

SMALL ARMS MONITOR

Civil society perspectives on the UN Programme of Action on small arms and light weapons

Outcome document adopted by consensus, but lacking in ambition

Katherine Prizeman | *Global Action to Prevent War*

After the President of the UNPoA Review Conference (RevCon), Ambassador Ogwu of Nigeria, provided a third revision of the draft outcome document on Friday afternoon, delegations were able to adopt, by consensus, the compilation document. While this accomplishment was hailed as a success, particularly after the failure of the 2006 RevCon, states must use the next six-year review cycle to achieve more in the way of practical implementation.

This outcome document is composed of a declaration, implementation plans for the Programme of Action (UNPoA) and International Tracing Instrument (ITI), and a follow-up mechanism detailing a future schedule of meetings to guide the UN small arms process. As expressed by the President in her closing remarks to the Conference, the successful completion of the RevCon with a consensus outcome is a welcome achievement in helping to create positive momentum in the multilateral disarmament fora. The fact that member states were able to engage (for the most part constructively) and adopt a consensus document indeed represents a positive reaffirmation of the importance of the UNPoA framework to international peace and security and, more specifically, combating the scourge of illicit trade in small arms and light weapons (SALW). Undoubtedly, the UNPoA remains the only global framework of practical measures for combating illicit trade in SALW.

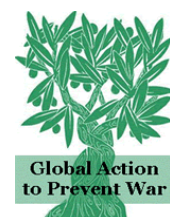
Many delegations took the opportunity to praise the work of the Conference on Friday afternoon, including the representative of Mexico, who noted that this success represented a significant step forward since the first RevCon in 2006, and the German delegate, who welcomed the outcome as a “landmark” document. Similarly, the delegation of Switzerland affirmed the document as an impetus for success in the area of disarmament that is “crucial to the work of international peace and security.” While it is

true that this RevCon can be hailed as a general success, due in large part to the great skill and dedication of the President as well as the four facilitators, the RevCon on the whole did not thoroughly take stock of progress achieved nor did it provide for an in-depth assessment of implementation to date in order to draw lessons for the future. As has been previously expressed in this Monitor, a reiteration of previous UNPoA or ITI commitments is not sufficient. The various components of the review cycle, including this RevCon, should be integrally linked so that they can incrementally build upon the specific findings and discussions of the preceding debate in the context of the current security circumstances. As noted by the delegate of the UK in his concluding remarks, although the RevCon achieved a significant success in the consensus document, “ambition” in the document was left wanting.

The third revision, and subsequently adopted text, was identical to the previous version with the exception of a paragraph in Annex 1 (under the UNPoA implementation plan) referring to the risk of diversion in the context of export authorizations which was deleted. Following the adoption of the document, many delegations expressed regret over the lack of inclusion of certain elements as well as weak language on others. In particular, many delegations noted with regret the exclusion of language on a gender perspective in UNPoA implementation (EU, Germany, Mexico,) as well as on munitions (Colombia, ECOWAS, Guatemala, Switzerland), parts and components (EU, Ghana, Guatemala, UK), and a lack of strong language on diversion (CARICOM, Trinidad and Tobago, UK). Also missing from the document were strong references to monitoring and assessment and evidence-based research on implementation as the text refers only to measurability in the context of international cooperation and assistance. Moreover, there were no references to mon-

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The Programme of Inaction (or, When New York becomes Geneva)

Daniel Mack | Instituto Sou da Paz

Upon adoption of an outcome document by consensus, the office of Secretary-General Ban Ki-moon lauded the PoA Review Conference (RevCon) conclusion as “successful”. But what constitutes success in such a Conference? The RevCon’s mandate was to review the implementation of the PoA, and very little of that was actually done. Rather, it was more of a “Document Review Conference” for drafts that had been available for weeks.

Adopting a document does not alone establish a positive outcome. The substance in the final outcome document would have to be quite strong to call the exercise a real success. The important question is whether that document provides a practical way forward to stopping the illicit trade of SALW and its dire human consequences.

