

## 2012 and Beyond Advocacy and Action in the UN Small Arms Process<sup>1</sup>

Jim McLay<sup>2</sup>

### Executive summary

This *Briefing Paper* examines future policy directions for the 2001 UN Programme of Action on the illicit trade in small arms and light weapons. It assesses the achievements and shortcomings of the Programme of Action in its first ten years, noting the difficulties encountered in effectively supporting, monitoring, and assessing implementation, and the changing context in which it now exists. It outlines

specific challenges the Programme of Action process must address over the coming decade to ensure its continued effectiveness and credibility, including: (a) providing better support for implementation at the national and regional levels, including through more regular expert meetings, the greater utilization of existing and emerging implementation tools, and an enhanced capacity to monitor and evaluate implementation and assess its effectiveness; (b) more

effectively coordinating Programme of Action implementation with related instruments and processes; and (c) carefully managing 'unfinished [Programme of Action] business' in terms

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Opening of the First Biennial Meeting of States to consider the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, in New York on 7 July 2003.  
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of further normative development. Noting the importance of a successful 2012 Review Conference for the process's ongoing vigour and credibility, the briefing paper provides practical suggestions on how this might be achieved.

## Introduction

Former UN Secretary-General Kofi Annan was probably the first (but certainly not the last) to describe small arms as 'weapons of mass destruction—in slow motion'.<sup>3</sup> And, often, as the statistics prove, the motion is not even particularly slow. In what has been described as a landmark study, the Geneva Declaration on Armed Violence and Development concludes that each year at least 526,000 people die from armed violence, mostly involving small arms (GD Secretariat, 2011).<sup>4</sup> This equates to more than 1,440 deaths from small arms-related violence each and every day.

Moreover, in addition to the direct effects of fatal injuries and the costs of treating non-fatal casualties, the ready

availability of small arms and light weapons in many countries fuels instability, conflict, and organized crime; undermines development and economic growth; and impedes the provision of basic services. It also degrades the social fabric of societies, eroding state authority, capacity, and legitimacy, and undermining the rule of law. Insidiously, it empowers those who seek to impose their will and advance their interests by force (GD Secretariat, 2011).

Little wonder, then, that in 2001 the international community finally agreed on the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Programme of Action) and that, since then, states have worked through the Programme of Action process to address this challenge, including at the first Review Conference in 2006 (generally regarded as a failure), four Biennial Meetings of States (BMSs), and the May 2011 Meeting of Governmental Experts (MGE), supported, of course, by the ongoing work of the UN General Assembly's

First (Disarmament and International Security) Committee.

This briefing paper focuses on the future of the UN small arms process, firstly by outlining the broader challenges it faces and then by considering how these might be addressed at the 2012 Programme of Action Review Conference—and thereafter.

## The Programme of Action's significant achievements

The first decade of the Programme of Action process has seen some significant achievements. Most importantly, much-needed international attention has been focused on what for many states is one of the most pressing security and humanitarian challenges—the illicit trade in small arms and light weapons, and their diversion from the legal trade—and the Programme of Action has provided a comprehensive framework for addressing this issue at the national, regional, and global levels.

The process has also provided a platform for initiatives to establish more detailed standards in specific

areas, such as the International Tracing Instrument (ITI) (UNGA, 2005); the reports of the Groups of Governmental Experts (GGEs) on ammunition stockpiles (UNGA, 2008a) and illicit brokering (UNGA, 2007); the outcomes of the Third (UNGA, 2008b) and Fourth (UNGA, 2010) Biennial Meetings of States (BMS3 and BMS4) in the areas of brokering, stockpile management, and trade across borders; and the commencement of negotiations on an Arms Trade Treaty (ATT), to name only a few (Parker, 2011; McDonald, 2011). Moreover, it has provided both the framework and the impetus for more detailed (in many cases binding) regional and sub-regional standards, agreements, and programmes.

### **But also, its shortcomings ...**

But the Programme of Action's shortcomings have been equally significant. Real questions remain about the extent to which it and the ITI have been fully implemented in many places; and, where they have been implemented, about the extent to which they have been effective in containing the illicit proliferation of small arms and light weapons and, more broadly, in addressing the challenge of small arms-related armed violence (McDonald, 2011). Given major shortcomings in the quality and frequency of national reporting and the lack of any comprehensive independent assessments, it is almost impossible to acquire an accurate picture of Programme of Action implementation and effectiveness. Moreover, the results of those more limited assessments that have been undertaken have not been encouraging (Cattaneo and Parker, 2008).

