



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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WHAT HAS BMS5 DONE FOR US?

Nicholas Marsh | Peace Research Institute Oslo

The Fifth Biennial Meeting of States (BMS5) to Consider Implementation of the 2001 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects finished on 20 June 2014. I quote the full title to remind us what the BMS5 was supposed to do—it's a regular meeting to discuss the implementation of a thirteen year old politically binding agreement on combating illicit arms trafficking. Moreover, it's a process based upon consensus. Progress is made at the often frustrating speed of the slowest and most reluctant UN member state.

The tone of the meeting was business as usual. Even a last minute hick-up caused by Egypt left a certain sense of *déjà vu*. One friend who has been to many PoA meetings confessed that he had difficulty remembering what year it was. Some of the contentious issues in 2014 are the same as they were a decade ago, such as the almost complete exclusion from the outcome document of ammunition, and of the provision of support for victims of gun violence.

There has been some change over the years. In a welcome development, articles 10 and 51 of the BMS5 outcome document refer to UN Security Council resolution 1325 on women, peace and security and highlight the need to ensure the participation of women in the implementation of the PoA.

Meanwhile, the relationship between the PoA and the 2013 Arms Trade Treaty (ATT) is contentious. While in practice much of the PoA and ATT will be implemented by the same personnel, any explicit attempt to link the two was opposed by some states (those that were also opposed to the ATT). Some issues appear to have gone away. There were heated debates a decade ago regarding a ban on transfers of arms to non-state actors (without the authorization

of the government in which they operate). This is still a vitally important issue in war zones around the world. Perhaps no one now believes that there is any chance of the inclusion of this issue in a PoA outcome document.

If BMS5 seems to be somewhat mundane—focusing upon technical issues related to a small part of the enormous global violence problem—then that's just as it should be. At a side event, my fellow panelists and I agreed that many times the most important ways to reduce violence are the least exciting. For example, a crucial means to reduce violence in poor areas is through improvements to the built environment—particularly street lighting. A key challenge is maintaining attention by governments and civil society on worthy and mundane seeming technical issues.

Illicit arms trafficking is a problem, it does account for part of the supply of weapons used in gun violence. Improvements in the main themes discussed this week—stockpile management and tracing—should reduce that violence. Long discussions on technical issues, be they street lighting or stockpile management, are the nitty-gritty of making progress. If implemented, many of the 84 paragraphs contained in the BMS5 outcome document will make it harder to pilfer weapons from arsenals, or make it easier to trace seized illicit small arms.

In a paper published by Reaching Critical Will, Daniel Mack of Instituto Sou da Paz expressed the frustration with the PoA felt by many people (including myself) and described why he and his organization would not attend BMS5. I think it was worth being here. Even if the PoA only aims to address a small part of the problem, as mentioned above, the work here is still valuable. But much more importantly, the key successes of the PoA can't be found in the 2001 agree-

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What has BMS5 done for us?, continued

ment or the seven subsequent documents produced by the review conferences or biennial meetings of states. The most important contribution of the PoA to the prevention of violence has been to foster a series of other agreements. The same organizations and individuals that worked to get the PoA in 2001, and remained active in subsequent years, started additional outside processes—two of the most prominent being the Arms Trade Treaty and the Geneva Declaration on Armed Violence.

In my experience, BMS5 remained somewhere where people can meet and create new ideas to be developed elsewhere. This is very much in line with Daniel Mack's suggestion that "governments and civil society join forces to supplement the PoA." Those of us who care about preventing armed violence should focus upon creating new initiatives which will flourish outside the PoA; but that's what we have been doing since the PoA was agreed in 2001.

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ISACS AS THE WORK PLAN FOR CIVIL SOCIETY IN SUPPORT OF THE POA

Edward J. Laurence | Monterey Institute of International Affairs

I write in response to the thoughtful and comprehensive piece by my colleague Daniel Mack: *An Assessment of the POA (Or, Why We Are Not In New York)*.¹ My main argument is that while I definitely agree with the premise that the PoA meetings in New York for national NGOs have had their day, I am surprised that the paper barely mentions what I will call an action plan for national and local NGOs in support of the PoA norms: the International Small Arms Control Standards (ISACS, www.smallarmsstandards.org).² Secondly, I disagree with what seems to be a penchant among most experts for recommending even more global efforts in regards to emerging technologies, etc. for the purpose of more legally binding treaties.

Civil society should work on reducing armed violence reduction at home

Mack and most of the experts cited agree that the UN process on the PoA has run its course. I also concur that the logic of the above conclusion is that it is time for civil society to change its focus to local and national efforts. As a co-founder of IANSA, my vision was that this "action network" would do exactly that. In the early years there were attempts to do this in the form of grants to NGOs but IANSA lost its way for a variety of reasons, discussion of which is beyond the scope of this article. One of the main reasons was the lack of specific guidance for its NGOs to reduce armed violence in their home countries. The PoA was woefully inadequate in this regard. Another major factor was capacity of NGOs to undertake the activities required to reduce armed violence using the norms established in the PoA.

