



SMALL ARMS MONITOR

*Civil society perspectives on the Preparatory Committee for the
Third Review Conference of the UN Programme of Action on
small arms*

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Reaching Critical Will

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EDITORIAL: LET'S SET THE STAGE FOR REAL REVIEW

Allison Pytlak | *The Women's International League for Peace and Freedom (WILPF)*

States meeting this week at the Preparatory Committee (PrepCom) for the Third UN Programme of Action Review Conference are doing so to set the stage for the instrument's review conference in June 2018. It's been almost two decades since the Programme of Action (PoA) was agreed in 2001; clearly many things have changed, even as others remain the same and unresolved. Striking the right balance between these elements will ensure the instrument's future relevance and viability, and prevent it from being outdated.

The Sixth Biennial Meeting of States (BMS6) in 2016 was the last formal PoA meeting, and despite procedural hurdles left states in a relatively good place with guidance for Review Conference priorities. Its outcome document takes steps to respond to changes in weapons development and recognised the importance of controlling SALW throughout their life cycle, from production right through to either destruction or disposal. There were efforts to formalise linkages to other instruments that succeeded in the case of referencing the Sustainable Development Goals, but failed in the case of the Arms Trade Treaty (ATT) where there is only a very oblique reference to its mere existence, let alone any acknowledgement that the two instruments can complement one another. Ammunition suffered a similar fate—paragraph 9 does not say the word, but references 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.”

Gender was such a controversial topic during the original negotiations of the PoA that the word itself does not appear at all, and there is only a passing reference to women in the context of the negative

effects of armed violence on “women and elderly”. Research and determined advocacy have helped to change views over time; the 2016 outcome document, for example, 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.

Obviously, there is still a long way to go on this. A quick look around the room at any arms-related meeting, whether on conventional weapons or others, will reveal massive gender disparity on government delegations and then of course there is the matter of actually implementing gender-sensitive arms control. The Preparatory Committee overlaps with the 62nd Commission on the Status of Women which means there are a large number of gender experts in New York at the moment whose expertise could be constructively called upon through side events, interventions, or focused meetings with PrepCom delegates.

One constant throughout all PoA-related meetings are the polarising and progress-blocking dynamics induced by consensus-based decision making. As Reaching Critical Will has said in past, the state of affairs induced by consensus-based decision making negates a basic principle of the UN and especially its General Assembly—the sovereign equality of states—by allowing the interest of one or more states to trump the interests of all others.

The coming week is the opportunity to set the stage for what will be discussed in June, and in turn, put into play decisions and recommendations that can improve the PoA. We would urge priority be placed on negotiating through the impasse on “hard”

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Editorial, continued

issues like inclusion of ammunition—or some creativity in identifying other, possibly external ways of moving. One of the first topics on the agenda this week is international cooperation and assistance. Building capacity for lesser-resourced or developing countries is clearly needed but let's not forget that some donor countries simultaneously providing aid to and transferring weapons to the same countries they are assisting or to other countries in their regions. The PoA, not unlike other instruments, implies through its language a two-tiered structure of compliant, usually developed, nations versus those who are both victims of armed violence but also somewhat implied to be at fault through their inability to prevent diversion and reduce trafficking. This is not fair, and the practices of all should be scrutinised. Relatedly, the rapid rate of technological change in recent years means that the face of SALW problems looks quite different than it did in 2001—for some countries, not all. Accounting for diverse domestic armed violence challenges is very important.

A final point is that while it's all well and good to get the words on the paper right, the PrepCom and Review Conference should not be an exercise in word smithing. As the International Action Network on Small Arms points out in the following article, there are gaps between commitment and action that requiring attention.

Reaching Critical Will, WILPF's disarmament programme will provide coverage of the PrepCom through this daily report. It will provide analysis and advocacy related to the plenary meetings. You can subscribe to receive this report by email by going to www.reachingcriticalwill.org.

On that website, you can also find statements, documents, archived Small Arms Monitors, and more information. You can also follow the discussions on Twitter by following @RCW_, @IANSAnetwork, @SALWstandards, among others. •

SIDE EVENTS: Monday 19 & Tuesday 20 March

When	What	Where
Monday 19 March, 13:15-14:45	Comprehensive Approach to Addressing Diversion in Arms Transfers	CR 6
Monday 19 March, 13:15-14:45	Key Priorities for the Third Review Conference on the Programme of Action	CR 8
Tuesday 20 March, 13:15 - 14:45	Preventing the use of SALW for terrorism and transnational organized crime: The OSCE's Best Practice Guide on Deactivation	German House
Tuesday 20 March 14:15-15:0	Towards effective marking, record keeping and tracing of modular and polymer firearms	CRF



SUSTAINED DESTRUCTION OR SUSTAINABLE DEVELOPMENT—THAT IS THE QUESTION

Brian Wood | International Action Network on Small Arms

Delegations preparing their priorities for the Third Review Conference (RevCon 3) on the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (PoA), to be held in June, need to take a hard look at the yawning gap between fine words and resolute actions since the PoA was agreed in 2001.

Scale of the problem remains

Small arms and light weapons (SALW) are still the “weapons of choice in civil wars and for terrorism, organised crime and gang warfare” as the Secretary General described them a decade ago. In 2016, the Small Arms Survey estimated that firearms are used in almost half of all homicides globally and in nearly one-third of direct conflict deaths, at an annual average of almost 200,000 firearms deaths per year for the period 2007-2012. Roughly three quarters of these deaths were not directly in armed conflict. An estimated two million people in non-conflict settings were surviving with firearm-related injuries during this period, and countless more were suffering from ongoing trauma.