Equally discouraging is the fact that the incidence of armed violence in many parts of the world has not diminished over this period. Indeed, in some states and regions the problem has become even more acute. In Central America and the Caribbean, in particular, armed violence associated with transnational criminal networks

has led to a serious deterioration in public safety in several countries, with national homicide rates in some cases increasing to as much as 12 times the global average (UNODC, 2011).

Discussions at the first three meetings held within the Programme of Action process following the Programme's adoption in 2001 (the First and Second BMSs and the 2006 Review Conference) failed to produce agreement on any substantive outcomes. The more focused approach taken at Programme of Action meetings since 2008 has proved more productive and enabled modest progress in elaborating conditions for effective implementation in several areas (McDonald, 2011). Even so, the process is yet to tackle seriously the challenge of effective implementation. And strong political cross-winds continue to prevent any meaningful discussions that might result in practical and effective improvements to small arms programmes in sensitive areas such as ensuring effective border controls and controls on small arms ammunition.

At the same time, and complicating the picture even further, the emergence of new initiatives, including the pending negotiation of an ATT (which will hopefully have been brought to a successful conclusion by the time of the Review Conference) and the international armed violence agenda launched by the 2006 Geneva Declaration, have increasingly diverted attention and diplomatic energy and resources away from the Programme of Action process, and have even led some to question its ongoing effectiveness and relevance.

All this would be of lesser consequence if urgent and effective action to address small arms-fuelled armed violence were not an issue of such fundamental importance—or if the required actions were actually occurring through other initiatives or processes. But this is not the case, and the ongoing credibility and vitality of the UN small arms process therefore must remain an urgent priority for indi-

vidual countries and the international community as a whole.

### **What are the prospects?**

So, as it enters its second decade, what are the prospects for the Programme of Action process? And what can be done during the forthcoming Programme review cycle to improve them?

This briefing paper examines the main challenges facing the Programme of Action and its participants in seeking to maintain the relevance and effectiveness of the process and in moving it closer to achieving its full potential. In particular, the paper offers suggestions on what might be achieved—indeed, what might be *achievable*—during the forthcoming Programme of Action review cycle, particularly at the Review Conference scheduled for August–September 2012.

### **Supporting Programme of Action implementation**

Firstly, and most fundamentally, the top priority for states during the next Programme of Action review cycle must be to grapple more meaningfully with the challenge of measuring and supporting effective implementation of the Programme of Action at the national and regional levels than has been possible to date. If we do not know how extensively and effectively the Programme of Action has been implemented, how can we really assess its progress and impact, let alone agree on new initiatives to enhance future implementation?

Over the past decade considerable energy has been directed towards Programme of Action implementation in many regions of the world. However, as a whole, there appears to have been a reluctance to assess and report on domestic implementation on a meaningful and consistent basis, or to submit to any independent assessment of these efforts (McDonald, 2011, pp. 59–61). Moreover, most discussions within

the Programme of Action process are, perhaps understandably, still focused on normative development rather than on the much more complex challenge of achieving, measuring, and assessing implementation, while the tools necessary for the consistent achievement of such implementation also remain insufficient or under-utilized.

Recent developments do, however, suggest how the Programme of Action process could in the future better support and drive enhanced implementation. Steps by the UN Office for Disarmament Affairs (UNODA) to rationalize and standardize Programme of Action and ITI reporting requirements should facilitate more consistent national reporting (UNGA, 2011c). The Programme of Action's first Open-ended MGE, held in New York in May 2011, provided a forum for more detailed and practically focused discus-

sions on implementation challenges than had been possible at any previous meeting within the process.<sup>5</sup>

Moreover, a wide range of tools are emerging at both the global and regional levels to support implementation, including model legislation and a range of technical and policy guidelines. Major strides have been made in strengthening the tools available through the INTERPOL Firearms Programme to assist with weapons identification, tracing, and the sharing of ballistics information. Work is also well advanced on developing international ammunition technical guidelines (UNGA, 2011c, p. 8).

Of potentially even greater significance is the ongoing work within the UN Coordinating Action on Small Arms Network to develop International Small Arms Control Standards (ISACS) closely modelled on the provisions of the Programme of Action. Once finalized, these will provide states with a comprehensive tool to assist with Programme of Action implementation, by clarifying key elements of effective national systems and helping states identify where domestic action might be required (UNGA, 2011c, pp. 7–8). With further development, these standards could also be a basis for promulgating clear criteria for assessing implementation efforts.

Such tools have the potential significantly to strengthen Programme of Action implementation—but will only do so if put to good use. Encouraging the effective utilization of these tools in accordance with national needs should be a priority during the coming review cycle, but this will require greater efforts to raise awareness of their existence and their potential for assisting national implementation efforts. Further consideration could also be given to developing suitable channels and mechanisms to facilitate their uptake.

