



SMALL ARMS MONITOR

Civil society perspectives on the fifth biennial meeting of states
of the UN Programme of Action on small arms, 16–20 June 2014



Reaching Critical Will

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The *Small Arms Monitor* is produced by the Reaching Critical Will programme of the Women's International League for Peace and Freedom during meetings related to the UN Programme of Action on small arms and light weapons.

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CONSIDERING THE HUMAN COST AT BMS5

Ray Acheson | *Reaching Critical Will of WILPF*

As BMS5 moved into negotiations on the latest draft outcome document Thursday afternoon, the perennial challenges impeding progress clearly remain. Lacking clear references to ammunition and victims, the draft also only contains cursory language related to emerging technologies. The language on stockpile management and women's participation has improved, though on the latter issue more is still needed. Overall, the concern raised in the assessment of the PoA published ahead of BMS5 by Reaching Critical Will and Instituto Sou da Paz remains: that international work on the PoA framework is insufficient to curb and prevent human suffering caused by small arms and light weapons (SALW).

The human cost of small arms is grave. Yet despite the work of many civil society groups such as Action on Armed Violence and member states such as Austria, version 5 of the outcome document does not mention the victims or survivors of gun violence. This is a step back from the 2012 Declaration, which at least noted that the humanitarian impact of small arms and light weapons impedes the provision of assistance to victims of armed conflict.

The document also only contains oblique references to ammunition (referring to "ballistics information" in paragraphs 36 and 47) and only contains a passing reference to emerging technologies. These are the two issues that the RCW/SDP assessment identified as priorities for the international framework on SALW.

For ammunition controls, "The evidence-base, policy recommendations, and even normative blueprints are present; our collective mission is to push them into the realm of political reality," writes Daniel Mack. Agreements covering ammunition at different states of its life cycle, from manufacture,

international transfer, brokering, storage, disposal, and destruction are necessary to adequately confront the humanitarian and developmental challenges posed by SALW.

Meanwhile, emerging technologies such as "smart guns" and 3D printing require the international community's attention. The PoA process "should provide a normative framework for their development and use, lest they are allowed to start killing and maiming before governments have attempted to preempt or reduce the harm." Work on emerging technologies could take the form of legally-binding instruments, protocols complementary to the PoA framework, and/or the inclusion of such technologies in the International Small Arms Control Standards (ISACS). For now, however, the draft outcome document only notes with concern that developments in SALW manufacturing, technology, and design poses new challenges for effective marking, record-keeping, and tracing.

One critical issue that has received better attention in the draft outcome is women's participation in policymaking, planning, and implementation processes related to SALW. (See the article on page 6 for further details.)

Similarly, the impact of SALW on socioeconomic development receives some attention in the draft outcome, with paragraph 2 reiterating states' "grave concern" about the "wide range of humanitarian and socio-economic consequences" of the illicit manufacture, transfer, circulation, excessive accumulation, and uncontrolled spread of SALW. It also notes that illicit SALW "pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels."

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Considering the human cost at BMS5, continued