Under this lens, it becomes difficult to celebrate the past two weeks. All in all, the outcome document mostly re-states and “reaffirms” decade-old commitments. Establishing a schedule of meetings is not exactly groundbreaking. A decade is a long time to remain stagnant when the world around us and our knowledge of it expands at rapid pace.

Is this outcome not the second option Amb. McLay of New Zealand warned about when he wrote “another acrimonious failure would be as damaging to the credibility of the Programme of Action process as would one that simply and blandly restates existing commitments”?

For this RevCon, the top of our wish list went unfulfilled. As we wrote in this newsletter at the outset of the Conference: “the PoA’s lack of an independent mechanism to assess its actual implementation on a national level poses the largest threat to its relevance. This lethal gap must be effectively overcome during the next two weeks, with the creation of a credible blueprint for the coming into existence of an implementation assessment mechanism as soon as possible.”

No such luck. Even worse, though celebrated by some, it is unclear whether these outcome documents have much practical value or are taken seriously by States. We recall that the document for the BMS4, adopted by consensus, included the following prescription: “States also recognized the need for a comprehensive assessment of progress in the implementation of the PoA, 10 years following its adoption, as an *input* for RevCon2” (emphasis added).

Not only was this ignored, it wasn’t delivered as an output for the RevCon either, which is a huge disappointment. Did governments just fight for two weeks over a document that may be innocuous in its practical implications?

How can this situation be avoided in the future? Some in civil society have repeatedly warned that blind faith in, and strict interpretation of, the consensus rule have badly damaged the UN’s entire disarmament machinery. The words of German Ambassador Hellmut Hoffmann at the Conference on Disarmament (CD) in Geneva on 21 August 2012, illustrate this point:

... for multilateralism to be effective, achieving consensus must not be misunderstood as a license to force vast majorities to settle for outcomes at the very lowest common and at times banal denominator. We should not harbor any illusions: If achieving consensus is misunderstood as a free ticket to veto whatever one does not like, even if entirely isolated on an issue which is not involving one’s fundamental interests, multilateralism cannot achieve any substantive results at all. If and when this happens multilateralism starts to exist for its own sake as a more or less empty process.

While he was speaking about the CD, arguably the most unproductive body of the extended UN system over the last decade-plus, Amb. Hoffman’s words shine in their

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The Programme of Inaction, cont'd

truth about other processes, such as the recently unfruitful Arms Trade Treaty negotiations and this PoA Revcon.

However, though arguably impossible to avoid in the July ATT discussions and the CD at large, in this RevCon the consensus rule was entirely self-imposed. Operating under General Assembly rules, it would have been perfectly legitimate—we would argue essential for a substantial outcome—for the Conference to have gone to a vote.

Some governments supportive of the PoA argue that voting would undermine the process going forward, but it has happened before (such as at BMS3 in 2008) and the PoA has survived. They may also argue that in a vote, those States voting against can wash their hands of ongoing implementation, saying they did not agree to its terms. News flash: the PoA's politically-binding nature has allowed some of them to do precisely that over many years. So what is there to lose?

The blame for failure to achieve consensus in these meetings is usually placed on the so-called “spoilers” or “blockers”. However, the “spoilers” are usually those that benefit from the status quo in some way and/or that are suspicious of the international community setting norms and rules that could affect the way they conduct business. Many of those countries have domestic political dynamics that make it difficult to agree internally on new rules or that lack the appropriate political and civil infrastructure to do so.

Therefore, the responsibility for changing the patterns in the United Nation's disarmament machinery rests on the shoulders of those who have done most for the issue. It is the so-called progressive States that must act as trail blazers, saying ‘enough is enough’ and recalling that under General Assembly rules, unanimous agreement is essential to strive for but ultimately not necessary for progress.