ISACS

All of this is changing with the development of ISACS. One of the major questions posed by Mack in the paper: "Is the PoA destined to fizzle out into irrelevance?" In my view PoA, as a document or text, has already faded out. But it has been replaced by the operationalization of the key norms of the PoA; namely, ISACS. (The Arms Trade Treaty will have to go through the same process). In essence, these standards and their failure to be implemented represent all of the causal factors that have led to the illicit proliferation and misuse of SALW. They are, in effect, the work plan for NGOs to reduce armed violence in their home countries by focusing on the role that SALW plays in such violence.

Guy Lamb is quoted in the Mack article: "The PoA has become stuck on largely technical issues (stockpile management, ITI, cross border), which alienates most civil society organizations as there are only a few specialists

that can actually add value to the debates." True enough, for the modules he cites. Stockpile management is at its core very technical and requires highly trained personnel. But a quick look at the ISACS reveals many other modules with standards that civil society can work on developing with governments to reduce armed violence. For example, there are set of modules on the legislation that can contribute to reducing armed violence. Groups like Parliamentarians for Global Action and the Parliamentary Forum on Small Arms and Light Weapons could take this up, providing assistance to those NGOs who do work with or lobby their governments on legislation.

The Siren song of legally binding instruments

I also noted in Mack's article a penchant by many experts for civil society to still work on generating more norms and legally binding treaties for things like standard marking of weapons, prohibiting 3-D printing, etc. Simply put, civil society should avoid this siren song. I have not seen any serious research that shows that states did not implement the PoA because it was "only politically binding". There are many reasons why states did not implement the PoA. Forty states never submitted any report. Was this lack of capacity? Rejection of the norms? While this topic is beyond the scope of this note, I believe civil society (not states) has an exaggerated view of the importance of a legally versus politically binding document. There is plenty to do at home from the ground up.

We don't need to supplement or "super-charge" the PoA, or seek more legally-binding instruments. PoA has served its purpose in developing norms that have now been converted to standards through the ISACS process, the implementation of which is actionable, especially by civil society.

Notes

1. This paper, available at <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/salw/poa-assessment.pdf>, is based on the views of many veterans of the SALW work as well as his larger work, *What's Next? Thoughts for Global Civil Society Working on Arms Control and Armed Violence Reduction*, available at http://www.soudapaz.org/upload/pdf/whatsnext_2014.pdf. A more detailed response to this paper can be obtained from the author at elaurence@miis.edu.

2. Mack has posted on the ISACS website advocating the main point I am making here, that ISACS should be the basis for work by civil society: <http://www.smallarmsstandards.org/isacs-news/tighten-the-nuts-and-bolts.html>.



TEXT MESSAGE

Dr. Robert Zuber | Global Action to Prevent War

Thanks to determined leadership by Ambassador Tanin and the Bureau of the Fifth Biennial Meeting of States (BMS), as well as the willingness of states to “walk away” from some Programme of Action (PoA)-related policies dear to their hearts, consensus on a BMS outcome document was reached at around 5PM on Friday.

While we tend not to regard textual consensus as major feature inspiring implementation of PoA objectives, it was nevertheless heartening to see this fine group of diplomats come away with an outcome worthy of applause. As GAPW has noted from the beginning, as much as diplomats seem to enjoy wrestling with and negotiating text, the purposes of the PoA are likely to be better served through an examination of successfully multilateral efforts already undertaken within the key activity frameworks endorsed by the PoA. As Qatar seemed to imply on behalf of the Arab Group, the consensus sought at this BMS is as much about the value of the PoA itself as about the specifics in the outcome document. Such a document has been used as a window on state priorities, but it is unlikely in itself to force serious reassessment of or increase levels of commitment to PoA implementation. That motivation will come from elsewhere.

Sometimes what is not said in these documents is more important than what is said. Australia, CARICOM, and others noted issues that were neglected, or omitted altogether—UN Security Council resolutions, security sector reform, the role of UNSCAR, border-related issues, and of perhaps greatest concern, ammunition. In addition, there were also closing statements by Israel, Canada, the United States, and the European Union distancing each state or group from language linking self-determination and actions to eliminate small arms.

Nevertheless, the “good mood” largely persisted in the room during the course of the week, in some cases through long meetings that challenged diplomats and civil society to forsake World Cup matches. This was both satisfying and a credit to BMS leadership, including the widely-praised Anthony Simpson of New Zealand. As Venezuela noted with pleasure, “there is still a disarmament process which can still achieve consensus.” Indeed, this might be the single most powerful message that this BMS sends out to a weapons-weary world.

Clearly, with or without this text, the PoA seemed destined to move forward. States and civil society will continue to identify small arms-related security prob-

lems. Capacity support will be solicited and offered. We will continue to seek technology for marking, tracing, and physical security of stockpiles that can stay one step ahead of those who seek to undermine its benefits. We will continue to highlight PoA norms and face squarely the challenges (noted by Egypt, Indonesia, and others) of implementation based on national and regional priorities.