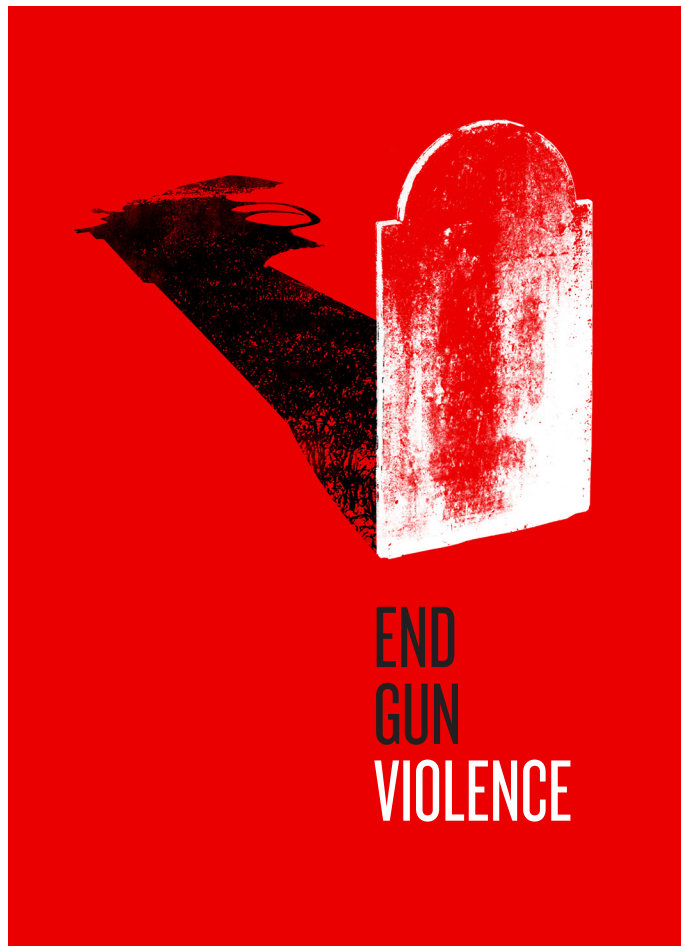
This recognition is welcome, though no language on development exists in the “Way Forward” section of the text. Given that discussions on the post-2015 sustainable development goals are underway, BMS5 is an opportunity for states to consider ways to incorporate SALW into this process and to reflect that process in the PoA framework. The International Committee of the Red Cross (ICRC) suggested that states should recall the devastating effects of SALW proliferation when they are considering post-conflict reconstruction and the sustainable development goals, noting that SALW “prolongs conflicts, facilitates violations of international humanitarian and human rights law, and puts civilians at high risk of death or injury from weapons-related violence.” As the ICRC also pointed out, “The threat to civilians remains even after armed conflicts have ended. Human suffering continues, often for years, after hostilities are over, as the widespread availability of these

arms engenders a culture of violence, undermines the rules of law and threatens efforts at reconciliation.”

As all contributors to the *Small Arms Monitor* have reiterated this past week, the human factor must be at the core of efforts to advance the implementation of the PoA and fill the gaps in its framework. It is unclear whether BMS5 will effectively address the most critical challenges posed by SALW in the time it has left, but civil society continues to call on it to do so.

“Since BMS5 began at 10am on Monday, more than 4000 people—citizens of these member states—have died by small arms and light weapons, and 2-3 times as many have been wounded,” noted Rebecca Peters of IANSA and Surviving Gun Violence during the civil society presentations on Thursday morning. “Please put reducing this carnage ahead of any other considerations during the remaining hours of BMS5.”

*“Casted in Silence” by Jonathan Cumberland
Poster for the End Gun Violence collaborative poster
conversation, <http://endgunviolence.aiga.org/>*



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LEARNING LAB

Dr. Robert Zuber | Global Action to Prevent War

It has long been Global Action to Prevent War's contention that the UN headquarters constitutes a unique learning environment, one which could hardly be duplicated in even the most prestigious graduate school environments. From ocean pollution and the economics of land locked countries to sexual violence in conflict and the newest technologies for marking and tracing of weapons, the range of issues and learning opportunities here is virtually unparalleled.

Sometimes to our credit, sometimes naively, we have longed for a UN that is as much of a learning community as the sometimes contentious, text-driven, dishearteningly imbalanced community that it chooses to be, one that too often tunes out colleagues and opts for non-binding outcome documents and compromised advocacy that neither contain nor highlight the good work done by states and NGOs as well as the learning that can lead to still more successes.

This BMS has given us some inkling of what a viable, UN-based learning community might look like, and also how far we still need to go to make that happen.

In support of learning there are extraordinary opportunities—the considerable intellectual skills of diplomats, NGOs, and others; the rich menu of topics addressed and an increasing tolerance for issues that cut across sectors and contexts; and the need of officials in capitals for timely, coherent analyses of trends and opportunities (including on SALW) from their representatives in New York to which these representatives will eventually be asked to respond. This requirement for this robust, two-way communication on issues pertaining to and going far beyond small arms creates incentives for learning that can (and increasingly are) addressed.