Moreover, while tools are emerging to assist with the enhanced monitoring and assessment of national *implemen-*

*tation*, we are still unable to assess the effectiveness of small arms measures where they have actually been implemented. Until we have credible tools for such assessments it will be difficult to achieve much clarity on whether the Programme of Action is achieving (or indeed *can* achieve) the policy goals that inspired its negotiation in 2001—namely, to reduce the availability of illicit small arms and light weapons, and ultimately to help tackle the problems of armed violence to which these weapons make such a devastating contribution globally.

Similarly, greater effort must be directed towards the more systematic coordination of international assistance that is focused on the clearly identified priority needs of each state and region. More attention is also required towards assessing the effectiveness of the assistance delivered (Maze, 2010).<sup>6</sup>

Inevitably, enhanced tools for identifying such needs, and for monitoring and assessing implementation are important prerequisites for effective assessment. We also need to do more to enhance coordination among the various bilateral, regional, and multi-lateral mechanisms and agencies that currently channel small arms-related assistance.

The development by UNODA of the Programme of Action Implementation Support System (PoA-ISS)<sup>7</sup> has contributed to these efforts, as has the revival of the informal, New York-based Group of Interested States as a forum for generating donor interest in specific assistance proposals. However, with increasing assistance directed into related areas such as armed violence strategies, including through UN Development Programme and World Bank programmes, it may be necessary to devise other, broader mechanisms for promoting cooperation and avoiding duplication.

### Risks of duplication?

Indeed, achieving greater coordination and the integration of efforts with other



Secretary-General Kofi Annan speaking at the opening session of the PoA Review Conference, on 26 June 2006 in New York. He said that every year an estimated \$1 billion worth of small arms are traded illicitly worldwide, exacerbating conflict, sparking refugee flows, undermining the rule of law, and spawning a “culture of violence and impunity.”  
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processes and initiatives—including those that are distinct from but still relevant to the Programme of Action—must be a priority goal for the process over the coming decade.

The instrument with the greatest overlap with the Programme of Action is the Firearms Protocol of the UN Convention on Transnational Organized Crime (UNGA, 2001a), the implementation of which is administered by the UN Office on Drugs and Crime (UNODC). While the different legal status of, and levels of participation in, each process do raise sensitivities, the similarities of the issues covered, the implementation challenges faced, and the measures taken to address them make efforts towards enhanced coordination essential (UNGA, 2011c, para. 17). In particular, the recent establishment by UNODC of an open-ended Inter-governmental Working Group on Firearms (UNCTOC-COP, 2010, p. 5) both presents opportunities for the Programme of Action process and significantly increases risks of the duplication of effort, particularly if the MGE format is also to become a regular fixture within the Programme of Action process.

Similarly, the merits of rationalizing UN reporting obligations and assistance mechanisms will become even more evident if existing processes, such as the Programme of Action, ITI, and UN Register of Conventional Arms, are supplemented by an ATT in 2012. Careful thought must be given as to how these processes can coordinate their programmes and activities in order to reduce overall compliance burdens and encourage more consistent and meaningful reporting by states, as well as to achieve coherence in the provision of the relevant implementation assistance (UNGA, 2011c, para. 43).

Outside the UN system, enhanced cooperation should be explored with other relevant international organizations. Existing coordination with organizations such as INTERPOL has been fruitful, but could still be further

strengthened. Similarly, we should actively seek to draw into discussions within the process other relevant agencies such as the World Customs Organization (WCO), given the low priority that presently appears to be accorded to small arms issues by many national customs administrations (McDonald, 2011, p. 46).

Significant policy developments, such as the global armed violence agenda, which has achieved prominence since the 2006 Geneva Declaration on Armed Violence and Development, also pose both challenges and opportunities for the Programme of Action process. While it potentially strengthens the process by providing a broader conceptual framework within which to demonstrate its importance and an extended range of policy tools with which to achieve its goals, the declaration also presents competition for attention and resources in an already crowded policy space. Further thought is required on how these processes can better complement each other and avoid the duplication of effort, while again managing sensitivities from those states that are not participating in both (UNGA, 2011c).

In addition, greater attention to the role that the Programme of Action could play in preventing and combating illicit trafficking in conflict settings would also be warranted in the coming review cycle. The Programme of Action makes explicit mention of the need to support the effective implementation of UN arms embargoes (part II, sec. 32) and disarmament, demobilization, and reintegration programmes (part II, sec. 34). Further attention to practical measures to strengthen the effectiveness of arms embargoes through the cooperation of member states and between peace operations and sanctions-monitoring groups, as well as consideration of ways to ensure that weapons are not diverted from international peace operations themselves in such settings, would be positive steps forward.

