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EDITOR'S NOTE

In celebration of UNIDIR's twenty-fifth anniversary, this special double issue of *Disarmament Forum* focuses on a topic of long-standing interest at UNIDIR—small arms and light weapons. With the preparations for the 2006 Review Conference on the Programme of Action well under way, the contributors to this *Disarmament Forum* hope to give governments, international organizations, researchers and the non-governmental community a wealth of ideas and reflections that will help to shape the implementation of the PoA over the next five years—and beyond.

This double issue features UNIDIR researchers and partners who are specialists in the small arms field. Authors look at the history of the PoA itself and its current state, special processes and cooperative frameworks that have developed to support the PoA, additional negotiations, and regional aspects of the small arms issue.

In addition to this issue of *Disarmament Forum*, other recent activities at UNIDIR on small arms have included a presentation of the interim findings of the "European Action on Small Arms, Light Weapons and Explosive Remnants of War" project. UNIDIR, the Stockholm International Peace Research Institute and the International Security Information Service-Europe co-organized a conference in Brussels on 7–8 December 2005, which was well attended by members of the European Commission, the European Council, Members of the European Parliament, national parliamentary representatives and civil society. The second phase of the project, field research in North Africa, is now under way.

UNIDIR was also present at the Preparatory Committee for the 2006 Review Conference in New York. Together with the Department for Disarmament Affairs, the United Nations Development Programme and the Small Arms Survey, UNIDIR organized a side event on 17 January on national reporting entitled "Five Years of Implementing the UN Programme of Action: Regional Analysis of the Reports Submitted by States in 2002–2005". The seminar presented findings from an analysis of national reports. It gave an overview of the reporting mechanism and its contribution to implementation of the PoA, pointed to successes and to where more progress could be made, and suggested possible avenues for action. Both the presentations and the discussion emphasized regional needs and challenges, as well as ways to improve both reporting and future implementation. An analysis of the national reports, to be published by UNIDIR, is in press.

As we approach the 10-year anniversary of the adoption and opening for signature of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), issue 2, 2006 of *Disarmament Forum* will take stock of the history and tribulations of the CTBT. It will proceed from an analysis of the original intentions underlying the CTBT within the broader scheme of disarmament measures, and go on to discuss how relevant an operative CTBT would be in the current context of nuclear doctrines and developments. It will address the requirements and clear feasibility of CTBT verification. The issue will also look at the negative side of the issue in terms of what could go seriously wrong, for example if existing or aspiring

nuclear powers decide to test, and the consequences thereof. Additional short contributions will present arguments for different approaches: one arguing that the best course of action would be to maintain the moratorium as a de facto CTBT, another making the case for provisional entry into force, and a third looking at the option of treaty amendment, bearing in mind the experience of the Partial Test Ban Treaty.

Catriona Gourlay has joined UNIDIR as a visiting researcher, under the EU's Marie Curie Fellowship programme. Over the next 18 months, she will explore how the European Union can improve its crisis management capability for use in UN peace operations. The research will focus on the planning of crisis management and peace-building, a comparison of UN and EU practices, and a review of best practices collected by the United Nations in these areas.

Kerstin Vignard

SPECIAL COMMENT

Small arms and light weapons (SALW) kill and maim countless people throughout the world every year, every day. The *Small Arms Survey 2005* estimates that between 60% and 90% of direct deaths in violent conflicts are caused by small arms; these in turn are responsible for the large but undetermined number of indirect deaths that occur as the direct result of conflict. In addition, in post-conflict environments and in societies not in conflict at all, small arms play a huge role in crime, sexual violence, domestic violence, suicide and human rights abuses such as torture. The illicit trade in small arms and light weapons thus undermines development and exacerbates the vicious circle of poverty and insecurity.

Prior to the end of the Cold War, the issue of small arms and light weapons was dealt with by the arms control community under the rubric of controlling the arms trade. In 1988, under the stewardship of Directors Liviu Bota and Jayantha Dhanapala, UNIDIR published a seminal work by Christian Catrina on *Arms Transfers and Dependence* (Taylor and Francis, New York, 1988). Right on the first page of chapter 1, Catrina replicates the United States Arms Control and Disarmament Agency's definition of arms transfers, which refers to "...artillery, infantry weapons, small arms, ammunition, other ordnance...".

The issue of small arms and light weapons really took hold as a matter for the UN to address, however, in the mid-1990s. Although there had been references to firearms control since the mid-1950s, SALW only became an international peace and security issue when the UN Secretary-General's 1995 supplement to the 1992 *An Agenda for Peace* mentioned small arms as a threat in post-conflict environments and pointed to the positive experience in Nicaragua in 1990, when a weapon collection programme was conducted to strengthen the new peace. As a contribution to the development of the SALW issue, under the stewardship of Director Sverre Lodgaard and Project Director Virginia Gamba, UNIDIR carried out an in-depth study of Disarmament and Conflict Resolution. The project carried out a number of key case studies and developed a practitioner's questionnaire on weapons control, disarmament and demobilization during peacekeeping operations. At the same time, UNIDIR began to involve itself in field research in West Africa, specifically participating in UN efforts in preventing conflict in Mali. This effort led to the 1996 Flame of Peace and the 1998 ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons. Since that time much has happened to focus attention on the impact of the illicit trade in and misuse of small arms and light weapons. Regional, international and national initiatives have played a major role in bringing about post-conflict disarmament and arms management in vulnerable societies.

Since 2001, there has been an international framework for action to prevent, combat and eradicate the illicit trade in small arms and light weapons. The UN Programme of Action has enabled resources to be targeted to countries in need, it has given authority to those attempting to reduce the impact of small arms and light weapons in their communities, and it has provided the platform for further

international, regional and national instruments. In 2005, within the framework of the Programme of Action, Member States of the UN agreed an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. The next step on the international agenda is to find a way to address the damage caused by illegally operating brokers of small arms and light weapons, who feed and stimulate the global, illicit small arms trade.

In 2006, the UN Programme of Action will be reviewed at an international conference in New York. Since 2001, there have been two Biennial Meetings of States to Consider the Implementation of the Programme of Action. UNIDIR, Small Arms Survey, the United Nations Department for Disarmament Affairs (UNDDA) and the United Nations Development Programme (UNDP) have carried out and published analyses of the reports on implementation of the Programme of Action submitted by Member States in order to monitor their progress.

We have given this issue of *Disarmament Forum* a special Geneva flavour. All the authors of the articles are UNIDIR researchers or part of UNIDIR joint projects such as the Geneva Forum—a joint project of UNIDIR, the Quaker United Nations Office and the Programme for Strategic and International Security Studies of the Graduate Institute of International Studies in Geneva—and our numerous projects with Small Arms Survey and UNDP's Bureau for Crisis Prevention & Recovery. It is no accident that we have decided to put a Geneva spin on the SALW issue. Geneva is a place where disarmament, humanitarian action, health, development and human rights all come together in one setting. It means that we have been able to develop an SALW dialogue here among health practitioners, humanitarian workers, human rights experts and disarmament enthusiasts through mechanisms like the Geneva Forum project and its subsidiary Geneva Process. John Borrie analyses the Geneva Forum's impact on the SALW debate and Patrick Mc Carthy analyses the UN Programme of Action Small Arms.

Under the UN Coordinating Action on Small Arms (CASA), along with our colleagues in UNDDA, UNDP and Small Arms Survey, UNIDIR has been working to promote the implementation of the Programme of Action through its reporting mechanism. Elli Kytömäki reports on the regional aspects of the Programme of Action, while Valerie Yankey-Wayne looks at the human dimension and the key role of Africa. Derek Miller and Lisa Rudnick, and Shukuko Koyama, bring us to the coalface of the impact of small arms, making sure that our work is embedded in practical reality. The legal framework at the international level, however, remains important to provide impetus, coherence and resource assistance in the field. Sarah Parker looks at what has been allowed and achieved elsewhere and asks the obvious—why not in SALW? Peter Batchelor and Glenn McDonald take us through the hard-fought tracing and marking negotiations and Christophe Carle reminds us that the omission of ammunition in the tracing and marking instrument will come back to haunt us. In failing to address the hot, live issue of ammunition we have failed to grasp the nettle: we have missed an important opportunity to make a significant difference to the devastating impact of the illicit trade in SALW and delayed the day when we shall address ammunition with the urgency it deserves.

On a completely different note, but certainly of no less importance, we are publishing a summary by Eitan Barak of a thought-provoking symposium re-evaluating Israel's non-membership of the nuclear Non-Proliferation Treaty.

And finally, on behalf of everyone here at UNIDIR, I'd like to thank warmly all UNIDIR's past and present staff, Board Members, Directors and all our colleagues in the UN, in governments, universities and international and non-governmental organizations for all their support over the last 25 years. Happy Silver Anniversary to UNIDIR—now let's go for gold!

Patricia Lewis

Director, United Nations Institute for Disarmament Research

Scratching the surface of a global scourge: the first five years of the UN Programme of Action on Small Arms

Patrick Mc CARTHY

The largest ever gathering of heads of state and government took place at United Nations Headquarters in New York on 14–16 September 2005 to follow up on commitments made at the 2000 Millennium Summit. The outcome document of the 2005 World Summit contains 40 pages of undertakings on a wide range of issues, spanning development, peace and collective security, human rights and the rule of law, and the strengthening of the United Nations.¹ Among them nestles the following sentence:

We support implementation of the 2001 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.²

Taken at face value, this is a formulaic expression of support for an agreement adopted by all UN Member States one year after the Millennium Summit. When one considers, however, that this is one of only three references to “weapons” of any sort in the entire document,³ and that the document contains no references at all to disarmament, this brief statement of support takes on new meaning. In an era when world leaders largely disagree on how best to build international peace and security through arms control and disarmament, the issue of small arms and light weapons would seem to constitute an island of agreement.

This article has three aims. First, it examines the extent to which this global political support for the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (henceforth referred to as the PoA) has translated into actual implementation during the almost five years since it was agreed by UN Member States, in 2001.⁴ Second, it assesses the extent to which the PoA is actually achieving its stated goals of curbing the illicit small arms trade and reducing the human suffering caused by it. Finally, it reflects on the principal challenges faced by the first UN conference to review implementation of the PoA, scheduled for 26 June – 7 July 2006.

This article cannot pursue these aims in too much detail; instead it uses broad brush-strokes to sketch an impression of the first five years of the PoA and of the principal challenges that lie ahead. The article makes three main arguments.

- While political support for the PoA, per se, remains strong, this has not translated into strong implementation of its provisions.

Patrick Mc Carthy coordinates the Geneva Forum, a project that UNIDIR runs jointly with the Quaker United Nations Office and the Programme for Strategic and International Security Studies of the Graduate Institute of International Studies. The views expressed in this article are those of the author alone and do not necessarily reflect those of the Geneva Forum partner organizations.

- While it has stimulated and enabled an impressive range of activities around the world, it is unclear whether the PoA has made any significant impact to date on reducing the illicit small arms trade and the human suffering associated with it.
- The 2006 Review Conference must address two principal weak links: 1) between political support and implementation and 2) between implementation and impact.

2001–2006: maintaining momentum

It is striking that, following the agreement of the PoA in 2001, UN Member States—with the help of a range of non-governmental organizations (NGOs), international organizations and research institutes—have managed to maintain a level of commitment to eradicating the illicit small arms trade similar to that which existed in the run-up to the 2001 conference. This is a significant achievement,

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given the competing priorities of other areas of disarmament and arms control and the fact that UN Member States might have been expected to “ease up” somewhat on the small arms issue after having put so much effort into negotiating an agreement in 2001.

The fact that a good deal of momentum has been sustained is due to a number of factors. The first is the follow-up mechanism built into the PoA itself, especially its request that states report on how they are implementing its provisions,⁵ and its undertaking to convene meetings of UN Member States every two years to consider implementation of the PoA. However, informal activities—often initiated and guided by NGOs and international bodies—have also demonstrated a remarkable degree of success in keeping states focused on their commitments of 2001 and in reminding them of the pressing need to continue to develop more effective global policy responses to the problem of small arms proliferation and misuse. The main initiatives—both formal and informal—are outlined below.

NATIONAL REPORTING ON POA IMPLEMENTATION

The PoA requests the UN Secretary-General to collate and circulate data provided voluntarily by states regarding their implementation of the Programme of Action.⁶ The PoA does not specify, however, how frequently states should report. Annual UN General Assembly resolutions have requested the Secretary-General to report to it, on a de facto annual basis, on information received from states on their implementation activities.⁷ This annual reporting requirement on the Secretary-General has, to some extent, created an auxiliary expectation that states should also report on their implementation activities on an annual basis.

Notwithstanding, the vast majority of UN Member States have not reported annually on their implementation of the PoA. In fact, at the time of writing, only five states had done so.⁸ However, 136 states have submitted at least one implementation report since 2001.⁹ The number of reports submitted has tended to spike during the years in which Biennial Meetings of States (BMS) have taken place, with 103 reports submitted during 2003 and 101 submitted by September 2005 (with more expected before the end of 2005).¹⁰

To assist states in reporting on their implementation of the PoA, the UN Development Programme (UNDP), the UN Institute for Disarmament Research (UNIDIR), the UN Department for Disarmament

Affairs (UNDDA) and Small Arms Survey launched an initiative soon after the 2001 conference entitled “Capacity Development for Reporting to the UN Programme of Action on Small Arms”.¹¹ This provides a package of reporting assistance tools, including a PoA reporting template, designed to help states in reporting on PoA implementation. A dedicated helpdesk is also available to respond to states’ specific inquiries.

FORMAL AND INFORMAL MONITORING OF PoA IMPLEMENTATION

Although counting the number of states that submit reports on their implementation of the PoA can give an indication of the level of political will, only a closer examination of these reports, combined with independent research into implementation, can provide a picture of the extent to which UN Member States have implemented the PoA. Regular monitoring of implementation is crucial since it provides feedback to states on how far, quickly and comprehensively they are progressing. This should not only keep states focused on their goals, it should also encourage them to redouble their efforts in areas where implementation is not proceeding as planned.

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Monitoring of PoA implementation has both formal and informal components. The formal components are provided by the PoA itself through its recommendations 1) to convene meetings of UN Member States every two years to “consider” national, regional and global implementation of the PoA and 2) to convene a conference no later than 2006 to “review” progress made in implementing the PoA.¹² A number of informal monitoring activities have also emerged since 2001, two of which stand out in particular. The first is an initiative by UNDP, UNIDIR, UNDDA and the Small Arms Survey to analyse comprehensively the PoA implementation reports submitted by states, as part of a broader effort to assist states in their reporting on PoA implementation (see above).¹³ These analyses not only demonstrate to states that their reports are taken very seriously, they are also invaluable in identifying strengths and weaknesses in PoA implementation, priority areas for action (some of which are not even part of the PoA) and opportunities for matching the needs of affected states with the resources of donor countries—substantially increasing the usefulness of the Biennial Meetings of States as a benchmark for PoA implementation.

The second is a much more ambitious effort by the NGO coalitions Biting the Bullet¹⁴ and the International Action Network on Small Arms (IANSA)¹⁵ to involve NGOs from around the world in monitoring how UN Member States are living up to their PoA commitments. Their findings have been published in two substantial reports—known as *Red Books* because of their distinctive colouring—coinciding with the 2003 and 2005 Biennial Meetings of States.¹⁶ These reports are a valuable source of independent information on progress towards implementation of the PoA. The 2005 edition, for example, drew on the findings of more than 100 non-governmental contributors who examined PoA implementation activities in over 180 countries.

OTHER INITIATIVES IN SUPPORT OF THE PROGRAMME OF ACTION

A number of other informal initiatives also fulfil important functions in maintaining a high level of political support for the PoA and in promoting its implementation.

The Geneva Process on small arms

The Geneva Forum launched the Geneva Process on small arms following the 2001 conference to help ensure that international momentum on the issue did not fade. The Geneva Process engages governments, NGOs and international organizations in regular, informal consultations to promote and monitor PoA implementation.¹⁷

The New York Small Arms Forum

What is now known as the New York Small Arms Forum grew from a series of informal luncheon meetings to discuss various aspects of the small arms problem, in particular in relation to the PoA. Currently, the core group of the New York Small Arms Forum comprises nine governments (Canada, Colombia, Finland, Germany, Japan, Mexico, Sierra Leone, South Africa and Sweden), one UN body (the Department for Disarmament Affairs) and three NGOs (Amnesty International, Oxfam International and the Quaker United Nations Office). The group meets approximately every 4–6 weeks, is open to participation by other interested states, and often invites independent experts from civil society to lead its discussions.

The Group of Interested States in Practical Disarmament Measures

The Group of Interested States in Practical Disarmament Measures (GIS) grew from a 1997 UN General Assembly resolution on the Consolidation of Peace through Practical Disarmament Measures.¹⁸ The Group was established at the United Nations in March 1998 and meets four or five times a year in New York. The GIS—which, as well as interested developing and donor states, comprises relevant UN departments and, since late 2004, NGOs—provides financial and political support for implementing practical disarmament measures in post-conflict situations. Since the adoption of the Programme of Action, the GIS “has given an increasingly high priority to the Programme’s implementation”.¹⁹ The GIS acts as a kind of market place, putting donor countries in direct contact with countries, international organizations and NGOs that have concrete, small arms-related disarmament projects in need of funding.²⁰

The Transfer Controls Initiative

The Transfer Controls Initiative (TCI) focuses specifically on assisting states to strengthen controls over the export, import and transit of small arms and light weapons. Launched at the beginning of 2003,²¹ the TCI is led by the UK government with support from the governments of Australia, Canada, France, Germany, the Netherlands and Sweden.²² In the short term, it aims to build support for the concept of common standards on transfer controls. It has organized numerous seminars at the regional and subregional levels to encourage states to implement effective transfer controls and to establish common ground on the nature of such controls.²³ At the 2006 Review Conference, the TCI hopes to see “recognition of the need for action at the national, sub-regional, regional and global level built into a strengthened UN Programme of Action ..., with a commitment to undertake further work if needed”.²⁴ This goal was reflected in the final communiqué of the 2005 meeting of G8 leaders, in which they agreed to “improve the effectiveness of transfer controls over small arms and light weapons, including

at inter alia the review conference of the UN Programme of Action on small arms and light weapons in 2006".²⁵

The Control Arms campaign

The Control Arms campaign—led by Amnesty International, IANSA and Oxfam—aims to put pressure on governments to implement strict controls on the possession and transfer of all arms. Launched in October 2003, a principal goal is to persuade governments to negotiate an Arms Trade Treaty that would “prevent arms from being exported to destinations where they are likely to be used to commit grave violations of international human rights and humanitarian law”.²⁶ The campaign has produced a treaty draft that it hopes governments will use as a basis for negotiation.²⁷ It enjoys growing support from governments, with approximately 24 states now saying they support the negotiation of an Arms Trade Treaty.²⁸

The Small Arms Consultative Group Process

The Small Arms Consultative Group Process (CGP) was established in January 2003 by the Biting the Bullet consortium to develop guidelines to help national decisions on authorizing the transfer of small arms and on restrictions of transfers to non-state actors,²⁹ an issue that is not enshrined in the PoA. The CGP involves representatives of over 30 governments, the United Nations, regional organizations and NGOs and has met six times to date. In 2004, the CGP completed the first phase of its work, disentangling the issues and formulating constructive international approaches to the problems.³⁰ During the second phase, the CGP will focus on developing concrete proposals for possible action during the 2006 Review Conference.

The CASA mechanism

The United Nations Secretary-General established the Coordinating Action on Small Arms (CASA) mechanism in 1998 as a means of “minimizing duplication, pooling scarce resources and maximizing synergistic partnerships within the UN system, with regard to actions in the area of small arms”.³¹ The mechanism currently comprises 16 UN departments, agencies, programmes and funds.³² CASA has undertaken field missions to assist Member States in their implementation of specific aspects of the PoA, and has come to embody a significant focal point within the UN system for advocating coordinated interdepartmental approaches to a problem that affects many areas of the UN’s work.

How has the PoA been implemented?

INTERNATIONAL TRACING INSTRUMENT

The importance of being able to trace the global travels of illicit small arms was recognized early in the preparatory process for the 2001 conference.³³ Since most illicit small arms begin life as legal

weapons, being able to trace their movements would provide valuable clues as to how, when and where such weapons cross the threshold from the legal to the illicit market. This knowledge would allow governments to develop more targeted, and therefore more effective, policies for combating the illicit small arms trade.

The PoA makes two main references to tracing small arms. First, it requires UN Member States to ensure that “licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process”.³⁴ Four years after the adoption of the PoA, however, only 50 states have legislation that requires marking as an integral part of the small arms production process.³⁵

Second, the PoA recommends to the UN General Assembly to study the feasibility of developing an “international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons”.³⁶ The General Assembly acted on this recommendation in December 2001 by requesting the UN Secretary-General to conduct such a feasibility study with the aid of a group of governmental experts.³⁷ This group reported back to the General Assembly in July 2003 that the development of an international tracing instrument was indeed feasible.³⁸ Accordingly, in December of that year the General Assembly established an open-ended working group on the matter.³⁹ This group met three times and adopted a draft instrument on tracing that was then adopted by the 2005 session of the UN General Assembly.⁴⁰

This new agreement on tracing small arms is the first global instrument to be generated as a direct result of the PoA and, as such, is a welcome sign of progress in combating the illicit small arms trade. The instrument has two principal weaknesses, however. First, like the PoA itself, the tracing instrument is not legally binding but is rather a voluntary political commitment. Second, it does not cover small arms ammunition, thus curtailing the effectiveness of the instrument.⁴¹

SLOW PROGRESS ON ILLICIT SMALL ARMS BROKERING

The PoA is rather vague when it comes to committing states to combating illicit small arms brokering. Under the PoA, states undertake to “develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering”.⁴² However, as of June 2005, legislative controls over arms brokers existed in only 32 of the UN’s 191 states.⁴³ The

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PoA also commits Member States to “develop common understandings of the basic issues and the scope of the problems related to illicit brokering”⁴⁴ and delegates this task to the UN General Assembly.⁴⁵ The General Assembly, however, was slower to take up the issue of brokering than that of marking and tracing, largely because some Member States opposed the idea of conducting work on both issues simultaneously, ostensibly on the grounds that doing so would place an inordinate strain on the financial and human resources of some Member States.

It was not until December 2003 that the General Assembly first requested the Secretary-General to conduct broad-based consultations with states, regional and subregional organizations, international agencies and experts in the field on “further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons”.⁴⁶ Four such consultations were organized by UNDDA in New York and Geneva between May and July 2004.⁴⁷ At the end of the year the General Assembly requested the Secretary-General to continue these consultations with a view to establishing a group of governmental experts on brokering after the 2006 Review Conference but no later than 2007.⁴⁸

Assuming the international community does decide to negotiate a new international instrument on brokering, such an instrument is not likely to see the light of day until at least 2009, eight years after the agreement of the PoA. Given that illicit small arms brokering played a central role in putting small arms on the international agenda in the first place, it is surprising to say the least that UN Member States have not taken more decisive action on this issue.

ASSESSMENT OF OVERALL IMPLEMENTATION AND IMPACT

Given that, on average, around 1,400 people die every day as a result of gunshot wounds⁴⁹ and that, every year, the lives and livelihoods of countless thousands more are adversely affected by the proliferation and misuse of small arms, there can be no room for complacency in taking action to eradicate the illicit trade in small arms and light weapons and the human suffering caused by it.

Not only is the overall picture of PoA implementation patchy and weak, it is unclear whether the PoA has so far made any significant impact.

By mid-2006, the PoA will have been in existence for five years. It is therefore reasonable to expect that, by then, states will have made substantial progress in implementing its provisions. It is also reasonable to expect that this implementation will have translated into a reduction both in the illicit small arms trade and in the human suffering associated with it. Given the pace of progress to date, however, it is unlikely that the 2006 Review Conference will satisfy these expectations. Not only is the overall picture of PoA implementation patchy and weak, it is unclear whether the PoA has so far made any significant impact.

At the 2003 BMS, many analysts were willing to give states the benefit of the doubt when it came to following up on the commitments they made at the 2001 Small Arms Conference. Most NGOs, for example, were willing to concede that, even though the “glass remains 95 per cent empty” when it came to PoA implementation, “at least the glass has been slightly filled”.⁵⁰ They noted “significant progress since 2001 in implementing the PoA” and recognized that “the momentum for action on SALW trafficking, proliferation and misuse that was generated during the lead-up to the July 2001 UN Conference on Small Arms [had] largely been maintained”.⁵¹ Similarly, an analysis of the implementation reports submitted by states to the 2003 BMS concluded that, “in spite of some shortcomings, notable progress in PoA implementation is underway in many countries”.⁵²

By the second biennial meeting in 2005, however, the performance of states in implementing their PoA commitments was subjected to a much more critical and impatient appraisal. The 2005 edition of the *Red Book*, for example, while noting “substantial implementation activities across much of the world”, laments “how little has so far actually been achieved in many respects. In much of the world, the glass is still 95% empty, and two more years have passed by”.⁵³

It is difficult, however, to square the *Red Book*'s conclusions with its content, which documents in impressive detail work that is being carried out around the world by governments, civil society organizations, regional and subregional organizations, and other international bodies to curb the proliferation and misuse of small arms and light weapons. Even by the 2005 *Red Book*'s own admission, “there are many useful ongoing activities, and significant progress in some issue areas and regions”.⁵⁴ If this is the case, then governments would deserve some increase on the 5% “grade” accorded to them in 2003.

This apparent inconsistency can be explained by the fact that the *Red Books* conflate success in implementing the provisions of the PoA with success in reducing global gun violence. The 5% grade is based more on the conclusion that “the scale of the interventions is generally not sufficient to have more than a local or marginal impact on the problems of SALW trafficking, proliferation and misuse”⁵⁵

than on an objective assessment of progress made in implementing the provisions of the PoA. It is important when analysing implementation of the PoA to make the distinction between implementation and the impact of implementation. Both are important subjects of examination, but they are not the same. If UN Member States managed to fully implement all provisions of the PoA, but the illicit trade

If UN Member States managed to fully implement all provisions of the PoA, but the illicit trade in small arms and light weapons was not “eradicated” as a result, would it still be justifiable to give states a low grade on their implementation report card? Or would it be more appropriate to consider giving a grade to the PoA itself?

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“Implementation” success is being confused with “impact” success in part because there is no set of tools to measure the impact of PoA implementation on curbing the illicit small arms trade and reducing the human suffering caused by it. Without such tools, it is difficult to say with any degree of certainty that

the PoA is actually achieving the results it was designed to achieve. While we can measure implementation by counting the number of countries that have appointed national points of contact for small arms issues, for example, this tells us nothing about the number of illicit small arms transfers thwarted or the number of lives saved as a result of doing so.

Many would in fact agree with the *Red Book* when it says that the PoA has had, to date, only a marginal impact on curbing the proliferation and misuse of small arms and light weapons. The International Committee of the Red Cross, in its statement to the second Biennial Meeting of States, argued that “we are still far from being able to conclude that the Programme of Action has saved lives on the ground or led to an overall reduction in the availability of illicit arms”.⁵⁶ But however useful the impressions of field-based international and civil society organizations regarding PoA impact, the fact remains that there exists little hard evidence on the effectiveness of the PoA. And without adequate tools to measure the impact of the PoA, our impressions will remain essentially subjective.