But the other side of the pedagogical coin is sometimes harder to bring into focus—the willingness of participants to avoid a rush to judgment, to keep their minds and even their hearts open to new lenses on old, but evolving problems. This surely complicates responsibilities for all sectors of the UN's policy apparatus. It is much easier to “make up our minds” and then push text (diplomats) or sell programs (NGOs) than to reinvest in other things we need to know in order to paint a more complete security picture. But an inflexible mindset can impede integration of the constant stream of new information, technological discoveries, even political crises that beg a review of even the most ‘settled’ opinions.

GAPW has had office discussions (and disagreements) on the practical relevance of speeches, statements, and non-binding texts. My own view as a former preacher is

that such artifacts have value, but less than others might think. This is even true of the riveting BMS talk given on Thursday by David Wheeler. Such inspiration is essential and can move some people off fences separating engagement and disinterest. But for most the effects are of short duration, when what is needed is longer-term sustainable engagement towards effective solutions.

Diplomats generally are more skilled in negotiating text than in identifying and addressing learning needs. And the demands on diplomats (indeed all of us) have increased dramatically in recent years, as even a cursory comparison of the UN Journal from this week and five years ago would make clear. Such demands—and the deadlines that accompany them—clearly complicate pedagogy relevant to a true learning community.

At the UN, when people ask about ‘our work,’ we most often tell them what we’re doing. We less often tell them which of our activities actually resulted in meaningful outcomes. And we almost never talk about what we’ve learned. A learning community can help all of us reach beyond our ‘brands’ and the reports and resolutions in which they are generally couched to more flexible, sustainable engagements with the myriad issues that have been remanded to our care.

In several events organized in recent weeks by the Office of the President of the General Assembly, Deputy Secretary-General Eliasson has commented on the need to get beyond rhetoric and engage the practical responsibilities that have been entrusted to us. There are few places in the entire UN system where this advice would be more appropriate than in the BMS. What we do. What difference it has made. What we have learned in order to improve the next iterations of practice. This is the work of learning communities. It is also the work of a process whose primary value lies in helpful, SALW-related activities that are created by stakeholders more than mandated by texts.



ON DAY 4, THE TECHNICAL GIVES WAY TO THE PERSONAL

Dr. Natalie Goldring

The persistent gap between rhetoric and reality at the UN is reflected in part in the involvement of non-governmental organizations in the Biennial Meeting of States that concludes today. Although many countries offer significant rhetorical support for NGOs, most NGO representatives were excluded from the “informal” (a gentler word than “closed”) negotiations that seemed to proliferate during the first four days of the conference.

As has become customary in many UN fora, one session was reserved for NGO presentations to the delegates, with part of the session dedicated to the International Network on Small Arms (IANSA) and its affiliates, and part given to various gun advocacy groups.

During most of the presentations, delegates and observers seemed to be listening, though not quite giving their full attention to the proceedings. Some people were carrying on quiet side conversations; others seemed to be checking email. But the atmosphere in the room changed dramatically when David Wheeler introduced himself as the father of Benjamin, one of the children killed in the Sandy Hook tragedy in December 2012. Using semiautomatic weapons with high capacity magazines, a deranged gunman killed 20 school children and six adults.

As soon as David Wheeler said that he was a Sandy Hook parent, delegates stopped checking their screens; the attention of virtually everyone in the room was captured by his speech. Delegates abandoned their computers and turned around in their seats to watch him deliver his speech from the gallery. Many of the par-

ticipants and observers were visibly moved. (The only obvious exception was one of the gun lobby’s speakers, who appeared to be texting throughout the speech.)

In an unusual departure from normal UN practice, Ambassador Tanin of Afghanistan, the Chair of BMS5, stopped the meeting so that he could leave the podium to meet David Wheeler, his wife, and their surviving son. And before he called on the gun groups for their statements, he reminded the group of a key statistic IANSA representative Rebecca Peters had cited in her talk—that in the 72 hours since the meeting had begun, more than 4000 people had probably been killed around the world.

Despite having been excluded from so much of the conference, IANSA and its affiliates brought attention back to a critical issue facing the international community. On average, every single minute of every day, someone is dying because of armed violence. While that is a statistic, the victims are real.