## Groundswell of regional and sub-regional initiatives

The groundswell of initiatives at the regional and sub-regional levels has been one of the most significant developments in international efforts to address the illicit trade in small arms and light weapons over the past decade.

Existing organizations—such as the Organization of American States, the Economic Community of West African States, the Caribbean Community, the Southern African Development Community, the East African Community, the Economic Community of Central African States, the European Union, and the Organization for Security and Co-operation in Europe—have played important roles in defining standards and supporting regional implementation. Likewise, the work of dedicated small arms organizations and programmes such as the Regional Centre on Small Arms and the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons has been increasingly important.

These regional and sub-regional initiatives have been fundamental in driving Programme of Action implementation, particularly in many regions most affected by small arms-related violence, the more so given the different characteristics of the small arms problem in each region, which lend themselves to tailored regional strategies and initiatives. Supporting and building on these efforts must be a top priority. These regional organizations and initiatives must be provided with sufficient technical and financial resources to ensure that their work is appropriately focused and effective. We should also encourage greater engagement and interaction among different regions in order to exchange information and ideas, and explore areas for productive cooperation.

## Civil society

Right from its inception, the standards, implementation, and legitimacy of the Programme of Action process have to a very large extent been driven by the energy and commitment of civil society groups, who have been influential in defining the Programme's conceptual framework; have been instrumental in building and sustaining political support for the Programme; and have been important partners in its implementation. It is vital that civil society groups remain central partners on small arms issues, both in formal Programme of Action meetings and on the ground. Efforts to exclude or marginalize NGOs from the process must be resisted.

## Keeping up with developments

While the Programme of Action has remained essentially unchanged since 2001, the nature of the challenges posed by illicit small arms and light weapons, and the tools and technology available to address those challenges, continues to evolve. To remain relevant and effective, the Programme of Action process must stay abreast of these developments and be alert to their implications.

For example, the greater availability and use of technologies such as laser marking, high-resolution digital photography, and electronic databases can greatly assist in developing more reliable and effective marking, record-keeping, and tracing systems for small arms and light weapons, and advances in firearms ballistics provide a powerful new tool that can complement more traditional weapons-tracing systems, particularly in crime settings (UNGA, 2011b, pp. 4–5, 9).

Conversely, as highlighted by several delegations during the 2011 MGE, recent trends in gun manufacture, such as the increasing modularization of weapons and the use of polymer frames, pose challenges for the effectiveness of the Programme of Action

and ITI. We need to consider how the Programme of Action process can quickly and effectively respond to significant developments of this nature (UNGA, 2011b, pp. 3–4).

## 'Unfinished business'?

But the most sensitive challenge for the Programme of Action process going forward continues to be the management of the numerous issues that some still regard as 'unfinished business'.

Often-bitter disagreements over the proper place of issues such as the regulation of civilian possession and restricting transfers to non-state actors almost derailed consensus on the Programme of Action in 2001, and these issues, together with others such as addressing the illicit trade in ammunition, played a significant role in the failure of the 2006 Review Conference (McDonald, 2007). Similarly, the issue of border controls proved extremely divisive during BMS<sub>4</sub> in June 2010, and later that year was the focus of a tense standoff during voting on the small arms and light weapons omnibus resolution in the UN's First Committee. Other issues such as end-user certification, the application of the Programme of Action and ITI in conflict settings, and victim assistance have a potentially important role to play in addressing small arms challenges, but have yet to receive adequate attention within the Programme of Action process.

The extent to which states continue to push these issues and the willingness displayed on all sides to consider pragmatic ways of dealing with them will be decisive in determining the tone of discussions in the Programme of Action process over the next few years and its continued viability as an essentially consensus-based process.

## Getting attention

Above all, over the coming decade a key challenge for the Programme of Action process will be to maintain

attention and support for what is now a mature process, both at senior political levels and among relevant national officials in an ever-more-crowded international agenda.

## 2012 Programme of Action Review Conference

These are just some of the challenges that the UN small arms process faces in its second decade. The Second Programme of Action Review Conference, scheduled for two weeks between 27 August and 7 September 2012, provides an important opportunity to invest this process with renewed attention and vigour, and to chart a course towards an effective response to each challenge.

This will not be an easy task. As noted above, the Programme of Action process could suffer significantly from its coincidence with the culmination of negotiations towards an ATT. The ATT diplomatic conference and its associated preparatory process have monopolized significant diplomatic energy and attention over the past two years, and—with negotiations scheduled to conclude only four short weeks before the Programme of Action Review Conference—could even, depending on how it unfolds, generate negative sentiment and ill-will that could adversely impact on the Review Conference's own dynamics.