This could have been done at this RevCon, but the political will was clearly missing. Nonetheless, a handful of countries should no longer be allowed to hold back the rest of the international community in tackling some of the most dramatic problems of our age. Diplomatic comfort and watered-down outcome documents must urgently be replaced by alternatives that can proudly be deemed “successful” towards better impact on the ground. Governments and civil society alike should not continue to settle for less. •

Outcome document adopted, cont'd

itoring and assessment of casualties of armed violence through which states could better understand the effects of illicit use of SALWs. Rather, such language was weakened to “enhancing their ability to monitor and analyze the consequences of the uncontrolled spread of illicit small arms and light weapons and their misuse”—not an altogether terrible substitution, but weaker nonetheless.

While the document was hailed as “fair and balanced” and the best possible representation of consensus, states must use the next six-year review cycle to achieve more in the way of practical implementation. Moving forward, the ongoing discussion of how to ensure full and effective implementation of the UNPoA will persist, as many delegations called for a return to the many issues previously mentioned that were not addressed in this RevCon. More difficult, however, will be the ongoing struggle to convince some delegations of the difference between “reviewing” the UNPoA in order to strengthen its implementation by applying a fresh context in light of changing dynamics and circumstances, and “re-writing” the UNPoA itself.

Prior to adopting the outcome document by consensus, the delegate of Iran stated that although his delegation would not “stand in the way of success,” the document was unsatisfactory as it “lacked clarity and accuracy and at times went beyond the scope of the PoA.” The representative of Syria echoed this sentiment when he shared “reservations” about certain proposals adopted in the document that “were not in the PoA.” Likewise, the delegation of Cuba called references to resolutions related to women as well as the term armed violence “selective and outside the specific framework of the PoA.” This central debate—how to balance reiteration and re-commitment to the “old” language of UNPoA with infusion of “new” forward-looking language that addresses challenges related to national implementation that introduces concepts and recommendations not explicitly found in the original 2001 document—is absolutely crucial to future success. Finding this balance is imperative if the UNPoA can continue and even strengthen its relevance to ending the scourge of illicit trade in SALW.

If left unresolved, it is expected that “confusion” over the distinction between re-writing and strengthening implementation will continue to challenge the process and undoubtedly limit the effectiveness of the subsequent meetings of the review cycle. Adoption of the latter approach—limiting and constraining the process to only that which is explicitly found in the 2001 document—is precisely what future review meetings must seek to avoid. •

Aftermath

Dr. Robert Zuber | *Global Action to Prevent War*

Friday saw the end of a successful two-week Review Conference (RevCon) characterized by a consensus outcome document; generous pledges of government assistance; the release of a new “Matching Needs and Resources” booklet and other, more data-driven resources; the revival of one of our small arms partners; a particularly successful series of ‘Small Arms Monitors;’ the skillfulness of some relatively young and immensely talented facilitators; the consistent, helpful presence of UNODA staff; expressions of leadership on UN Programme of Action (UNPoA) implementation from a new group of regionally diverse states; and much more.

Delegations on Friday were drained, but more so relieved. The prospect of a long summer of deliberations and negotiations resulting in two failed consensus documents (following the July arms trade treaty negotiations) was too much to contemplate. The last days of diplomacy in the RevCon demonstrated both diplomatic skill and a resolve to come away with an outcome that we would mostly be pleased to share with societies wracked by gun-related violence. The UN disarmament community needed this victory as well. There have been too many ‘near misses’ and even not-so-near misses over the past several years.

As participants are catching their breath and even managing a satisfied smile, the temptation in all this is to indulge one of two reactions—either to sentimentalize this UNPoA and its outcome document or to focus only on the limitations of the RevCon and its outcomes. Both reactions would best be avoided.

On the one hand, while this outcome document can help restore confidence in both the UNPoA process and, more broadly, in the UN’s ability to broker meaningful

disarmament agreements, the document left out much that some of the more ‘ambitious’ delegations would have liked to see included. From more gender language to more focus on export controls, the limitations of the document are clear. And, beyond the document, there was probably insufficient attention in plenary as well to a range of issues that, as many delegations noted, will simply need to be taken up again if full UNPoA implementation is to have a reasonable prospect.