Nevertheless, the sobering assessments of NGOs and organizations such as the ICRC should serve as a stark wake-up call to the international community that, almost five years since the adoption of the PoA, it appears only to be scratching the surface of the global scourge that is the illicit small arms trade. They underline the importance of supplementing a narrow appraisal of how states are implementing their PoA commitments with a deliberate effort to measure the impact of such implementation on achieving the stated goals of the PoA—the reduction of human suffering caused by the illicit trade in small arms and light weapons and the ultimate eradication of this trade.

Conclusion

The impressive level of political will and momentum that was generated between the mid-1990s and the 2001 Small Arms Conference has been largely maintained. This is due both to follow-up mechanisms built into the PoA itself, and to initiatives undertaken (often jointly) by governments, NGOs, international bodies and research institutes to promote implementation and sharpen the focus of the international community on the humanitarian and socio-economic impacts of the proliferation and misuse of small arms and light weapons. This momentum has not translated, however, into strong implementation of the PoA. Globally speaking, PoA implementation remains weak, patchy and ineffectual.

The main contribution of the PoA is that it provides a global framework that stimulates and enables a broad range of small arms control initiatives in various substantive issue areas and geographical regions. Almost five years after its agreement, however, little hard evidence is available to assess how the PoA is achieving its stated goals of eradicating the illicit trade in small arms and light weapons and of

reducing the human suffering caused by it. Without such evidence, it is reasonable to go along with the assessments of international and civil society organizations in the field that the PoA has only begun to scratch the surface of this global scourge.

The 2006 Review Conference must address these two weak links in the PoA regime—the link between declared political support for the PoA and actual implementation of its provisions, on the one hand, and the link between implementation and real world impact, on the other. To achieve this, UN Member States must not only come up with new ideas on how to accelerate implementation of the PoA, they must also strengthen the existing regime and develop adequate tools to measure its impact.

Notes

1. UN document A/60/L.1*, 20 September 2005.
2. *Ibid.*, paragraph 94.
3. The two other references to weapons in the outcome document of the 2005 World Summit mention anti-personnel landmines (*ibid.*, paragraph 95) and, for a second time, small arms and light weapons, this time in the context of transnational organized crime (*ibid.*, paragraph 111).
4. Reproduced in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15, pp. 7–17, also at <disarmament2.un.org/cab/poa.html>.
5. PoA, section II, paragraph 33.
6. *Ibid.*
7. UN General Assembly resolutions 56/24 V of 24 December 2001; 57/72 of 22 November 2002; 58/241 of 23 December 2003; 59/86 of 3 December 2004 (UN documents A/RES/56/24, 10 January 2002; A/RES/57/72, 30 December 2002; A/RES/58/241, 9 January 2004; A/RES/59/86, 10 December 2004).
8. As of September 2005, only Australia, Belarus, Hungary, Mexico and the United States had submitted reports annually since 2002. For lists of countries that have submitted reports between 2002 and 2005, see <disarmament.un.org/cab/salw-nationalreports.html>.
9. This number includes the Holy See, a UN Observer State. E. Kytömäki and V. Yankey-Wayne, forthcoming, *Implementing the UN Programme of Action on Small Arms: Analysis of the National Reports submitted in 2002–2005*, Geneva, UNIDIR.
10. Biennial Meetings of States were held on 7–11 July 2003 and 11–15 July 2005. For further information, see <disarmament.un.org/cab/salw-2003.html> and <www.un.org/events/smallarms2005>, respectively. Formalization of current practice—synchronizing PoA reporting with the BMS—is currently being informally discussed and could be considered at the 2006 Review Conference.
11. See <www.undp.org/bcpr/smallarms/PoA.htm>.
12. PoA, section IV, paragraphs 1(b) and 1(a). For an analysis of the mandate of the 2006 Review Conference, see the article by Sarah Parker in this issue of *Disarmament Forum*.
13. E. Kytömäki and V. Yankey-Wayne, 2004, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the Reports Submitted by States in 2003*, Geneva, UNIDIR. A follow-up analysis of reports submitted to the 2005 BMS is due to be released in 2006.
14. The Biting the Bullet project is a joint initiative of three UK-based bodies, International Alert, Saferworld and the University of Bradford. See <www.saferworld.org.uk/publications/biting%20the%20bullet.htm> and <www.international-alert.org/our_work/themes/biting_the_bullet.php>.
15. IANSA is a global network of over 500 civil society organizations, see <www.iansa.org>.
16. Biting the Bullet and IANSA, 2003, *Implementing the Programme of Action 2003: Action by States and Civil Society*, at <www.iansa.org/documents/03poareport>; Biting the Bullet and IANSA, 2005, *International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action*, at <www.iansa.org/un/bms2005/red-book.htm>.
17. For an analysis of the Geneva Process, see the article by John Borrie in this issue of *Disarmament Forum*.
18. UN General Assembly resolution 52/38 G of 9 December 1997, UN document A/RES/52/38, 8 January 1998.
19. Presentation by Germany to the 21st meeting of the Geneva Process on Small Arms, 28 June 2005.
20. For further information on the GIS, see <disarmament2.un.org/cab/pdm-gis.html> and <disarmament2.un.org/casa/gis/gis-july2005.htm>.
21. *Implementing the UN Programme of Action: Strengthening Export Controls*. Lancaster House Conference, 14–15

- January 2003, Chairman's Summary, at <www.smallarmssurvey.org/source_documents/Regional%20fora/Other%20fora/Lancaster%20House%20Jan%202003.pdf>.
22. UK Foreign & Commonwealth Office, *Small Arms and Light Weapons (SALW): Transfer Controls*, paper circulated at the Second Biennial Meeting of States to Consider Implementation of the PoA, New York, 11–15 July 2005.
 23. To date, TCI seminars have been held in Argentina, Brazil, Peru, Nicaragua, the Bahamas, Kenya and Fiji. Further seminars are planned in the Southern African Development Community (SADC) and East Asia regions. *Ibid.*, p. 2.
 24. *Ibid.*, p. 2.
 25. The G8 Gleneagles Communiqué, section on Africa, paragraph 10(f), at <www.fco.gov.uk/Files/kfile/PostG8_Gleneagles_Africa,0.pdf>.
 26. Amnesty International and Oxfam International, 2003, *Shattered Lives: The Case for Tough International Arms Control*, at <www.controlarms.org/downloads/shattered_lives.htm>.
 27. Draft Framework Convention on International Arms Transfers, available at <www.iansa.org/documents/2004/att_0504.pdf> (working draft of 25 May 2004).
 28. For more information on the Control Arms campaign, see <www.controlarms.org>. The estimated number of states now supporting the treaty was derived from Simon Gray's blog at the Second BMS, <www.oxfam.org.uk/generationwhy/controlarms_blog>.
 29. Small Arms Consultative Group Process, 2005, Food for thought paper, July.
 30. Small Arms Consultative Group Process, 2004, Chair's Interim Report, *Small Arms and Light Weapons Transfers: Developing Understandings on Guidelines for National Controls and Transfers to Non-State Actors*, London, Biting the Bullet, May, at <www.saferworld.org.uk/iac/btb_interim_report.pdf>.
 31. Ms Hannelore Hoppe, Director DDA, CASA statement to the Second Biennial Meeting of States to Consider Implementation of the PoA, New York, 11–15 July 2005, at <www.un.org/events/smallarms2005/regional-intlorg-pdf/CASA%20statement%20by%20Ms.%20Hoppe.pdf>.
 32. For the full list of CASA members, see <www.un-casa.org>.
 33. France and Switzerland took the lead on this issue, circulating various documents during the preparatory process dealing with marking, tracing and record-keeping (UN documents A/CONF.192/PC/7, 17 March 2000; A/CONF.192/PC/25, 10 January 2001; A/CONF.192/PC/38, 23 March 2001).
 34. PoA, section II, paragraph 7.
 35. Biting the Bullet and IANSA, 2005, op. cit., p. 262.
 36. PoA, section IV, paragraph 1(c).
 37. UN General Assembly resolution 56/24 V, paragraph 10 (see note 7).
 38. *Report of the Group of Governmental Experts established pursuant to the General Assembly resolution 56/24 V of 24 December 2001, entitled "The illicit trade in small arms and light weapons in all its aspects"*, UN document A/58/138, 11 July 2003.
 39. UN General Assembly resolution 58/241 of 23 December 2003, UN document A/RES/58/241, 9 January 2004, paragraphs 8 and 9.
 40. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, adopted 17 June 2005. Reproduced in the *Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, UN document A/60/88, 27 June 2005. See <disarmament2.un.org/cab/salw-owwg.html>. For more on the negotiation of the Tracing Instrument, see the article by Peter Batchelor and Glenn McDonald in this issue of *Disarmament Forum*.
 41. For an analysis of the small arms ammunition question, see the article by Christophe Carle in this issue of *Disarmament Forum*.
 42. PoA, section II, paragraph 14.
 43. Biting the Bullet and IANSA, 2005, op. cit., p. 258. See also *Small Arms Survey 2004: Rights at Risk*, London, Oxford University Press, pp. 141–171.
 44. PoA, section II, paragraph 39.
 45. PoA, section IV, paragraph 1(d).
 46. UN General Assembly resolution 58/241, paragraph 11 (see note 39).
 47. For the results of these consultations, see <disarmament.un.org/cab/salw-48.brokering%202004.htm>.
 48. UN General Assembly resolution 59/86, paragraph 5 (see note 7).
 49. The Small Arms Survey has estimated that, annually, more than 200,000 people are murdered or commit suicide in the industrialized world using firearms and that at least 300,000 are killed by firearms during armed conflicts occurring in developing countries (*Small Arms Survey 2002: Counting the Human Cost*, London, Oxford University Press, p. 155). This estimate has been adopted by IANSA in the form of the slogan, "Every minute, someone is killed by a gun", see <www.iansa.org/action/toolkit.htm>.
 50. Biting the Bullet and IANSA, 2003, op. cit., p. 187.
 51. *Ibid.*

52. E. Kytömäki and V. Yankey-Wayne, 2004, op. cit., p. xvii.
53. *Biting the Bullet* and IANSA, 2005, op. cit., p. 315.
54. Ibid.
55. Ibid.
56. International Committee of the Red Cross, *Report to the Second Biennial Meeting of States to Consider the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 11–15 July 2005, at <www.un.org/events/smallarms2005/regional-intlorg-pdf/ICRC.pdf>.

The Geneva Forum's role in international efforts to curb the illicit small arms trade

John BORRIE

The Geneva Forum is a joint initiative of the Quaker United Nations Office in Geneva (QUNO), UNIDIR, and the Programme for Strategic and International Security Studies (PSIS) of the Graduate Institute of International Studies in Geneva. This paper briefly tells the story of the Geneva Forum's work on small arms and light weapons issues (referred to here as small arms, or SALW)¹ and evaluates its impact on the achievement and subsequent implementation and monitoring of the 2001 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.² To do so, it is first necessary to explain the Geneva Forum's origins, and the political context into which its work on small arms emerged.

The origins of international efforts on small arms

By the middle of the 1990s it was becoming apparent to the international community that small arms violence was an emerging problem of major dimensions in many societies around the globe, especially in the developing world.³ The small arms issue grew in prominence in the United Nations context following the dispatch of a UN fact-finding mission to West Africa in 1994.⁴ In January 1995 it also appeared in the UN Secretary-General's supplement to *An Agenda for Peace*.⁵ In December 1995 the UN General Assembly adopted its first resolution on small arms, and requested that a panel of governmental experts be set up.⁶ This panel found that:

virtually every part of the UN system was dealing in one way or another with the consequences of the armed conflicts, insecurity and violence due to the easy availability resulting from the excessive accumulation and recurrent use of small arms. Some of the most intractable armed conflicts being dealt with by the UN are those in which a recurring cycle of violence, an erosion of political legitimacy and a loss of economic viability have deprived a state of its authority to cope either with the causes or the consequences of the excessive accumulation, proliferation and use of small arms and light weapons.⁷

The Panel's report recommended that the UN convene "an international conference on the illicit arms trade in all its aspects, based on the issues identified in the present report".⁸ This led to a further

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General Assembly resolution late in 1997, which asked the Secretary-General to seek the views of Member States on holding such a conference, as well as for another group of governmental experts and a further small arms report.⁹ This group presented its report, which addressed the objectives, scope, agenda, dates and venue of the conference, in the second half of 1999.¹⁰ In December of that year the UN General Assembly gave the go-ahead for the conference's preparatory process to commence from 2000, with the conference itself to take place in New York in July 2001.¹¹

Difficulties in the United Nations conference process

A United Nations conference on curbing the illicit trade in small arms now looked set to become a reality. But the work of the UN Panel, the Group of Governmental Experts and the ensuing preparatory process uncovered many difficulties that would have to be handled adroitly for the conference to prove of any real value in curbing the illicit trade in small arms. Many states harboured reservations. Briefly, these included:

- concerns about “hot-button” issues proposed by the UN reports for inclusion in the conference's Programme of Action, for instance on civilian possession of weapons (which is a holy grail for the sport shooting lobby, especially in the United States), export controls, the marking and tracing of small arms and ammunition, the definition of “excessive and destabilizing accumulations” of SALW, and distinguishing between legal and illicit weapons;¹²
- many developing countries, especially those without the capacity for indigenous production, guard their access to small arms jealously;
- some countries were concerned that an international conference would be used to criticize them for alleged human rights violations (Algeria and China, for instance);
- it was not obvious that a multilateral process would sit well with existing activities designed to combat the illicit trade in small arms at national, subregional and regional levels (a concern for Australia, New Zealand and South Africa, among others).¹³

Less well documented problems were the differences in approach between the diplomatic communities in New York and Geneva. Despite each country's home authorities coordinating their diplomatic missions to a greater or lesser degree, New York diplomats had a tendency to view the small arms issue through the prism of wider United Nations politicking, especially in the Security Council. Most saw themselves as generalists or diplomatic operators, rather than specialists in disarmament or

Tensions engendered within delegations consisting of Geneva, New York and capital-based personnel during the conference preparation process were a hallmark of its negotiating dynamics, and building of trust between practitioners was therefore an important challenge.

arms control concerns. However, since the UN conference process had been planted in the arms control domain, some national capitals saw logic in giving the initiative to Geneva-based specialists in disarmament and arms control. And while wider political concerns also featured in the thinking of most Geneva-based disarmament diplomats, some of their New York-based colleagues were inclined to perceive them as technocrats—parachuting into a New York process late, and not always cognizant of broader dynamics. These differences in outlook and culture between the Geneva and New York diplomatic environments coloured perceptions and judgements. Working assumptions—even relative definitions of success or failure in the conference process—could be perceived quite differently. The tensions this engendered within delegations consisting of Geneva, New York and capital-based personnel during the conference preparation process were a hallmark of its negotiating dynamics, and building of trust between practitioners was therefore an important challenge, as it is for all multilateral negotiations in some form.¹⁴

Indeed, it was not self-evident why the conference process had been planted in the arms control domain. Many experts in humanitarian and other fields argue that arms control approaches are actually of limited relevance to curbing the illicit small arms trade, because the problem is not necessarily created by the consequences of wars. This means it is unlike other conventional weapons like anti-personnel mines or explosive remnants of war. The small arms domain possesses complex characteristics; as Liz Clegg has pointed out, “in spite of the enthusiasm among the NGO community for an initiative on light weapons, there was a recognition from the outset that the problem of light weapons proliferation was in some ways even more intractable than that of land mines. Two basic facts make a simple ‘ban light weapons’ campaign impossible: first, the fact that civilian ownership of small arms—handguns, rifles, shotguns, and so on—is legal in countries throughout the world means that the need for controls on these weapons is not universally accepted; second, few would argue that light weapons do not have legitimate uses under some circumstances—for example, when carried by forces engaged in peacekeeping operations. To be effective, a campaign to counter the proliferation of small arms needed objectives with greater nuance.”¹⁵ As will be shown, educating the arms control community about these complexities was a concern for the Geneva Forum and its partners from an early stage.¹⁶

Non-governmental organizations (NGOs), alternative sources of information and advice on many aspects of the acquisition, use and effects of small arms, and often a potent force for transparency and government accountability, were nevertheless largely marginalized from the UN preparatory process. Although NGO access was a source of extensive debate (it was strongly supported by Canada, the European Union and Norway, among others) many governments were highly suspicious of according NGOs any formal recognition or substantive involvement in their negotiating work. These included China, Russia and many delegations from the Middle East region.

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The small arms NGO community had begun to emerge in the mid-1990s, with individual NGOs focusing on one or more activities, including research, policy development, advocacy, public awareness and education, and implementing practical measures, often as part of “micro-disarmament” initiatives. Although heterogeneous, the NGO community generally divided into two, largely antagonistic poles. Batchelor characterizes these as the “arms control community” and the “firearms community”.¹⁷ The former, grouped under the International Action Network on Small Arms (IANSA) umbrella, had aims very different from the latter, grouped around the World Forum on the Future of Sport Shooting Activities (WFSA). In stark contrast to IANSA, WFSA basically aimed to encourage the international community to “leave alone” or “do little” to address small arms issues. “The one issue on which both IANSA and WFSA could agree, and on which they worked together during the PrepCom process, was to maximize the official role of NGOs in the Conference itself.”¹⁸

It was necessary to find a transparent way to bring all these varying perspectives together for a number of reasons.

- To improve information exchange and understanding between negotiators from different countries and with different working bases.
- To educate diplomats. New knowledge and perspectives would ideally relate to practical experiences in the field: this would necessitate the involvement of transnational civil society, which, in a formal setting, is tricky for some governments.
- To provide direction and momentum to the formal conference preparatory process in an inclusive manner that would not alienate governments nervous about its potential implications for them.

The role of the Geneva Forum in the lead-up to the conference

Through a mixture of design and accident, the Geneva Forum helped to fulfil these needs. Key to this were the track records of the Geneva Forum's founding partner organizations. UNIDIR, PSIS and QUNO were all interested and involved in research on small arms issues, and had a history of cooperation among their staff.

UNIDIR's involvement in small arms work stretched back at least as far as 1994. Its Disarmament and Conflict Resolution project, led by Virginia Gamba, influenced the content of the 1995 UN General Assembly resolution authorizing the first panel of experts. The Graduate Institute's long-standing interest in small arms research contributed to the establishment of the Small Arms Survey in Geneva in 1999, intended (among other things) to act as a clearing house for the sharing of SALW information and dissemination of best practices.¹⁹ Meanwhile, the Quakers had long played an active role in small arms issues as part of their disarmament and peace-building activities. The close involvement of key Geneva-based QUNO staff in the Mine Ban Convention negotiation process meant that the Geneva Forum benefited from their insights when setting the direction and style of related Geneva Forum activities leading up to the conference.²⁰

The Geneva Forum had emerged from the relationship between these three organizations. From the mid-1990s, cooperation began to snowball between PSIS and QUNO as they found a common interest in bringing together multidisciplinary perspectives on small arms issues. A Canadian academic, Keith Krause, had recently arrived at PSIS, and he and Quaker Associate Representative David Atwood began to organize meetings on an ad hoc basis, initially to explain the work Krause had been involved with for the Canadian government on small arms in the emerging human security context. PSIS and QUNO raised around 30,000 Swiss francs from the Swiss government to continue these activities from 1998, and individual diplomatic representatives in Geneva, such as François Rivasseau of France, encouraged their efforts.

UNIDIR was also supportive of these joint activities. Its Deputy Director, Christophe Carle, established a record of cooperation with Atwood and Krause in his first few months in Geneva. A formal role for the Institute developed after a new Director, Patricia Lewis, was appointed in 1997.

All the founders were of one mind in wanting to inject perspectives from humanitarian, development and human rights communities into Geneva disarmament work.

David Atwood recalled that "that's when we really realized the synergies of the three different types of organization, and were able to draw on each other's resources".²¹

All the founders were of one mind in wanting to inject perspectives from humanitarian, development and human rights communities into Geneva disarmament work. The name "Geneva Forum" emerged around this time as an umbrella description for their joint meetings, held in the Palais des Nations. Eventually it made sense to put this collaboration on a more solid footing. The Geneva Forum received special encouragement from the Ford Foundation, based in New York, in 2000. Ford Foundation representative Christine Wing had recognized the potential of the endeavour: approached with individual funding pitches by PSIS, QUNO and UNIDIR, Wing suggested that, instead of submitting individual proposals, the three organizations submit a joint proposal. Subsequent Ford Foundation funding underwrote the Geneva Forum's work from 2000 until 2002. This provided a crucial breathing space during which the Forum was able to focus on helping to manage the challenges attending the UN conference process, rather than on continual fundraising.

Another catalyst for the Geneva Forum's emergence was, ironically, the deadlock that had emerged in the Conference on Disarmament after negotiations on the Comprehensive Nuclear-Test-Ban Treaty

were concluded in 1996. With frustration growing among governments, and debate in the Conference becoming increasingly sterile and ritualistic without any agreement on a programme of work, informal outlets for debate and the exchange of views appealed to many Missions.

The Geneva Forum came along at the right time to capitalize upon this. Its field of work covers the full gamut of disarmament and arms control activity, and its overarching objective is “to contribute to international peace and security by building partnerships among and between governments, international organizations and NGOs on disarmament and arms control issues of common concern”.²² In reality, the Geneva Forum’s work has always had a strong small arms flavour—a focus that was almost exclusive until the framework funded by the Ford Foundation emphasized synergy with other areas of disarmament work. Small arms-related Geneva Forum activities during this period included meetings to examine the progress of regional small arms initiatives, particularly in Africa; the consideration of public health approaches to alleviating the effects of small arms violence; tracking the flow of SALW; exploration of the UN’s role; and potential measures to reduce illegal arms brokering.²³

A watershed occurred in November 2000. This was when the Geneva Forum assisted IANSA to facilitate a workshop focusing on the challenges of the upcoming UN conference.²⁴ Governments and transnational civil society working on small arms issues were brought to the table to discuss questions such as “We’ve got the Vienna [Firearms Protocol] Process; who needs 2001?” and “Why do regional initiatives matter?” QUNO and one of its partners, the Women’s International League for Peace and Freedom (WILPF), had hatched the idea for the meeting. They felt that the UN preparatory process was accelerating and that more effort was urgently needed to catalyse civil society “to use humanitarian issues as a form of leverage for arms control”, and influence governments before the die was cast through the Programme of Action.²⁵

The UN preparatory process was accelerating and more effort was urgently needed to catalyse civil society “to use humanitarian issues as a form of leverage for arms control”.

In summing up the November 2000 Geneva Forum–IANSA meeting, Ambassador Carlos Dos Santos of Mozambique, Chair of the 2001 UN conference preparatory process, noted that it “introduces into the debate important information and expertise, as well as experience gained on the ground. Even at the UN 2001 conference, I do not think that there will be such a high level of interaction”. Dos Santos was proved correct: NGOs were shut out of proceedings for most of the conference.²⁶ By catalysing NGO activity, the Geneva Forum–IANSA meeting helped to inject greater humanitarian, public health and developmental perspectives into the UN conference process. In addition, IANSA was, for the first time, able to bring its members together in one place for campaign coordination and strategy, which had an important effect on its subsequent campaigning.

A further key instance of the usefulness of activities sponsored by the Geneva Forum was a residential seminar held over three days in June 2001. Organized in cooperation with the Biting the Bullet project, it brought together a diverse group of governments and NGOs to discuss the main issues of contention for the July conference. These issues had been brought up during earlier Geneva Forum activities, and included small arms management; control over the transfer, use and possession of small arms; enhancing cooperation and information exchange; and scope and definitions for the conference.²⁷

Intense diplomacy was also going on over the presidency of the conference. For months, a struggle had been unfolding between rival candidates that had, arguably, diverted diplomatic negotiators’ attentions from the substantive issues at hand and threatened to cause a crisis at the conference’s outset in New York. The Geneva Forum seminar was a timely opportunity for some of the key government representatives to meet and discuss their difficulties face to face. In this way, it almost certainly contributed to settling the issue of the presidency (finally accorded to the Colombian Ambassador in Geneva, Camilo Reyes Rodríguez), before the question spilled over into the UN conference itself.

The United Nations conference and its aftermath

Success at the July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was very difficult to achieve.²⁸ The relief that an agreed Programme of Action did emerge was tempered by the disappointment of many about its content. Neither NGOs nor governments were overwhelming in their praise. Heavy-handed tactics by key delegations such as the United States had resulted in modest proposals concerning civilian possession, and armed non-state actors, being cut entirely from the draft Programme, which left some delegations embittered. NGOs were scathing about the many areas in which they considered that the Programme of Action lacked ambition, criticism perhaps fuelled by their frustration at being marginalized from the formal proceedings of the conference.

Nevertheless, the Programme of Action did represent a concrete advance. Compared with the rudimentary level of international attention that small arms issues was receiving just a few years before, it was a major step forward. The Programme committed the world's governments to implementation, even if some lacked the resources (or others, the abiding intention) to fulfil it, and it was not legally enforceable. The Programme was also an achievement in light of the substantive complexities of small arms issues and the differing diplomatic cultures of New York, Geneva and national capitals. Although certainly not alone in contributing to this emergence of common understanding among these cultures, the Geneva Forum can claim some credit for facilitating a more positive atmosphere in the lead-up to the conference.

The Geneva Process on small arms

A widely held fear among the Geneva Forum's partner organizations, some governments and the NGO "arms control community" on small arms was that, once relief had passed among governments that a political deal had been done, the issue would slip far down the international agenda. The Programme of Action had agreed a formal follow-up mechanism, but it was minimal: biennial meetings to monitor the level of the Programme's national implementation in 2003 and 2005. Other than these low-key intergovernmental meetings in New York, there were no official follow-up measures at the multilateral level to maintain the attention of politicians and policy makers on national and regional implementation.²⁹

Meanwhile, thanks in part to the Geneva diplomatic community's growing familiarity with small arms issues and to the presence of organizations like the Small Arms and Demobilization Unit of UNDP, UNIDIR and Small Arms Survey, a recognizable small arms community had developed in Geneva. It dawned on this community that the Geneva Forum might be an acceptable facilitator for continuing focused interaction on small arms issues. The Geneva Forum had appointed a full-time Coordinator, Patrick Mc Carthy, and in fact was already undertaking activities designed to bring together the diplomatic community and practitioners to look at implementation of the Programme of Action.³⁰

In February 2002, with the assistance of Ambassador Reyes, the Geneva Forum's organizers put together a Framework Document. In describing the scope for a Geneva-based small arms initiative the document noted:

There is widespread recognition of the need for an informal forum in which key actors—e.g. representatives of states, intergovernmental bodies, and NGOs—could meet on a regular basis to share information about current initiatives, highlight areas for concerted action, and generally act as an ongoing forum to promote, facilitate and monitor implementation of the

Programme of Action and to maximise the opportunity presented by the reporting exercises of the biennial meetings.

In view of this, the Framework Document proposed “to harness this critical mass of small arms expertise by creating a forum of committed Geneva actors that would meet on a regular basis” in support of the Programme of Action.³¹ The document was distributed among 15 or so Permanent Missions in Geneva for their reactions.

