levels in the security sector. Women play a particularly important role in any process of Disarmament, Demobilisation and Reintegration. We believe the Review Conference should take the opportunity to make a reference to UNSCR 1325, urging states to enhance the integration of women in decision-making processes in the security sector."

The European Union highlighted "the importance of ensuring increased representation of women at all decision-making levels in security sector institutions dealing with SALW-related issues and the specific link between PoA and Security Council Resolution 1325." For the Netherlands, Norway and New Zealand, among others, the role of women in PoA implementation is important and their participation should be enhanced at all decision-making levels. Argentina expressed their hope that the PoA would take fully the gender perspective of gun violence into account. Côte d'Ivoire also highlighted the importance of gender mainstreaming in the implementation of the PoA. The Cuban delegation highlighted the link between gun trafficking and human trafficking. This link is important as most of the victims of human trafficking are women and girls. In addition, traffickers often use the same routes where SALW and drugs flow.

Based on the list of participants provided at the Prep Com, 77 of 357 delegates listed were women. That was 21.5% of the total, a slight increase of the percentage of women who participated in the ATT PrepCom in February (20%). A total of 102 UN member states are participating in the PrepCom. 53 of these have women in their delegations. That means 52% of States sent women delegates.

Those are: Argentina, Armenia, Australia, Bahamas, Barbados, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, China, Costa Rica, Cuba, Cyprus, Djibouti, Dominican Republic, El Salvador, Finland, France, Gabon, Grenada, Guyana, Honduras, India, Ireland, Jamaica, Kazakhstan, Kenya, Lesotho, Lithuania, Madagascar, Mexico, Montenegro, Netherlands, Nigeria, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Serbia, Slovakia, Slovenia, Spain, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, USA, Uruguay, Vietnam and Zambia.

10 member states have a woman's name at the top of their delegation's list. These are Bahamas, Brazil, Djibouti, Grenada, Honduras, Kazakhstan, Nigeria, Romania, Slovenia and Zambia. That's 10% of the total. 18 delegations have 50% women: Argentina, Armenia, Barbados, Bosnia and Herzegovina, Cyprus, Djibouti, France, India, Jamaica, Lesotho, Madagascar, Netherlands, Republic of Moldova, Romania, Serbia, Slovakia, United Republic of Tanzania and Zambia. In 12 delegations, there are more women than men: Australia, Bahamas, China, Costa Rica, Grenada, Guyana, Honduras, Saint Vincent and the Grenadines, Slovenia, Spain, Tunisia, and Uruguay.

Much more still needs to be done to include women's voices and perspectives and mainstream gender in the PoA. Nevertheless, the growing recognition of the crucial role women play in the implementation of the PoA, of the links between UNSCR 1325 and the PoA, as well as of the gendered nature of gun violence, shows that our voices are finally being heard.

Reviewing for the purpose of strengthening

Katherine Prizeman | Global Action to Prevent War

After a week-long session of the Prep Com for the August Review Conference on the Programme of Action (PoA) on small arms discussing thematic issues such as international assistance and cooperation, follow-up

mechanisms, and the International Tracing Instrument (ITI), member states must now channel their efforts towards concrete preparations for a successful second Rev Con in just over five months time. A key discussion

among member states on Thursday was determining what exactly the mandate of the forthcoming Rev Con stipulates—to review progress made on the implementation of the PoA or to also strengthen its implementation in addition to reviewing it. The discussion over what on the surface may seem to be a small difference in wording is critical to the long-term success of the PoA and, ultimately, combating the deadly effects of the illicit trade in small arms and light weapons (SALWs). This distinction is also crucial to the formal small arms review process at large. Reviewing and strengthening cannot be decoupled activities as they both, in tandem, contribute to controlling the spread of illicit SALWs.

The discussion initiated around wording contained in the introductory paragraph of the Draft Report describing the mandate of the forthcoming Rev Con. The discussion began when the representative of Algeria stated that the mandate of the Prep Com does not explicitly include a reference to strengthening or enhancing the PoA and, therefore, member states should only consider the strengthening task if the mandate explicitly indicates this function. A solution was found by including the direct quotation from General Assembly resolution [66/47](#), which states: “...at the second review conference, to review progress made in the implementation of the Programme of Action, and, subject to the agenda of the conference to be agreed by the preparatory committee, encourages them to explore ways to strengthen its implementation...”