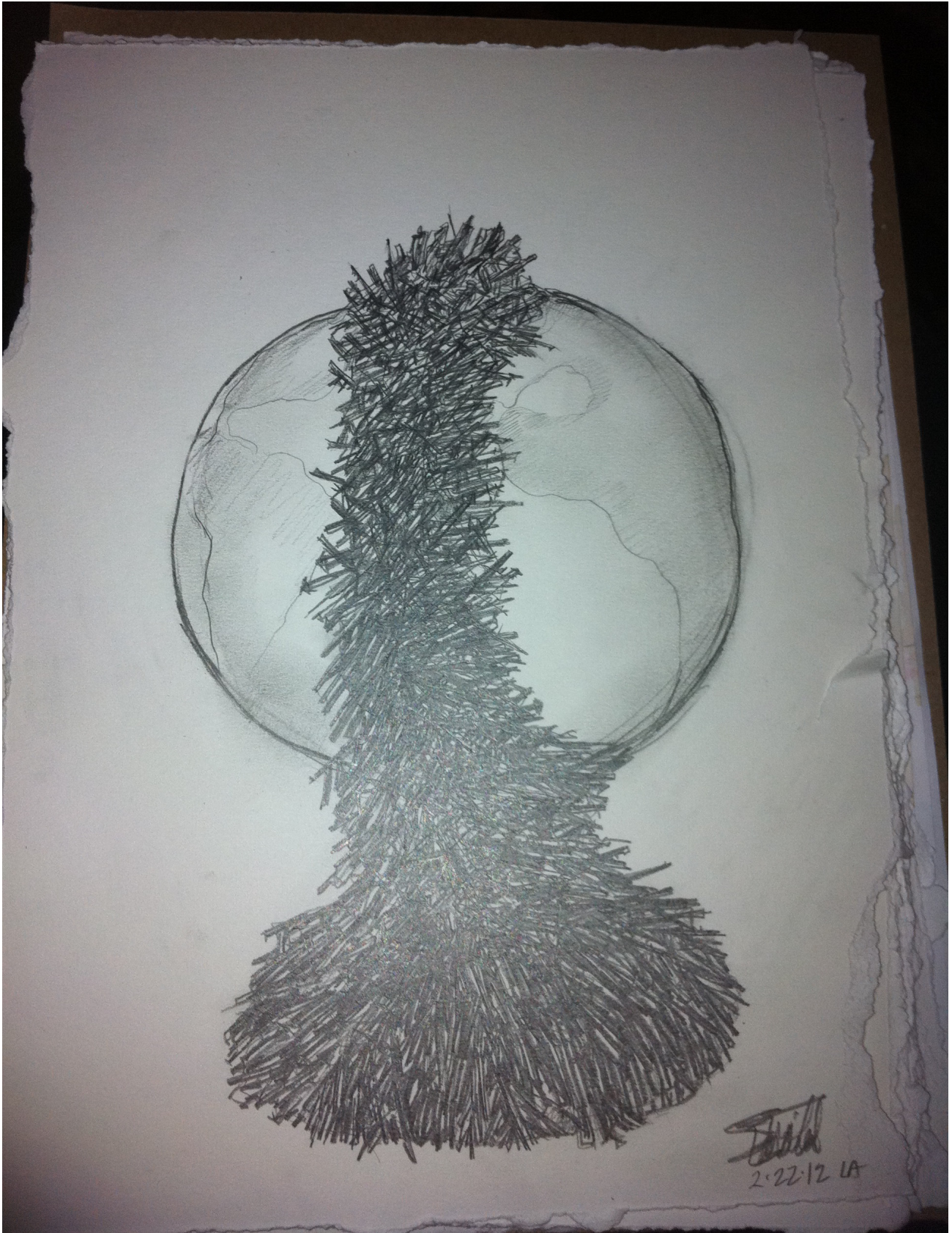
On the other hand, the RevCon and its outcome document do not contribute to something that many of us feared—a rollback of UNPoA-related commitments. In some instances, the UNPoA review failed to take into account, as Ray Acheson and Katherine Prizeman have noted often in the Monitor, of the many changing circumstances that should prompt us to simultaneously honor and update UNPoA obligations. Clearly, changes in technology, political alliances, and more since the turn of the century have created new challenges for the UNPoA, not all of which were properly addressed during these two weeks. But there is enough in this outcome document, and so much more in the full RevCon context, for us to move forward with confidence and enthusiasm.