In retrospect, the utility of such an unofficial process is easily seen. But, at the time, it was hard to predict the likely reaction of governments such as the United States and Russia—countries that, judging by their statements in the lead-up to, and at, the UN conference of 2001 showed little interest in this type of process.³² In fact, reaction from the 15 states—which included the United States—proved generally positive. A first exploratory meeting with governments on 17 May 2002 produced “incredible enthusiasm”, according to its chair.³³ Participants included representatives from the Missions of Australia, Belgium, Canada, Chile, Colombia, France, India, Ireland, Japan, Kenya, the Netherlands, New Zealand, Norway, South Africa, Sweden, Switzerland, Thailand, the United Kingdom and the United States, as well as the Biting the Bullet project, the Geneva Centre for Humanitarian Dialogue, Small Arms Survey, the UN Department for Disarmament Affairs, UNDP, UNHCR and the Forum’s three founding partners.

Initially, the Geneva Forum had assumed that governments would be reluctant to agree to any but off-the-record discussions on implementation and monitoring of the Programme of Action. This proved not to be the case. Rather, governments preferred a transparent record of the meetings prepared by the Geneva Forum. And concerns that governments would be reluctant to buy into a process involving NGOs and international organizations, however informal, were allayed by Canada’s Disarmament Ambassador in Geneva, Christopher Westdal, who agreed to chair the next two meetings of the “Geneva process on small arms”. This also helped to establish the principle early on that governments should assume some responsibility for the Process’s management and direction setting.

Geneva Forum had assumed that governments would be reluctant to agree to any but off-the-record discussions on implementation and monitoring of the Programme of Action. This proved not to be the case.

The Geneva Process met nine times between May 2002, when it was launched, and the convening of the first Biennial Meeting of States (BMS) in July 2003. QUNO, Small Arms Survey and Ambassador Reyes of Colombia also chaired meetings. Although participation by governments was intended to be “open-ended”, those wishing to participate in the Geneva Process’s work were asked to indicate support for the “core principles” of the initiative set out in the Framework Document—principles that “do not constitute a barrier to participation as much as a modest hurdle to be cleared”, in the view of the Geneva Forum.³⁴

During this period the mechanism’s core activities became established.

- Implementation of the Programme of Action. Geneva Process meetings are thematic, for instance on strengthening state capacity, reporting or regional approaches to tackling the illicit trade in small arms.
- Monitoring of the Programme consists of three components. First, part of each Geneva Process meeting is dedicated to an open forum for reporting on implementation activities by participating governments or others (with reports included in each meeting’s aide-mémoire). Second, a UNIDIR researcher collates independent information from around the world (mainly from news sources) on implementation-related activities, which is then compiled in a report circulated to all Geneva Process participants, and briefly outlined in the meetings. Third, this paper and the aide-mémoire are sent to Small Arms Survey for inclusion in an online database.³⁵

The Geneva Process's monitoring component is not fully fledged: "only a limited number of countries and organizations participate. Its independent data-gathering capacity is also modest. Nor has the Geneva process sought to analyse or evaluate the information it has generated in any systematic way."³⁶ But this information has been fed into other monitoring initiatives, such as the *Red Books* produced by IANSA and the Biting the Bullet project, which take an in-depth look at the state of implementation of the Programme of Action from civil society perspectives.³⁷ And it has kept states themselves informed about the activities of others.

Between May 2002 and the first BMS, the Geneva Process's participation expanded to include 25 governments in addition to the 8 international and regional organizations and 8 NGOs. As the Process has developed, its founding partners and past and present chairs, including those from governments, have also monitored its development and helped to shape the agenda for ongoing discussions. Moreover, the BMS in July 2003 constituted an opportunity for participants to cast a critical eye on the work of the Geneva Process. Basically, organizers asked whether the Process should continue after the BMS. The general response was that it should. But there was also a desire among many participating governments to focus less on the specifics of implementation and to expand discussions to broader issues associated with the illicit trade in small arms. This was a far cry from the caution anticipated by the Geneva Forum at the inception of the Geneva Process.

There was a desire among many participating governments to focus less on the specifics of implementation and to expand discussions to broader issues associated with the illicit trade in small arms.

Since the 2003 BMS, the Geneva Process has met at least another 13 times, and the Geneva Forum has attempted to respond to this demand for broader scope. While maintaining work on implementation and monitoring of the Programme of Action, discussions on thematic issues have expanded to include expositions on the NGO "Arms Trade Treaty" initiative, the state of research on "demand-side" factors in small arms proliferation and raising global public awareness of the humanitarian consequences of the illicit small arms trade, among others. Meanwhile, another four countries (Finland, Germany, Israel and Mexico) have joined the Geneva Process.

Despite their interest in expanding the range of issues to be covered, with the approach of the second BMS the attentions of government representatives understandably returned to more specific issues associated with the UN process. In February 2005 Ambassador Pasi Patokallio of Finland, Chair-designate of the next BMS, was invited to talk with participants in the Geneva Process about that meeting, an event that was, by some accounts, more successful than his own consultations in preparation for the BMS.

A key development for the Geneva Process in 2005 was increased coordination and cooperation with relevant New York-based initiatives.³⁸ These include the Group of Interested States (GIS) in Practical Disarmament Measures, chaired by Germany, which acts as a market place for donor countries and countries, international organizations and NGOs with practical projects in search of resources.³⁹ Another initiative of note is the "New York Small Arms Forum", which grew out of informal luncheons between a small number of government representatives and representatives of international organizations and NGOs. The New York Small Arms Forum's meetings are open to participation by other interested states, and independent experts from civil society are often invited to contribute to its discussions.

Until 2005, there had sometimes been slight tensions between New York and the Geneva Process, despite the strong thread of continuity offered by the Quakers, whose New York and Geneva offices kept in close touch. Moreover, some NGOs were failing to capitalize on ways in which the two processes complemented, rather than competed with, one another. From late 2004, and with the approach of the 2005 BMS, however, this began to change. At the behest of the Geneva Process, François Rivasseau, who had re-entered the Geneva diplomatic scene as French Disarmament Ambassador, met for discussions with members of the New York Forum on the margins of the UN First Committee on

Disarmament and International Security, in order to promote cooperation between the two initiatives. The Geneva Process was already sharing its reports with the New York Forum via the Quaker Office, and members of both the New York Forum and the Geneva Process agreed that the margins of the 2005 BMS provided an ideal opportunity to expand this cooperation.

A joint meeting of the Geneva Process and the New York Forum was thus held in New York, on the margins of the BMS.⁴⁰ These discussions brought together representatives from both New York- and Geneva-based Missions, international organizations and NGOs to explore broader issues associated with the 2006 Review Conference, issues that lay outside the ambit of the biennial meetings. This new level of cooperation at the informal level between Geneva and New York looks likely to continue through further joint work in the lead-up to the 2006 UN Review Conference.

Final comment

This brief and unofficial history of the Geneva Forum's activities related to small arms shows that it has assisted the UN process to curb the illicit trade in small arms in several respects. First, it has brought together diverse perspectives, including those of governmental policy makers, negotiators, academic researchers, NGOs and international organizations, and educated and informed their views. Second, the Geneva Forum's activities, especially through the Geneva Process, have helped to keep small arms issues on the agenda for governments following agreement of the Programme of Action, and promoted information exchange of benefit in the context of the BMS.

Nevertheless, the fact that informal processes like the Geneva Forum are successful should not obscure why they are necessary in the first place: because of the practical limits that procedural and political constraints place on dialogue, interaction and trust-building in the official process. The Geneva Forum's activities are a supplement to the limited dialogue with and input of transnational civil society into international decision-making on small arms issues. But they are not a substitute.

Issues associated with the illicit trade in small arms differ from many of the traditional topics handled by the arms control community. Understanding this trade and its consequences with a view to framing effective policy responses to curbing it depends, to a large extent, on the recognition that the illicit small arms trade is defined by an aggregation of widely differing local, individual interconnections. Individual intent and local perceptions of insecurity—why people want to have, and to use, guns—matter. One of the Geneva Forum's biggest contributions has been in consistently showing the arms control community that there is this major human security dimension to their work, and that, for the Programme of Action to be successfully implemented, multidisciplinary thinking and input from a wide range of perspectives is necessary.

Notes

1. There is, as yet, no agreed international definition of small arms and light weapons (SALW). Perhaps the most widely used is that of the 1997 UN Panel of Governmental Experts on Small Arms. According to its report, small arms include revolvers and self-loading pistols, rifles and carbines, sub-machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of calibres of less than 100mm (*Report of the Panel of Governmental Experts on Small Arms*, UN document A/52/298, 27 August 1997). Although various UN expert groups since 1997 have included ammunition and explosives as SALW, many governments are reluctant to do so.

2. Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 20 July 2001. Reproduced in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15, pp. 7–17. See also <disarmament2.un.org/cab/poa.html>.
3. One of the first major policy documents to recognize this, as well as the need for “new dimensions of human security” was the United Nations Development Programme, 1994, *Human Development Report 1994*, New York and Oxford, Oxford University Press, at <hdr.undp.org/reports/global/1994/en>.
4. United Nations Sahara–Sahel Advisory Mission Report, Part 1, Executive Summary.
5. *Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations*, UN documents A/50/60*-S/1995/1*, 25 January 1995.
6. UN General Assembly resolution 50/70 B of 12 December 1995, UN document A/RES/50/70, 15 January 1996.
7. D. Biggs, 2000, “United Nations Contributions to the Process”, *Disarmament Forum*, no. 2, p. 26.
8. *Report of the Panel of Governmental Experts on Small Arms*, UN document A/52/298, 27 August 1997.
9. UN General Assembly resolution 52/38 J of 9 December 1997, UN document A/RES/52/38, 8 January 1998.
10. *Report of the Group of Governmental Experts on Small Arms*, UN document A/54/258, 19 August 1999.
11. UN General Assembly resolution 54/54 V of 15 December 1999, UN document A/RES/54/54, 10 January 2000.
12. Programme of Action, section I, paragraph 22(c).
13. For more detailed discussion of the differences in viewpoint, and discussion of the 2001 conference, see “Reaching Consensus in New York: the UN 2001 Small Arms Conference”, 2002, in *Small Arms Survey 2002: Counting the Human Cost*, Oxford, Oxford University Press, pp. 203–233.
14. For a broader comparison involving six recent multilateral processes see V. Martin Randin and J. Borrie, 2005, “A Comparison Between Arms Control and Other Multilateral Negotiation Processes”, in J. Borrie and V. Martin Randin (eds), *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action*, Geneva, UNIDIR, pp. 67–129.
15. E. Clegg, 1999, “NGOs Take Aim”, *Bulletin of the Atomic Scientists*, vol. 55, no. 1, January–February, p. 49.
16. Conversation with C. Buchanan, Centre for Humanitarian Dialogue in Geneva, 26 August 2005. Buchanan, as part of WILPF in Geneva at the time, assisted in organizing the November 2000 Geneva Forum–IANSA meeting.
17. P. Batchelor, 2002, “NGO Perspectives: NGOs and the Small Arms Issue”, *Disarmament Forum*, no. 1, pp. 37–40.
18. *Ibid.*, p. 39.
19. For more information on Small Arms Survey, see <www.smallarmssurvey.org>.
20. See for instance, D.C. Atwood, 2002, “NGOs and Disarmament: Views From the Coal Face”, *Disarmament Forum*, no. 1, pp. 5–14.
21. Author’s interview with D.C. Atwood, 8 August 2005.
22. The Geneva Forum’s mandate is posted on its web site, <www.geneva-forum.org>.
23. Information about many of these meetings, including reports, is available at <www.geneva-forum.org>. See also Geneva Forum, 2002, *The Geneva Forum Seminars on Small Arms*, Geneva.
24. See Geneva Forum, 2000, *Conference Report: Setting Course for the 2001 Conference on Small Arms*, Geneva. Held at Palais des Nations, Geneva, 9 November 2000.
25. Conversation with C. Buchanan, Centre for Humanitarian Dialogue in Geneva, 26 August 2005.
26. Geneva Forum, 2000, *op. cit.*, p. 23.
27. This meeting, co-organized by the Geneva Forum and the Biting the Bullet project, was held in Jongny-sur-vevey, Switzerland, from 21 to 23 June 2001, and was entitled “Advancing the Agenda of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects”.
28. For the official report of the meeting see *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15.
29. The first Biennial Meeting of States was convened in New York in July 2003. The second was held in July 2005. Also, this is not to say that many regional, subregional and national initiatives were not under way.
30. For more information, see the Geneva Forum web site, <www.geneva-forum.org>.
31. Geneva Forum, *The Geneva Process on Small Arms Framework Document*, at <www.geneva-forum.org> (under “Activities”).
32. See *Small Arms Survey 2002*, *op. cit.* pp. 203–233.
33. Author’s interview with D.C. Atwood, 8 August 2005.
34. Geneva Forum, *Summary Presentation: The Geneva Process on Small Arms—Promoting and Monitoring Implementation of the UN Programme of Action*, Geneva, p. 1, at <www.geneva-forum.org>.
35. The database is accessible at <www.smallarmssurvey.org/databases.htm>.
36. *Small Arms Survey 2004: Rights at Risk*, Oxford, Oxford University Press, 2004, p. 262.

37. Biting the Bullet and IANSA, 2003, *Implementing the Programme of Action 2003: Action by States and Civil Society*, at <www.iansa.org/documents/03poareport>; Biting the Bullet and IANSA, 2005, *International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action*, at <www.iansa.org/un/bms2005/red-book.htm>.
38. For more information on these initiatives, see the article by Patrick Mc Carthy in this issue of *Disarmament Forum*.
39. For more information on the Group of Interested States, see <disarmament2.un.org/casa/gis/gis-april2005.htm>.
40. Sierra Leone's Deputy Permanent Representative in New York, Sylvester Roe—long active on small arms issues, and Mexico's Geneva Disarmament Ambassador Luis Alfonso de Alba chaired this meeting, over two mornings. They turned out to be inspired choices. De Alba, for instance, was a founding member of the New York Forum when posted to the Mexican Mission to the UN in New York and had been involved in the 2001 UN conference.

Reviewing multilateral political agreements: precedents for the 2006 Small Arms Review Conference

Sarah PARKER

This paper analyses the process for reviewing multilateral political agreements with a view to establishing an understanding and expectation of what can (theoretically) be achieved at the 2006 conference to review the implementation of the 2001 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (the PoA).¹ The analysis is based on an overview of follow-up processes of a number of United Nations conferences, as well as several conventions pertaining to disarmament (see Box 1, on the following page).

Background

During the negotiation of the PoA, there was heated debate and disagreement surrounding the process for review. The United States strongly objected to the inclusion of a mandatory Review Conference, arguing that such a mechanism “serves only to institutionalize and bureaucratize this process”.² Instead, the US advocated that “meetings to review progress on the implementation of the Program of Action be decided by member states as needed, responding not to an arbitrary timetable, but specific problems faced in addressing the illicit trade in small arms and light weapons”. Ultimately, a paragraph was incorporated into the PoA that called for the General Assembly to “convene a conference no later than 2006 to review progress made in the implementation of the Programme of Action”.

Notably, the text refers to a “conference ... to review” rather than a Review Conference, and there is speculation as to whether a distinction between the two concepts exists or, more specifically, whether the terms contemplate distinct processes of review. There is concern that when the 2006 conference is convened, some countries (in particular the United States) may try to prevent certain gaps in the PoA being addressed, especially those issues on which consensus could not be reached in the original negotiations. States may attempt to do this by arguing that the text of the PoA’s follow-up provisions does not contemplate or allow for substantive review of the PoA in the form of additions or amendments, based on an assertion that a conference to review is something less than a Review Conference.

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Box 1. List of conventions reviewed

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti Personnel Mines and on Their Destruction (Mine Ban Convention), at <disarmament.un.org/rdb/apm-mbc-text.html>.

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC), at <disarmament.un.org/TreatyStatus.nsf/44E6EEABC9436B78852568770078D9C0/FFA7842E7FD1D0078525688F0070B82D?OpenDocument>.

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCWC), at <www.mineaction.org/docs/120_.asp>.

Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, at <www.oosa.unvienna.org/SpaceLaw/moontxt.html>.

Comprehensive Nuclear-Test-Ban Treaty (CTBT), at <disarmament.un.org/TreatyStatus.nsf/44E6EEABC9436B78852568770078D9C0/0655D51A30692632852568770079DDA2?OpenDocument>.

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC), at <disarmament.un.org/wmd/cwc/cwctext-english.pdf>.

Treaty on the Non-Proliferation of Nuclear Weapons (NPT), at <disarmament.un.org/wmd/npt/NPT%20text-English.pdf>.

Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (Seabed Treaty), at <www.nti.org/e_research/official_docs/inventory/pdfs/.%5Captseabd.pdf>.

What is a Review Conference?

Although most multilateral political and legal documents include provisions for a review of implementation or follow-up, usually within a specified time frame, no single formula or phrase is universally employed in such follow-up or review provisions, and explicit reference to a Review Conference in the text is not common. In fact, in only one of the multilateral arms regulation and disarmament agreements reviewed for the purposes of this paper was there an explicit reference to a Review Conference in the follow-up provisions.³ What follows is an examination of the text of follow-up provisions in several treaties and multilateral agreements in an effort to understand exactly what is meant by “Review Conference”.

CONVENTIONS AND TREATIES

Generally, the text in multilateral conventions calls for the convening of a “conference ... to review” operation of the relevant instrument, including implementation. For example, Article VIII of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) stipulates that, five years after entry into force, “a conference of Parties to the Treaty shall be held ... in order to review the operation of this Treaty”.⁴ In some instances, both phrases are used. Article 18 of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies states that, after five years, states parties may “convene a conference of the States Parties to review this Agreement. A review conference shall also consider the question of the implementation of the provisions...”. Similarly, Article VIII of the Comprehensive Nuclear-Test-Ban Treaty states that after 10 years, “a Conference of the States Parties shall be held to review the operation and effectiveness of this Treaty... .On the basis of a request by any State Party, the Review Conference shall consider the possibility of permitting...”. The clear inference is that a “conference ... to review” and a “review conference” are interchangeable.⁵

This inference is supported by the fact that the UN and states parties refer to numerous follow-up conferences as Review Conferences. As mentioned above, the NPT calls for a “conference ... to review” every five years. One of the three decisions resulting from the 1995 Review and Extension Conference was on strengthening the review process for the treaty. This decision makes express reference to further “Review Conferences”: “The States ... decided, in accordance with article VIII, paragraph 3, that Review Conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2000”.⁶ The US Department of State, on its web site, refers to the review conference held in 2005 as the “2005 NPT Review Conference”,⁷ indicating that it does not in fact draw a distinction or that it has adopted the general practice of referring to follow-up conferences to review as Review Conferences.

POLITICAL AGREEMENTS

As with most of the conventions reviewed, follow-up provisions in multilateral political agreements often call for a conference to review implementation. Here again, there are instances where such conferences to review are referred to as Review Conferences. The United Nations Conference on Restrictive Business Practices of 1979–1980 adopted a resolution in which it approved a Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices and submitted it to the Thirty-fifth Session of the General Assembly for adoption as a resolution. In the resolution submitted by the conference, it recommended that the General Assembly “convene a United Nations Conference under the auspices of UNCTAD for the purpose of reviewing all the aspects of the Set of Principles and Rules” five years after their adoption.⁸ General Assembly resolution 35/63, adopting the Set of Principles, decided to convene “a United Nations conference to review all aspects” of the Set of Principles in 1985.⁹

A series of UN conferences to review the Set of Principles followed. The official title of each conference has been The [X]th United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices. However, UN references to these conferences and the texts of the conference documents themselves utilize the term “Review Conference”. For instance, item 3 of the provisional agenda for the Fourth Conference to Review, relating to the adoption of rules of procedure for the “Fourth Review Conference”, proposed that the rules of procedure for previous conferences be used “in conformity with the *modus operandi*

followed by First, Second and Third Review Conferences".¹⁰ Similarly, in paragraph 5 of the Resolution of the Third Conference to Review, states parties call on governments to make efforts to increase the participation of experts "in the Fourth Review Conference".¹¹ Furthermore, on its web site, UNCTAD makes repeated references to the "Fifth Review Conference".¹²

Returning to the small arms PoA, here too are instances where the terms conference to review and Review Conference have been used interchangeably. For instance, the Secretary-General's report to the Sixtieth Session of the General Assembly makes reference to a group of governmental experts "to be established after the Review Conference to consider progress made in the implementation of the Programme of Action".¹³

There are indications that the US considers the 2006 conference to be a review conference. In each of the reports on PoA implementation submitted by the US in 2002, 2003, 2004 and 2005, the US report summarizes commitments under section IV, paragraph 1 as "Review conference by 2006" and in the 2002 report refers to a "Review Conference by 2006".¹⁴ Admittedly, this is not conclusive proof that the United States regards that the requirement for a conference to review progress in 2006 means the convening of a Review Conference, and it may merely be a shorthand means of expressing the commitment. Nevertheless, it does lend support to the view that states use the terms conference to review and Review Conference interchangeably because they assume or indeed acknowledge that they are one and the same thing. And if they *are* one and the same, then their purpose and scope are also equivalent.

CONCLUSION

Conferences to review appear more commonly to be called Review Conferences in the context of conventions and treaties. Furthermore, conventions and treaties tend to call for a review of the "operation" or "all aspects" of the treaty, not just implementation. It may be, then, that it is more accurate or appropriate to call a conference a Review Conference where the aim is to review aspects *in addition* to implementation. This hypothesis is supported by the fact that, as discussed above, the

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conferences to review the Set of Principles arising out of the United Nations Conference on Restrictive Business Practices are unanimously referred to as Review Conferences. Though the Set of Principles is a political agreement, the mandate, as set out in the General Assembly resolution, is to review "all aspects" of the Set of Principles.

Nevertheless, there are instances where conferences with a mandate to review implementation (as is the case with the review of most political agreements) are also referred to as Review Conferences. Whether this is by accident or design, it appears that state actors, non-governmental organizations and academics alike¹⁵ do not distinguish between the concepts. For the remainder of this paper, therefore, the term "review conference" will be used to cover both concepts.

What happens at a review conference?

The simple answer to this question is that it depends on the mandate of the outcome document calling for a review or follow-up. As mentioned, conventions and treaties tend to call for a review of all aspects or the operation of the agreement, including implementation. Political documents, on the

other hand, tend to call for a review of implementation, with some providing a detailed list of elements to be addressed in the review, and others simply stating that a review of implementation must take place.

So, for instance, paragraph 138 of the Programme of Action for the Least Developed Countries for the 1990s stipulates that the follow-up should focus on five main elements, including analysing and comparing experience and lessons learned—from formulating and implementing policy framework and from the functioning of country-level coordination arrangements, and monitoring, in particular the involvement of women in the implementation of the Programme of Action.¹⁶ It also invites the General Assembly to consider holding a third conference “to make comprehensive appraisal of the implementation of this Programme and to decide on subsequent action”.¹⁷

The Programme of Action for Least Developed Countries produced by the Third Conference on Least Developed Countries contained entirely different review provisions. They focused on linking national, regional and global monitoring, and noted that, through the review processes, the actions identified in the Programme of Action will be regularly adapted to new and evolving developments.¹⁸ The Third Conference’s Programme of Action also suggested the Economic and Social Council put the issue of review of the Programme of Action on its annual agenda, and invited the General Assembly to consider holding a Fourth Conference “in order to make a comprehensive appraisal of the implementation of this Programme and to decide on subsequent action”.¹⁹

In the context of the small arms PoA, the provisions of the review clause are sparse. It simply calls for a conference “to review progress made in the implementation”.²⁰

There is no mention of “deciding on subsequent action”, for example, nor is there a list of specific elements to be considered or addressed. On the one hand, the limited text could be interpreted in a restrictive sense as only contemplating a review of how far countries have got in terms of implementing the PoA (by looking at various country reports, for instance), but not providing scope for future action.

This intention seems unlikely, given that this function is already carried out by the biennial meetings, which are designed to “consider” implementation at the national, regional and global level. Furthermore, given that the long-term goal of the PoA is to eradicate the illicit trade in small arms and light weapons (SALW), it seems unlikely that the review process was intended to be restrictive, without the possibility of further action. Instead, the text could be interpreted as providing a very broad mandate. By not including *any* specific elements to be addressed, it could be inferred that nothing is excluded. A liberal interpretation of the purpose of the review conference is supported by an analysis of review processes in theory and practice.

Given that the long-term goal of the PoA is to eradicate the illicit trade in small arms and light weapons, it seems unlikely that the review process was intended to be restrictive.

REVIEW PROCESSES IN THEORY

A good overview of the theoretical purpose of a conference to review implementation of a multilateral agreement outcome is provided in General Assembly resolution 57/270 B, entitled “Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields”.²¹ The resolution was inspired by the report of an ad hoc working group that had investigated the subject of implementation and found that, following a decade of various conferences and summits, “progress in implementation has been insufficient and therefore the time has come to vigorously pursue effective implementation”.²² In fact, the General Assembly deemed the issue so important that it decided to include in its annual agenda a specific item on implementation.²³

Chapter IV of the resolution, entitled “How best to address the review of the implementation of the outcomes of the major United Nations conferences and summits, including format and periodicity”, stresses that reviews should:

- 1) assess the progress made in the implementation of commitments;
- 2) provide the occasion to reaffirm the goals and objectives agreed upon at those conferences;
- 3) share best practices and lessons learned; and
- 4) identify obstacles and constraints encountered, actions and initiatives to overcome them and important measures for the further implementation of their programmes of action, as well as new challenges and emerging issues.²⁴

Paragraph 26 of the resolution emphasizes that a review should, “inter alia, identify constraints and obstacles faced in relation to implementation”. Presumably this could include constraints or obstacles in the form of inadequate drafting or gaps in the provisions in the outcome document of the conference.

A review should, “inter alia, identify constraints and obstacles faced in relation to implementation”. Presumably this could include constraints or obstacles in the form of inadequate drafting or gaps in the provisions in the outcome document of the conference.

Although resolution 57/270 B does not list the PoA in its Indicative Programme of Work and it specifically relates to conferences and summits in the “economic and social fields”, there is no reason why the principles enshrined in the resolution should not be considered important guidelines for the implementation of any UN conference outcome. Interestingly, agenda item 46 of the General Assembly’s Sixtieth Session, inspired by this resolution, is entitled “Integrated and coordinated implementation of and

follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields”²⁵ (emphasis added), and this forms one of the agenda items under which the 2005 World Summit issued its final outcome document.²⁶ The document makes references to the implementation of outcome documents of many of the world conferences discussed below, and gives specific support to the implementation of the PoA in paragraph 94, under the heading “Peacekeeping”.

In the Secretary-General’s report *Integrated and Coordinated Implementation of and Follow-up to the Outcomes of the Major United Nations Conferences and Summits in the Economic, Social and Related Fields* to the Fifty-ninth Session of the General Assembly,²⁷ the Secretary-General emphasized the interlinked nature of development and the interdependent nature of the outcomes of UN conferences held since 1990. “To realize the internationally agreed development goals, including those contained in the United Nations Millennium Declaration, and the outcomes of the major United Nations conferences and summits, the implementation and follow-up processes must be carried out in a complementary, coherent and coordinated manner across sectors at all levels.”²⁸ Notably, the Secretary-General did not distinguish conferences and summits specifically addressing economic and social affairs, but addressed UN conferences in general. It is clear, therefore, that implementation of the PoA should be considered within this coordinated system, and that the principles of resolution 57/270 B apply to it.

