



## **The Ploughshares Monitor**

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### **The Small Arms Review Conference ends with no agreement**

**By Lynne Griffiths-Fulton**

Project Ploughshares staff participated in *The United Nations Conference to Review Progress Made in 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* (Review Conference), which was held in New York from June 25 to July 7. Ken Epps was an advisor to the Canadian government delegation. Lynne Griffiths-Fulton represented Project Ploughshares and the Small Arms Working Group of the Canadian Peacebuilding Coordinating Committee and also took part in activities organized by the World Council of Churches Ecumenical Network on Small Arms (ENSA). The meeting was the first review of the 2001 Programme of Action (PoA) and provided an opportunity for states to discuss and agree on further action that is needed to fully implement the PoA. Unfortunately, the Review Conference ended without a final agreement.

#### **Lead-up to the Review Conference**

In the days before the Review Conference began, there was a mood of cautious optimism. Both nongovernmental organizations (NGOs) and states were buoyed up by the fact that after the January 2006 Preparatory Committee, President-designate Ambassador Prasad Kariyawasam had held a series of meetings with states in different regions. In May, a draft outcome document was issued (Kariyawasam 2006). The document was quite comprehensive and laid out an ambitious and progressive plan for work and discussion at the Review Conference. It referred to such contentious issues as small arms transfers and transfers to non-state actors, the link between small arms and development, and regulating civilian possession of small arms. The lobbying efforts of NGOs had a significant influence on the wording of the document.

Canadian NGOs urged our government to take a leading role at the Conference. The Canadian delegation went to the Conference with a mandate to negotiate text on:

- national regulations to reduce the misuse of small arms by civilians;
- national standards to control the use of small arms by state officials and security agents;
- securing essential stockpiles and safely disposing of surplus stocks;
- identifying and addressing the factors that lead to the demand for small arms;

- strategies to collect and efficiently administer resources required by states to effectively implement the PoA;
- an inter-sessional program of work to ensure that small arms were accorded the necessary time and attention for full implementation; and
- a process that would lead to global principles on small arms transfers.

### **The Review Conference begins**

In the statement that opened the Review Conference, UN Secretary-General Kofi Annan highlighted the impact of rampant weapons proliferation and misuse, including loss of earnings, disrupted economies, and strained health and social services. Earlier in the morning, he had received the Million Faces Petition of the Control Arms campaign, the world's largest photo petition. In his speech he noted the role civil society actors had played in the implementation of the PoA and stressed the need to engage them at the Review Conference:

Our priorities are effective enforcement, better controls and regulation, safer stockpiling, and weapons collection and destruction. Our targets remain unscrupulous arms brokers, corrupt officials, drug trafficking syndicates, criminals and others who bring death and mayhem into our communities, and who ruin lives and destroy in minutes the labour of years. To halt the destructive march of armed conflict and crime, we must stop such purveyors of death. This is an ambitious – but achievable – goal. The Programme of Action has already provided us with a framework. Now, it is up to all of us, States, international and regional organizations, and civil society participants, to realize its aims.

In their opening statements, most states advocated a stronger PoA and its full implementation. As one speaker noted, “We also need to bear in mind that those countries most affected by the proliferation and misuse of SALW as well as international public opinion would hold this conference responsible for a weak result.” Some states outlined specific mechanisms. Canada’s intersessional program of work was noted with approval.

On the other hand, many governments also emphasized the hurdles on the road to full implementation of the PoA: the need for updated legislation, better stockpile management and security procedures, agreement on transfers, regulating brokers, and regular, timely reporting by states. All these efforts need more international cooperation and donor funding.

### **Cracks begin to show**

The basic separation of states into two camps – those who wanted to see the Review Conference result in a progressive outcome document that would strengthen the PoA, and those who were only going to back a reiteration of the existing document – began to appear with the issuance of the first revision of the President’s draft outcome document (A/CONF.192/2006/RC/WP.4). Many paragraphs were deleted from the original draft. The preambular section was decimated. Coalitions came together around the re-insertion

or exclusion of key issues: specific commitments related to small arms transfers, the link between development and small arms control, human rights, respect for international humanitarian law, assistance to survivors, the gender dimensions of armed violence, controlling ammunition, and the specific impact on children.

Follow-on mechanisms are, arguably, the most critical element to full implementation of the PoA. On this issue there was some positive movement. The majority of states agreed on the need for a focused, comprehensive, and strengthened implementation process. The draft called for Action Implementation Meetings to replace the biennial meetings of the original follow-on process. These meetings would be more focused discussions with concrete mandates to promote implementation of the PoA and to make recommendations for the General Assembly and Review Conference that would take place in 2012. However, the draft did not take into account the need for the future Review Conference to also review relevant instruments that might be established by that time, such as an instrument on brokering and ammunition.