On Thursday, David Wheeler brought that reality to the United Nations with his remembrance of his son Benjamin and a call to action.

The question that is on the table today for all of us is deceptively simple: What can we do today and when we return to our homes that will reduce the horrendous carnage that is caused by these weapons?

Dr. Natalie J. Goldring is a Senior Fellow and an Adjunct Full Professor with the Security Studies Program in the School of Foreign Service at Georgetown University. She also covers conventional weapons issues at the UN for the Acronym Institute (UK).



TRACING ILLICIT ARMS IN CONFLICT

Arianna Framvik Malik | *Reaching Critical Will of WILPF*

The side event hosted by the Belgian mission, as well as the soon-to-be-launched iTrace project highlight the importance of marking and tracing small arms and light weapons (SALW). Through weapons tracing, diversion risks can be assessed and the implementation of UNPoA, International Tracing Instrument (ITI), and Arms Trade Treaty (ATT) can be monitored.

“Conflict tracing” mechanisms aim to identify the weapon and to resolve the circumstance under which the weapon was illicitly diverted and traded. The steps of tracing, determining the chain of custody and the owners and users of the weapons, are more or less the same whether the weapon is being traced as part of a criminal investigation or the tracing of a weapon used in armed conflict.

The method stems from requests made by UN panels of experts wanting to determine possible arms embargos violations in the late 1990s. So far, however, UN peacekeeping missions have not normally engaged in conflict tracing; instead, this has been done by investigators of member states such as Belgium. But interest in this approach is increasing. In the past few years, a few weapons investigations have been undertaken by UN peacekeeping missions in order to increase the capacities of peacekeeping efforts. The dots between the flow of arms and surges of conflict are beginning to be crossed not only theoretically but practically.

Eric Berman of the Small Arms Survey highlighted the problem of weapons diversion through peacekeeping missions. While the majority of weapons diversion occurs through seizures and commercial transactions, weapons and ammunition is being diverted from UN peacekeeping missions in a number of ways, and this is something that needs to be discussed within the UN. Berman alerted seminar goers to the fact that there is no UN regulation informing its missions on what to do with the weapons they seize. While the question, “Do you have all your weapons?” is asked as a peacekeeping mission comes to an end, the question, “Do you have all the weapons you recovered throughout your mission” is not asked. What happens to the weapons appears to be up to the commander of the mission, and the destruction of these weapons is not guaranteed.

Furthermore, large quantities of weapons have been stolen from a number of UN missions and have thereby spread to the illicit market. The UN needs to discuss this issue and figure out ways to prevent this, so as not to undermine the crucial illicit arms reduction efforts that need to be implemented through the UNPoA, ITI, and ATT.

LOCAL STOCKPILE MANAGEMENT

Simon Rose | *Reaching Critical Will of WILPF*

While several states have stressed the importance of a local perspective, Saferworld is trying to focus on incorporating that perspective into every level of its work. Thus it decided to design a project that would be truly responsive to local concerns and needs. As the Saferworld team dug deeper into SALW issues in Kenya, it realised that there were some substantial problems within the police force. This was especially evident with regards to the reserves, which are recruited on a voluntary basis to support basic police work.

Failure to maintain proper records resulted in leakage of arms stockpiles, which not only spread small arms and handguns, but also decreased the lack of trust in policing. Making sure that the population has confidence in its police force is essential for creating a safe and secure environment.

The project has now developed an electronic registrar and has formed mixed monitoring teams of civilians and police to connect to the reserves in the field, perform inspections, and other tasks. As the connection with the local community has been very strong from the beginning, the methodology of the project has been well received in the environment within which it operates.

The project started in January 2014 and is active in two pilot areas, but already it has caught the attention of the national police. Being successful both in regards to the design of the project as well as implementation makes it a desirable project, although it will only run until 2015 as of now.

Political will from the Kenyan government was important for the project to be successful, as working with the support of national governments makes it a lot easier to implement new ideas and new methods on the local level of state organs. As always, international commitment and funding as well as engagement from civil society also played a vital role.