Moreover, the time and resources available to delegations to dedicate to Review Conference preparations will be further constrained by its timing between the northern hemisphere summer holidays and the opening of the general debate of the UN General Assembly in mid-September—the busiest time of the year for New York missions. Equally, uncertainties in the broader political environment, including upcoming elections in a number of countries (not least the United States) and changes in the Middle East brought about by the Arab Spring, could affect discussions at the Review Conference

in ways that could be both powerful and unpredictable.

## Consensus or vote?

Preparations for the Review Conference are being led by its president-elect, the highly regarded Joy Ogwu, ambassador and permanent representative of Nigeria to the UN. With considerable work yet to be done between the time of writing and the start of the conference, much could change between now and then.

There are, however, a number of questions to which delegates need to give careful attention. Firstly, what do we want of the conference? And how do we get there?

The Programme of Action process can ill afford another acrimonious failure like that of the 2006 Review Conference. A key challenge for member states will be to define—clearly and in advance—what substantive outcomes they expect of the conference and what they would regard as ‘success’ in both political and substantive terms. This will require careful judgements about the outcomes that would best contribute to the long-term health and effectiveness of the Programme of Action process.

Then, in the lead-up to the meeting, states must weigh very carefully whether the result should be agreed by consensus, or whether they are prepared to adopt an outcome by vote. Rule 33 of the established Programme of Action rules of procedure (which will also apply at the Review Conference) requires that every effort be made to reach consensus on substantive matters. But the rules also allow for decisions on any substantive matter to be taken by a two-thirds majority of those present and voting if ‘all efforts to achieve consensus have been exhausted’ (UNGA, 2001b).

The requirement to seek consensus affords significant credibility to any resulting outcome and, quite apart from the requirements of the rules, should be the first objective of partici-

pating states. It has, however, also been a source of significant frustration to many delegations at past Programme of Action meetings, with some regarding it as effectively providing a de facto power of veto to individual delegations. Indeed, the imperative to seek consensus must never be allowed to invest a small minority with an effective veto on the most desirable (and most widely desired) outcome. We cannot overlook the fact that, in the past, challenging consensus has played a part in reviving the process, and, just as this ‘pocket veto’ has previously jeopardized the whole Programme of Action process, an implicit understanding of a willingness by most states to move beyond the strict application of the consensus requirement if necessary might again provide greater scope for a more ambitious outcome.

Such a step should not, however, be taken lightly. Much of the normative power of the Programme of Action comes from its adoption by consensus; and, over the longer term, placing some states outside or in direct opposition to the process carries its own risks. Given the history and ongoing fragility of the Programme of Action, any suggestion of abandoning the consensus principle should therefore be approached with considerable caution. Whether this would be an acceptable outcome for the 2012 Review Conference is a matter that requires careful consideration, balancing the desire in the short term for an ambitious outcome from the meeting with concern for the long-term health and integrity of the Programme of Action process.

## Consolidating normative developments

By whatever means it is reached, the Review Conference outcome should, at a very minimum, consolidate and reaffirm key normative developments within the Programme of Action and ITI since the last Review Conference—notably the outcomes from BMS<sub>3</sub> and

BMS<sub>4</sub>, and the reports of the GGE on ammunition and brokering.

But the outcome must do more than just blandly restate existing commitments. It should also acknowledge broader, relevant developments within the UN system, including the emergence of the international dialogue on armed violence and whatever progress has been achieved by August 2012 in negotiating an ATT. And, above all, it must look to the future.

## Meeting of Governmental Experts

The substantive outcome from the 2011 MGE—the chair’s summary of discussions (UNGA, 2011b)—was referenced in the meeting’s formal report on the explicit understanding that it did not necessarily represent the consensus views of participants. This should not, however, prevent the Review Conference from following up on ideas raised during the MGE that might attract broad support. For example, the proposal to establish a technical committee to consider the implications of recent trends in firearms manufacture for effective marking and tracing systems certainly merits further consideration (UNGA, 2011b, p. 4).

The extent to which practical ideas like this can be fed into Programme of Action discussions will be an important indicator of the potential utility of future MGEs in supporting Programme of Action implementation—and, indeed, in strengthening the Programme of Action process more broadly, an issue explored later in this briefing paper.