Throughout the conference, Canada forthrightly pushed for an informal intersessional process that would complement and enhance the formal follow-on process. The Netherlands also spoke for an elaborated process.

A group of countries, led by Kenya and Britain, proposed a set of guidelines for small arms transfers based on international human rights and humanitarian law. These principles were very much in keeping with the draft Arms Trade Treaty and would ensure that small arms were not transferred to countries where they would be used to carry out human rights violations or where armed conflict was already ongoing.

The Netherlands lobbied strongly for linking development and small arms in the outcome document and was supported by many states, particularly from the South.

The International Action Network on Small Arms (IANSA) made forceful presentations on five issues that members, including Project Ploughshares, felt the outcome document should include: transfer controls, national firearms legislation, links to development, assistance to survivors, and follow-on mechanisms. Countering IANSA's demand that national regulation be included were gun-lobby groups from Canada, New Zealand, Brazil, Australia, and the US, which had three National Rifle Association members in its official delegation.

As high-level statements continued into the second week, the real work was being done behind the scenes by NGOs, delegates, and facilitators. Although there were certainly obstacles, some hope remained that the process could be brought back on track.

### **It all falls apart**

The third iteration of the outcome document was a real step backwards. There was no link between development and small arms, no recognition that illicit trafficking and proliferation of small arms fuel human rights abuses and violations of international

humanitarian law, no reference to global guidelines on transfer controls, and no reference to the human costs. References to national laws to stem misuse and a commitment to develop best practices on stockpile and destruction had been deleted. Many NGO analysts felt that this version could weaken the PoA itself.

At the end of the second week there were still diverging views on too many issues. Unfortunately, there was some confusion among delegates about the negotiation process, facilitators the President had appointed were not always available, and a handful of spoiler states took advantage of the consensus-based process. Finally, the President gave up trying to reach consensus on an outcome document.

In his press release, the Secretary-General noted that the Review Conference did succeed in “recalling the issue of small arms and light weapons to the attention of the international community, which clearly remains committed to the Programme of Action as the main framework for measures to curtail the illegal trade in these weapons.” But without agreement on follow-up actions is that enough for the hundreds of thousands of people who continue to live in fear of gun violence?

### **What happens now?**

The PoA remains intact. The control and reduction in numbers of small arms are still a priority for many NGOs and the vast majority of states.

The UN’s First Committee on Disarmament may become the forum to move small arms issues forward. Resolutions at the First Committee will be voted on in the General Assembly and, as it is not bound by consensus, there is a greater likelihood that resolutions will be passed. In recent years, Japan, South Africa, and Colombia have sponsored an “omnibus” resolution on small arms. This year the omnibus resolution could include features that garnered widespread support at the Review Conference.

The relationship between development and small arms is an issue that might get some traction at the First Committee and will most likely be carried forward by the Netherlands. In its final statement at the Review Conference Canada also suggested that it would hold an informal international meeting to address key small arms issues, especially transfer principles. Lessons learned over the five years since the first Review Conference have shown that some of the most progressive steps have been taken at the regional level.

Work still needs to be done to ensure that the Marking & Tracing Agreement of 2005 is implemented. States, including Canada, must exert pressure to ensure that the Group of Governmental Experts on Brokering that was mandated by the General Assembly in 2005 begins work by November.

There was growing agreement at the Review Conference that a separate process on ammunition would be welcome. This process should be championed by one or more states and could begin outside the UN system.

A significant development since the Review Conference has been the drafting of a resolution for states to begin negotiations on an Arms Trade Treaty that would regulate all conventional arms transfers, including small arms. So far, seven countries – the UK, Costa Rica, Australia, Argentina, Finland, Kenya, and Japan – have co-sponsored the resolution, which will be voted on at the General Assembly. Unfortunately, the draft does not mention states' obligations under existing human rights law to keep weapons out of the hands of human rights violators.

Project Ploughshares will continue to collaborate with our colleagues around the world and to work with the Canadian government to assist other states in implementing the PoA and to preserve a place of high priority for small arms control on the Canadian foreign policy agenda.

### **References**

Full documentation of the conference can be found by going to the Project Ploughshares website (<http://www.ploughshares.ca/control/UNSmallArmsRevCon2006.htm>).

Kariyawasam, Prasad 2006, President's non-paper for informal consultation purposes, 18 May. [www.iansa.org/un/review2006/presidents-composite-text18-may-06.pdf](http://www.iansa.org/un/review2006/presidents-composite-text18-may-06.pdf).