And move forward we must. Beyond the immediate implications of any UNPoA outcome document exist gaps in capacity and political will to which the document hopefully points—the under-managed stockpiles, the porous borders, the informal arms supermarkets that cater to a wide range of unauthorized needs. As Global Action has noted many times, illicit weapons threaten more than violence. They create unacceptable levels of risk for children seeking an education, women seeking a rightful place at

the policy table, or communities attempting to resolve seemingly intractable conflicts. We simply cannot successfully encourage societies to engage in these practices so long as illicit weapons remain out of control. The stranglehold of gun-related violence on so many communities must be responsibly loosened, and this RevCon gave all of us ample reason to think that such an outcome is on the horizon. •



Art by Control Arms



Art by Lin Evola

The final outcome document: a tentative step

Eloise Watson | *Reaching Critical Will of WILPF*

Today's global strategic environment is characterized by complexity, in which the problems posed by the illicit trade of small arms and light weapon (SALW) are amplified. It was therefore of cardinal importance that the 2012 UNPoA Review Conference conclude with positive results. The conference did achieve its goal of adopting by consensus a final outcome document emphasizing the renewed commitment of the international community to combating the illegal trade in SALW. Such success, as Ambassador U. Joy Ogwu, President of the Conference, explained, will help create the "much needed and timely momentum for positive movement in the overall multi-lateral disarmament process."

However, although the final outcome document undeniably represents an achievement, the extent of the achievement is debatable. Clarion calls for strengthened and more ambitious language in the outcome document persisted throughout the Conference, and while some were acknowledged, many were not. Numerous states lamented this, including Kenya, United Kingdom, Ghana, Mexico, and Trinidad and Tobago; they conveyed their disappointment in the final outcome document's minimal (if not entirely absent) language relating to the issue of ammunition, gender perspectives, prevention of risk of diversion, and the link between armed violence and development. The inclusion of such concepts would have led to a more focused and forward-looking final document since it would have more adequately addressed the 'new' challenges and priorities of states in today's ever-evolving security environment.

In addition, the Conference did not go far enough in 'reviewing progress made' in the PoA's implementation

as a basis for drawing lessons for the future, nor did it place enough emphasis on mechanisms to increase the measurability and effectiveness of PoA implementation, and assessment of its impact. In order to plug the gaps in existing mechanisms and ensure the next six years of PoA activity is productive in its impact on small arms violence, the document should have more explicitly noted how to achieve the 'clear and tangible results' mandated by its Declaration. To this end, the section on 'Schedule of Meetings 2012-2018' in the final outcome document could have better emphasised the importance of ensuring practical and focused discussions on PoA implementation, as opposed to simply reiterating the instrument's original commitments. Stronger references to measurability, evaluations, assessments, or indicators could also have helped bolster PoA implementation in the coming years; unfortunately, the preference of many states for such terms was buffeted by opposition from Algeria, Cuba, Iran, and Syria, among others, all of whom contested any reference that goes 'beyond' the scope of the UNPoA.