## Reviewing progress?

It is an open question whether the Review Conference can fulfil its stated mandate of reviewing progress made in the implementation of the Programme of Action (UN, 2001, sec. IV, para. 1(a)). The low rates of national reporting for both the Programme of Action and (especially) the ITI, and the lack of any independent assessments,

mean that there may only be limited information on which to carry out any such review (McDonald, 2011; Parker, 2011). While it will be important to encourage states to undertake honest self-assessments of their domestic implementation before the meeting, the results of such efforts will at best present an incomplete picture. The Review Conference will, however, need to draw some conclusions (however tentative) about the current state of Programme of Action implementation, as well as about the implications of developments in the broader context in which implementation is occurring. Without such an assessment, the conference will struggle to identify areas for priority attention during the next review cycle.

In the absence of reliable information about the state of Programme of Action implementation, a central focus of Review Conference discussions must be on significantly deepening the implementation dialogue over the next review cycle. There are some relatively simple ways that this could be achieved. One would be to focus greater attention on the many tools already available within the Programme of Action, as well as in related processes and at the regional level, that can support implementation, and to encourage their greater utilization.<sup>8</sup> Further thought could be given in advance of the Review Conference to current barriers to the broader uptake of these tools by states, such as the lack of awareness, technical or resource constraints, or linguistic barriers, and how these might be overcome.

### Agreeing on meetings for the next review cycle

Priority should also be given to assessing the extent to which practically focused forums, such as MGEs, can play a more prominent role in the next cycle of Programme of Action meetings. The past two review cycles have comprised a Review Conference every five or six years, with two BMSs in

between. While the adoption of a more focused and thematic format has significantly increased the utility of BMS meetings since 2008, the 2011 MGE highlighted the considerable potential of this new format for much richer, practically focused discussions involving genuine subject experts.

At any future MGE more work will be required to refine the meeting format even further, and to encourage more active and broad-ranging expert participation. But the exchange of information, experiences, and examples of best practice among experts achieved at the first MGE provided substantial evidence that discussions in this format can be less politically charged and of more practical utility than many of the more circular policy discussions that have dominated previous meetings within the Programme of Action process.

So, agreeing on a programme of meetings in the coming review cycle in which MGEs might figure prominently and in which the respective roles of MGEs, BMSs, and Review Conferences are more clearly defined should be another achievable and useful outcome from the 2012 Review Conference, building on the progress made in this regard at BMS4.<sup>9</sup>

### Setting a target for 2016?

It may now be too late to expect the 2012 Review Conference to be able to finalize a framework for strengthening the monitoring and evaluation of Programme of Action implementation. However, a key goal of the conference should be to agree on concrete steps towards such a framework and a process for achieving this as soon as possible (Parker, 2011).

The question of monitoring the *effectiveness* of implementation, in terms of addressing the availability of illicit small arms and light weapons and their contribution to armed violence, is more complex, and past discussions on this issue within the Programme of Action process (particularly the debate

on 'demand factors' in the illicit trade in small arms and light weapons) have proved both difficult and divisive. Moreover, such dialogue inevitably moves into territory also occupied by the World Bank and the Geneva Declaration's armed violence agenda (GD Secretariat, 2010; World Bank, 2011). Nonetheless, these discussions also remain of fundamental importance to affirming the ongoing relevance and importance of the Programme of Action process. It would be appropriate if at the very least the Review Conference can agree on the significance of these issues and commit to engage with other relevant international processes on these topics; but better still if the issues could be substantively addressed and moved forward.

### Supporting national implementation

There is also scope for the Review Conference to consider more innovative ways of supporting national implementation. One option could be to agree on establishing a voluntary review mechanism through which states or sub-regions could voluntarily request a comprehensive, independent review of their implementation of the Programme of Action and ITI. Such reviews would identify priority areas for future national action and enhanced international assistance, and could provide advice on relevant tools to assist these efforts.

Another potentially useful mechanism could be to develop registers of recognized national and international experts in specific areas of Programme of Action implementation. Such experts might be available to work with states to address implementation challenges.

The Review Conference should also give priority to more in-depth discussions on how best to build on the good work already undertaken at the regional and sub-regional levels to achieve Programme of Action implementation. This could entail considering practical steps to strengthen coor-



dination, and to better link regional and international initiatives to capture synergies and ensure integrated support to states (Parker, 2011, pp. 33–34). UN Regional Disarmament Offices could play a useful role in such efforts.

## Engagement with other actors

Engagement between the Programme of Action and other relevant international actors, instruments, and processes, such as the INTERPOL Firearms Programme and the UN Firearms Protocol, is an inherently sensitive issue, particularly for states that do not currently participate in either of these two processes. It would be a useful outcome from the Review Conference if states could acknowledge the considerable potential for synergies and overlap with these processes, and agree to coordinate practical assistance measures between them.