REVIEW PROCESSES IN PRACTICE

There has been a number of world conferences on major global issues, including women, population, sustainable development and human rights, since the founding of the United Nations. Generally speaking, each of these conferences has produced an outcome document setting out states parties’ goals and commitments, as well as provisions for a review of the progress of implementation of those commitments. Conferences to review progress are usually recommended every five years, although

some are left to the discretion of the General Assembly. Subsequent conferences have reviewed the progress and implementation of the outcome documents of their predecessors, and produced their own declarations and programmes of action for the next stage in the evolution of these rights and obligations. Indeed, the strategy of producing new or supplementary texts in the form of annexes to the PoA, rather than renegotiating the existing text, was suggested and supported by a number of participants at a Geneva Process meeting of 15 September 2005, during discussions about the 2006 review conference.

In some instances, the review of implementation has been conducted at a Special Session of the General Assembly. For instance, the five-year review following the UN Conference on Environment and Development (UNCED, or the Earth Summit) was conducted by the Special Session of the General Assembly to Review and Appraise the Implementation of Agenda 21, which produced the Programme for the Further Implementation of Agenda 21.²⁹ Similarly, the five-year review of the Programme of Action of the International Conference on Population and Development (ICPD) was conducted by a Special Session of the General Assembly to review progress towards meeting the ICPD goals, which produced Key Actions for the Further Implementation of the Programme of Action of the ICPD (or ICPD+5).³⁰

In other cases, a UN Commission is allocated responsibility for reviewing the progress of implementation. So for instance, following the Fourth World Conference on Women in Beijing in 1995, the General Assembly mandated the Commission on the Status of Women to integrate into its work programme a follow-up process to the Conference, in which the Commission should play a catalytic role, regularly reviewing the critical areas of concern in the Platform for Action produced at the Fourth World Conference. Similarly, the Commission on Population was modified as a result of the ICPD, becoming the Commission on Population and Development. Its role is to monitor, review and assess the implementation of the Programme of Action of the ICPD. Following the UNCED, the UN General Assembly established the Commission on Sustainable Development to monitor overall implementation of the Earth Summit agreements by governments, businesses, non-governmental organizations and others.

The Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and the Small Island Developing States (UN-OHRLLS) was established by the United Nations General Assembly in 2001 through resolution 56/227. The main part of its mandate is to further the implementation of the Programme of Action for Least Developed Countries,³¹ the (Barbados) Programme of Action for the Sustainable Development of Small Island Developing States (BPoA)³² and the Almaty Programme of Action.³³ UN-OHRLLS' assistance in the implementation of these Programmes of Action has included preparation of the Roadmap for the Implementation of the Almaty Programme of Action.³⁴

What we witness through an analysis of the outcome documents of the various review conferences and Special Sessions is a gradual expansion and strengthening of states parties' commitments to stated rights and goals, and progress from generic, goodwill undertakings toward specific obligations. So, for instance, at the Twenty-third Special Session of the General Assembly in 2000, governments reaffirmed their commitment to the goals and objectives set down in the Nairobi Forward-Looking Strategies for the Advancement of Women and the Beijing Declaration and Platform for Action (adopted by the Third and Fourth World Conferences on Women, respectively).³⁵ They also committed themselves to further actions and initiatives identified in the review process to overcome the obstacles and challenges to full implementation of those documents. The Special Session then adopted the Political Declaration and Further Actions and Initiatives to Implement the Beijing Declaration and Platform for Action in which governments committed to continued and additional steps to achieve the objectives of the Platform for Action.³⁶

We witness ... a gradual expansion and strengthening of states parties' commitments to stated rights and goals, and progress from generic, goodwill undertakings toward specific obligations.

At each stage of the review process, there is a reaffirmation of commitments made in previous outcome documents, an analysis of obstacles encountered in attempts to implement those documents, as well as identification of further action and initiatives necessary to achieve full implementation of commitments and overall objectives. What can also be clearly observed is the adaptation to emerging issues and changes in the global political and economic environment. The Conference on Women is again a good example. The focus of negotiations in the 2000 Special Session was on issues that had gained importance since 1995. In addition to the 12 areas of particular concern that featured repeatedly in earlier documents, participants proposed and agreed on new forms of action, including women's access to decision-making in peacekeeping processes, changing patterns of migratory flows, new technologies, and violence against women including trafficking and in armed conflict.³⁷ Similarly, preceded by four World Conferences, the ICPD involved a shift in emphasis from demography and population control to sustainable development and the recognition of the need for comprehensive reproductive health care and reproductive rights; strong language on the empowerment of women; a reflection of differences in values and religious beliefs; a reaffirmation of the central role of the family; and recognition of the needs of adolescents.³⁸

Conclusion

Whether it is merely a shorthand way of writing "conference to review" or whether there is a conscious belief that the two phrases mean one and the same thing, there is strong evidence to suggest that, in practice, the terms "Review Conference" and "conference to review" are used interchangeably. Support for this assertion can be found in multilateral legal and political agreements. Admittedly, the term Review Conference is more commonly used in the context of conventions and treaties than political agreements, and it may be more appropriate to associate Review Conference with conferences to review *all aspects* of an instrument, not just *implementation*, since the mandate for review conferences in conventions usually covers this broader scope.

Follow-up conferences to political agreements differ in that they are usually one in a series intended to develop and build on broad concepts, such as "sustainable development". They produce new outcome documents with a view to developing, progressing, evolving and strengthening states parties' commitments to aspirational goals such as improving the status of women. Arguably, this practice provides the process of review with greater flexibility and adaptability, since attempts to expand on or add to obligations and commitments made at a review conference of a political agreement are not restricted, for instance, by legal constraints such as the Vienna Convention on the Law of Treaties.

It seems that this level of flexibility is precisely what the United States was aspiring to, since its objections to a mandatory review process for the small arms PoA purportedly centred around a preference for a more flexible approach and a belief that a mandatory system would "bureaucratize" the system and be incapable of responding to realities and "specific problems faced in addressing the illicit trade in small arms and light weapons" as and when they arose. There is no suggestion in the rhetoric that the US objected to *substantive* review of the PoA. On the contrary, the United States' stance supports a mechanism that calls for meetings to review progress on implementation "as needed" to respond to "specific problems" faced in addressing the illicit trade in small arms and light weapons which could, arguably, include weaknesses or inadequacies in the PoA itself. It would therefore seem a little contradictory were the US to attempt to claim that the review process contemplated in the PoA does not allow for an increase in or strengthening of commitments, or an inclusion of new areas if those areas respond to specific problems faced in addressing the illicit trade in SALW.

It seems clear from our analysis of review processes for other UN conferences that the PoA and the goal of eradicating the illicit trade in SALW in general are at the very early stages of what could be a long process spanning several decades. These other processes provide us with an opportunity to learn and identify ways to strengthen and perhaps accelerate implementation of the PoA. For instance, other conferences seem to have benefited from having stronger frameworks such as a Special Session of the General Assembly to review implementation, the establishment of a Commission, the involvement of an existing Commission, or even the establishment of an Office of the High Representative.

Of course, not all these options may be feasible in the context of the PoA, and in the end, whatever semantic debates emerge regarding a distinction between a “conference to review” and a “Review Conference”, or the scope of the review mandate, what can and will be achieved at the 2006 conference will depend on the political will of the participants. Tacit agreement with this sentiment is echoed in the comment by the United States representative to the Geneva Process meeting on 15 September 2005, who noted that, while the United States agreed that certain areas in the PoA needed to be strengthened, if the focus at the 2006 conference turned to contentious issues, areas of consensus might be lost. Ultimately, anything is possible if states parties agree to it, regardless of an absence of capital letters!

Notes

1. Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 20 July 2001. Reproduced in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15, pp. 7–17. See also <disarmament2.un.org/cab/poa.html>.
2. John R. Bolton, United States Under Secretary of State for Arms Control and International Security Affairs, *Statement to the Plenary Session of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects*, 9 July 2001, at <www.un.int/usa/01_104.htm>.
3. Article 12 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction stipulates that “[a] Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested”.
4. The other agreements reviewed that have follow-up provisions tend to follow this formula of “conference ... to review”.
5. The Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof similarly uses the phrases “conference to review” and “review conference” interchangeably in Article VII.
6. Final Document: Part 1, 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons 17 April – 12 May 1995, New York, June 1995, UN document NPT/CONF.1995/32 (Part 1), at <disarmament.un.org/wmd/npt/1995dec1.htm>.
7. See US Department of State, *2005 NPT Review Conference*, at <www.state.gov/t/np/wmd/nnp/c10602.htm>.
8. The Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices. Part II: Resolution Adopted by the United Nations Conference on Restrictive Business Practices on 22 April 1980, at <r0.unctad.org/en/subsites/cpolicy/docs/CPSet/cpsetp2.htm>.
9. UN General Assembly resolution 35/63 of 5 December 1980, at <r0.unctad.org/en/subsites/cpolicy/docs/CPSet/cpsetp3.htm>.
10. *Adoption of the Rules of Procedure of the Fourth Review Conference*, UNCTAD document TD/RBP/CONF.5/2, 6 September 2000, at <www.unctad.org/en/docs/trbpcconf5d2.en.pdf>.
11. Third United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, Geneva, 13 November 1995, UNCTAD document TD/RBP/CONF.4/14, 28 November 1995, at <r0.unctad.org/en/subsites/cpolicy/docs/rbpcconf4-14en.pdf>.
12. For example, see “Key Issues” and the Opening Statement by Dr Supachai Panitchpakdi, Secretary-General of UNCTAD on UNCTAD’s web site for the Review Conference, at <www.unctadxi.org/templates/Page____2921.aspx>.

13. *Assistance to States for Curbing Illicit Traffic in Small Arms and Collecting Them. The Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Report of the Secretary-General*, UN document A/60/161, 25 July 2005, paragraph 55, at <www.iansa.org/un/SG%20report%20on%20assistance%20to%20states%202005.pdf>.
14. These reports are available at <disarmament.un.org/cab/salw-nationalreports.html>—follow links to the relevant year and country.
15. Owen Greene, 2005, *Promoting Effective Global Action on Small Arms: Emerging Agendas for the 2006 UN Review Conference*, Discussion Paper, Biting the Bullet, July, at <www.international-alert.org/pdfs/btb_emerging_agendas.pdf>. Greene argues that the 2006 Review Conference “has a wide mandate to ... [c]onsider further measures to strengthen ... the PoA” (page 1), noting that “[t]hese are the customary mandate and roles for a UN Review Conference associated with an international agreement, whether it is politically or legally binding” (page 2).
16. UNCTAD, 1992, *Paris Declaration and Programme of Action for the Least Developed Countries for the 1990s*, New York, United Nations, UNCTAD document UNCTAD/RDP/LDC/58, at <www.cinu.org.mx/temas/desarrollo/dessocial/ldc/ldc2_en.pdf>. (Outcome document of the Second United Nations Conference on the Least Developed Countries, Paris, 1990.)
17. *Ibid.*, paragraph 140.
18. *Programme of Action for the Least Developed Countries for the Decade 2001–2010*, UN document A/CONF.191/11, 8 June 2001, paragraphs 92 and 93, at <www.unctad.org/en/docs/aconf191d11.en.pdf>. (Outcome document of the Third United Nations Conference on the Least Developed Countries, Brussels, 2001.)
19. *Ibid.*, paragraph 114.
20. PoA, section IV, paragraph 1.
21. Adopted 23 June 2003, UN document A/RES/57/270B, 3 July 2003.
22. *Ibid.*
23. *Ibid.*, paragraph 39.
24. *Ibid.*, paragraph 71.
25. UN document A/60/251, 21 September 2005, follow the link to the agenda at <www.un.org/ga/60/agenda/index.html>.
26. The other agenda item was item 120, “Follow-up to the outcome of the Millennium Summit”. UN General Assembly resolution 60/1, *2005 World Summit Outcome*, UN document A/RES/60/1, 16 September 2005, follow the link from <www.un.org/summit2005/documents.html>.
27. UN document A/59/224, 9 August 2004.
28. *Ibid.*, paragraph 2.
29. See General Assembly resolution S/19-2 of 28 June 1997, UN document A/RES/S/19-2, 19 September 1997.
30. See *Report of the Ad Hoc Committee of the Whole of the Twenty-first Special Session of the General Assembly*, UN document A/S-21/5, 1 July 1999.
31. See note 17.
32. *Programme of Action for the Sustainable Development of Small Island Developing States*, in the *Report of the Global Conference on the Sustainable Development of Small Island Developing States*, Bridgetown, 1994, UN document A/CONF.167/9, October 1994, pp. 6–49, at <www.sidsnet.org/docshare/other/BPOA.pdf>.
33. *Almaty Programme of Action*, in the *Report of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation*, UN document A/CONF.202/3, 2003, pp. 10–23, at <www.un.org/special-rep/ohrlls/imc/Almaty%20Programme%20of%20Action.pdf>.
34. See <www.un.org/special-rep/ohrlls/ldc/Roadmap%20APOA.htm>.
35. See *Report of the World Conference to Review and Appraise the Achievement of the United Nations Decade for Women: Equality, Development and Peace*, Nairobi, 15–26 July 1985, at <www.un.org/womenwatch/confer/nfls/Nairobi1985report.txt>, and *Report of the Fourth World Conference on Women*, Beijing, 4–15 September 1995, UN document A/CONF.177/20, at <www.un.org/esa/gopher-data/conf/fwcw/off/a—20.en>.
36. UN General Assembly resolutions S-23/2 and S-23/3 of 10 June 2000, UN documents A/RES/S-23/2 and A/RES/S-23/3, 16 November 2000.
37. See ILO report, *Outcome of the Special Session of the General Assembly: Women 2000 – Gender equality, development and peace for the twenty-first century*, New York, 5–9 June 2000, document GB.279/ESP/4, November 2000, at <www.ilo.org/public/english/standards/relm/gb/docs/gb279/pdf/esp-4.pdf>.
38. International Institute for Sustainable Development, *Earth Negotiations Bulletin*, vol. 6, no. 40, at <www.iisd.ca/vol06/0600000e.html>.

Too close for comfort: an analysis of the UN tracing negotiations

Peter BATCHELOR and Glenn McDONALD

Yet again, it went down to the wire. As the United Nations Open-ended Working Group on Tracing Illicit Small Arms and Light Weapons (OEWG)¹ reached the end of its six-week mandate, it finalized the details of a new International Tracing Instrument, agreed it would be political, not legal, in character, and adopted the report to which it was annexed.² The Instrument is the first agreement to be negotiated within the framework of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (or PoA)³ and constitutes a modest, but significant, step forward in efforts to tackle the small arms problem. Yet, despite broad agreement that tracing—initially seen as an uncontroversial, “technical” issue—was the obvious place to begin fleshing out the PoA, the negotiations nearly ended without agreement. This article will explore the reasons for this near failure and highlight several lessons that appear relevant to future small arms negotiations.

First steps in the UN tracing process

The agreement on the International Tracing Instrument—which the UN General Assembly adopted in late 2005—marks the culmination of a process that began almost a decade earlier. The 1997 UN Panel of Governmental Experts on Small Arms focused on the marking aspect of the broader tracing question,⁴ but by the end of the decade governments and civil society had put the connected issues of marking, record-keeping and tracing at the top of their small arms action agendas.

In 2000, the Governments of France and Switzerland launched an initiative to promote the development of new international measures for the marking and tracing of small arms and light weapons.⁵ That same year, the Brussels-based non-governmental organization (NGO) Groupe de recherche et d’information sur la paix et la sécurité (GRIP) released a comprehensive study of the tracing issue, which also argued for new measures.⁶ Pro-gun groups, in particular the World Forum on the Future of Sport Shooting Activities (WFSA), weighed in with their views too, especially on weapon marking.⁷ These inputs all contributed to the preparatory process for the 2001 UN Small Arms Conference.

The July 2001 conference resulted in the adoption of the Programme of Action, which, like the UN Firearms Protocol adopted two months earlier,⁸ contained a number of commitments in the areas

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of marking, record-keeping and tracing. Many of the small arms measures adopted at the regional level over the past decade have also addressed these issues.⁹ Yet, none of these initiatives satisfied the need for a single, global instrument that sets out comprehensive, detailed and authoritative requirements in the areas of marking, record-keeping and tracing.

There had been considerable support at the 2001 conference for recommending, in the final PoA, that negotiations start on a *legally* binding international tracing instrument, but this was opposed by the Arab group, China and the United States. At the end of the day, states could only agree on a UN study that would examine the “feasibility” of developing an international tracing instrument. There was no indication that any such instrument should be legally binding.¹⁰ In December 2001, the General Assembly asked the Secretary-General to undertake this feasibility study.¹¹ He established the Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons (GGE). Under the Chairmanship of Ambassador Rakesh Sood of India, the GGE met three times between July 2002 and June 2003 before issuing its report (*GGE Report*) in July 2003.¹²

The GGE unanimously concluded in its report that it was both desirable and feasible to develop an international tracing instrument, and recommended that the General Assembly take a decision at its Fifty-eighth Session to negotiate, under UN auspices, such an instrument. Yet, as some members of the Group would not support a recommendation for the negotiation of a legal text, the GGE left the crucial question of instrument character open—merely noting that this “will be determined in the course of negotiations”.¹³

Another contentious issue was whether to include ammunition and explosives within the scope of the study. In the end, the GGE used the definition of small arms and light weapons developed by the 1997 UN Panel of Experts.¹⁴ It also listed those elements of the Panel definition that dealt with ammunition and explosives, indicating that the latter were “generally regarded as a part of the problem of small arms and light weapons”.¹⁵ The GGE also “took note” of the 1999 UN expert study on the subject of ammunition and explosives.¹⁶ It did not, however, refer to ammunition or explosives in its conclusions or recommendations. Nor did it mention ammunition or explosives in the sections of its report dealing with marking, record-keeping or cooperation in tracing—a crucial omission since, especially in the area of marking, ammunition raises technical issues different to those relating to weapons.

So in practical terms, the GGE excluded ammunition from its report. Yet, in formal terms, it kept ammunition (and explosives) on the table by referring to them in the definitions section and noting that they were “part of” the small arms problem. The GGE’s failure to provide any guidance on the technical aspects meant, however, that the place of ammunition in the tracing process had become exceedingly tenuous.

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The *GGE Report* did contain language that the Open-ended Working Group would later use in its negotiations. Especially useful were the provisions that articulated “common minimum standards” for marking, record-keeping and cooperation in tracing. Nevertheless, the GGE’s ambiguity on ammunition, along with its silence on the question of instrument character, would haunt the OEWG for the duration of its mandate. In its resolution 58/241 of 23 December 2003, the UN General Assembly, following the GGE’s recommendation, decided “to establish an open-ended working group ... to negotiate an international instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons”. The General Assembly did not specify whether ammunition or explosives were part of the negotiations. Nor did it take any decision on the question of instrument character. Using the GGE’s language, the General Assembly simply noted that this “will be determined in the course of negotiations”.

The negotiations

In February 2004, the OEWG held an organizational session at United Nations Headquarters in New York. It elected Ambassador Anton Thalmann of Switzerland as its Chairman, along with a number of vice-chairpersons, and agreed on the dates for its three substantive sessions, all of them in New York. The OEWG also agreed to apply the rules of procedure of the 2001 UN Small Arms Conference to its own work.¹⁷

Prior to the OEWG's first substantive session (14–25 June 2004), the Chairman distributed a non-paper designed to provide delegations with a starting point for the discussions. The paper was based to a large extent on the *GGE Report* and highlighted areas of common practice and understanding, as well as gaps in various areas that were of importance to the negotiation of an international instrument. The first part of the OEWG's first session was taken up with general statements by delegations, an exchange of views on the character of the instrument and statements by intergovernmental organizations and representatives of civil society. The last part of the session was devoted to thematic discussions on marking, record-keeping and cooperation in tracing—the three pillars of the eventual instrument. For these discussions, the Chairman prepared and circulated questionnaires that served to ascertain national positions on the various issues and generate the raw material for the first draft of the instrument.

The issues that were to bedevil the OEWG throughout its mandate were all identified at the first session. These included, first and foremost, instrument character; while a large number of states expressed support for a legally binding instrument, a few others wanted a political instrument. Other controversial issues were the inclusion of ammunition, the definition of small arms and light weapons, marking at import, the length of time states would keep records and the question of whether non-state entities would have the right to make tracing requests.

Between the OEWG's first and second sessions, the Chairman met with Interpol officials at their headquarters in Lyon, France in order to explore Interpol's potential role in supporting instrument implementation. Ambassador Thalmann also held informal consultations with UN Member States in New York to seek further clarity on a number of important issues, including instrument follow-up and the role of the UN and Interpol in implementation.

The Chairman's first draft text, based on the inputs received from delegations, was circulated to Member States in the UN's six official languages prior to the OEWG's second substantive session (24 January – 4 February 2005). With regard to the more contentious issues, the draft contained several provisions relating to ammunition but, given the lack of consensus, it left the question of instrument character open.

At the beginning of the second session, the OEWG agreed that the Chairman should produce further drafts based on new inputs from delegations. This working method, which dispensed with the use of rolling text and square brackets, was accepted by the Group as a whole—despite some expressions of discontent—given the short time remaining for the negotiations. Following its reading of the Chairman's first draft text, the Group considered the Chairman's second draft, which, at the request of some delegations, had been translated into the UN's six official languages despite pressures of time. (While not entirely without precedent, this represented a departure from the normal practice of United Nations working groups.) At the end of the second session, the Chairman undertook to produce a third draft of the instrument well in advance of the Group's third session.

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The OEWG's third and final substantive session was held 6–17 June 2005, again at United Nations Headquarters in New York. The Group first agreed to continue working without rolling text and square brackets. It then undertook a paragraph-by-paragraph reading of the Chairman's third draft, adopting specific paragraphs *ad referendum*¹⁸ wherever possible. The Chairman asked interested states to work together to develop consensus language for those provisions that were not immediately agreed. In some cases, he issued his own proposals. As the session progressed, Ambassador Thalmann asked specific delegations to act as focal points for outstanding provisions. Halfway through the session, he appointed facilitators for the most contentious issues, namely instrument character (India), ammunition (South Africa), the definition of small arms and light weapons (Brazil) and marking at the time of import (Belgium).

On the evening of the penultimate day of the negotiations, the Chairman presented his *Package Proposal*, covering all unresolved issues with the exception of instrument character, which he continued to leave open. During the afternoon of 17 June—the last day of negotiation—the OEWG reached agreement on most of the elements of the Chairman's *Package*, including some previously intractable issues such as the definition of small arms and light weapons.

With respect to instrument content, the final stumbling blocks concerned ammunition, import marking and the role of peacekeeping operations. On the evening of 17 June, the Chairman presided over informal discussions that resulted in final agreement on these issues. Ammunition and peacekeeping operations were addressed principally through recommendations in the Group's *Report*; and it was agreed to incorporate a strong recommendation to mark weapons at the time of import in the instrument itself—abandoning earlier language (modelled on the UN Firearms Protocol) that had made this mandatory.

During these informal discussions, the Chairman also presented delegations with three options on instrument character: 1) a legally binding instrument, 2) a politically binding instrument, or 3) no agreement on instrument character (the Group would refer the issue back to the General Assembly).

With time running out, the Chairman reconvened the OEWG for formal approval of the informal deal that had been struck on the outstanding paragraphs. This was quickly achieved, but the question of instrument character remained unresolved. Ambassador Thalmann asked the Group to choose among the three options already presented. There was no consensus on the first option, with several states objecting to a legally binding instrument. Yet there were no objections to option two. In other words, the OEWG had agreed by consensus to adopt the instrument in politically binding form. Immediately afterwards, however, both the African and Latin American groups made statements to express their disappointment that the OEWG had been unable to agree on a legal instrument.

The Group faced one last hurdle—the adoption of its *Report*. With the cleaning staff hovering outside the conference room door, the OEWG adopted its *Report* by consensus, thus formally concluding the negotiations.

On a knife edge

FACTORS FOR SUCCESS

The success of the tracing negotiations was by no means assured. While a series of factors militated in favour of a positive outcome, others pushed the Group toward failure.

Among the positive factors, one can cite good timing. The OEWG's third and final session came one month after the failure of the 2005 Review Conference for the Nuclear Non-Proliferation Treaty

(NPT)¹⁹ to agree on any substantive outcome. This was just the latest in a series of setbacks in multilateral arms control that have left both the Geneva-based Conference on Disarmament and the New York-based UN Disarmament Commission virtually paralysed.²⁰ The small arms issue had been one of the few bright spots in this otherwise dismal picture. Yet failure to reach agreement on the Tracing Instrument risked compromising other plans for PoA follow-up—in particular, on brokering.

A second element that increased the chances of success in the tracing negotiations was that, as described above, much of the necessary substantive groundwork had been prepared by the UN Group of Governmental Experts. The UN Firearms Protocol also provided useful precedents and language in areas that overlapped with the International Tracing Instrument: definitions, marking and record-keeping.

Last—and perhaps least—among the factors nudging the OEWG toward success was political will. Undoubtedly more of a question mark than a proven asset at the beginning of the negotiations, by the time the dust had settled Member States had clearly demonstrated that they did indeed want a positive outcome. All delegations showed flexibility on many of the issues under discussion. A critical mass of states also worked actively to promote compromise solutions to the most difficult issues. At the end of the day, UN Member States collectively showed the political will that was necessary for the success of the tracing negotiations, thereby allowing the global small arms process to advance, while preserving the consensus-based approach that had prevailed in UN small arms work to that point.

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FACTORS FOR FAILURE

Among those factors that pushed the tracing negotiations towards failure, the most important was the decision of the Group of Governmental Experts, confirmed by the General Assembly, to leave the question of instrument character to the OEWG. This created several problems for the negotiations.

One obvious difficulty was that uncertainty over whether the Instrument would be legal or political made content development more difficult. While the OEWG Chairman ensured, as far as possible, that his drafts took account of both possibilities, not all aspects of the drafts could be made to look in two directions at once. Some of the language depended on whether the Instrument was legally or politically binding. This was true of the Instrument's "Follow-up" section. Moreover, provisions governing the Instrument's entry into force, future amendment and similar matters were needed for a legal text, but not for a political one.

Most important, however, was the effect that uncertainty over instrument character had on the positions states took on the content of the Instrument. During the OEWG's final session, the Chairman learned that several delegations had developed relatively conservative or cautious negotiating positions because they assumed that the final text would be legally binding. As a result, they pushed for a significant weakening of the Chairman's third draft. This raises the possibility that the content of the final Instrument might have been stronger had the decision that it would be political been taken earlier during the negotiations, or by the General Assembly before the negotiations.

The second hurdle the OEWG had to overcome was the issue of ammunition, which the GGE had dealt with inconclusively. The question of whether or not to include ammunition had major implications for the Instrument's content. At issue was an entire class or type of armament that differed in several fundamental respects from the small arms and light weapons that were the main focus of the negotiations. Moreover, as with instrument character, until the very end of the negotiations there was no middle ground where states could work out a compromise. Several states argued forcefully that

ammunition was not part of the OEWG's mandate and therefore refused to discuss the issue, while others insisted on including ammunition, in some form, in the final Instrument.