## Sidebars

### **The Control Arms campaign and an Arms Trade Treaty**

A three-year effort to construct and deliver the “Million Faces Petition” to the UN Secretary-General did not produce the hoped-for agreement on global transfer principles during the UN Review Conference. Nevertheless, the Control Arms campaign behind the petition has drawn worldwide attention to the problem of irresponsible arms transfers and campaign organizers are determined to press on. The campaign will now focus on the early stages of proposed global treaty negotiations that would go beyond small arms and light weapons to transfer controls on all conventional weapons, the original goal of the campaign.

The campaign is pressing governments to support a resolution drafted by a group of seven countries, led by the UK, and expected to be tabled at the First Committee of the UN General Assembly this fall. The resolution calls for the UN Secretary-General to establish a group of governmental experts “to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms.” If the resolution is passed by a majority vote, the group of experts would likely meet in 2008 and report by the end of that year.

While many governments (including Canada) have announced support for the negotiation of an Arms Trade Treaty, opposing states could block progress if the resolution is not passed by a significant majority. The campaign will help sponsors garner states’ support for the resolution, while calling for improvements to the reporting timeframe and mandate of the group of governmental experts.

During 2007 the Canadian government is planning to host an informal, intersessional meeting that would discuss global principles for small arms transfers. Although this meeting is intended to support the politically binding UN Programme of Action on small arms, the results could be beneficial to the governmental experts who are studying a legally binding treaty.

For more information about the Control Arms campaign visit [www.controlarms.org](http://www.controlarms.org). For information about the efforts of Project Ploughshares to control small arms, go to <http://www.ploughshares.ca/control/index.html>. The lead agencies in the Control Arms campaign are Oxfam, Amnesty International, and the International Action Network on Small Arms (IANSA), to which Ploughshares belongs.

## **Progress since 2001**

Although much remains to be done, some significant initiatives have been undertaken at the national, regional, and global levels since the adoption of the Programme of Action in 2001:

- National legislation to control the illegal trade in small arms has been strengthened in more than 50 countries, including Argentina, Brazil, Cambodia, Germany, Mauritius, Nicaragua, South Africa, and the United Kingdom. Reforms are underway in many other countries.
- Three legally binding regional agreements have been adopted in Africa: the “Nairobi Protocol” on firearms, covering East Africa and the Great Lakes Region; a Southern African Development Community (SADC) Protocol; and the Economic Community of West African States (ECOWAS) Convention on Importation and Manufacture of Light Weapons.
- More than 60 countries have collected and destroyed large numbers of illegal small arms. Weapons have been destroyed in “Flames of Peace” bonfires in Burundi, Cambodia, Democratic Republic of the Congo (DRC), Ghana, Haiti, Rwanda, Senegal, and South Africa; crushed by steamrollers, bulldozers, and tanks in Brazil, Macedonia, Paraguay, and Sri Lanka; dismantled in Argentina, Costa Rica, Timor-Leste, and Uganda; and discarded in deep water in Senegal. Other cost-effective and environment-friendly methods have also been used.
- UN peacekeeping operations have developed and implemented disarmament, demobilization, and reintegration programs in such post-conflict countries as Burundi, DRC, Liberia, Sierra Leone, Cambodia, Central African Republic, and Guinea-Bissau.
- In December 2005, the UN General Assembly adopted the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. Secretary-General Kofi Annan called this instrument the most significant UN achievement in 2005 in fighting the illicit trade in small arms.
- The United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition came into force in July 2005. The first legally binding global instrument on small arms, this Protocol supplements the United Nations Convention against Transnational Organized Crime and is expected to become a useful tool for law enforcement in the countries that ratify it.

## ENSA

Project Ploughshares is a member of the Ecumenical Network on Small Arms that is coordinated by the World Council of Churches (WCC). During the Review Conference, ENSA members met together to discuss the future role of ecumenical agencies in controlling small arms. ENSA members represent most regions of the world and are engaged in significant policy development and community safety programs.

The first evening of the conference Buddhists, Hindus, Jews, Muslims, and Christians participated in a Multi-Religious Service organized by the New York WCC office. Based on the theme “Claiming Hope: To Control Arms,” the event included speakers from the UN, the diplomatic community, and ENSA. ENSA also organized a side-event entitled “The Lethal Trade: A Spiritual Perspective.” As well, Bishop Dinis Sengulane of the Christian Council of Mozambique provided a faith-based perspective at the IANSA presentations and was on hand during the Control Arms campaign activities.

In response to the disappointing conclusion of the conference, ENSA issued this prayer:

One death per minute...  
Am I my brother's and sister's keeper?  
One bullet to kill hope, to destroy life...  
Am I my brother's and sister's keeper?  
More words, debates, recommendations...  
Am I my brother's and sister's keeper?  
Let us together find ways forward creating a secure world, favourable to  
development and to Life.  
Let us pray to GOD to provide us with the courage and wisdom to be the keeper  
of our brothers and sisters.

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