And we will continue to count victims of needless gun violence—victims of small arms trafficking, of unrestricted flows of mostly second hand weapons, of arms manufacturers pushing weapons like dealers push heroin, of rabid gun lobby groups who refuse to acknowledge, as my late, gun-using father once said to his then gun-possessing sons, that gun rights are at best a relatively minor part of the myriad rights and responsibilities that make up a great country.

What this BMS made clear is that, as welcome as consensus on text is, there is only so much momentum that text alone can build. The real momentum, the real hope for the victimized and the fearful, is in the many stories of success that the PoA has leveraged; the borders that are more secure, the streets that are safer, the gang members and insurgents who have been disarmed, the illicit ordinance that has been sent up in flames.

China warned on Friday that there is so much further we need to travel to remove the scourge of weapons-related violence. It is through stories of progress as much as through textual norms from which the impetus to continue on this challenging and life-saving journey will come.



ENHANCING COMMUNITY SAFETY

Arianna Framvik Malik | *Reaching Critical Will of WILPF*

“A 21-year-old musician died from a stray bullet while performing at a local party in the outskirts of Mexico City. The bullet came from a shot into the air by a man under the influence of alcohol.”

So begins the presentation by UN-LiREC, the United Nations Regional Center for Peace, Disarmament and Development in Latin America and the Caribbean at the side event on enhancing community safety through small arms control measures. According to a recent study by UN-LiREC on stray bullets in Latin America, celebratory fire make up 5% of stray bullet armed violence in the region while stray bullets from gang violence, armed robbery and crime, social community or inter-personal dispute and conflict injure and kill bystanders to a higher degree. In 2009 in Jamaica, a 17-year-old girl sleeping in her home was killed by a stray bullet from a shoot-out between police and armed criminals. In Guatemala the same year, a 2-month-old baby was killed in the arms of its mother when a local gang opened fire on the bus they were travelling.

Though the percentage of injured and killed by stray bullets only make up a small fraction of the thousands of people that die each week from armed violence, the issue nevertheless needs attention. States are encouraged to prevent the issue of celebratory fire through legislation and public education, as well as to update their police forces use of force doctrines in order to make sure that police don't overuse their guns.

Another tool to reduce armed violence that more communities are beginning to embrace is the establishment of gun-free zones. These zones can be established permanently, to build peace in a post-conflict setting or to reduce crime-related violence, or temporarily, if the reason for the zone for instance is to prevent election-related violence, which has been tried by Sierra Leone. If established without other parallel measures, the zone will probably not be effective, but if coupled with awareness-raising campaigns and weapons collection and destruction programs, the zones can make a difference. Furthermore, the zones need to be enforced and maintained and made sure to be established in those places where armed violence is known to occur.

As explained by Swedish ambassador Paul Beijer, gun-free zones are meant to start a positive spiral, leading to a reduction in the usage of arms. It is a way to extend the work of the PoA and the ATT down to the national and municipal levels. As pointed out by audience members, it's important that the community owns the project of the gun-free zone, so that they are part of claiming back their space.

IS THE POA MASCULINE?

Simon Rose | *Reaching Critical Will of WILPF*

With regards to gender, the question whether something is masculine or not can mean several things. As far as the UNPoA is regarded, the issue is whether states have a understanding of the impact the implementation of the UNPoA has on their population—the entire population.

The panel agreed that the proliferation and use of small arms and light weapons affects men and women differently. Ema Tagicakibau from the Pacific Foundation for Women's Advancement pointed out that this is most notably true in situations when being a women is a threat in itself, as rape often is used as a weapon, aimed directly at physical integrity. The economic impact differs as well, because women often carry the financial burden as caretakers when someone in the family is injured. There are several similar examples, so these and other differences in impact have to be taken into account. It is important when crafting the language of BMS outcome documents, but it is especially important when states are implementing the provisions of the text.

The panel members reiterated the fact that the UNPoA has been moving forward in this regard, taking note that the development is going in the right direction. However, there seems to be some immense gaps in implementation. This takes form in an inadequate analysis of the impact of different programmes have on women and men, as well as boys and girls, before programmes or activities are enacted. The main objective of reducing the masculinity of the UNPoA is making sure that there is an approach and a perspective that includes women, rather than excludes them, and to make sure that this also has an effect on state implementation.

UNODA has provided some guidelines available online on gender-sensitive implementation of the UNPoA. One should also learn from successful examples, most notably the Philippines and the comprehensive work that has been done with its National Action Plan regarding the UN Security Council resolution 1325.

To answer the rhetorical question posed by the organisers—if the UNPoA is masculine—the answer is affirmative. Even though BMS5 made some progress in recognizing the importance of women's participation, the implementation process has to be substantially improved in order to achieve security for the entire population, including men, women, boys, and girls.



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Poster by David Pasek for <http://endgunviolence.aiga.org/>