In his organization of the various negotiating sessions, the Chairman sought to strike a balance between those states who wanted no mention of ammunition in the Instrument and those who wanted specific provisions. At the end of the day, the OEWG devoted precious time to ammunition for relatively little gain. The central element of the final deal was a recommendation in the OEWG's *Report* to address the issue of ammunition in a comprehensive manner as part of a separate UN process. While agenda-setting is a critical element of any multilateral process, it appeared, once again, that the OEWG had been called upon to resolve a broad, essentially political question that would more commonly—and perhaps more appropriately—fall within the domain of the General Assembly.

The third problem was lack of time. The OEWG had three sessions of two weeks each for its negotiations (six weeks in total). Although the Group could draw upon the previous work of the GGE, as well as the UN Firearms Protocol, its schedule was dangerously tight. Instrument character and

With three days left in the negotiations, only around 40% of the final Instrument's operative provisions had been agreed.

ammunition were not the only issues casting long shadows over the proceedings. Several others—such as the roles the UN, Interpol and peacekeeping operations would play—inspired their share of enthusiasm, hostility and confusion among delegates. With three days left in the negotiations, only around 40% of the final Instrument's operative provisions had been agreed. As a result, the Chairman waited until the evening of the second-to-last day of negotiation, when just over 60% of the content had been agreed, to issue his *Package Proposal*.

During the last day of negotiation, OEWG participants conducted the final round of trade-offs that is a hallmark of negotiations of this kind. In an elaborate face-saving ritual, states give up some of their demands in exchange for concessions from those on the other side of an issue. Perhaps most important, as the negotiations drift to the brink of failure, sufficient pressure is generated to allow participants, including capitals, to reach the hard compromises necessary for a result. In the case of the OEWG, however, this kind of brinkmanship was more risky than usual because of the range of issues (many of them technically complex) remaining on the table. As late as the last afternoon of negotiation, it appeared that the OEWG might simply run out of time. Equally important, frustration over the unwillingness of a few states to join consensus on issues that they had “red-lined” raised the prospect of a backlash by other states that would upend the negotiations.

A fourth factor that greatly complicated the tracing negotiations and could hamper future small arms negotiations was that many delegations, both large and small, did not understand—or understand very well—issues of central importance to the Tracing Instrument. Some delegations that appeared to want an effective instrument in fact pushed to weaken it or at least made the negotiations more complicated—inflicting, in essence, the diplomatic equivalent of “friendly fire”.

While minimal harm was done in the tracing negotiations, this problem could be a factor in future small arms negotiations. Like tracing, the issues that states have prioritized for future action—such as brokering and ammunition—are partly technical in nature. The tracing negotiations were preceded by the *GGE Report* and a series of studies by civil society groups. Much information was also made available during the course of the negotiations as industry groups, pro-control NGOs and states gave briefings and issued papers on topics of special concern. The Chairman also liaised closely with Interpol on the development of his draft texts and, with the agreement of the OEWG, arranged for Interpol's Special Representative to the UN to brief the Group on the contributions Interpol could make to instrument implementation. Yet, despite these efforts—and despite the considerable time and resources invested in the UN expert study—the necessary information did not reach, or was not assimilated by, all those who needed it and who might have been receptive to it.

This knowledge deficit represents a crucial hurdle for future UN small arms processes. Getting policy-relevant information into the hands of those responsible for shaping national positions—across the entire UN membership—is obviously crucial. Situating future negotiations in Geneva, where the diplomatic community is arguably more comfortable with, and knowledgeable on, small arms issues, might help. In any case, it is ultimately the responsibility of national delegations themselves to ensure they have the necessary knowledge and expertise. In too many cases, OEWG delegations fell short in this respect.

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The final factor pushing the tracing negotiations toward collapse (but that ultimately brought them success) was political will. As noted earlier, this was the great unknown. To some extent, states' real intentions and objectives only become clear at the end of such negotiations, in light of the final result. But the outcome of the tracing negotiations appeared especially uncertain as signs of commitment to the collective end alternated, right to the end, with an insistence on narrower, national priorities. Throughout the process, it appeared that the OEWG was pushing up against the limits of consensus as one or another state held out on issues it considered vital. At the Group's third and final session, it even seemed possible that it would break with UN small arms tradition and move to vote on procedural and even substantive matters, as its rules of procedure allowed.

In the end, the crucial compromises were found. All states compromised on some issues, though a small minority insisted to the end on their "red lines". The OEWG succeeded in reaching agreement on an International Tracing Instrument, but only just. It is an open question whether future small arms processes will survive similar strains.

Half empty, half full

The new International Tracing Instrument has been strongly criticized by pro-control NGOs who have noted that it does not reflect their key recommendations, in particular for a legal text that includes ammunition.²¹ There can be little doubt that the glass is half empty. But it is also half full.

The International Tracing Instrument constitutes a significant advance in global efforts to combat small arms proliferation for several reasons. First, while legal instruments have a great many advantages over their political counterparts, scope and speed of application are not among them. Now that the International Tracing Instrument has been adopted by the General Assembly, it applies to all UN Member States. The Instrument's contribution on definitions is especially important. In contrast to the PoA, which has no definition of any kind, the Tracing Instrument includes a detailed definition of small arms and light weapons that incorporates language from both the law enforcement and the disarmament and arms control communities (UN Firearms Protocol and 1997 UN *Panel Report*, respectively).

The Tracing Instrument also consolidates, even advances, essential standards in the areas of marking and record-keeping. Import marking is the sole exception here since, in contrast to the UN Firearms Protocol, it is the subject of a strong recommendation, not a firm commitment. Yet, unlike the Protocol, which binds only its states parties, that recommendation applies to all UN Member States.

Equally important, the Tracing Instrument sets out detailed modalities for tracing cooperation—moving well beyond the single, open-ended provision contained in the UN Firearms Protocol. It also provides for cooperation with both the UN and Interpol, including the exchange of key information concerning markings used to indicate the country of manufacture and country of import—essential starting points for many weapon traces.

Last but not least, the International Tracing Instrument looks to the future, committing states to regular reports and meetings on Instrument implementation. States have also agreed to review the future development of the Instrument during PoA Review Conferences. Among other things, this opens the door to the potential transformation of the Tracing Instrument from political to legal form. It also allows for further development of Instrument content.

An uncertain future

The new International Tracing Instrument represents a modest, but significant, step forward in the international community's efforts to tackle the small arms problem. Follow-up and concrete implementation, as ever, will be the real determinants of the success of these efforts, but for now the global small arms process remains firmly on the rails.

The unfinished small arms agenda is vast. If the international community is serious about addressing the issue, it has several decades' worth of work ahead of it. The list of items now identified for prompt attention—including brokering, transfer controls and ammunition—is growing and needs to grow further still. At the PoA's first Review Conference, to be held in New York in June–July 2006, states are expected to renew their commitment to effective action at the national, regional and global levels. The OEWG experience serves both as useful precedent and timely warning for future small arms work.

In reaching agreement on the International Tracing Instrument, UN Member States overcame their often considerable differences to finalize, within a relatively short period of time, useful new provisions on marking, record-keeping and tracing. Yet the “easy issue” proved more difficult than most had expected. The minimalist nature of the final result has also disappointed many. During the critical months preceding the 2006 Review Conference, the international community faces a clear choice—to either strengthen its commitment to small arms work or instead allow it to slide into the morass that has claimed so many other arms control and disarmament issues in recent years.

Notes

1. Full name: Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. Mandated by General Assembly resolution 58/241 of 23 December 2003, UN document A/RES/58/241.
2. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. Reproduced in UN document A/60/88, 27 June 2005. See <disarmament2.un.org/cab/salw-oewg.html>.
3. Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 20 July 2001. Reproduced in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15, pp. 7–17. See also <disarmament2.un.org/cab/poa.html>.
4. See *Report of the Panel of Governmental Experts on Small Arms*, in UN document A/52/298, 27 August 1997, paragraph 80(l)(i).
5. See France and Switzerland, *Food-for-Thought Paper: Contribution to the Realization of an International Plan of Action in the Context of the 2001 Conference: Marking, Identification and Control of Small Arms and Light Weapons*. Reproduced in UN document A/CONF.192/PC/7, 17 March 2000. Subsequent developments in the Franco-Swiss initiative are reflected in UN documents A/CONF.192/PC/25, 10 January 2001 and A/CONF.192/PC/38, 23 March 2001.
6. Ilhan Berkol, 2000, *Marquage et traçage des armes légères: vers l'amélioration de la transparence et du contrôle*. Brussels, GRIP, at <www.grip.org/pub/rapports/rg00-2_track.pdf>.

7. See World Forum on the Future of Sport Shooting Activities (WFSA), *Firearms Marking: Model Standards and Common Serial Number Codes*. Workshop held in Baia Sardinia (Olbia), Sardinia, Italy, 22–24 June 2000, at <www.wfsa.net/Leg_Docs/WFSA%20Sardinia%20Marking%20report%20V2.pdf>.
8. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. UN General Assembly resolution 55/255 of 31 May 2001, UN document A/RES/55/255, 8 June 2001, at <www.undcp.org/pdf/crime/a_res_55/255e.pdf>.
9. See the article by Elli Kytömäki in this issue of *Disarmament Forum*.
10. PoA, section IV, paragraph 1(c).
11. UN General Assembly resolution 56/24 V of 24 December 2001, UN document A/RES/56/24, 10 January 2002.
12. *Report of the Group of Governmental Experts established pursuant to General Assembly resolution 56/24 V of 24 December 2001, entitled "The illicit trade in small arms and light weapons in all its aspects"*. UN document A/58/138, 11 July 2003.
13. *GGE Report*, paragraph 98.
14. *GGE Report*, paragraph 32.
15. *GGE Report*, paragraph 33.
16. See *Report of the Group of Experts on the Problem of Ammunition and Explosives*. Reproduced in UN document A/54/155, 29 June 1999.
17. *Provisional rules of procedure of the Conference*. UN document A/CONF.192/L.1, 14 June 2001.
18. In other words, subject to the final approval of the delegate's government.
19. Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Signed in London, Moscow and Washington on 1 July 1968. Entered into force on 5 March 1970. See <disarmament.un.org/wmd/npt/index.html>.
20. See Kofi A. Annan, "Break the Nuclear Deadlock," *International Herald Tribune*, 30 May 2005, at <www.iht.com/articles/2005/05/29/news/edannan.php>.
21. Control Arms campaign (Oxfam International, Amnesty International and International Action Network on Small Arms), *UN "Deal" on Arms Controls Means Business as Usual for the World's Worst Arms Dealers*, 14 July 2005, at <www.controlarms.org/latest_news/un-deal.htm>.

Small arms ammunition: light at the end of the barrel?

Christophe CARLE

It is not so long ago that the very thought of attempting to address the uncontrolled dissemination and misuse of small arms and light weapons (SALW) was dismissed by many as hopelessly far-fetched, as utterly naive, or, worse, as a ploy to avoid dealing with other issues such as nuclear disarmament.

For all the initial scepticism, SALW now stand out as one of the very few fertile patches in the arid landscape of arms control and disarmament, as is clearly illustrated in other articles in this issue of *Disarmament Forum*. Achievements to date, however, do not extend to ammunition.

More often than not, disarmament, arms control and non-proliferation issues present themselves as complex problems and as genuine dilemmas between equally valid but not always compatible imperatives. This tends to colour the way the issues are dealt with: through treaties and other agreements involving fine lines, provisions for dual use, trade-offs, conditions, exemptions and compromises, resulting at best in a positive net balance of pros and cons for as many negotiators as possible and for security as a whole. SALW and negotiated instruments on their possession, transfer or use are no exception.

To the uninitiated observer, it may seem that ammunition for SALW could be one of the few clear-cut exceptions: dealing with SALW should logically involve the corresponding ammunition. Yet, it has become commonplace—barring very few exceptions—for multilateral arms control endeavours (as opposed to national or regional ones) to treat ammunition as an afterthought, if at all. Most often, ammunition is not addressed, and usually not even mentioned.

There is something almost palpably bogus about attempting to argue that illicit SALW need to be brought under control, but not their ammunition. This is borne out in a number of important ways.

Ammunition and the United Nations Programme of Action

SALW ammunition gets fired at enormous rates in conflicts the world over. As a negotiating issue in multilateral circles, however, it has a persistently high dud rate.

The first Panel of Governmental Experts' report on SALW did state that “[a]mmunition and explosives form an integral part of the small arms and light weapons used in conflicts. The availability of ammunition is an important independent element, since weapons can be rendered useless without appropriate ammunition.” It also recommended that “[t]he United Nations should initiate a study on all aspects of the problem of ammunition and explosives”.¹

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The bracketing together of ammunition and explosives had a particular negotiating history in that first Panel, and a detrimental impact on the work of the subsequent United Nations study mandated to address ammunition and explosives. That study's simple and central tenet was that "attempts to address small arms and light weapons would be incomplete if they did not include due regard for ammunition...", but the message was diluted by the insertion of "and explosives" at the end of the sentence.² The admixture of explosives obscured the intrinsic connection between SALW and their ammunition, and contributed to relegating consideration of ammunition to a somewhat peripheral rank in SALW discussions and negotiations.

Thus, the report of the second (1999) Group of Governmental Experts on Small Arms confined itself to "tak[ing] note" of the ammunition study.³ None of the ammunition study's main points, notably on marking and tracing, were taken on board, and the report devoted itself essentially to preparing the ground for an "international conference on the illicit arms trade in all its aspects", which turned out to be the July 2001 Small Arms Conference. The Group's report recommended that the "primary focus [of the conference] ... should be on small arms and light weapons that are manufactured to military specifications", and did add that "[i]n this overall context, ammunition should also be considered".⁴ The omission of explosives provided some implicit admission that while ammunition and SALW formed a natural pair, ammunition and explosives did not. But by then it had become very clear, not just from reactions to the ammunition study, that there would be even greater resistance to dealing with illicit cartridges and bullets than with uncontrolled SALW.

This was confirmed at the July 2001 conference and by its outcome, the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms in All Its Aspects (PoA).⁵ However one chooses to interpret the intentions and understandings underlying the text, the PoA makes no substantive mention whatsoever of ammunition. The only two occurrences are purely procedural, in the cited titles of other United Nations documents. Likewise, the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons contains the word ammunition twice.⁶ The first occurrence is a reference to the Vienna Protocol's full title (Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime); and the second is ... the same.

If comprehensiveness were genuinely sought, then SALW and their ammunition should have been dealt with together through coordinated measures from the first.

The procedural part of the report, however, does state: "[t]he Working Group recommends that the issue of small arms and light weapons ammunition be addressed in a comprehensive manner as part of a separate process conducted within the framework of the United Nations."⁷ While this was the most that the unwieldy practice of consensus could permit, there is scant solace to be found in the statement. Its basic flaw is its reference to ammunition as somehow distinct and thus warranting a "separate" process, which has now become habitual. This is thrown into cruel light by juxtaposition with the word "comprehensive". If comprehensiveness were genuinely sought, then SALW and their ammunition should have been dealt with together through coordinated measures from the first, most especially in the context of marking and tracing. The hope must now be that comprehensiveness can be achieved in instalments.

Ammunition is integral to small arms

Ammunition is often described as "complementary" to SALW, as "connected" and "linked" to their illicit possession, trade and use. This is an understatement. The apparent paradox is that although

ammunition is a separate and distinct object from weapons themselves, it is also an integral and indispensable part of any kind of gun. Neither is of any use without the other.

The intrinsic link is even stronger than that between a battle tank and its ordnance, or missiles and warheads. A ballistic missile designed for nuclear delivery can be used with a payload of conventional explosives instead. Indeed, even with no explosive charge at all, or with a blob of concrete inside its warhead, no one would like to see a ballistic missile hurtling down at 7km per second toward their apartment block, as residents of a few cities in the Middle East are all too well aware.

Conversely, any given warhead can be delivered by any means other than a missile, be it manned aircraft, cargo containers, a suitcase or a truck. The relationship between nuclear weapons and missiles, especially ballistic missiles, is sometimes held to be tantamount to organic in specialist literature on nuclear strategy, although the only nuclear weapons ever to be used in warfare so far were delivered by aircraft, not missiles.

By contrast, no device other than a gun of some sort has been devised to launch a bullet effectively to date. The relationship between guns and ammunition is of an altogether categorical and unqualified nature: without some kind of gun, a round of ammunition is useless, and no gun can fire anything except ammunition of a given calibre. Without ammunition, as has often been observed, a gun is no more potent than a stick or an iron bar. Admittedly, even without ammunition, a gun can be a powerful means of intimidation. But if this is considered a significant problem, then the regulation—or banning—of toy guns and gun replicas ought to be a priority.

The relationship between guns and ammunition is of an altogether categorical and unqualified nature: without some kind of gun, a round of ammunition is useless, and no gun can fire anything except ammunition of a given calibre.

There are a number of well documented reasons why ammunition controls, in parallel with measures addressing the weapons themselves, would be worth pursuing; and indeed, a number of regional, subregional and crime-related international agreements do make such provisions.⁸ The added value of taking measures related to ammunition would be twofold. First, and most obviously, they would help to ensure that future production, transfer and stockpiling are carried out as safely as possible and, in particular, that ammunition supplies to illicit recipients are restricted to the fullest possible extent. Second, given the enormous quantities of illicit SALW already in circulation and the time-consuming difficulties of collection and disposal, regulations and targeted restrictions on current supplies of ammunition would be one of the most effective ways of alleviating the violence perpetrated with weapons already disseminated. Therefore, the recently agreed international instrument on marking and tracing warrants a closer look, in the limited space of this paper.

As the United Nations strives to make its work more understandable to the general public, and in the interest of clarity, it would perhaps be advisable to amend the title of the recently negotiated marking and tracing agreement, and refer to it as the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, *But Not Their Ammunition*. The addition of the phrase in italics would not detract unduly from the native elegance of the original title, and it would have the added virtue of constituting a fair description of the content.

The omission of ammunition from the scope of the marking and tracing instrument is most particularly egregious because not only does it defy common sense, it is a gap that could be filled with disconcerting ease. Indeed, for a simple and realistically effective marking and tracing system to operate would hardly require any measures that do not already exist. The overwhelming majority of SALW ammunition is already routinely marked at production. In order to make, at the very least, some substantial progress in the ability to trace ammunition and narrow down the points at which it lapses into illicit trade and possession, all that would be needed in the first instance is a register (an online database would do fine) of the various markings, codes and symbols currently in use around the world.

What distinguishes the markings on ammunition from those on SALW is both a drawback and an advantage from the standpoint of tracing. The drawback is shortage of physical space: given that ammunition is “headstamped” along the narrow circular space around the primer at the base of a cartridge case, there are obvious physical limits to how much information can be included by such means. This applies to initial marking upon production, and rules out any more elaborate schemes of secondary marking of individual cartridge cases by initial recipients, let alone marking at transit points or by secondary recipients.

On the other hand, the major advantage is that headstamps are cheap and easy to apply at production and are indelible and tamper-proof for all practical purposes. A stamped alphanumeric reference on a cartridge case may seem easy to obliterate or file down until the practicalities are envisaged. Taking a hammer or chisel to within millimetres of the primer on a live round of ammunition would be difficult and dangerous enough for someone wanting to make a few rounds unidentifiable. But performing the same operation on conflict-relevant quantities of ammunition is not even imaginable. The same manoeuvre would be risk-free on expended cartridge cases, but does anyone seriously imagine belligerents combing their tracks in a conflict zone for each empty cartridge case, and then taking the time and effort to obliterate the headstamps?

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Objections to the adequacy of cartridge headstamping that may be valid in the context of a forensic criminal investigation involving a few pieces or even a single piece of ammunition are irrelevant to conflict situations in which the quantities of ammunition shipped and used are not units, dozens, hundreds or thousands, but hundreds of thousands and millions of rounds. For such purposes, marking by production lots would be an amply sufficient first step.

Member States’ action on ammunition

The Second Biennial Meeting of States (BMS) to Consider Implementation of the United Nations PoA, of 11–15 July 2005, was a recent opportunity to take soundings on the issue of ammunition from the broad array of states represented.

Of 77 publicly available statements, at least 37 make some mention of ammunition. A dozen of these refer to domestic laws governing the possession of and trade in SALW and their ammunition.⁹ Seven, including the European Union, Latin American countries, Norway and Switzerland express regrets that the marking and tracing instrument does not include provisions on ammunition. Brazil, for example, refers to the “clear and intrinsic connection between the problem of illicit SALW and their ammunition, and the need to deal with both in a coordinated manner”. The European Union “regrets that no operational provisions on ammunition ... were included”, and pledges it “will be strongly committed to promoting further the issue of ammunition, thus taking up the recommendations of the Chairman’s Procedural Report.”

In contrast, one non-governmental organization found the fact that no provisions on ammunition were included satisfactory and stated that “[a]s to marking and tracing of ammunition, we believe that it is ill-timed and ill-conceived. Ammunition was not included in the mandate of the Program of Action in the first instance and should not be included now.”¹⁰

More interestingly, some states chose to provide information on activities carried out or in progress in the area of SALW ammunition. Moldova’s statement included an expression of acute concern about the safety of certain ammunition stockpiles, Ukraine provided information on a large-scale SALW and

ammunition destruction programme about to be implemented, and at least 10 other states reported on the confiscation, recovery, collection and destruction of ammunition. These included Nigeria, the Pacific Islands Forum Group, Pakistan, Rwanda, Serbia and Montenegro, South Africa, The former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United States.

The figures provided by these states are also noteworthy. First, the quantities involved are considerable: Rwanda, for example, referred to the destruction in July 2005 of 250 tons of ammunition. Second, a clear pattern emerges as to the quantities of ammunition relative to numbers of weapons: for Pakistan, 103,600 SALW and 2,078,300 rounds of ammunition confiscated from May 2003 to May 2005; in the case of the Solomon Islands, member of the Pacific Islands Forum Group, over 3,600 SALW and 306,700 rounds of ammunition collected and destroyed; for Serbia and Montenegro 100,000 SALW and more than 2 million rounds of ammunition destroyed between 2001 and 2004; and for South Africa 77,139 firearms and more than 1.2 million ammunition recovered between January 2005 and May 2005. As for the United States, in addition to its cooperation with Ukraine and NATO's Partnership for Peace aiming to destroy "1.5 million SA/LW ... and 133,000 tons of ammunition", it reported that "since early 2001, US-supported programs in 23 countries have resulted in approximately 800,000 SA/LW and 80 million rounds of ammunition destroyed".

Such impressive figures indicate how laudable some existing actions are, but even more, how much must remain to be done. So long as supplies and resupplies continue unregulated, unmarked and untraced, similarly impressive figures can be expected in the future, but they will be the sign of Sisyphean labours, not of success.

That states chose to thus report on ammunition-related activities in the context of a meeting to consider the implementation of a PoA that, as was recalled, makes no provisions on ammunition, is one of the most eloquent statements of the intrinsic relevance of ammunition to SALW issues. The subsequent First Committee of the United Nations General Assembly provided the best indication to date that the issue of SALW ammunition is being pursued by at least some states. The resolution on "Problems arising from the accumulation of conventional ammunition stockpiles in surplus" addresses all kinds and calibres of conventional ammunition, not just SALW ammunition. But it does manage, among its preambular paragraphs, both to take note of the 1999 United Nations study on ammunition and explosives, and to recall the recommendation in the report by the Chairman of the Open-ended Working Group on marking and tracing "to address the issue of SALW ammunition in a comprehensive manner...".¹¹

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Arms control must include ammunition

In the still young lifespan of multilateral SALW diplomacy, something of a tradition has already taken root of casting ammunition aside as a distinct and subsidiary factor. Overturning this trend is not impossible—witness the initial reluctance by so many to address SALW at all—but it will not be easy either.

In addition to difficulties of a substantive and political nature, the ammunition issue also suffers, in a more intangible but nonetheless real sense, from its rather prosaic nature. As a by-product of the growing trend recognizing that arms control needs to be enriched with different perspectives and disciplines, it has unfortunately become fashionable to dismiss arms control as dryly technical and

removed from reality. Principled declarations on such thoroughly worthwhile and useful themes as human security, disarmament and development, reconciliation, interpersonal violence and many others enjoy great popularity in SALW-related debates. Ammunition, in comparison, smacks of bean-counting arms control. It is technical without even being glamorously complex. It is an issue that resides closer to the hardware store than to the ivory tower of policy debate. But the contribution arms control can make to alleviate conflict and crime-related SALW violence will be considerably greater when it includes ammunition at every appropriate step of the way.

Those who maintain that the right to own, bear and use SALW is sacrosanct are quite coherent with their own beliefs when they argue that there should be no impediment to access to the corresponding ammunition. It is high time that advocates of SALW controls understood this as well.

Notes

1. *Report of the Panel of Governmental Experts on Small Arms*, in UN document A/52/298, 27 August 1997, paragraphs 29 and 80.
2. *Report of the Group of Experts on the Problem of Ammunition and Explosives*, in UN document A/54/155, 29 June 1999, paragraph 11.
3. *Report of the Group of Governmental Experts on Small Arms*, UN document A/54/258, 19 August 1999, paragraph 101.
4. *Ibid.*, paragraph 130.
5. Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 20 July 2001. Reproduced in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15, pp. 7–17. See also <disarmament2.un.org/cab/poa.html>.
6. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. Reproduced in the *Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, UN document A/60/88, 27 June 2005. See <disarmament2.un.org/cab/salw-owwg.html>.
7. *Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, op. cit., paragraph 27.
8. Among recent publications on these issues, see especially “Rounding out the Gun: Ammunition” in *Small Arms Survey 2005: Weapons at War*, Oxford, Oxford University Press, pp. 9–37, which discusses how the value of given types of assault rifles decreases in conflict areas when the corresponding ammunition is unavailable; and H. Anders, 2005, *Scope for International Minimum Standards on Tracing Illicit SALW Ammunition*, Note d’Analyse, GRIP, 6 June, at <www.grip.org/bdg/g4575.html>.
9. See the BMS web site at <www.un.org/events/smallarms2005> for links to the statements.
10. Edward C. Rowe, Chairman, Manufacturers Advisory Group, World Forum on the Future of Sports Shooting Activities, Statement to the Second Biennial Meeting of States to Consider the PoA, *Definition, Marking and Ammunition*, New York, 13 July 2005.
11. First Committee, Sixtieth Session, Agenda item 97(dd), “Problems arising from the accumulation of conventional ammunition stockpiles in surplus”, UN document A/C.1/60/L.40/Rev.1, 27 October 2005.

Regional approaches to small arms control: vital to implementing the UN Programme of Action

Elli KYTÖMÄKI

In April 2004, countries of the Great Lakes region and the Horn of Africa signed the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa¹ to set regional best practices and common standards to curb the threat posed by small arms. The year 2004 was also notable in the Americas, where the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (hereafter the OAS Convention),² signed in 1997 as the first international legally binding agreement on SALW, received several new ratifications. In West Africa, members of the Economic Community of West African States (ECOWAS) met in March 2005 to review a draft convention that would transform their voluntary Moratorium on the Importation, Exportation and Manufacture of Light Weapons into a legally binding treaty.

In addition to these examples of initiatives undertaken to fight the illicit trade in small arms and light weapons (hereafter small arms or SALW), the years since the adoption of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (hereafter PoA)³ have seen an encouraging increase in regional small arms control initiatives.