Project Manager James Ndung’U also mentioned a number of other success factors, most notably having clarifying what the project can do and what it cannot. But the major methodology wasn’t the specific way records were designed or any special training program, but rather the way the entire project was soundly connected to the local environment. Perhaps it’s not as exciting for donor countries to fund these projects, as it doesn’t have a comprehensive goal of peace building or conflict prevention. But hopefully it’s the start of something that can be copied and applied in the rest of Africa, and other parts of the world.



THE GENDER DIMENSION

Ray Acheson | *Reaching Critical Will of WILPF*

One critical issue that has received better attention in version 5 of the draft outcome is women's participation in policymaking, planning, and implementation processes related to small arms and light weapons (SALW). While important, however, promoting women's participation does not fully address the need for incorporating a gender perspective into the implementation of the PoA and related agreements. A more robust reflection of the relationship between SALW and gender-based violence, differential impacts of the use of SALW on the sexes, and gendered engagement in armed conflict and armed violence are crucial to addressing the challenges associated with the proliferation and use of SALW in and out of conflict.

The importance of participation

Paragraphs 10 and 51 of the draft highlight the importance of women's participation in implementing the PoA and the International Tracing Instrument, respectively, and cite General Assembly resolutions on women, disarmament, non-proliferation, and arms control as well as UN Security Council resolution 1325. In section on "The Way Forward," states undertake to "promote the role of women in preventing, combating and eradicating the illicit trade in small arms and light weapons, including through access to training, as well as through their meaningful participation and representation in policymaking, planning and implementation processes related to the implementation of the Programme of Action, including stockpile management and physical security measures, and awareness-raising and education."

This language is welcome and reflects the calls from civil society groups such as WILPF, Global Action to Prevent War and the IANSA Women's Network, as well as member states. Australia, Costa Rica, Norway, and others have highlighted this issue, with Costa Rica's delegation emphasizing the need for "women's active participation and representation of women in policy making, the implementation of processes relevant to stockpile management, and other efforts to fulfill the promises of Security Council Resolution 1325 and relevant General Assembly resolutions."

Women's participation is necessary to ensure that a fuller range of perspectives are incorporated into policymaking and negotiations. Gender discrimination is a serious problem in disarmament and security sectors. A recent egregious example took place at the May 2014 meeting on fully autonomous weapons at the Convention on Certain Conventional Weapons. 18 experts

were invited to speak at the expert panels during the official plenary. None were women. The organisers suggested that there were no suitable women to fill any of the slots, even though many such women attended the women and participated in side events. This incident inspired Article 36, a UK-based NGO, to start a list of men refusing to participate in all-male panels as a way to promote gender diversity in global policymaking.¹

A broader gender perspective

However, while promotion of women's participation is crucial, it is also imperative for the BMS process to more rigorously incorporate a gender perspective in the PoA framework. Gender is not just about women, nor is it just about participation. It is also about factoring in the needs, capacities, and socialized roles of all sexes, as well as the differentiated impacts of the proliferation and use of SALW.

WILPF has highlighted the ways in which armed conflict can transform the perception of women as active members of a community or household into passive victims requiring protection. As we noted in our recent publication on women and explosive weapons, "Men are traditionally treated as the key actors in war and reconstruction, because they typically constitute the highest number of combatants and casualties. However, this means that women's roles in armed conflict and post-conflict situations are often overlooked. This androcentric approach to warfare provides an inaccurate picture when estimating the consequences of war.... consideration of women's role in fighting and the impacts of conflict on women as both civilians and combatants remain marginal." The impacts of the use of SALW are also frequently gendered. The use of SALW has many forms of indirect impacts such as forced displacement, eroded social capital, and destruction of infrastructure, which can have different effects on women than on men. Assessing these effects can "help improve needs assessment efforts, ensure that all people affected by the crisis are taken into equal consideration, and allow for a more appropriate and effective response and prevention measures."²

Gender-based violence

Gender analysis can also help us understand how weapons are used—and against whom and why. This in turn can help inform policies and programmes that specifically address these challenges.

Violence that is perpetrated against a person based on gender is known as gender-based violence (GBV).