Similarly, it would be useful if at the Review Conference member states could reaffirm the enduring value and importance of their individual and collective partnerships with civil society, and consider how these could be further strengthened, particularly in the areas of monitoring and strengthening implementation on the ground.

## And now, the really sensitive issues

But the greatest risk facing the 2012 Review Conference lies with the question of whether it should seek further normative development—or even extension—of the Programme of Action.

The issues of civilian possession and transfers to non-state actors will be as politically charged in 2012 as they were in 2001 and 2006. Attempts to revive them at the 2012 Review Conference are a certain recipe for acrimonious debate and could well make it impossible to achieve consensus in other areas. Most member states appear to recognize this fact, which of itself makes it less likely that such issues will derail the conference. Even so, to the extent that they do arise, these



An art exhibition – “Crush the Illicit Trade in Small Arms” – at UN Headquarters in New York was timed to coincide with the PoA Review Conference in June–July 2006.  
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issues will require calm and careful management.

The treatment of issues such as ammunition and border controls is less clear cut. These are issues of great sensitivity to several delegations, but both have also been previously addressed within the Programme of Action process (most notably through the GGE on ammunition and the trade-across-borders theme at BMS4) and are priority issues for a broad range of states. These issues are likely to be raised again in the context of the 2012 Review Conference—and again, calm and careful management will be crucial to the prospects for achieving a consensus outcome.

In this regard, it is worth noting that both issues have their more practical, less controversial aspects—e.g. ammunition stockpile management and disposal, or integrated border management and engagement with international expert bodies such as the WCO. One possible way forward could be to focus discussions on limited and achievable goals around those aspects, but such an approach can only be suc-

cessful if the groundwork is laid well in advance of the Review Conference. Insofar as this more modest approach might achieve agreement, it is well worth pursuing.

There are related, but more extreme questions: should the Review Conference seek agreement on a more robust global framework directed towards the eradication of the illicit trade in small arms and light weapons (perhaps, to move from the present ‘soft’ normative commitments to hard law)? How much further might the Review Conference develop the present Programme of Action process beyond its present boundaries? And would any such attempt at ‘progress’ be in the wider interest? Given the history of the Programme of Action process, particularly the failure of 2006, such an effort might be several steps too far—a project set to fail—and could easily put the whole process at risk. It is, perhaps, not a task for the 2012 Review Conference.

## At the crossroads

The Programme of Action process currently stands at a crossroads. Having been saved from paralysis in the five years since the 2006 Review Conference, it now faces a more insidious threat—that of a gradual, but sustained slide into indifference and obscurity, with national awareness of and commitment to the process ebbing away, and with donor attention and funding increasingly directed elsewhere. This would not be because the original problems that inspired its agreement have been solved or have somehow become less important. Far from it! Rather, it would reflect the difficulties of sustaining energy and political will behind any mature dialogue in such a crowded policy space, particularly when, to date, the implementation and impact of the Programme of Action remain so opaque and unclear.

The 2012 Review Conference will therefore be the most important opportunity since 2001 to invest the Programme of Action process with renewed attention and vitality. To do so, the conference must walk a fine line between substantive ambition and political reality. 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. The challenge for states in the lead-up to the Review Conference will be to agree on practical, useful, and politically achievable goals in terms of conference outcomes; to consider whether—and to what extent—they might be prepared to risk straying from consensus decision making to achieve these; and then to work towards these outcomes.

### A summary of what might be achieved

Overall, one cannot reiterate too strongly the importance of the 2012

Review Conference as an opportunity to reinvigorate the Programme of Action process and address the challenges it currently faces. Nor can one diminish the task of achieving those outcomes, and this briefing paper has sought to provide specific suggestions on how participating states might go about this.

In summary, the Review Conference must overcome the challenges of its context (including competition for attention in a crowded policy space, its proximity to the ATT diplomatic conference, and shifting political currents in a number of influential states) and the challenges of its own history, not least the failure of 2006. Participants must decide in advance what would constitute 'success' in both political and substantive terms, and whether any outcome should be agreed by consensus or whether to proceed down the riskier path of agreement by majority vote.

The conference should, at a very minimum, reaffirm and incorporate key normative developments within the Programme of Action and ITI since the last Review Conference, and acknowledge broader developments within the UN system. It should follow up on ideas from the MGE and determine the role that practically focused forums, such as MGEs, can play in the next Programme of Action review cycle; and, overall, it should agree a programme of future meetings in which the roles of MGEs, BMSs, and Review Conferences are more clearly defined.