This paper argues that given the intentionally broad and substantively inclusive nature of the PoA, such regional approaches are an important facet of PoA implementation. Regional small arms measures have the potential to complement and strengthen the implementation of the UN Programme of Action, particularly because they allow regions to address small arms problems in the ways that are most suitable for them. It also makes clear, however, that despite positive developments and new initiatives, there is a lack of both political will and resources to address small arms problems at the regional level, and that further cooperation and assistance is needed in order to make regional organizations effective players in small arms control.

Framing the PoA: early regional small arms work

The importance of including regional and subregional organizations in the fight against small arms proliferation was already clear in the 1990s, when small arms and light weapons as a specific category was first taken up in the UN context. For example, in 1996 the Organisation of African Unity⁴

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initiated an in-depth study on ways to reduce small arms proliferation and to improve subregional cooperation in dealing with illegal arms smuggling.⁵ Regional agreements, especially in sub-Saharan Africa, the Americas and Europe, became part of the international process addressing problems related to the uncontrolled spread of and illicit trade in SALW.

With the 2001 UN Small Arms Conference approaching, many regional organizations wanted to shape the negotiations and contribute to international norm-setting by highlighting regional priorities. In Africa, the Bamako Declaration⁶ of December 2000 represented an important step forward in regional small arms action by showing a strong common commitment to addressing the critical problem of SALW proliferation on the continent. The existence of the Declaration then meant that African regional priorities were brought to the fore at the 2001 conference. Within the Organization of American States (OAS), the OAS Convention addresses regional concerns of narcotics trafficking and organized crime, and this was used as the template for the UN Firearms Protocol.⁷ The Southern African Development Community (SADC) Protocol⁸ was adopted almost simultaneously with the UN PoA, and has become the first legally binding regional small arms agreement on the African continent. Since the 2001 conference, a number of important regional initiatives and agreements relating to SALW have been established, strengthened or revised.

Regional approaches are vital for effective PoA implementation

United Nations Secretary-General Kofi Annan has stressed the importance of seeking regional solutions to the small arms problem by noting that regional and subregional efforts to curb gun violence can pave the way for further action at the global level, leading to a wider implementation of the 2001 United Nations Programme of Action.⁹ Regional organizations have an important potential role in building consensus and momentum, and in advancing global norms. We have seen how regional instruments helped to shape the UN PoA and support its implementation, but the relationship between international and regional levels also works the other way around: having an international agreement on the illicit small arms trade has opened the door to further regional and subregional action.

In the UN Programme of Action, Member States undertake to combat the illicit trade in small arms and light weapons at three different levels: national, regional and global. States in the PoA undertake, inter alia, to establish, where appropriate, regional and subregional points of contact on SALW-related matters, as well as mechanisms at the regional level to facilitate cross-border customs cooperation and networks for information sharing among law enforcement, border and customs control agencies. They also agree to encourage the negotiation and strengthening of existing regional agreements and moratoria. While a large number of PoA provisions refer to states' domestic responsibilities for ensuring that legal weapons do not end up being traded illicitly, the PoA follows these with regional measures, such as the establishment of regional agreements and mechanisms of cooperation and information sharing.

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Regional action on small arms is vital: small arms trafficking cannot be fully controlled by individual countries on their own, as illicit trade is nourished by porous borders. Traffickers are quick to adopt trade routes where national controls are weak and will take advantage of insufficient cooperation between border control authorities or differences in national regulations. The importance of regional-level action in small arms control has been highlighted in various independent studies,¹⁰ which have underlined that small arms pose different problems to different regions, and that states have varying financial and material resources at their disposal to respond to these problems. Regional initiatives can help states both to gather the necessary financial support and share technical resources.

Effective regional and subregional agreements can therefore be critical for creating effective national responses to international measures. Regional organizations have proven valuable in bringing together relevant actors, building bridges between different aspects of the problem, and fostering regional police and border cooperation. The Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO), a forum comprising all the police chiefs from the Southern African region, has successfully integrated a regional approach to fighting crime and illicit small arms. Its subcommittees organize regular training for police officers at the regional level, and it is currently studying possibilities for harmonizing gun legislation in the region. The equal partnership opportunities created by SARPCCO activities have also proven extremely important to the development of regional capacity and intergovernmental confidence throughout Southern Africa.¹¹

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In addition to enhancing cooperation and coordination between law enforcement agents and border controls, regional cooperation has improved SALW control measures and helped combat illicit trade by working toward the harmonization of national firearms laws. In the Pacific, for example, the Pacific Islands Forum¹² Regional Security Committee has made great progress in developing arms control measures, as demonstrated by the Honiara Initiative¹³ and the Nadi Framework.¹⁴ The development of model legislation is part of a common regional approach to weapons control. Key features of the model legislation include uniformity and harmonization of penalties, import and export regimes, stockpile management, firearms safety training, weapon disposal and licensing checks.¹⁵ By developing model legislation, regional organizations can prove valuable in establishing regional best practices and norms on specific aspects of the PoA. In South-East Europe, small arms control measures have increased in number and quality thanks to the support of the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC),¹⁶ which has developed a set of standards on small arms control for the region.

As noted in the Programme of Action, regional organizations can prove valuable as hubs of cooperation for global action: in view of the limited national resources available for direct PoA implementation, many organizations have proven active in arranging small arms meetings and creating political dialogue to pave the way for international negotiations. In Southern Africa, for example, the Technical Committee on Small Arms, established by the states party to the SADC Protocol, acts as a forum for sharing best practices, providing mutual assistance on stockpile management, security and safety measures and sharing experiences on issues such as cost-effective methods to destroy surplus weapons. Through such work, the Committee establishes a regional standpoint and thus contributes to the advance of international negotiations.

In the best cases, regional instruments can support global norm-building by creating an effective institutional framework to lead and coordinate small arms action in a specific region. Many regional organizations have followed the PoA's recommendations and started to coordinate implementation by appointing a regional contact point for small arms action. While in some regions the work of these contact points has been encouraging, there have also been difficulties: just like at the national level, in some cases regional focal points exist only on paper, and in reality have no effect on the small arms work conducted in a region.

In general, regional organizations suffer from problems similar to those of Member States in implementing the PoA: often, a lack of resources and expertise hinders effective implementation. And although regional activity can be valuable in supporting international and national action, examples have shown that half-implemented regional instruments can in fact prove detrimental to small arms action and PoA implementation. If left under-implemented or weak, regional agreements can become only paper commitments with no real reference to the situation on the ground, and no visible impact. Such toothless instruments can create confusion over responsibilities, and result in reporting—or worse, implementing—fatigue among states.

From crime to conflict—regional priorities

Regional responses to controlling the illicit trade in SALW differ in both their scope and applicability, reflecting national and regional priorities, but also differences in how the core of the SALW problem is perceived. Regional position-setting and publicizing of regional best practices is expected to intensify during the first months of 2006, as countries prepare for the first Review Conference of the Programme of Action, scheduled for 26 June – 7 July 2006.

Europe has been an active player in developing international and regional standards on SALW control. In Europe, action is taken within the European Union (EU), and the other major regional agreement guiding small arms action is the OSCE Document on Small Arms and Light Weapons.¹⁷ This comprises a comprehensive range of measures to address the proliferation of SALW, and has the potential to contribute quite substantially to the implementation of the UN Programme of Action. Compared with the UN PoA, the OSCE states have undertaken additional efforts with regard to arms export control and export documentation policies, including arms brokering and end-user verification procedures.

In an effort to control weapon supply, Europe is promoting stricter international controls on the legal weapon trade. Over recent years, as well as taking the lead in several small arms initiatives covering marking and tracing, common arms export criteria and brokering, European countries have undertaken reviews of their legislation, for example with regard to new measures for the domestic control of arms

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brokering. The EU Joint Action on small arms,¹⁸ adopted in 1998 and amended in 2002, commits the EU to aim to build consensus on the establishment of restrictive national weapon legislation for small arms, including penal sanctions and effective administrative control over small arms measures. Other elements of the EU policy framework to combat the spread of small arms are the Code of Conduct on Arms Exports, the common position on brokering and the use of arms embargoes. The new EU member states have been active in reviewing and updating their weapons legislation to comply with the EU Code of Conduct.

During the past few years, Africa has become the focus of global small arms action. Armed conflicts, arms smuggling, crime and their related problems have alerted not only countries from the region, but have also drawn increasing funding from other states. Compared with the relatively low level of awareness of SALW issues in 2001, there have been some positive developments in sub-Saharan Africa, with two-thirds of countries having established national focal points on SALW at the time of writing. Subregional instruments in sub-Saharan Africa include the ECOWAS Moratorium, SADC Protocol, ECCAS (Economic Community of Central African States) and Nairobi Protocol, all of which, since 2001, have established regional focal points to coordinate SALW action.

Unlike the PoA, African regional instruments place heavy emphasis on civilian possession and subregional harmonization of weapon laws. Disarmament, demobilization and reintegration (DDR) and weapon collection programmes are taking place in several countries, including Côte d'Ivoire, Democratic Republic of the Congo, Kenya, Liberia, Sierra Leone and Uganda, and public awareness is being raised through destruction and amnesty programmes as well as community programmes promoting the culture of peace. 2004 marked specific progress in Eastern and Southern Africa with the signature of the Nairobi Protocol and the entry into force of the SADC Protocol. Together, these two instruments, with nearly identical language formulation, commit almost half the continent's nations to developing strong, harmonized regulation of civilian possession and use of small arms.¹⁹

In North Africa, the main challenges for small arms control relate to the monitoring and policing of borders, as well as building the capacity of law enforcement agencies. Despite a series of regional

meetings on small arms control (meetings on PoA implementation in Algeria and Egypt 2003, and Tunisia 2004), the issue of SALW control has generally not been addressed in a comprehensive manner. However, the League of Arab States has called on its member states to increase cooperation and coordination on small arms-related matters, and has established an SALW control department to facilitate this task.

The UN PoA has not led to any coordinated subregional governmental action aiming at PoA implementation in Asia, despite growing concern about the proliferation of illicit small arms. In Asia, awareness of the small arms problem is driven by its relation to transnational organized crime and terrorism:²⁰ one instrument dealing with SALW proliferation is the Plan of Action to Combat Transnational Crime, developed within the Association of Southeast Asian Nations (ASEAN). In Central Asia, many countries have made revisions and amendments to their national legislation since 2003.²¹ Large stockpiles of weapons from the Soviet era have become surplus, placing weapon collection and destruction, as well as stockpile management, at the top of the small arms control agenda in Central Asia. Despite not having an Asian regional organization devoted to small arms issues, there does seem to be some active regional cooperation in border management and police cooperation, mainly thanks to OSCE assistance.

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In the Americas, special emphasis has been placed on reducing small arms-related crime, violence and narcotics trafficking, as already seen in the OAS Convention. The region also fights crime through the Central American Integration System (SICA), established in 1995 to reduce small arms-related crime, violence and the availability of weapons. As in Europe and Central Asia, reviews of small arms legislation are being undertaken in many OAS countries, with a focus on the humanitarian impacts of small arms. Many small arms programmes are currently being implemented in the region, often in cooperation with civil society organizations, and are mainly concerned with weapon collection and destruction and the raising of public awareness. Regional challenges remaining relate to gun crime and the smuggling of weapons. OAS member states have reported a need for more assistance in SALW control, especially in capacity building, gathering data on small arms-related crime, and control of possession.²² Despite being part of the OAS, the Caribbean subregion has not been active in implementing the Programme of Action, probably because of scarce resources and other priorities.

Regional approaches pushing forward the global agenda

The Programme of Action, a politically binding agreement adopted by consensus at a high political level, has a number of weaknesses. Implementation of its paragraphs is left to the voluntary actions of Member States—the PoA contains no sanctions for non-compliance or passivity, nor any monitoring mechanism to measure the level of implementation. A number of regional instruments—most notably the OAS Convention, the Nairobi Protocol and the SADC Protocol—have gone further than the PoA in being legally binding. Apart from the UN Firearms Protocol, which is the first legally binding global agreement on small arms, but has a fairly narrow scope, regional agreements are the only legally binding agreements on the issue.

Some regional agreements have taken a more comprehensive approach to SALW control than the PoA, for example by including ways and means to link the illicit arms trade and proliferation to the fight against terrorism, transnational crime and trafficking in illicit goods. The SADC Protocol, signed in 2001, covers a more comprehensive range of SALW issues. As the first legally binding agreement on SALW control in Africa, it could complement the UN PoA and become an effective tool in addressing the problems caused by small arms in the region. So far, however, the implementation of the Protocol has

left much to hope for. Definitions of actions that states have agreed to undertake at the national level have been vague, and states parties have not always understood the Protocol commitments in the same way.

The Nairobi Protocol expands upon the provisions of the UN Programme of Action and other agreements by adding greater specificity as to the exact nature of controls that must be introduced, for example in addressing civilian possession it requires that states parties incorporate into their national laws a ban on civilian ownership of automatic and semi-automatic rifles. Given the recent adoption of the Protocol, it is too early to measure the extent to which it will become an active tool in improving SALW control in the Eastern Africa subregion. The OAS Convention contains broad definitions of firearms and explosives, and model regulations. One of its main weaknesses, however, is its narrow scope: it is restricted to commercial transfers and ignores government transfers. It also has a limited mandate that focuses on crime control, but neglects the causal relationship between illicit trafficking, organized crime and armed conflict. The OSCE Document, on the other hand, is “only” politically binding, but establishes clear norms, principles and measures to be followed by OSCE participating states on the issue of small arms and light weapons, for example regarding information exchange on the export and import of weapons.

The UN Small Arms Conference process was not able to achieve agreement on specific commitments relating to civilian possession of small arms in the PoA, but it is widely agreed that the issue is highly relevant: in their national reports of 2003, 67% of Member States that reported referred to civilian possession of small arms.²³ The scope and stringency of national firearms laws and their enforcement, however, varies considerably. Regulating civilian possession has been identified as a priority

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area for the development of regional and international minimum standards: standards should be established at the regional level to promote consistent and effective national laws.²⁴ A number of regional instruments already contribute to this establishment of regional standards. Both the SADC Protocol and the Nairobi Protocol provide for the total prohibition of civilian possession and use of all light weapons, automatic and semi-automatic rifles and machine guns. The Bamako Declaration and the Andean Plan²⁵ recommend that their states parties criminalize

the illegal possession and use of small arms and light weapons in their national legislation. And the Nadi Framework recommends that the possession and use of firearms and ammunition be strictly controlled, including through licensing and registration.

A further failing in the negotiation of the UN Programme of Action was the lack of any consensus on restricting SALW transfers to non-state actors. Substantial progress has been made toward agreements on this issue in regional fora.

The UN instrument on SALW traceability, as proposed by a group of governmental experts, is politically rather than legally binding on Member States. It is unlikely to have any effective monitoring mechanism and it does not cover ammunition in its scope: regional institutions have more or less been left to take their own proactive approaches to developing effective tracing instruments.²⁶ Countries of Southern Africa have appointed a task force to promote the development of a regional, standardized process for the marking of firearms.

The need for regional capacity building

The capabilities of individual states and regional organizations to assess and address problems of armed violence, small arms availability and trafficking vary. Among regional organizations, general reasons for lack of success in small arms control are the absence of political commitment and of

resources. For example, the practical impacts of the ECOWAS Moratorium and the OAS Convention remain minimal, despite the strong political commitment expressed on paper.²⁷ The international community has responded to some aspects of the problem but significant work remains to be done to target small arms and their proliferation properly.

The nature and content of the Programme of Action, or its relationship to regional implementation and different subregional and regional commitments, are not always clear to members of regional organizations and in many Member States, awareness of small arms problems, let alone knowledge of the means to address small arms problems, remains limited to the few individuals who were involved in negotiating agreements. To ensure regions make a positive contribution to PoA implementation, further practical action is needed at the regional level.

Regional organizations have expressed the need for more support in actual field-level implementation of the PoA, and called upon states in the Northern hemisphere that are currently active in small arms control matters to help them. This is not to say that support to regional organizations has been absent during the first four years of PoA implementation: several states have supported regional initiatives controlling SALW proliferation within the framework of PoA follow-up process. For example, the Framework of the New Partnership for Africa's Development (NEPAD) has attracted significant political and financial support, particularly through the G8. The G8 Africa Action Plan welcomes NEPAD and calls for action to combat the proliferation and trafficking of small arms across the continent as well as action on DDR in post-conflict situations. The UNDP has a special programme to assist regional SALW control in Africa. Its Programme for Coordination and Assistance on Security and Development (PCASED) is the main body for implementation of the ECOWAS Moratorium at regional level, and has taken various actions to help implementation at national level, including coordination among national small arms commissions, assistance in formulating regional import and export regulations, and general firearms legislation.

A number of regional agreements require or recommend some kind of information exchange between member states. But these requirements, in addition to continuous national reporting on the Programme of Action have, in some countries, led to reporting fatigue, which ultimately undermines the implementation of both the regional instrument and the PoA. Depending on the outcome of the 2006 Review Conference, it will be essential to consider means of increasing mutual support between regional agreements and the UN PoA to optimize information exchange and project implementation.

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Toward mutually supportive national, regional and international action?

Despite significant regional developments during and before 2004, further efforts to strengthen regional action are necessary if we want to get the best out of the 2006 Programme of Action Review Conference and the process beyond it. Regional agreements on small arms should not be considered as an alternative to the PoA, but as an instrument to complement and reinforce it. On average, there is more evidence of serious and sustained measures to implement PoA commitments among members of the EU, OSCE, OAS, SADC and ECOWAS, and states that have signed the Nairobi Protocol and the Nadi Framework, than there is among states in regions with less effective or no regional framework for small arms action.²⁸

Regional action is crucial to prevent the illicit small arms trade. To date, however, active and meaningful regional agreements to combat SALW proliferation are still an exception, and most states are not members of a substantial regional arrangement. Moreover, input from experts shows that

implementation of regional agreements by governments remains uneven, and leaves loopholes from which illicit SALW traffickers profit.²⁹ Regional organizations need more resources and capacity to be able to mobilize and coordinate their activities, and to ensure the effective and thorough implementation of regional agreements. Currently, there exists no official mechanism allowing regional organizations to

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share information on their activities and problems in implementing the Programme of Action. A useful first step for such sharing and learning was a seminar organized by the Geneva Forum in January 2004 entitled "The Role of Regional Organisations in Stemming the Illicit Trade in Small Arms and Light Weapons: Sharing Experience and Drawing Lessons".³⁰ More such initiatives would be useful, as information exchange could help to reduce the inefficient use of resources by preventing duplication or overlap. In the immediate future, they could explore ways to establish a regular information exchange mechanism among regional organizations, for example through the networking of regional small arms focal points. Besides information exchange between regional organizations, all possible means to improve internal organizational practices, such as databases, best practices and monitoring mechanisms, should be explored to enhance the functioning of these organizations.

Regional institutions can be strengthened in a number of ways. Where SALW action as integrated into already existing regional structures has proven ineffective, the door should be kept open for the establishment of new regional bodies or modification of old ones. This has occurred in the Great Lakes region and the Horn of Africa, with the transformation of the Nairobi Secretariat into a Regional Centre on Small Arms and Light Weapons (RECSA). RECSA will be responsible for the same tasks as the Nairobi Secretariat, but will have an independent legal identity, as opposed to the Nairobi Secretariat, which resided in the Kenyan Ministry of Foreign Affairs.

Regional institutions need more resources; they also need to prioritize their objectives and thus the allocation of resources for PoA implementation. Given scarce resources, if clear priorities are not set, then commitments run the risk of remaining empty promises. Moreover, by mainstreaming small arms controls measures into other policy instruments, regional and international organizations can save resources *and* tackle related problems such as poverty eradication, DDR and security sector reform more efficiently.

While many would prefer more legally binding regional instruments on SALW, it is worth looking at information exchange aspects of politically binding agreements. The legally binding OAS Convention outlines measures to improve the control and monitoring of the legal manufacture and transfer of firearms and to improve the exchange of information among member states regarding the illicit trade in firearms. The OSCE Document, however, though politically binding, also contains annual information exchange and transparency measures that have proven vital in ensuring the practical implementation of agreed commitments. By keeping states parties informed of each others' activities, they are all aware of the level of implementation in each state and, if necessary, can apply a degree of pressure.

As discussed, many regional agreements go beyond the Programme of Action with regard to specific themes, such as civilian possession and transfer to non-state actors. The lead-up to the 2006 Review Conference will undoubtedly see an intensification of discussion on these points, and the discussion will be framed by those regional approaches already in place. Further issues to be elaborated include that of brokering controls, which apart from the EU common position, the OSCE Document and the Nairobi Protocol (covering Europe and Eastern Africa), are not prominently included in current regional instruments.

Regional policy responses to combating SALW proliferation remain limited, especially in North Africa, Asia and the Middle East. Continuous and enhanced efforts are needed to promote regional

action and initiatives in geographical areas where they are presently absent. These efforts should be complemented by simultaneously building the capacity of affected states within these regions to tackle small arms problems. National political will and international cooperation are vital to the control of the illicit trade in and proliferation of small arms. Strengthening international mechanisms and programmes, however, can only partially substitute for the absence of regional responses. We need meaningful, substantial regional agreements worldwide to ensure effective implementation of the PoA.

Notes

1. The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa was signed on 21 April 2004, and will become legally binding when ratified by two-thirds of signatory states. The Protocol expands the UN PoA and regional agreements.
2. Available at <www.oas.org/juridico/english/treaties/a-63.html>.
3. Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 20 July 2001. Reproduced in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15, pp. 7–17. See also <disarmament2.un.org/cab/poa.html>.
4. Currently African Union.
5. N. Stott, 2003, *Implementing the Southern Africa Firearms Protocol: Identifying Challenges and Priorities*, Institute for Security Studies, Occasional Paper no. 83, November, at <www.iss.co.za/pubs/papers/83/Paper83.html>.
6. Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, 1 December 2000, at <www.africanreview.org/docs/arms/bamako.pdf>.
7. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, UN General Assembly resolution 55/255 of 31 May 2001, UN document A/RES/55/255, 8 June 2001, at <www.undcp.org/pdf/crime/a_res_55/255e.pdf>.
8. The Southern African Development Community Protocol on the Control of Firearms, Ammunition and Other Related Materials, at <www.grip.org/bdg/g2010.html>.
9. *Assistance to States for Curbing Illicit Traffic in Small Arms and Collecting Them. The Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Report of the Secretary-General*, UN document A/60/161, 25 July 2005.
10. See inter alia the Small Arms Survey yearbooks *Small Arms Survey 2002*, *Small Arms Survey 2003*, *Small Arms Survey 2004*, *Small Arms Survey 2005*, Oxford, Oxford University Press; and publications by Saferworld, International Alert and the Bonn International Center for Conversion.
11. B. Coetzee, 2005, "Building Capacity to Implement Small Arms Controls", *Focus on Arms in Africa*, vol. 4, no. 1, pp. 6–7, at <www.reliefweb.int/library/documents/2005/iss-afr-27jul.pdf>.
12. For more information on the Pacific Islands Forum, see <www.forumsec.org.fj>.
13. The Honiara Initiative on a Common Approach to Weapons Control, adopted by the 28th South Pacific Chiefs of Police Conference in 1998, directed that work be undertaken to produce a draft legal framework upon which common weapons control measures could be based.
14. Legal Framework for a Common Approach to Weapons Control Measures, 10 March 2000, at <www.smallarmssurvey.org/source_documents/Regional%20fora/Pacific%20Islands/Nadi%20framework.pdf>.
15. G.R. Pattugala, 2003, *Two Years After: Implementation of the UN Programme of Action on Small Arms in the Asia-Pacific Region*, Geneva, Centre for Humanitarian Dialogue, Occasional Paper, October, at <www.hdcentre.org/datastore/OccPaper.pdf>.
16. SEESAC aims to stop the flow and availability of SALW in South East Europe, consolidating achievements so far and supporting socio-economic conditions for peace and development in the region.
17. OSCE, Document on Small Arms and Light Weapons, 24 November 2000, at <www.osce.org/documents/sg/2000/11/673_en.pdf>.
18. EU Joint Actions of 17 December 1998 and 12 July 2002, EU documents 1999/34/CFSP and 2002/589/CFSP, at <projects.sipri.se/expcon/eusmja.htm> and <europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_191/l_19120020719en00010004.pdf>.
19. For a more detailed discussion on these two documents, see E. LeBrun, 2005, *Focus on Southern and Eastern Africa: A Tale of Two Protocols*, Geneva, Centre for Humanitarian Dialogue, Background Paper no. 5, at <www.hdcentre.org/datastore/Small%20arms/Rio/SADC%20Nairobi%20Paper%20FINAL.pdf>. See also *Biting the Bullet* and IANSA,

- 2005, *International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action*, at <www.iansa.org/un/bms2005/red-book.htm>.
20. See G.R. Pattagula, op. cit.
 21. E. Kytömäki and V. Yankey-Wayne, forthcoming, *Implementing the UN Programme of Action on Small Arms: Analysis of the National Reports submitted in 2002–2005*, Geneva, UNIDIR.
 22. This has been brought out in national reports on the implementation of the UN Programme of Action submitted to the UN by OAS member states.
 23. E. Kytömäki and V. Yankey-Wayne, 2004, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the Reports Submitted by States in 2003*, Geneva, UNIDIR.
 24. *Biting the Bullet*, op. cit.
 25. Andean Plan for the Prevention, Combat and Eradication of the Illicit Trade of Small Arms and Light Weapons in All Its Aspects, adopted 25 June 2003, Andean Council of Foreign Ministers decision 552, at <www.comunidadandina.org/ingles/treaties/dec/D552e.htm>.
 26. See the article by Peter Batchelor and Glenn McDonald in this issue of *Disarmament Forum*.
 27. *Biting the Bullet*, op. cit.
 28. *Biting the Bullet*, op. cit.
 29. Geneva Forum, 2004, *The Role of Regional Organisations in Stemming the Illicit Trade in Small Arms and Light Weapons: Findings of a Specialist Seminar, 29–30 January 2004*, Geneva, at <www.geneva-forum.org/Reports/20040129-30.pdf>.
 30. *Ibid.*

Strengthening field-level implementation of the UN Programme of Action on Small Arms: a new approach to security needs assessments

Derek B. MILLER AND Lisa RUDNICK

The preamble to the 2001 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) lists the goals of United Nations Member States. These goals are broad and are not exclusively focused on small arms.¹ They include “peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels”.² The preamble is oriented toward controlling small arms as a means of preventing, managing and recovering from conflict, though it does recognize organized crime, crime prevention and terrorism problems relating to small arms.

The PoA provides a list of activities that Member States, regional organizations and global actors are intended to undertake to advance these goals.³ Like the goals, not all the activities are specific to small arms: the Chairman of the 2005 Biennial Meeting of States to Consider the Implementation of the PoA (BMS) proposed 13 categories for thematic discussion at the BMS, some of which went far beyond the specific list of activities in the PoA, and covered institution-building, human development, public awareness and culture of peace, and children, women and the elderly.⁴

Throughout the PoA, controlling weapons is treated as a means to a greater end rather than an end in itself. The document is more than just an agreement on small arms; it is a platform for wider action on conflict prevention, crisis management, peace-building, and the humanitarian, development and security matters pertaining to each.

