



SMALL ARMS MONITOR

*Civil society perspectives on the Biennial Meeting of States on
the UN Programme of Action on small arms
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Reaching Critical Will

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EDITORIAL: THE TYRANNY OF CONSENSUS

Ray Acheson | Reaching Critical Will of WILPF

Two years ago, we encouraged states and other actors to move away from maintenance of the UNPoA towards creation once again. To not just simply reaffirm past practice and uphold existing norms but to tackle the UN Programme of Action (UNPoA)'s serious unfinished business—such as ammunition, new technologies, manufacturing, and gender dynamics of gun violence and proliferation. The Chair and many member states made a concerted effort to do so with this Biennial Meeting of States (BMS)—and in many respects succeeded in connecting UNPoA implementation efforts with other important initiatives and considerations. Yet the tyranny of consensus once again prevented the adoption of an outcome document with robust new commitments to take on old challenges.

The pursuit of consensus meant that the word “ammunition” does not even appear in the final draft of the outcome document, nor does a direct reference to the Arms Trade Treaty. Both are referred to obliquely. A convoluted paragraph 9 notes that some states apply relevant provisions of the UNPoA to “material additional to that mentioned in the ITI definition of small arms and light weapons, while recognizing that other States were of the view that such material was outside the scope of the PoA.” Similarly, paragraph 109 on assessing the risk of diversion commits states to put in place regulations “consistent with the existing responsibilities of States under relevant international law.” Both paragraphs go out of their way to say something without actually saying it, because a small minority of states didn't want the document to say it at all.

As other articles in this edition point out, there are many positive elements of this outcome document. In many respects, BMS6 has been more successful than any of its predecessors. However, limitations were imposed once again by the abuse of consen-

sus. This is not the first time we have had to write about this crippling phenomenon.

The abuse of the rule of consensus by a handful of states has played a significant role in preventing progress on reducing the human suffering caused by weapons. The last multilateral treaty on weapons that was adopted by consensus within the UN was the Chemical Weapons Convention in 1992. Since then, the international community has failed over and over again to adopt treaties with this rule.

This state of affairs negates a basic principle of the UN and especially its General Assembly—the sovereign equality of states—by allowing the interest of one or a handful of states to trump the interests of all the others. Unanimity is a good goal in that it promotes a principle of giving equal consideration to all views, regardless of other interests and positions. But more often than not, it simply results in a lowest common denominator outcome dictated by those opposed to progress. Some governments argue that the rule of consensus protects their security interests, but it in fact undermines the security of the majority—both governments and peoples—that must rely on the rule of law rather than the balance of terror to protect them.

As Nigeria's delegation said during the Arms Trade Treaty negotiations, the process of developing such law is about “enhancing the rule of law against the rule of the gun.” A handful of countries must not be allowed to hold back the rest of the international community in tackling some of the most dramatic problems of our age.

This article draws upon a civil society presentation delivered to the UN General Assembly First Committee in October 2012, as well as on an editorial in the ATT Monitor on 29 March 2013. •

NEWS IN BRIEF

Mia Gandenberger | *Reaching Critical Will of WILPF*

The News in Brief is not a comprehensive summary of all statements. It highlights positions on few critical issues covered during plenary discussions.