Acts of GBV violate a number of human rights principles enshrined in international instruments and can constitute violations of international humanitarian law (IHL) if perpetrated during armed conflict. Some common examples of GBV include rape and sexual violence, forced prostitution, trafficking, domestic violence, and forced marriage. Not all victims of GBV are female. Men or trans or intersex people are sometimes harassed, beaten, or killed because they do not conform to mainstream gender roles or behaviour. GBV also includes violence against individuals based on their sexual orientation and gender identity.

During BMS5, many member states have spoken about the need to highlight synergies between the PoA and the Arms Trade Treaty (ATT). Addressing GBV in the PoA framework is critical to enhancing such synergy. SALW are frequently used in acts of GBV perpetrated by both state and non-state actors. Thus during the negotiations of the ATT, civil society organizations and like-minded governments worked together to ensure that the treaty included a legally-binding provision on preventing armed gender-based violence.

Article 7(4) of the ATT obligates exporting states parties, as part of the export assessment process, to take into account the risk of the conventional arms, ammunition, munitions, parts, or components under consideration being used to commit or facilitate acts of gender-based violence. States shall not be permitted to authorize the transfer where there is a risk of gender-based violence when it constitutes one of the negative consequences of article 7(1)—i.e. when it is a violation of IHL or international human rights law, when it undermines peace and security, or when it forms part of transnational organized crime. This binding criterion also requires states to act with due diligence to ensure that the arms transfer would not be diverted to non-state actors such as death squads, militias, or gangs that commit acts of GBV.

During the implementation of the ATT, some key questions in the risk assessment process should include whether there is an effective regulatory system to control arms and prevent GBV, and whether there is evidence of acts or patterns of GBV in the recipient country. The PoA framework should also address these issues through trainings, legislation, monitoring, and other initiatives to confront armed gender-based violence.

Moving forward

At the Global Summit to End Sexual Violence in Conflict held last week in London, WILPF and others highlighted the connections between the arms trade, the use of SALW, and sexual violence. In her opening address, Nobel Laureate Leymah Gbowee declared, “to imagine that we can stop rape in conflict without stopping wars will be like trying to draw blood without pricking the finger or cutting. It is impossible. For us to do things differently like our sisters in many conflict zones, we must endeavour to put an end to the militarism that has engulfed our world.... Militarization and the presence of weapons legitimize new levels of brutality and impunity. This violence, unfortunately, continues in post conflict where chaos adds to the many frustrations exacerbated by war.” Unfortunately, this discussion was not part of the ministerial meetings during the Summit.

But the UN system has opportunity to take this up. It is vital for member states and UN agencies to integrate the requirements of UN Security Council resolution 1325 and UN General Assembly resolution 67/48 into their policy and programmatic frameworks. Subsequent resolutions should also seek to strengthen language on incorporating a gender perspective into work on disarmament and related issues. Efforts are also needed within the PoA and ATT frameworks to ensure that gender perspectives are effectively incorporated into programmes and policies dealing with small arms and the arms trade. Such efforts will help combat GBV and will help promote synergies among instruments dealing with conventional weapons. BMS5 provides an opportunity for member states to continue this work.

Notes

1. See <http://www.reachingcriticalwill.org/news/latest-news/8896-against-gender-discrimination-in-global-policy-making-for-details>.
2. Women and Explosive Weapons, Women’s International League for Peace and Freedom, 2014, <http://reachingcriticalwill.org/images/documents/Publications/WEW.pdf>.



SMALL ARMS MONITOR

The final edition of the *Small Arms Monitor* will be available online at www.reachingcriticalwill.org

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CALENDAR OF EVENTS

When	What	Where	Who
10:00-13:00	Plenary	Conference Room 3 Conference Building	
13:15-14:30	Enhancing community safety through small arms control measures	Conference Room C Conference Building	UNODA
13:15-14:30	Is the PoA Masculine?: Mainstreaming gender into the PoA	Conference Room 3 North Lawn Building	Permanent Missions of Australia, IANSA Women's Network
15:00-18:00	Plenary	Conference Room 3 Conference Building	