Thus we ask here whether a key, agenda-setting mechanism for conflict prevention and peace-building, namely Joint Assessment Missions (JAMs) and the post-conflict needs assessments (PCNA) that they carry out, is sufficient to advance the goals of the PoA. The purpose of Joint Assessment Missions is to learn and then present the needs of countries emerging from conflict in terms of multisectoral and technical assessments. These assessments provide multilateral donor meetings with a basis to discuss funding and prioritization in cooperation with the state in question. Because of their agenda-setting role for recovery plans and funding, and the profound impact that these plans have on security, conflict, development and peace-building, it is important to examine the methods of Joint Assessment Missions and see how they might be improved from the standpoint of security matters in general and small arms in particular.

We examined the methods used in PCNA and reviews of those methods: the *Practical Guide to Multilateral Needs Assessments in Post-Conflict Situations (PCNA)* and the *Conflict Analysis Framework (CAF)* of the World Bank; *Review & Analysis: Needs Assessment in Post-Conflict Situations*; and *Dealing*

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with *Post-Conflict Needs Assessments: Recommendations for Decision-makers from International Agencies and Concerned Governments* (see Box 1 for full bibliographic data of works reviewed). More broadly, we familiarized ourselves with the United Nations Development Programme's (UNDP) *Conflict-related Development Analysis*; the *Common Inter-Agency Framework for Conflict Analysis in Transition*; *Conflict-sensitive Approaches to Development, Humanitarian Assistance and Peace Building*, produced by a group of non-governmental organizations; and the UK Government's *Conducting Conflict Assessments: Guidance Notes*.⁵

Two matters commanded our attention.

- 1) Are the means of analysis used in assessing security concerns internally sound? That is, are the means of collecting, interpreting and making use of data aligned correctly to the goal of producing assessments of conflict dynamics and security needs in both a development and a security context?
- 2) Can conflict analyses and security assessments, as now conducted, make explicit the concepts, premises, practices and forms of organization within a community, so that the effectiveness of potential policy actions can be accurately judged?

These questions pertain to the focus and state of Joint Assessment Missions' research methods. They do not address the political or technical arrangements needed to make Missions happen, their costs, time frames, personnel requirements or other organizational issues. We are concerned specifically with the value of the knowledge produced on security and small arms for the benefit of advising policy.

Two conclusions were reached. First, the conflict analysis tools of both the World Bank and the UN share a lack of conceptual clarity regarding conflict and security. By treating conflict as a dynamic between or among communal groupings, they are unable to map the internal security problems suffered by communities. Many security problems cannot be discovered through conflict analysis, such as rape, criminality, domestic abuse, intimidation by police or state forces, threats from indigenous non-state actors, religious persecution or violent social stigma.⁶ Furthermore, in using these tools, Joint Assessment

By treating conflict as a dynamic between or among communal groupings, the tools are unable to map the internal security problems suffered by communities.

Missions will systematically fail to note how local security problems can function as motives for engaging in conflict as a means of ensuring or creating security.⁷ Security, as a concern of its own and independent from conflict, remains omitted from World Bank analysis for mandate reasons, and addressed in an unsystematic way within the UNDP.⁸

Second, the research designs that support conflict analysis (the *Conflict Analysis Framework* and *Conflict-related Development Analysis*) have problems of internal soundness. Taxonomies and variables are not conceptually distinct and, more importantly, are not structured as an investigation into conflict or security problems as they are understood by community members themselves. The research design uses a priori variables and indicators. These effectively mask the distinctiveness of social systems, which is crucial to understanding them.⁹ This failing means that, however reasonable current assessment methods may seem, they remain insufficient for determining whether proposed activities will be locally successful. Synthesis can deal only with the elements that analysis has disclosed. And if the analysis is not faithful to the social system under investigation, then the findings used to support recovery projects will necessarily be insufficient.

Meanings and methods in conflict analysis and security needs assessments

In 2001, the same year that the PoA was negotiated, the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD) wrote that, "[p]eace

and conflict impact analysis, and risk and vulnerability assessments, should be mainstreamed to become as common as cost-benefit analysis ... donors have been encouraged to continue efforts to develop improved conflict and risk analysis and impact assessments.”¹⁰ The United Nations Secretary-General also released his report on *The Prevention of Armed Conflict*, in which development agencies (UNDP special among them) were recognized as key players in conflict prevention work.¹¹ The events of 11 September 2001 then cast their shadow on the importance of this work, and conflict prevention, conflict analysis and post-conflict recovery were put confidently on the map of organizational priorities. An array of conflict analysis tools was rapidly developed by and in support of development agencies. Conflict analysis was to lead to conflict-sensitive approaches to development and humanitarian assistance, so that development aid could follow the doctrine of “do no harm”, that is, avoid any unintended negative impacts on conflict of development and other interventions.¹²

The first Joint Assessment Mission took place in 2003, and they have proved influential ever since. For example, United Nations Security Council resolution 1590 (2005), on establishing a UN Joint Assessment Mission in Sudan for an initial six-month period:

*Urges the Joint Assessment Mission of the United Nations, the World Bank, and the parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of Sudan, including official development assistance and trade access, to be implemented once implementation of the Comprehensive Peace Agreement begins, and welcomes the initiative of the Government of Norway to convene an international donors’ conference for the reconstruction and economic development of Sudan, and urges the international community accordingly to donate generously, including to address the needs of internally displaced persons and refugees[.]*¹³

The resolution includes the requirement that the Joint Assessment Mission “prepare for the rapid delivery of an assistance package ... including official development assistance”. This reference to official development assistance has special resonance because of the OECD’s decision on 3 March 2005 to include “civilian activities for peace-building, conflict prevention and conflict resolution,” as well as “controlling, preventing and reducing the proliferation of small arms and light weapons” into official development aid budgets.¹⁴ Joint Assessment Missions will inevitably soon need to address small arms concerns in the context of both conflict *and* security.

The development–security link has now been recognized by the UN and the OECD; the time has come for the gap to be closed in their research tools. Leonhard and Hahn’s detailed and well-documented study, *Review & Analysis: Needs Assessments in Post-Conflict Situations* (hereafter called *Review & Analysis*) is based on comparative studies of Joint Assessment Missions conducted in Timor-Leste, Afghanistan, Sri Lanka, Iraq and Liberia. It notes how “it was remarkable that although various general lessons could be derived from the approaches reviewed, only very few methodologies and tools were found to be useful and applicable to PCNA. Great effort still needs to be put into outlining innovative and suitable PCNA tools. Hence developing methodologies for post-conflict settings cannot be a one-time exercise resulting in an unalterable handbook. Rather, it should be seen as an ongoing process of adding to and refining a PCNA approach based on feedback from the field and complementary research.”¹⁵

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Regarding the centrality of conflict analysis to JAMs, they write:

...methods for conflict analysis ... are seen as a prerequisite of any PCNA. Conflict analysis focuses on the developmental causes of conflict and helps agencies to develop strategies to

address them. ...While conflict analysis itself is not a planning tool, it provides essential information for setting objectives and developing recovery strategies in a post-conflict situation.¹⁶

The World Bank's *Conflict Analysis Framework* is the foundation tool for the PCNAs carried out by Joint Assessment Missions. It comprises six categories of variables, namely, social and ethnic relations, governance and political institutions, human rights and security, economic structure and performance, environment and natural resources and external factors. For each of the six categories, a series of variables is provided that purport to be "indicators of warning", "indicators of escalation", or "indicators of de-escalation." These are listed in detail in "Appendix C: Guide to Variables". For example, under the social and ethnic relations category, a variable is listed called "culture/tradition of violence", in which "carrying arms seen as a cultural tradition" is deemed an indicator of warning, "carrying arms increasingly glorified and encouraged" is an indicator of escalation and "discouraging of carrying arms" is an indicator of de-escalation. There are 30 such variables in total and many more indicators.

The *Framework* attempts to be flexible and comprehensive, but in so doing it leaves the actual analytic process—that is, the series of steps one undertakes to turn observations into meaningful and verifiable explanations of social phenomena—quite unclear. The World Bank "recognizes that each situation exhibits unique characteristics, and that country knowledge of teams is important in determining linkages. The team conducting conflict analysis should translate the generic variables presented in the framework to its specific situation...". While such sensitivity to local variation is both positive and important, approached in this way it means that the basis upon which an assessment team is to answer its questions is not specified. The *CAF* does provide a list of ten steps researchers are to follow (see pages 8–9 of the *Framework*), but they are inadequate for rigorous analysis. How does one "translate" a variable "into the local context," as one step instructs researchers? How does one conduct a brief analysis of history or determine the level of "impact of the variable on conflict"?

Moreover, the variables and indicators of intensity in the framework are inappropriate because they derive from a conceptualization of conflict that is external to the communities being studied and assisted. The variables and indicators are more likely to reflect the perspectives of those who developed them than the communities to which they are being applied. Consequently, as illustrated below, this method systematically prevents researchers from understanding a social world from the perspective of the stakeholders themselves. Analyses created in this way tend to confirm, and conform to, researchers' own assumptions about how the social world under investigation operates, while keeping realities of that world from view.

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This approach is partly what complicates the distinction between conflict and security matters. In the example used above, the "glorification of carrying weapons" can only be viewed as an indicator of escalation of conflict if the social practice is the result of, or is directed toward, relations with an exogenous community (as the *Conflict Analysis Framework* assumes). Yet a corpus of anthropologic and ethnographic research makes clear that gender relationships, tribal hunting rituals, celebration, evidence of wealth and numerous other motives can all account for carrying and glorifying weapons. Few of these have anything to do with intercommunal conflict, and may not relate to security either.¹⁷ Another example is the variable "pre-existing social and economic divisions causing increased tensions between groups". Though it may seem entirely reasonable that social and economic divisions are an inherent source of tension among communities, it is equally reasonable that, from another viewpoint, this is not the case. Divisions may not necessarily lead to tensions, nor may the issue of division constitute a concern in all social worlds. Illustrative examples abound, and they are not newly discovered or argued. Georg Simmel wrote in 1904 that:

The social system of India rests not only upon the hierarchy of the castes but also directly upon their reciprocal repulsion. Enmities not merely prevent gradual disappearance of the

boundaries within the society — and for this reason the enmities may be consciously promoted, as guarantee of the existing social constitution — but more than this the enmities are directly productive sociologically. They give classes and personalities their position towards each other, which they would not have found if these objective causes of hostility had been present and effective in precisely the same way, but had not been accompanied by the feeling of enmity.¹⁸

Simmel's observations help to explain how identity is reciprocally defined and often protected through deliberate social divisions. Far from an absolute source of violence, as the CAF presumes (and then reifies into a "variable" to be measured on an ordinal scale), the protection of the caste difference in India provides social stability. That this counter-example is specific to India and not, say, to Honduras, further proves the point that social systems are distinct and that meaningful analysis of them cannot be conducted through an a priori list of indicators. If space were available, we could provide similar counter-examples for each of the variables listed for conflict analysis, including those listed in the annexes to the PCNA, because all suffer the same conceptual flaw. What is needed to overcome this problem is a research design structured around the goal of making explicit the orienting concepts, values and practices of a given community. This approach would allow data collection, interpretation and theory-building to be mutually reciprocal and supportive.

THE BENEFITS OF INTERPRETIVE RESEARCH

There is room for optimism that high-level actors are coming to appreciate the centrality of local, cultural understandings to the design and planning of policy and implementation. The United Kingdom's influential and highly regarded report, *Our Common Interest: Report of the Commission for Africa*, dedicated all of chapter 3 to the central importance of culture, and did not mince its words when it wrote that "...one of the African Commissioners warned us all that ideas and actions not premised on the cultures of Africa would not work" and that "[t]his chapter demonstrates the wisdom of that warning...". "Culture could not be some bolt-on extra to our enterprise, or a dutiful nod to a worthy ideal. We were determined to build it into our process."¹⁹ The need for better local knowledge was also appreciated in the report of the UN Secretary-General's High-Level Panel, *A More Secure World*, where it was observed that "the Secretary-General's access to local analysis of conflict is sharply limited. Greater interaction by United Nations political, peacekeeping and humanitarian departments with outside sources of early-warning information and of local knowledge of conflicts would enhance United Nations conflict management. ... United Nations policy sections should engage more actively with local sources of knowledge and outside sources of research".²⁰

There is room for optimism that high-level actors are coming to appreciate the centrality of local, cultural understandings to the design and planning of policy and implementation.

An excellent if unexpected example of this engagement with local concepts and perceptions comes from the Center for the Advancement of Collaborative Strategies in Health at the New York Academy of Medicine. The 2004 paper, *Redefining Readiness: Terrorism Planning Through the Eyes of the Public*, is an ethnography of Americans and how they would respond to government instructions in two hypothetical terrorist incidents. We choose this illustrative study for three reasons: it is recent, it is security-related and not about conflict dynamics, and it is a study by Americans on Americans. This is a case of Americans failing to understand other Americans, demonstrating that "participatory research" workshops with "local stakeholders" such as government officials cannot necessarily generate the kind of data required to understand broader, sociological phenomena that impact upon security. There is every reason to believe that such a verifiable distance between assumptions about a social system and its manifest reality exists all around the world.

As the author explains quite well, "...the plans currently being developed to deal with [two hypothetical terrorist attacks in the US] are based on expert *assumptions* about what people would be concerned about and how they would behave. If planners' assumptions about the public are wrong—as they have been in the past—the plans being developed will not work as expected, and a large number of people who should be protected will be unnecessarily harmed."²¹ In a word, "looking at preparedness planning through the public's eyes redefines the notion of protection",²² hence the title to the report. What the researchers found was that the assumptions made by American officials to protect the public were reasonable, but they were as reasonable as they were incorrect.

Current conflict analysis methods are unable to provide the insight into distinct social systems that could help policy makers make informed decisions about priorities and needs associated with security, because they are not designed to do so. The taxonomies and the a priori variables intended to have universal applicability are ultimately undermining to the development of research strategies that could explain local security problems according to community members and how and why they are experienced. A new approach is needed to allow researchers to feed currently overlooked and crucial areas of information into the Joint Assessment Mission process, so that security and conflict are accurately assessed and the core goals of the UN PoA can be advanced.

* * *

In the present version of the *PCNA*, there is a page called "What indicators tell us about the wind" (p. 117). Adding a refreshing touch of levity to a complex and difficult task, the page nevertheless carries a significant point about how the UNDP, World Bank and United Nations Development Group (UNDG) understand indicators and their job of analysis. It begins with a poem:

Who has seen the wind?
Neither you nor I.
But where the trees bow down their heads,
The wind is passing by.

The Wind, Christina Rossetti, 1830–1894

The wind, of course, is a metaphor for "causality", which is treated by poet and analyst alike as invisible and inexplicable. The *PCNA* authors write that "[i]ndicators ... can tell us that a change we are interested in is happening. And indicators can be framed in a way that is most relevant to us. But they cannot explain why and how that change occurs. They can tell us the wind is blowing, but not why, to what effect or what we should do about it."²³ Based on this view, one can conclude that these institutions have simply given up on trying to understand why social phenomena like conflict, security or insecurity, take place.

In the same spirit, we would like to respond with another poem, one that challenges this notion that we can just divide up the world into indicators and assume, in the end, that we have understood what holds it all together:

To understand the living whole
They start by driving out the soul;
They count the parts, and when all's done,
Alas! the spirit-bond is gone.

J.W. von Goethe, *Faust: Part I*

We would be pushing the matter to say it is a deal with the devil to follow this line of thinking, but the temptation exists. As a way forward, we suggest the development of a protocol for security needs assessments that is, in the first and last instance, concerned with discovering the underlying premises informing stakeholders' practices and beliefs around security in general, and small arms in particular. We cannot investigate Goethe's "spirit-bond". What we can do is understand how and why social systems function as they do based on the communicative practices they share.

The protocol begins by recognizing that security does not have one meaning for all people. What makes us secure, how we act to make ourselves secure and what we are willing to do and not do for security differs from place to place and changes through time. The meanings that a community gives to "security" affect how it organizes, enacts and interprets its environment and responds to it. Therefore, what "is" in the world (premises of belief) and what is "good" in it (premises of value) vary radically—even for communities that face remarkably similar structural problems, like poverty, poor governance and high availability of small arms. This is why structural problems are not causal, and therefore examining structural problems is not enough—because their social meaning varies, as does the means of coping.

Understanding that different societies respond to structural realities (such as the availability of guns) differently means that problems of security and small arms can be framed specifically to allow us not only to discover what local security concerns may be but, crucially, *why*. We cannot list a series of variables to investigate why social activity happens as it does precisely because, on setting out, we do not know what ideas or practices might be associated with these activities. What we need is a turn toward interpretive research, which targets the meaning of social action (or practices) rather than aims to measure actions or to use the occurrence of events that we think might be indicative as proof of the theories we hold. We need to understand how distinct social systems function on their own terms.

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A way to begin this analysis is to suspect, not unlike the *Conflict Analysis Framework* and its six "categories", that a general concept of security exists in a given community. But then, unlike the *CAF*, we ask if this is so. Rather than reifying the findings produced by this line of questioning as fixed categories for analysis, we use them as analytical "turn keys" to investigate a cultural and social phenomenon as it is locally experienced. As Nietzsche would have it, we need to take a suspecting glance at our presumptions about security so we can move past them. We must presume that our initial categories are likely to be wrong, or at least insufficient, so in probing local responses and questioning our own frames of reference, newer and better categories will reveal themselves. Thus, better plans for action can be laid based on local meanings for social actions like shooting civilians or abusing children. The stakes are very high.

Appreciating the broad range of cultural expressions that "security" can have, and the range of meanings that can be associated with "small arms," our protocol approaches security needs assessment from an assumptive base of four points that take social action and meaning well into account, and that are significantly different from those of the World Bank's *CAF* and the UN's *PCNA*. We believe that an investigation into security needs based on this approach could fill gaps in the current methodology and even correct problems. Clearly, the Joint Assessment Mission process is already "heavy" in terms of logistics, sectoral analyses, personnel and the like. We are not therefore recommending a new small arms component, but rather a new overall approach to studying security needs to complement the sectoral approach.

First, *all social action is organized, produced and interpreted according to some patterned system of premises internal to it.*²⁴ For people to act together, or to make sense of the world, they must have certain premises in common that allow for the negotiation of meaning.²⁵ All social action is sustained

and made meaningful by shared premises about it, though generally these are not explicit among the community that shares them. Indeed, because they are shared, they are harder to make explicit. Gender roles are an example of shared, implicit premises. Patterned behaviour toward and the differentiation of men and women in society necessitate socially shared premises about how men and women should function. Are they fighters or not? Do women fight with the men or alone? Armed or not armed? Against whom? Why?

Second, *social action may vary in form (i.e. what is done) or meaning (i.e. why it is done) or both, from community to community*. Many social acts may look identical, but their meaning, and what they do in each society, can differ dramatically. In the streets of Rio, the mountains of Yemen, the bush in Congo, or the barrios of Los Angeles, a 15-year-old boy might carry a pistol. But the meaning of that action can be profoundly different. Guns can be carried in rebellion or defence, as objects of violence or status, in fear or in pride. Taking that gun away, therefore, is an act that will also have incredibly different meanings for each of the four boys, and will create different consequences for them and for those who try to take the guns.

Third, even though social action varies from place to place, and is not always readily understandable to people from outside the community, *systems of action, organization, and meaning are still understandable (i.e. observable, describable and interpretable) by non-members through sustained and systematic cultural analysis*. The social world of each of these four 15-year-olds is explicable, even if it is not known from the outset. We can learn how a social world exists, make it intelligible to policy makers and field practitioners, and then use that knowledge to make reasonable and considered claims about the likely consequences of policies.

Fourth, and finally, *successfully influencing the way things are done or understood in another community in an ethical and sustainable way requires some sense of these native meanings about social action, and in this case, as that relates to “security” in particular*. This directs attention to the everyday terms and phrases used by locals to conceive of and evaluate their conditions; to everyday practices that organize their typical routines around “security”; and to events that run smoothly and those that are conflicted or contested as they pertain to security. Data collection comes from detailed observations of scenes identified by locals as significant and important; detailed conversations in and about those scenes; and interviews with key players.²⁶

Clearly, this approach assumes that implementing agencies, just like local communities, have their own means of making sense of security and small arms matters, which may or may not have applicability and legitimacy to local stakeholders. As discussed above, specifying and mapping the guiding assumptions evident in implementing agencies’ use of security concepts is therefore also necessary. Comparative analysis can then bridge the gap between standing agency practices and local stakeholder needs. It can provide the basis for a re-evaluation and refinement of implementing agencies’ guiding assumptions, practices and methods in attending to security concerns around the globe.

Additionally, through the discovery of local systems of belief and organization around security and small arms, implementing agencies and donors can:

- understand problems as they are understood by community members themselves;
- gain access to local security strategies that may otherwise be invisible from the vantage points of the implementing agencies, donor governments, or other non-community members;
- develop security-related policies that are responsive to local needs and ways of creating security rather than imposing otherwise reasonable solutions that are not culturally grounded (and thereby have no basis for knowing why they might work); and
- formulate policy more likely to have traction among community members.

We believe such an approach would be a major contribution to advancing the goals of the UN Programme of Action and peace-building activities. Taking this approach within the constraints of the Joint Assessment Mission process will allow agencies to generate explicit community-level knowledge about actual security needs in a rapid, rigorous and systematic manner; to create a transparent means of interpreting local findings for the benefit of project design and planning by agencies; and to negotiate findings with standing agency practices and programmes to provide vital information that is now wanting on which to build security-related projects. Should this agenda be advanced, donor governments, implementing agencies and, importantly, local national governments will be better positioned to see, understand and find an effective response to the security problems being suffered in different communities.

Box 1. Post-conflict needs assessment works reviewed

United Nations Development Programme, World Bank and United Nations Development Group, 2004, *Practical Guide to Multilateral Needs Assessments in Post-Conflict Situations*, August, at <www.undg.org/content.cfm?id=1243>.

World Bank, 2005, *Conflict Analysis Framework*, April, at <siteresources.worldbank.org/INTCPR/214574-1112883508044/20657757/CAFApril2005.pdf>.

Bureau for Crisis Prevention & Recovery, UNDP, 2003, *Conflict-related Development Analysis*, UNDP, October, at <www.undp.org/bcpr/conflict_prevention/ca_note%20_2_.pdf>.

UK Department for International Development, 2002, *Conducting Conflict Assessments: Guidance Notes*, at <www.dfid.gov.uk/pubs/files/conflictassessmentguidance.pdf>.

FEWER, International Alert and Safer World, 2003, *Conflict Sensitive Approaches to Development, Humanitarian Assistance and Peace Building: Tools for Peace and Conflict Impact Assessment. Resource Pack*, at <www.conflictsensitivity.org/resource_pack.html>.

Common Inter-Agency Framework for Conflict Analysis in Transition, November 2004, at <www.undg.org/documents/5329-Common_Inter-Agency-Framework_for_Conflict_Analysis_in_Transition.doc>.

U. Kievelitz, 2004, *Dealing with Post-conflict Needs Assessments: Recommendations for Decision-makers from International Agencies and Concerned Governments*, Policy Paper, Working Paper no. 11, GTZ for UNDP, World Bank and UNDG, April, at <www.undg.org/documents/5568-Dealing_with_Post-Conflict_Needs_Assessments_Recommendations_for_Decision-makers.pdf>.

M. Leonhard and H. Hahn, 2004, *Review & Analysis: Needs Assessment in Post-Conflict Situations*, UNDP, World Bank, UNDG and GTZ, August, at <www.undg.org/documents/4939-Review__Analysis__Needs_Assessments_in_Post-Conflict_Situations.pdf>.

Notes

1. Small arms is used to refer broadly to all small arms, light weapons and their relevant ammunition.
2. PoA, paragraph 2, in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15, pp. 7–17, also at <disarmament2.un.org/cab/poa.html>.

3. UNIDIR's Elli Kytömäki and Valerie Yankey-Wayne, in *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the Reports Submitted by states in 2003* (2004, Geneva, UNIDIR), list ten specific activity areas that states are to advance. These are: national points of contact; national laws and regulations on small arms and light weapons; criminalizing illicit activities; export, import, and transit controls; marking, record keeping and tracing; brokering controls; collection and destruction; disarmament, demobilization and reintegration; stockpile management and security; public awareness and confidence-building.
4. E. Kytömäki and V. Yankey-Wayne, forthcoming, *Implementing the UN Programme of Action on Small Arms: Analysis of the National Reports submitted in 2002–2005*, Geneva, UNIDIR.
5. The UK Department for International Development's conflict assessment methodology is important because the World Bank has used it as a basis to conduct strategic conflict assessments. See Dirk Reinermann, 2003, "Nigeria Strategic Conflict Assessment: Methodology, Key Findings and Lessons Learnt", *Social Development Note* no. 83 and *CPR Dissemination Note* no. 11, May, at <siteresources.worldbank.org/INTRANETSOCIALDEVELOPMENT/214578-1111661180807/20488033/SDN83CPR11.pdf>.
6. It is noted that many of these problems can be the result of conflict. Our point is that these security problems can exist outside of conflict situations.
7. We are not defining conflict in this way, rather we are deriving the definition from our observation of the term "conflict" as used by the agency documents we have studied.
8. UNDP's work on security-related matters, e.g. the work of the Small Arms Unit, which is part of the Bureau for Crisis Prevention & Recovery, however, demonstrates an evident capacity to address security issues. It could mature into a leading organization addressing community-level security concerns in the future.
9. It is entirely possible for local researchers to ignore or overcome certain problems inherent in their mandates by creative thinking and innovation. However, these activities are seldom documented, and they do not overcome the more structural concern of insufficient guiding strategies.
10. OECD, 2001, *The DAC Guidelines: Helping Prevent Violent Conflict*, OECD, p. 32, at <www.oecd.org/dataoecd/15/54/1886146.pdf>.
11. *Report of the Secretary-General, Prevention of Armed Conflict*, UN document A/55/985-S/2001/574, 7 June 2001.
12. See M.B. Anderson, 1999, *Do No Harm. How Aid Can Support Peace or War*. Boulder, CO, Lynne Rienner.
13. Adopted 24 March 2005, UN document number S/RES/1590(2005), available at <www.un.org/News/Press/docs/2005/sc8343.doc.htm>.
14. OECD, 2005, *Conflict Prevention and Peace Building: What Counts As ODA?* 3 March, at <www.oecd.org/dataoecd/32/32/34535173.pdf>.
15. *Review & Analysis*, Executive Summary, p. 3.
16. *Review & Analysis*, Executive Summary, p. 3.
17. *The Journal of African History* published a series of detailed studies on small arms in Africa in 1971 including "Firearms in Central Sudan" and "Firearms in South-Central Africa". *The Journal of Pacific History* published articles on "Firearms and Indigenous Warfare" as early as 1974. See also the Human Relation Area Files at Yale University, at <www.yale.edu/hraf> and the American Museum Sourcebooks in Anthropology, published by the Natural History Press in the late 1960s and edited by Paul Bohannon—each sourcebook has an excellent and still timely bibliography of comparative studies of distinct social systems.
18. G. Simmel, 1904, "The Sociology of Conflict I", *American Journal of Sociology*, vol. 9, no. 4, p. 492.
19. The Commission explains culture as being "shared patterns of identity, symbolic meaning, aspiration, and ... about the relationships between ideas and perspectives, about self-respect and a sense of security, about how individuals are socialised and values are formed and transmitted". UK Commission for Africa, 2005, *Our Common Interest: Report of the Commission for Africa*, March, at <www.commissionforafrica.org/english/report/introduction.html>.
20. *A More Secure World: Our Shared Responsibility. Report of the High-level Panel on Threats, Challenges and Change*, UN document A/59/565, 2 December 2004, p. 37, paragraph 99, at <www.un.org/secureworld>.
21. R.D. Lazkar, 2004, *Redefining Readiness: Terrorism Planning Through the Eyes of the Public*, New York, The New York Academy of Medicine, p. i, at <www.cacsh.org/pdf/RedefiningReadinessStudy.pdf>.
22. *Ibid.*, p. v.
23. PCNA, annex 33, p. 117, at <www.undg.org/content.cfm?id=1243>.
24. D. Carbaugh, 1995, "The ethnographic communication theory of Gerry Philipsen and associates". In D.P. Cushman and B. Kovacic (eds), *Watershed Research Traditions in Human Communication Theory*, Albany, State University of New York Press, pp. 269–298.
25. See J. Bruner, 1990, *Acts of Meaning*, Cambridge, MA, Harvard University Press, for a discussion of the difference between processing information and constructing meaning by individuals and groups.
26. Inspired by D. Carbaugh, 2005, *Cultures in Conversation*, Mahwah, NJ, Lawrence Erlbaum Associates.