Consideration of the draft final document

- The Chair put Draft 6 of the outcome document before the meeting.
- Australia speaking on behalf of 63 states suggested the following language for insertion in the document: "States noted that states parties to the ATT were implementing relevant UNPoA commitments through their legally binding obligations under the ATT."
- Iran asked for the meeting to switch to informal mode. The meeting was adjourned.
- The Chair put Draft 7 before the meeting and highlighted some editorial and administrative corrections: Paragraph 36 should read "in which member states participate, including those that are legally binding, in order..."; Paragraph 2 should read "national, sub-regional, regional and international levels"; Paragraph 40 should read "sub-regional and regional instruments".
- Iran expressed some concern with the wording of paragraph 9 and suggested it be moved to section four, "other issues," or be deleted.
- Nigeria speaking on behalf of the African Group expressed the group's willingness to go with consensus even though the document was not perfect.
- The Chair reiterated this document presented his final attempt at an outcome document adopted by consensus.
- Egypt announced it had submitted its national report and expressed support for the proposal by Iran, even though it fully supported the document.
- Australia, Paraguay, United Kingdom, European Union, CARICOM, Japan, Sweden, Morocco, Guatemala, Mexico, Argentina, China, Thailand expressed support for the document despite it not including all their points.
- Morocco suggested that Iran's concern be addressed in the meeting report rather than the outcome document.
- Iran enquired after paragraph 81 and reiterated its proposal regarding paragraph 9.
- The Chair explained that Australia as the proposer of this paragraph withdrew the paragraph that morning.
- Iran reiterated its proposal regarding paragraph 9 and called on the Chair to put it before the meeting.
- Sweden explained it had heard the proposal, but was not attracted to either of the two alternatives. By accepting the text as orally modified by the Chair, it therefore responded to the proposal.
- The Chair put Draft 7 with the oral amendments before the meeting for adoption.
- Iran recalled the Moroccan proposal about the report and called for the inclusion of a footnote saying this will not set a precedent, or that it should be addressed in the report.
- The Chair stressed that every state had made proposals and suggestions, not all of which could be reflected in their original form. Everyone had to make compromises.
- Iran reiterated it did not want to change the paragraph, but it had to be properly reflected that delegations expressed this would not set a precedent. It then called for the meeting to be adjourned.
- The Chair was not in a position to adjourn the meeting and put Draft 7 with the oral amendments before the meeting for adoption.
- The outcome document was adopted by consensus.
- Iran took the floor to disassociate itself from paragraph 9.
- Israel and the United States disassociated themselves from paragraph 3.

Consideration and adoption of the report

- The Chair presented the draft outcome report.
- Iran called for the inclusion of paragraph 20 bis under section 4, to reflect that one delegation disassociated itself from paragraph 9 of the final document.
- The report was adopted.
- In his closing remarks, the Chair highlighted the speech from NGO speaker Arlene Bailey and recalled that reducing armed violence and saving lives represented the greater goal of the UNPoA. •



THE UNPOA, ATTAINMENT OF THE SDGS, AND WOMEN'S AGENCY

IANSA Women's Network

The IANSA Women's Network welcomes the outcome document from BMS6 adopted on 10 June 2016.

PoA is more relevant than ever as we encounter a growth in armed conflict and gun violence against civilians worldwide which has particular impact on women and girls, including violations of women's human rights.

It welcomes, in particular, provisions that highlight the gendered aspects of small arms proliferation and violence as well as the role women play in arms control processes, and thanks member states who worked hard to put in these provisions, namely:

59. To take account of the differing impacts of illicit small arms and light weapons on women, men, girls and boys in policies and programmes designed to combat the illicit trade in small arms and light weapons

60. To promote the meaningful participation and representation of women in PoA-related policy-making, planning and implementation processes, including their participation in national small arms commissions and in programmes relating to community safety and conflict prevention and resolution, taking into account General Assembly resolution 65/69 on women, disarmament, non-proliferation and arms control and subsequent resolutions on question, as well as Security Council resolution 1325 (2000) and follow-up resolutions

61. To encourage the collection of disaggregated data on gender and the illicit trade in small arms and light weapons, in particular for purposes of improving associated national policies and assistance programmes.

62. To seriously consider increasing funding for policies and programmes that take account of the differing impacts of illicit small arms and light weapons on women, men, girls and boys.

Though the document did not specifically mention the goal of significantly reducing illicit financial and arms flows by 2030 in target 16.4 of the SDG as well as SDG 5 which focuses on the achievement of gender equality and empowerment of all women and girls, the IANSA Women's Network lauds the document's recognition that "sustainable development cannot be realized without peace and security and that peace and security will be at risk without sustainable development" and hastens to add that both cannot be achieved without women's meaningful participation.

The IANSA Women's Network commits to do its share in realizing these provisions via its members actively working for peace and disarmament worldwide. •

THE UNPOA AND THE ARMS TRADE TREATY

Allison Pytlak | Control Arms

The Arms Trade Treaty (ATT) and its relationship to the UNPoA was a hot topic of discussion at BMS6. A side event on 8 June considered the linkages between the PoA, ATT, and UN Register. In addition, a very large number of countries had been calling for a reference to the ATT to be included in the outcome document in order to recognize the high level of complementarity between the two instruments. Such efforts began during informal consultations organized by the Chair in advance of the BMS and were led by particularly by Mexico, Germany, and Guatemala. There calls were reinforced once the official meeting opened. Over the first two days of BMS6, many delegations called for this including CARICOM, the EU, France, Mexico, Austria, Australia, the UK, South Africa, Uruguay, Japan, Argentina, Paraguay, and Finland, among others.