By 2014, the number of internal armed conflicts was back to mid-1990s levels, with some of them taking the form of proxy wars by bigger powers. SALW and other arms were used for countless deaths and injuries, as well as massive forced displacement and destruction of infrastructure. Those most in need were often the worst affected.

“Illicit trade in all its aspects”?

The term “illicit” includes not only ‘illegal’ acts by individuals or businesses, but also ‘unlawful’ acts by state agencies, and outrageous acts causing great harm that unfortunately are not yet expressly prohibited. The term “trade” can also have a wide meaning, embracing numerous forms of commerce, exchange, brokerage, and other services, now on the internet, that the PoA should address.

The sixth Biennial Meeting of States (BMS6) agreed that measures to curb the illicit trade in SALW are: “... relevant in areas ranging from peacekeeping, inner-city crime and elections to maritime security, forced migration and public health; from human rights, trade policy and aviation security to military stockpile management, humanitarian aid and development.”

New technologies, marking and tracing, gender violence, terrorism, and synergies with a few other international instruments and regional initiatives have

emerged as important issues, while others such as corruption, law enforcement, cultures of peace, and war crimes need to be more clearly articulated. Given the deeply cross-cutting and interdependent nature of the destabilising circulation and illicit trade of SALW, a “rule of law” approach that integrates action on these aspects would be most effective.

Need to include ammunition

The exclusion of SALW ammunition from the PoA is an unjustified anomaly that distorts strategic integration of control and disarmament efforts to prevent “the illicit trade in small arms and light weapons all its aspects”. Without supplies of ammunition, these weapons become useless. Virtually every state aims to regulate trade in SALW ammunition. Many international and regional treaties require ammunition controls, including those on terrorism, organised crime, customs, and transport.

UN arms embargoes of SALW typically entail prohibitions on ammunition. UN guidance on stockpile safety and security prioritise measures on ammunition. The Secretary-General highlighted the “widespread availability” and problem of diversion of both SALW and ammunition in his 2016 report on the illicit trade.

So the issue is not “if” but “how” to ensure robust regulation. It is time for the RevCon to commit to eradicating the illicit trade in SALW ammunition in all its manifestations.

Gender-based SALW violence

Gender violence and discrimination undermine efforts to bring the trade in all its forms under strict control. Put simply, men possess and use most of the world’s firearms, but women’s security is disproportionately affected by firearms. In most countries “gun culture” is dominated by “macho culture”, and militaristic attitudes can lead to a lethal cocktail of armed and sexual violence. These attitudes can become deeply entrenched in organised crime and conflict.

However, women and girls are not only victims and survivors. They frequently become powerful agents of change, promoting peace, reconciliation, and the rule of law. The IANSA Women’s Network is urging governments and international organisations to provide resources to ensure that women are properly represented in all SALW disarmament and control processes, so that public awareness, education, and training can overcome macho weapon cultures and gender violence.

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Sustained development or sustained destruction, continued

Sustainable Development Goal (SDG) 16

Conflict and violent crime are breeding grounds for organised crime, trafficking in drugs and precious minerals, terrorism, corruption, bribery, theft, and tax evasion that the UN estimated cost some US \$1.26 trillion for developing countries per year. Insecurity affects decision-making, access to food, water, and shelter, as well as mobility and commerce. SALW proliferation facilitates and exacerbates such crimes and injustices.

SDG 16 on “Peace, justice and effective, accountable and inclusive institutions” contains important goals for the delivery of the PoA, including to reduce all forms of violence and to promote the rule of law at national and international levels.

SDG Target 16.4 is directly relevant SDG to IANSA’s work: “By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime.” As part of the implementation of SDG 16.4, the UN will be attempting to determine the “Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.” Better tracking of seized, found, or surrendered weapons will highlight illicit trade patterns, as well as weaknesses in the safe disposal and destruction of illegal and surplus stocks.

Synergies with other international instruments

Various international and regional treaties and other instruments complement and strengthen the PoA. The Arms Trade Treaty (ATT), which has almost 100 states parties, adds legally binding elements for the control of international transfers of SALW as well as other common types of conventional arms often used with SALW. The ATT prohibits certain types of transfers that would violate international law, including when it is known the arms would be used for crimes against humanity, genocide, or war crimes. States also have to assess all exports to avoid an overriding risk the arms would be used for serious violations of international human rights and humanitarian law, or offences outlawed by treaties on terrorism and transnational organised crime.

The PoA is also reinforced through the UN Firearms Protocol, which has 109 states parties, and is supplementary to the Convention Against Transnational Organised Crime. The Protocol provides a framework for states to control and regulate the trade in firearms and their ammunition, parts, and components, prevent their illicit manufacture and diversion into the illicit market, and facilitate the investigation and prosecution

of related offences such as bribery, money laundering, and obstructing justice.

Strengthening civil society

Civil society organisations working on SALW-related issues include a wide range of arms control and disarmament groups, think tanks, universities, professional associations, women’s movements, community associations, human rights organisations, disabled peoples’ groups, faith groups, peace advocates, and others. Their full participation at multilateral meetings on the PoA and in field projects on SALW proliferation and abuse, especially in countries significantly affected by SALW violence and countries that trade large amounts of SALW, is essential. Such organisations usually need funding to carry out research and analysis, to attend conferences and meetings, and to assist with the national, regional, and global implementation of the PoA.

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