Although a way was found to move forward on the Draft Report, the larger question of ‘reviewing’ versus ‘strengthening’ deserves more attention. Concerns by members states over expanding the PoA, such as seeking coverage for ammunition or to make it a legally-binding instrument, is a separate and potentially larger and more animated conversation. Furthermore, reviewing implementation of the PoA is not an end in and of itself and, therefore, cannot be conducted in a vacuum. The review process must serve a larger goal—the goal of strengthening implementation

of the PoA’s provisions in national contexts so that all member states, in the context of their individual national constraints and unique needs, can more robustly prevent, combat, and eradicate the illicit trade in SALWs. As was stated many times by delegations over the course of the week, particularly during the debate on international assistance and cooperation, the Rev Con and relevant meetings (including possible future MGEs) should serve as forums to review PoA implementation in order to better exchange information and views on best practices and lessons learned to *strengthen* its implementation.

The concern of some states that the PoA will ‘overstep’ its bounds and become a different type of instrument, whether due to its shifting legal status or its expanded scope, is a valid one that merits a robust and productive discussion among diplomats. Although there were calls this week by some delegations to have ammunition included in the PoA and ITI, there was clearly no consensus on this issue. Moreover, this Prep Com was not necessarily the appropriate forum for vetting such proposals given the time constraints and the distinct mandate to prepare the agenda for the August Rev Con. As such, as it stands now, the work of the upcoming Rev Con must focus on improving and strengthening what already exists in the PoA and ITI—a strong set of provisions and comprehensive frameworks at the national, regional, and international levels for eradicating the illicit trade in SALWs.

The hope is that the PoA would at some point become a legally-binding instrument or that it might also include ammunition such that the multi-dimensional, disastrous consequences of the illicit trade in SALWs would be more effectively prevented. Advocating for an expansion of the PoA is important and should not be overlooked in the Rev Con. Nonetheless, this ‘separate, but equal’ debate should not cloud the purpose and mandate of the August Rev Con, which is to review progress made in implementing the PoA in order to identify ways in which member states can strengthen their national implementation practices and better prevent the illicit trade in SALWs.

The importance of National Commissions

Helen Hakena | Papua New Guinea, SALW Women's Working Committee

Bougainville, the region I come from in Papua New Guinea (PNG), is still coping with the impact of a 20-year civil war that ended in 2004 and resulted in the deaths of 15,000 - 20,000 people. Bougainville women, men and children suffered a great deal. Health, education and other essential services were non-existent during this period. In all, many lives were lost and infrastructure, public administration and support services broke down entirely. A whole generation lost out on the opportunity for formal education. The economy of the island came to a standstill. Women and girls were raped at gun point by both the Bougainville revolutionary army and PNGDF soldiers. The spread of guns throughout PNG is a serious problem, but it is particularly acute in Bougainville due to the legacy of easily available and unregulated guns there.

Last week, I gave a radio interview on Radio Bougainville on the work of the district-based gun control committees working to mobilize community support for the disposal of guns. This is valuable and important work. Permanently removing guns from circulation is a visible and demonstrative act that symbolises government commitment to improving human security. Bougainville needs support in achieving its aims in reducing the number of guns in the community and the UN Programme of Action on small arms (PoA) offers us, as civil society, a way to work in closer cooperation with our government on programmes like this.

The PoA specifically recommends that states *'establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure 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 aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons'* and further suggests that states *'establish or designate, as appropriate, a national point of contact to act as liaison between States*

on matters relating to the implementation of the Programme of Action'.

Papua New Guinea has a National Focal Point, which is not active. The position needs to be more visible and to be empowered and enabled to do the job well. It is very difficult for a person, or group of people, acting as a coordination agency for the implementation of the PoA (amongst other things) to be effective without a sound framework to work within.

Time, money, expertise, human resources and motivation are all required to enable a National Commission to work in fulfilling the following roles:

- Planning and implementation of National Action Plans;
- cooperation and coordination;
- research;
- awareness raising, information management and communication;
- resource mobilization and allocation.

Key tasks may include:

- Facilitating coordination at the national level;
- coordinating and interacting with civil society;
- coordinating and interacting with national parliaments;
- coordinating with the district and provincial level;
- coordinating with regional institutions on SALW control;
- coordinating/liaising with National Commissions in other countries.

In discussions on the PoA it is often said that successful implementation is the key to making the process work. I would agree with this, but it is also crucial to make sure that what is implemented has an impact. It is not enough to create a National Commission. It must work effectively and it has to be given every chance to work well enough to help prevent the impact of the Bougainville war from disempowering generations to come.