To include or not include the ATT in the outcome document continued to be debated frequently throughout the informal sessions all week, which were closed to civil society. A reference appeared in one version of the Chair's draft paper, noting that "States welcomed the inclusion of small arms and light weapons in the Arms Trade Treaty," but was removed in the next version. On Friday morning, the representative of Australia read out a statement on behalf of 65 countries that included states parties to the ATT and, notably, signatories such as the United States. It is highly significant that so many governments came together so rapidly to express their mutual support on this.

Unfortunately however, the ATT again became a casualty of consensus as opposition to any mention of the ATT was raised by a small number of states who are not party to the Treaty and do not want to see any connection between the instruments noted in a formal conference document. There was ultimately no specific reference included; many governments regretted this in their closing remarks. Paragraph 109 calls on states to "put in place, where they do not exist, adequate laws, regulations and administrative procedures, consistent with the existing responsibilities of States under relevant international law, to ensure effective control over the export, transit and import of small arms and light weapons, including end-use certification, and effective legal and enforcement measures."

It is extremely disappointing that despite the strong and coordinated efforts of states and civil society, consensus rules continue to block positive work and the will of the majority. As we move into the implementation phase of the ATT, the synergies between the two instruments will only become more apparent and this will need to be addressed in future meetings on the PoA. •



FIRST THOUGHTS ON WAYS FORWARD AFTER BMS6

Dr. Natalie Goldring | Georgetown University and Acronym Institute for Disarmament Diplomacy

Just before 5PM on Friday 10 June, Ambassador Courtenay Rattray of Jamaica banged his gavel to signify acceptance of the outcome document for the sixth Biennial Meeting of States on the UN Programme of Action on Small Arms and Light Weapons ("PoA"). Delegates and observers applauded, arguably both in tribute to the document and in relief that the so-called "skeptics" had been unable to prevent agreement on a relatively strong document.

In the outcome document, states presented numerous measures to strengthen the PoA and further its implementation. They also took steps to respond to changes in weapons technology and other developments since the PoA's signing in 2001. Countries recognized the importance of controlling small arms and light weapons throughout their life cycle, from production to disposal or destruction.

Another important development was the extent to which states sought to highlight and engage synergy between the Programme of Action and other UN instruments. Explicit links between the PoA and the new Sustainable Development Goals (SDGs) recognized the intrinsic connections between sustainable development and peace and security, for example.

States sought synergy on gender issues as well, linking a recommendation on ensuring that women participate in all phases of PoA implementation to relevant General Assembly and Security Council resolutions. The outcome document also referred to gender issues in the context of seeking gender equality and with respect to the need for disaggregated data on gender and the illicit trade in small arms and light weapons. In addition, it recognized the different effects of illicit weapons transfers on women, men, girls, and boys, while also calling for increased funding for programs that take those differing effects into account. These recommendations are significant steps forward. The issue of gender was so controversial in the original negotiation of the PoA that the word was not even used in the document. In the PoA, women were only referred to once, in a reference to the negative effects of armed violence on women and the elderly.

Attempts to directly link the PoA with the Arms Trade Treaty (ATT) in the outcome document were only partially successful, largely because states that have not yet joined the ATT tried to prevent such linkage.

Even so, full implementation of the Programme of Action could also aid implementation of the ATT, given the relative strength of the PoA's language on recordkeeping, end-user certification, and prevention of diversion. The Programme of Action also contains provisions on destruction of surplus weapons and weapons that remain when conflicts end that could be usefully applied in a broad range of circumstances.

States do not need specific words on paper to take advantage of synergies among the instruments dealing with weapons transfers, however. They can take their own initiatives to use these instruments to strengthen each other. For example, states that supply weapons but have not yet joined the ATT could apply the criteria, guidelines, and prohibitions in the ATT in making decisions on what weapons to transfer and to whom. Doing so could help bring more of the international trade in weapons into compliance with international human rights and humanitarian law.

To implement the PoA effectively, states will also have to deal with one of the biggest weaknesses of this document, which is the failure to directly address the relationship between ammunition and killing. As states prepare for the 2018 Review Conference of the Programme of Action, ensuring that the integral link between ammunition and armed violence is fully recognized in the PoA will be a priority.

In the end, of course, the most important question is whether these measures will decrease the human costs of armed violence. Even though the outcome document is unusually strong, states will have to go well beyond the words on paper to accomplish this objective.

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