Even given the limits of national reporting and the absence of any comprehensive independent assessments, the Review Conference must seek to fulfil its mandate of reviewing progress in Programme of Action implementation and, before the meeting, should encourage states to make honest self-assessments of their implementation to assist in identifying areas for prior-

ity attention during the next review cycle. It could focus attention on the tools that support implementation and address barriers to their uptake. It should also try to agree a process towards the strengthened monitoring and evaluation of Programme of Action implementation, and formally resolve to achieve such an outcome at the 2016 Review Conference. It could consider more innovative ways of supporting national implementation, not least by building on work already undertaken at the regional and sub-regional levels.

It should acknowledge the considerable potential for synergies and overlap between the Programme of Action and other relevant international actors, instruments, and processes, and look for ways to improve coordination and practical assistance measures.

And, above all, participants must consider what level of ambition would be appropriate at the Review Conference for further normative development of the Programme of Action and ensure that any of the historically sensitive issues that are raised, such as ammunition and border controls, receive calm and careful management with a view to identifying specific areas in which consensus might be reached on achievable steps of practical utility.

### Challenges for a mature process

The challenges for a mature process like the Programme of Action are, perhaps inevitably, more focused on strengthening implementation than they are on further normative development, and, even without the sensitive issues that have previously threatened to derail the process, this might not be unexpected. Such a reality could, however, point the way to more constructive, less politically charged discussions within the Programme of Action process, but only time—and participating states—will determine if all of this is both possible and achievable. ■

## Notes

- 1 I am indebted to Anthony Simpson of the New Zealand Mission to the United Nations in New York for his significant contribution to this briefing paper in the form of research, input, and, above all, original thought. I also wish to express my appreciation to a number of people who reviewed and commented on aspects of the text; it has benefited greatly from their input. Any errors or omissions, however, remain my responsibility alone.
- 2 The views and ideas expressed in this briefing paper are those of the author. They do not necessarily represent the positions of the New Zealand government or the views of the New Zealand Ministry of Foreign Affairs and Trade.
- 3 The exact source of this much-attributed quote is difficult to locate, and the phrase has at other times been attributed to a number of other figures and applied to other conventional weapons such as landmines. Secretary-General Annan's 2000 report *We the Peoples: The Role of the United Nations in the 21st Century* refers to small arms and light weapons as 'weapons of mass destruction' (UNSG, 2000, p. 52), and it has been suggested that the reference to this occurring 'in slow motion' may have been added at a subsequent press conference.
- 4 The previous report on this topic by the Geneva Declaration in 2008 had estimated annual global fatalities from lethal violence to be more than 740,000 (GD Secretariat, 2008).
- 5 See the chair's summary of discussions at the MGE (UNGA, 2011b).
- 6 See also UNGA (2010; 2011b).
- 7 See PoA-ISS (n.d.).
- 8 In addition to the PoA-ISS and UNODA's revised reporting template, such tools include implementation guidelines, model legislation, and other resources developed at the international and regional levels, as well as the ISACS once they have been finalized.
- 9 See the BMS4 report (UNGA, 2010).

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## About the author

Jim McLay is the New Zealand ambassador and permanent representative to the United Nations in New York.

### Abbreviations and acronyms

ATT	Arms Trade Treaty
BMS	Biennial Meeting of States
BMS3	Third Biennial Meeting of States
BMS4	Fourth Biennial Meeting of States
GGE	Group of Governmental Experts
INTERPOL	International Criminal Police Organization
ISACS	International Small Arms Control Standards
ITI	International Tracing Instrument
MGE	Meeting of Governmental Experts
NGO	Non-governmental organization
PoA-ISS	Programme of Action Implementation Support System
Programme of Action	Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
UN	United Nations
UNODA	United Nations Office for Disarmament Affairs
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organization

## About the Small Arms Survey

The Small Arms Survey serves as the principal international source of public information on all aspects of small arms and armed violence, and as a resource centre for governments, policy-makers, researchers, and activists. The Survey distributes its findings through Occasional Papers, Special Reports, a Book Series, and its annual flagship publication, the *Small Arms Survey*.

The project has an international staff with expertise in security studies, political science, international public policy, law, economics, development studies, conflict resolution, sociology, and criminology, and works closely with a worldwide network of researchers and partners.

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*Author:* Jim McLay

*Copy-editor:* Alex Potter

*Proofreader:* Donald Strachan

*Layout:* Frank Benno Junghanns

## Contact

### Small Arms Survey

47 Avenue Blanc

1202 Geneva, Switzerland

**t** +41 22 908 5777 **f** +41 22 732 2738

**e** [sas@smallarmssurvey.org](mailto:sas@smallarmssurvey.org)

**w** [www.smallarmssurvey.org](http://www.smallarmssurvey.org)