In the words of H.E. Mrs. U. Joy Ogwu, the final outcome document 'delivers no victors and no vanquished,' and the Second Review Conference was an exercise in balance between those who wanted more and those who wanted less. However, the final outcome document is limited by its failure to include particular language relevant to today's security situation, to satisfactorily assess PoA implementation to date, or to articulate the necessary tools for gauging progress in PoA implementation. Future meetings and conferences must take account of and respond to these inadequacies. •

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MANUFACTURED
ASSEMBLED
LICENCE
AUTHORIZATION
ASSEMBLY
TRANSFERRED
AUTHORITY
MARKING
RECORDKEEPING

International media and the PoA

Lia Petridis Maiello | *Global Action to Prevent War*

“Sparse” would describe the level of attention international media paid to the Second Review Conference for the UN Programme of Action (UNPoA) on small arms and light weapons. The reasons are manifold and can obviously not be reduced to a general rule of thumb. The personal dedication of the individual journalist willing to push a story or topic that might not be as newsworthy as others in the eyes of the editor or outlet would be one reason. Needless to say, every media representative today, in particular those who are publishing with corporate media outlets, has to deal with an entirely new framework of restrictions and guidelines.

Newsworthiness has been redefined, often but not always to the detriment of quality of information. On the other hand, tangible results are still more likely to make it into the paper than theoretical discourses, which often exclude the every-day-reader. The counterargument for that statement would be the journalist’s ability to break down, analyze, and communicate complex, specialized contexts. Not all journalists can, not all of them want to, not all of them have the time to, and not every outlet is suitable for such analyses. These various arguments can be directly applied to the UNPoA Review Conference.

For many, the failure of the arms trade treaty (ATT) negotiations in July, although different in nature and objectives, has reinforced some UN stereotypes surrounding effectiveness and pace of implementation. Additionally, discussions on language or meeting details, as were conducted during most of the Review Conference, are simply of no interest to the every-day-reader, while they are very important in a UN context when multiple cultures with particular political boundaries are trying to come to an agreement on complex political matters, such as the eradication of the illicit arms trade.

Nevertheless, as in most situations in life, there is a way to cover solid middle ground. Numerous side events at the UNPoA Review Conference have offered a high level of practicality and results-driven implementation information that is well-worth communicating to the outside world. For example, the launch of the publication *A decade of Implementing the UNPoA on SALW: Analysis of National Reports* by Sarah Parker of Small Arms Survey and Katherine Green from the UN Institute for Disarmament Research (UNIDIR) provided a summary of the degree of national implementation of the UNPoA. The authors argued that although the provision of national reports is voluntary and therefore incomplete, the study could be a basis from which effectiveness or ineffectiveness could be much better quantified.

Another event worth covering was hosted by the UN Mine Action Service (UNMAS), which focused on physical security and stockpile management and demonstrated a very tangible and reportable result of implementation of an international agreement by coordinating UN actors for emergency response as well as creating national focal points in areas of crisis for humanitarian organizations. As Global Action’s Katherine Prizeman writes, “To date, UNMAS has destroyed over 180,000 landmines and unexploded ordnances (UXO) in Libya through 23 deployed clearance teams.”

What created international headlines a day after the UNPoA had started is the fact that “The legal international trade in small arms, light weapons, their parts and ammunition is worth at least \$8.5 billion annually”—more than double the previous estimate in 2006, according to a survey by independent researchers released at UN headquarters last week. The Small Arms Survey 2012 said the increase from the last estimate of \$4 billion is due to several factors—large-scale government spending especially during the Iraq and Afghanistan conflicts, increased purchases of small arms and ammunition from foreign countries by American civilians, and better information and improved methods of calculating the value of transfers”, as UN-Correspondent Edith Lederer writes in Bloomberg’s Businessweek.

What will it take to make peace that profitable and hence newsworthy? According to the Small Arms Survey, there are an estimated 875 million small arms in circulation worldwide, produced by more than 1,000 companies from nearly 100 countries. This is a concerning situation that this UNPoA conference is dedicated to and would indeed deserve extensive, global media attention. •

Haiku, by Natalie Goldring

the conference ends
the states achieved consensus
but will this save lives?

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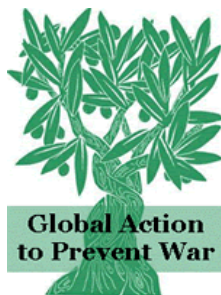
Art by Lin Evola

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