Disarmament, development and the Programme of Action: experiences and challenges on the ground

Shukuko KOYAMA

The international community has become increasingly aware of links between disarmament and development. Since the early 1990s, the “security-first” concept has shown the international community that development cannot happen without building security in affected societies.¹ More recently, the United Nations Secretary-General has stated that “the accumulation and proliferation of small arms and light weapons continues to be a serious threat to peace, stability and sustainable development”.² At the Second Biennial Meeting of States (BMS) 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 (hereafter the Programme of Action), the assistance community provided empirical evidence of the direct and indirect implications of small arms proliferation for human development.³ Their detailed accounts showed how small arms hamper the international community’s efforts toward the Millennium Development Goals (MDGs).⁴

Successful disarmament is a factor of development, but development is also key to successful disarmament. Having recognized this direct link to development, the international community has supported weapon collection projects that are tied to community-based development schemes.⁵ The United Nations Institute for Disarmament Research (UNIDIR) conducted studies of these increasingly popular schemes of weapons in exchange for development in three post-crisis societies, Albania, Cambodia and Mali, between 2002 and 2004. These assessments of past and ongoing weapon collection programmes illustrate how the development component contributes to achieving sustainable disarmament at the community level.

At the 2005 BMS, Member States’ reports tended to concentrate on national governments’ efforts on implementing technical aspects of the Programme of Action, such as marking, tracing and storage. But it is also useful to examine disarmament and development efforts, and how they are reinforcing one another to bring more sustainable human development. This article uses material from the UNIDIR assessments to supplement these technical reports with detailed accounts demonstrating the active interplay between development and disarmament at the community level, and the impacts of disarmament programmes on human development in affected societies.

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Development issues in the Programme of Action

The interdependence between development and disarmament has been well recognized at the policy level. The Programme of Action draws on an array of global, regional and national strategies to curb the illicit trade in small arms and light weapons, and focuses on the technical aspects such as marking, tracing, stockpile management, collection and destruction of weapons; but it also presents another dimension, that of achieving peace and human development by addressing weapons proliferation. Paragraph 2, in the preamble, expresses states' concern about "the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world, which have a wide range of humanitarian and socio-economic consequences and pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels"; paragraph 3 expresses concern about "the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects" and in section III, paragraph 17, states are encouraged to make "greater efforts to address problems related to human and sustainable development, taking into account existing and future social and development activities".

Although the Programme of Action's references to development issues are limited, development and humanitarian agencies are increasingly addressing the human development dimension of the small arms issue. Since the Small Arms Conference of 2001, the international community has accepted

The international community has accepted the norm that successful disarmament is a precondition for development.

the norm that successful disarmament is a precondition for development. Consequently, assistance agencies and the donor community have engaged in bringing the two issues together. For example, the Organisation for Economic Co-operation and Development's Development Assistance Committee has approved the use of official development assistance for the control and prevention of, and reduction in the proliferation of small arms and light weapons.⁶ Awareness of the link between disarmament and development has grown since the first BMS in 2003. At the 2005 BMS, the UN Coordinating Action on Small Arms (CASA)⁷ stated that small arms are a development issue and emphasized the crucial role of the development community.⁸ Individual agencies also presented empirical examples of their engagement in addressing the development needs of affected communities through disarmament-related activities, including community policing in refugee camps and reintegration support for ex-combatants and their dependants.⁹ The link between disarmament and development has thus not only been recognized at policy level, it has translated into a wide array of international development and humanitarian activities.

Development experience on the ground

The link between disarmament and development is even more apparent among affected local communities. Indeed, for many it is obvious: development is security. The proliferation of weapons in society instils fear, thus cutting off access, in particular that of women and girls, to commercial trades and social welfare facilities such as schools and hospitals; abandoned ammunition contaminates the environment; all the impacts of small arms and light weapons—direct and indirect—impede affected states from attaining the MDGs. Having survived conflict, and enduring post-crisis conditions, the local population feels an urgent need to reduce weapons circulating in society in order to bring human development to their communities.¹⁰ The people who participated in the UNIDIR assessments in Albania, Cambodia and Mali agreed that development itself means security for them, because they consider poverty a major cause of violence and, for some people, a driving factor in taking up weapons.¹¹

The testimonials of participants in the countries studied also show that they recognize that the ultimate goal of weapon collection is peace-building, rather than a straightforward reduction in the number of weapons circulating.¹² Some critics suggest that local communities hand over weapons purely in return for incentives—the development projects. However, in most of the community-based voluntary weapon collection schemes studied, the initial and major motivation was to bring peace and security to the community.¹³ Expectations of and prospects for a better future for the local people motivated the surrender and collection of weapons. Development projects are regarded by the local people as a way of preventing men from taking up their guns again, particularly as many believe that men take up arms in part because of a lack of job opportunities. This shows that development, especially its intangible, psychological aspect, is not only a result of successful disarmament, but, more importantly, it is crucial to the implementation of successful disarmament in post-crisis society.

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The significant role of development raises the question of whether post-crisis disarmament schemes do any good for local development on the ground. The answer is mixed. The overall reaction of interviewees to the development component of weapon collection is positive. First, they regard development projects provided in exchange for collection weapons as a catalyst for further investment and development. While they are aware that the provision of one, sole development project does not automatically improve livelihoods in their community, they perceive that this initial development project brought by the weapon collection scheme triggered other development agencies to bring further assistance and inspired the business sector to invest in their community.

Second, the development project can play a crucial role in transferring technical knowledge to local community members, mostly adult men, through labour (such as road and well construction). When comparing development projects that contracted external construction companies and those that contracted local communities for labour, the latter projects were more highly evaluated by locals, because those projects provided male community members with skills and knowledge that were useful for reconstructing the infrastructure of their community.¹⁴

The international community has often been critical of weapons in exchange for development schemes, because of their relatively high project budget and the lack of appropriate indicators to measure the cost-effectiveness of the projects.¹⁵ However, it is just these intangible contributions that the local people acknowledge as the positive impacts of development projects, rather than quantitative results such as the number of weapons collected.

PARTICIPATION AS A KEY TO EFFECTIVE WEAPON COLLECTION

Involving people is key to successfully moving on to peace- and confidence-building in post-crisis reconstruction. The UNIDIR assessments of weapon collection in exchange for development projects found the level of local people's satisfaction with project results to be in direct proportion to the degree of their participation. Naturally, people tend to evaluate positively the projects in which they took part as decision-maker, weapon collector or participant at public weapon destruction events. Yet the reason for this positive assessment is not simply the high degree of local participation. For community members, local participation has three practical functions: accurate needs assessment, verification of the weapon collection process and the assurance of transparency.

For many development projects, needs assessments are carried out in a short period of time without sufficient community consultation, due to financial and time constraints (see the following

section). As a result, projects often overlook the needs of social minorities such as women. In contrast, projects preceded by regular community meetings received more positive evaluation by community members. In a rural village in Cambodia, for example, community leaders, village chiefs and programme managers organized several community meetings and consulted community members when identifying the most vital development investments.¹⁶ Even more important, after having decided to build water wells, they again went through consultation on the location of the wells. Location was significant: if the water wells were not distributed evenly over the community, they could provoke disputes among community members. Thorough consultation prevented potential conflict. This prevention of conflict is why local people appreciate participation in the early stage of weapon collection projects.

Local participation is equally crucial at the collection, storage, transfer and destruction phases because of its verification function. In societies in crisis, distrust of the state security sector often prevails. Local people prefer to store collected weapons in the vicinity of the community, such as in a community leader's storehouse, than in a remote police or military warehouse. Wary of a leak of collected weapons by criminals and state security officers, the local people prefer to keep records of the number of weapons with their chief. By doing so, they can double-check the number of weapons collected and the number transferred to a destruction site or the next storage site. Finally, the community prefers that public destruction events take place in their own community. The international community tends to attribute the strong support of local people for public destruction events to the symbolic meaning of such events. But in fact, for local people, witnessing the actual destruction of the weapons collected, ensuring that they are not leaked and will not be re-used by criminals and state security agencies, is just as important as the event's symbolism. Local participation is not simply to demonstrate people-centred disarmament. Their participation in post-crisis disarmament ensures and demonstrates the transparency of the disarmament process.

Challenges for the practice of disarmament and development

DISARMAMENT AND DEVELOPMENT, NOT DISARMAMENT OR DEVELOPMENT

The success of these projects does not mean to say that disarmament and development projects do not face challenges on the ground. On the contrary, the disarmament and development communities both need to overcome several obstacles at the technical and policy levels. Managers of weapons for

Projects are usually given 6–12 months for completion. This time schedule is unrealistic if programmes are to secure the confidence of the local population, generate participation, and accurately assess local needs.

development programmes are well aware that longer-term commitment is necessary for success. Yet the donors' budgeting for weapon collection is often less flexible than it is for development assistance: projects are usually given 6–12 months for completion. This time schedule is unrealistic if programmes are to secure the confidence of the local population, generate participation, and accurately assess local needs and identify appropriate development projects. Under such circumstances,

local authorities are forced to make decisions in haste without consulting community members. The lack of flexibility and time thus leads to the exclusion of local community members and opportunities are missed that would benefit them.

Another frustration shared by disarmament programme managers is that although health and development agencies have been increasingly involved in small arms issues at the international policy level, this has not reached the country level. On the ground, development assistance agencies tend still not to be aware that disarmament is a development issue. As a result, coordination between

disarmament and development and health actors can be poor. There is a sense of competition rather than cooperation—of “disarmament or development”, rather than “disarmament and development”.

DISARMAMENT ACTIVITIES DISCOURAGING WOMEN’S EMPOWERMENT

UNIDIR’s empirical assessments suggest that gender issues are crucial, yet grossly neglected by the disarmament community. In recent years, there has been a growing literature on gender analysis of post-crisis disarmament, such as weapon collection and disarmament, and demobilization and reintegration of ex-combatants and their dependants¹⁷—although most of the literature is written by gender scholars, and it is hardly the case that gender issues have become mainstream in the disarmament community.¹⁸ Needless to say, opportunities in disarmament implementation abound to treat this issue in a serious and practical way, rather than as a nod to political correctness. The biggest challenge is the exclusion of women from the weapon collection project process. Although gender issues involve not only women, the effects of the project process on women merit particular attention.

Studies on post-conflict societies have widely reported women’s active roles in conflict resolution and peace-building.¹⁹ The UNIDIR assessments in Albania, Cambodia and Mali found that women contribute hugely to the success of weapon collection.²⁰ For instance, in all three cases, it was women and mothers at home who became the major sensitization activists, persuading community members to give up their weapons long before the official weapon collection scheme was in place. This sensitization activity provided women with opportunities to present their ability to negotiate with male family members, neighbours and local authorities. Also, many women gained self-confidence as they organized community meetings on the danger of keeping weapons in the household (in Mali), coordinated with the local police on community policing (in Albania) and privately encouraged their male family members to go into the forest and collect hidden weapons (in Cambodia). By leading the initial stage of the disarmament process, women were empowered and were recognized as active in society by other social groups in their communities, especially young people.

By leading the initial stage of the disarmament process, women were empowered. Once official weapon collection projects started, however, women were marginalized.

Once official weapon collection projects started, however, women were marginalized. First, women were barely involved in project design or planning of the weapon collection scheme. Although most assistance agencies do make efforts to involve community members, including women, by organizing community meetings, the actual turnout at meetings is mostly men, in particular, community leader figures. Moreover, there is sometimes a complete lack of gender awareness among project implementers. In a rural community of Cambodia, an international practitioner concluded that women in the community were not interested in disarmament because they did not participate in the community meetings organized by his agency.²¹ Yet this observation overlooks the constraints on women in attending these meetings: their workload at home, and the lack of means and funds to travel to the meetings.

Second, even when the participation of women was high, actual decisions were often made according to the preferences of community leaders (all of them male in all the communities visited by UNIDIR). There is a gap between what men and women prioritize in terms of development projects. Men prefer the provision of cattle, seeds and other products that generate income. In contrast, women prefer provision of social service facilities, for example a health care centre. The incentive projects ultimately given to communities were most often those preferred by men. So although women felt that their community leaders represented their voices, the final decision made by the leaders often did not reflect women’s interests.²² In a post-crisis society, everything is a priority. Yet on this list of priorities, the males’ demand often comes top.

Third, women's security concerns were not given priority. The security concerns of men and women differ, especially at the domestic level. Women and girls continue to feel insecure even after a large number of weapons have been collected. For them, reducing the number of weapons in circulation does not automatically lead to a decrease in insecurity, as until there is a law enforcement body capable of tackling domestic and sexually based violence they can remain threatened. Yet the building of law enforcement bodies (i.e. security sector reform) usually comes after weapon collection projects. One of the programme managers interviewed by UNIDIR admitted that the security needs of women are not best addressed by weapon collection schemes, but also pointed out that women's needs are not specifically included in programme mandates, and there is no provision in terms of resources.²³ This is an understandable practical constraint for the assistance community. Yet, in the meantime, women remain under threat until law enforcement bodies are reformed, which takes a painfully long time. As feminist scholar Cynthia Enloe points out, the attitude to women's security concerns tends to be one of "not now, later".²⁴ Ironically, the effort to bring about development has resulted in discouraging the empowerment of women, working *against* the Millennium Development Goal to "promote gender equality and empower women".

Conclusions

It is clear that disarmament and development are interconnected on the ground in at least three post-crisis countries, i.e. Albania, Cambodia and Mali. The relationship between disarmament programmes and development activities is a dynamic one, and ideally mutually beneficial. For instance, action on small arms contributes to the achievement of the MDGs. Community-based weapons for development projects trigger further development in a community. The field experience discussed in this article demonstrates concrete examples of the link between disarmament and development and illustrates the importance of strengthening this link to bring sustainable human development to post-crisis societies.

Policy makers from the disarmament and development communities have become increasingly aware of the link between the two issues. However, field experience also shows that linking disarmament and development policies does not automatically bring development on the ground. The link is not straightforward, and involves many nuances (for example, the gender aspects of security), which practitioners need to be aware of in order to reinforce disarmament and development efforts. While accepted at the policy level, this nuance is what the disarmament community is struggling to attune to on the ground. The challenges facing disarmament policy makers and practitioners are not new for those in the development community: it is familiar with problems like a lack of interagency coordination at the country level, and weak gender sensitivity in project implementation. In this sense, the disarmament community has many lessons to learn from the community of development.

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Where do we go from here? How can the 2006 Review Conference of the Programme of Action help practitioners? Given the interconnection between the disarmament and development issues, as well as the growing awareness of this linkage at the international policy level, what seems necessary for the international community is not norm-setting, but rather information gathering. A bottom-up approach is necessary to change people's minds on weapons, and to achieve sustainable human development. Poor and violence-prone communities already know the ingredients for peace and development in their own society—the international community does not have to reinvent the wheel. By learning from what communities and aid agencies have been doing in the field, at the local level, donors and governments can supplement and improve existing practice.

Notes

1. R. Poulton, and I. ag Youssouf, 1998, *A Peace of Timbuktu: Democratic Governance, Development and African Peacemaking*, Geneva, UNIDIR.
2. United Nations Secretary-General, 2005, *In Larger Freedom: Towards Security, Development and Human Rights for All: Report of the Secretary-General*, New York, United Nations, UN document A/59/2005, paragraph 120, at <www.un.org/largerfreedom>.
3. Peter Batchelor, Statement on Development Cooperation and Implementation, and Hazel de Wet, Statement on the Human Impact of SALW, to the Second 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, New York, 12 July 2005, at <www.un.org/events/smallarms2005/statements-reg-intlorgs.html>.
4. The MDGs are to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability, and develop a global partnership for development.
5. Different actors use different terms for such programmes involving weapon collection and the provision of development projects, such as “weapons for development”, “weapons in exchange for development”, and “weapons for peace”. For the purposes of this article, these terms are interchangeable.
6. OECD, 2005, *Conflict Prevention and Peace Building: What Counts As ODA?* 3 March, at <www.oecd.org/dataoecd/32/32/34535173.pdf>.
7. CASA was established in 1998 and includes the following United Nations departments and agencies: DDA, OCHA, DESA, DPA, DPKO, DPI, UNICEF, UNDP, OSRSG-CAAC, OHCHR, UNHCR, UNIDIR, UNODC, UNIFEM, WHO, UNEP.
8. Peter Batchelor, op. cit.
9. Hazel De Wet, op. cit.
10. G. Mugumya, 2004, *Exchanging Weapons for Development in Mali: Weapon Collection Programmes Assessed by Local People*, Geneva, UNIDIR; G. Mugumya, 2005(a), *Exchanging Weapons for Development in Cambodia: An Assessment of Different Weapon Collection Strategies by Local People*, Geneva, UNIDIR; G. Mugumya, 2005(b), *From Exchanging Weapons for Development to Security Sector Reform in Albania: Gaps and Grey Areas in Weapon Collection Programmes Assessed by Local People*, Geneva, UNIDIR.
11. Ibid.
12. Ibid.
13. Ibid.
14. It should be noted that women and young men do not have such opportunities to learn skills and knowledge from development projects.
15. For more detailed discussion on the indicators to measure weapon collection programmes, see S. Koyama, 2006, *Comparative Analysis of Evaluation Methodologies in Weapon Collection Programmes*, Geneva, UNIDIR.
16. G. Mugumya, 2005(a), op. cit.
17. V. Farr et al, 2002, *Gender Perspectives on Small Arms and Light Weapons: Regional and International Concerns*, Brief 24, Bonn International Conversion Center, at <www.bicc.de/publications/briefs/brief24/content.html>; E. Rehn and E. Johnson Sirleaf, 2002, *Women, War, and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building*, UNIFEM, October, at <www.unifem.undp.org/resources/assessment/index.html>; V. Farr and A. Schnabel (eds), forthcoming, *Gender Perspectives on Small Arms and Light Weapons*; and “Women, men, peace and security”, *Disarmament Forum*, no. 4, 2003.
18. Security Council resolution 1325 of 31 October 2000, UN document S/RES/1325, at <www.un.org/events/res_1325e.pdf> and the UN Department for Disarmament Affairs Gender Mainstreaming Action Plan, at <disarmament.un.org/gender.htm>. It should be noted, however, that these documents mainly concern mainstreaming “women”, rather than the issue of “gender”.
19. For example, see C. Moser and F. Clark (eds), 2001, *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence*, London, Zed Books; United Nations, *Report of the Secretary-General on Women, Peace and Security*, UN document S/2002/1154, 16 October 2002.
20. For more detailed accounts on women’s roles in weapon collection, see S. Koyama, 2005, “The relevance of women’s role in micro disarmament: the United Nations Institute for Disarmament Research (UNIDIR) case study in Mali”, in M. Vlachová and L. Biason (eds), *Women in an Insecure World: Violence against Women—Facts, Figures and Analysis*, Geneva, Geneva Centre for the Democratic Control of Armed Forces (DCAF); S. Koyama, forthcoming, “Just a matter of practicality: women’s relevance in weapons collection programmes” in V. Farr and A. Schnabel (eds), op. cit.
21. Interviews, Cambodia, April 2004.

22. G. Mugumya, 2004, 2005(a), 2005(b), op. cit.

23. Interviews, Albania, October 2003.

24. C. Enloe, 2001, *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*, Berkeley, CA, University of California Press, pp. 62–64.

The human dimension of the United Nations Programme of Action on Small Arms: the key role of Africa

Valerie YANKEY-WAYNE

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)¹ now stands as the central global agreement on the proliferation and misuse of small arms and light weapons (SALW).² Its ultimate goal is to create safer communities, free of small arms misuse. When it was agreed in 2001, critics concluded that the PoA had little to do with human insecurity: in the interest of compromise and consensus, commitments and norms relating to the human dimension of the impact of small arms had been either omitted or left frustratingly vague.

This human dimension of small arms control includes human rights, humanitarian and developmental issues, and crime prevention. And, despite its limitations, the PoA is quite comprehensive in scope. Its commitments in fact provide a framework for concerted and effective action to tackle the human insecurity engendered by SALW proliferation and misuse. The challenge we face is to make sure that this framework is translated into concrete action.

Africa is particularly well placed to demonstrate the indisputable presence of the human element in the PoA, both in its formulation and implementation. This paper examines the relevance of the political document to human insecurity by outlining how Africa's initiatives to address the human cost of SALW factored into the development of the PoA. It analyses some of the PoA's technical provisions and proposes a way forward for its translation into concrete action on the humanitarian impact of small arms.

How the human cost of unregulated small arms availability in Africa factored into the development of the PoA

THE HUMAN COST OF SMALL ARMS PRIOR TO THE POA

SALW pose an enormous humanitarian challenge, particularly in sub-Saharan Africa, where they are most commonly used in conflict, crime and human rights abuses. The proliferation, availability and indiscriminate use of SALW has destabilized regions; fuelled and prolonged conflicts; factored into

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igniting new conflicts; rendered conflicts more deadly; exacerbated the displacement of families and communities; undermined the value and dignity of life; fostered a culture of violence; obstructed relief and humanitarian efforts; undermined the promise of governance; facilitated state collapse; and impeded both peace-building and social and economic development.³

Conflicts in Africa became more widespread through the 1990s, and changed in nature. By 2000, over half the countries in the region had been directly or indirectly affected by conflict, and most were factional wars. These have no defined front line and fighting is frequently opportunistic rather than strategic. In order to sustain conflict, these wars deliberately seek to involve, exploit and control a significant proportion of the civilian population.

Children, the most vulnerable among vulnerable groups, have been targeted, abused, maimed, exploited as soldiers, starved and exposed to extreme brutality. Girls and boys as young as seven have been forcibly recruited to become combatants or have become soldiers simply in order to survive. Families and communities have been displaced, fleeing conflicts in the region. And some humanitarian organizations have withdrawn from certain territories because of the danger posed by armed hostilities, depriving of aid those living in the greatest danger.⁴

The increased availability of small arms in Africa has also contributed to the emergence of a culture of violence in both post-conflict communities and relatively peaceful communities, undermining good governance and peace-building. Dramatic changes have occurred in traditional pastoral communities. Traditional intercommunal competitions over resources among pastoralists have turned into deadly confrontations—armed raids to re-stock livestock, to acquire livestock for dowry payments and to exact revenge.⁵ See Box 1 for more on the cost of small arms.

Africa's lead in the development of the PoA

It is with these sobering facts in mind that Africa took the initiative in placing small arms on the regional and international agenda.

Africa's continental and subregional initiatives greatly contributed to negotiations in the development of the United Nations PoA.¹¹ In 1993, President Alpha Oumar Konare of Mali took the first notable

Box 1. The human cost of small arms prior to the PoA

- Almost four million people are estimated to have died in the Democratic Republic of the Congo (DRC) between 1998 and 2004.⁶
- Armed conflicts killed an estimated 2 million children, injured 6 million, traumatized over 10 million and left more than 1 million orphaned.⁷
- In South Africa in 2000, 699 children under 18 were killed by guns—an average of 2 youngsters a day.⁸
- Africa has the highest number of refugees: 3.6 million have fled their homes, and 3.3 million have sought asylum within Africa in 2001. Eight of the ten largest mass outflows in the world were from conflict regions in Africa.⁹
- 22 of the 32 countries classified as having “low human development” have suffered from conflict since 1990. Twenty of these countries are African.¹⁰

initiative to place the small arms problem directly on the United Nations agenda by requesting that the UN send an Advisory Mission on the control and collection of small arms in the Sahara–Sahel region. The Mission visited Mali and six other countries between 1994 and 1995. This initiative spurred the establishment of the UN Panel of Governmental Experts on Small Arms by the General Assembly in 1995, with reports produced by the Panel and a subsequent Group of Governmental Experts in 1997 and 1999, respectively.¹² The consensus report of the Group, endorsed by General Assembly resolution 54/54 V in December 1999, decided to convene a UN conference on small arms in 2001.¹³

CONTINENTAL INITIATIVES

Prior to the UN conference, several continent-wide, high-level meetings were held to identify the scope of small arms proliferation in the region and develop a comprehensive framework for an African common approach.

- Organization of African Unity (OAU, now African Union) Council of Ministers, Sixty-eighth Ordinary Session, Ouagadougou, Burkina Faso, June 1998. Decision CM/Dec. 432 (LXVIII) stressed the role that the OAU should play in coordinating efforts to address the small arms problem in Africa and requested the OAU Secretary-General to prepare a comprehensive report on the issue.
- Assembly of Heads of State and Government, OAU Thirty-fifth Ordinary Session, Algiers, Algeria, July 1999. Decision AHG/Dec. 137 (LXX) called for an African approach to the problems posed by the illicit proliferation, circulation and trafficking of small arms and light weapons.
- Council of Ministers meeting on decision AHG/Dec. 137 (LXX), OAU Seventy-first Ordinary Session, Addis Ababa, Ethiopia, March 2000: decision CM/Dec. 501 (LXXI).
- First Continental Meeting of African Experts on Small Arms and Light Weapons, Addis Ababa, Ethiopia, May 2000.
- International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons, Addis Ababa, Ethiopia, June 2000.
- Council of Ministers meeting on decision AHG/Dec. 137 (LXX), OAU Seventy-second Ordinary Session, Lome, Togo, July 2000: decision CM/Dec. 527 (LXXII).

The above meetings and consultations culminated in an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, which became known as the Bamako Declaration, adopted in December 2000.¹⁴ This called for a coordinated African solution to the arms trafficking problem and established agreed principles directly relevant to the 2001 UN Small Arms Conference.

SUBREGIONAL INITIATIVES

Sub-Saharan Africa in particular took the lead in intensifying regional initiatives, which ultimately fed into the international small arms process. In Mali, as part of the resolution to the civil unrest that had started in 1990, a Flame of Peace—a symbolic destruction of all collected weapons—was burned in Timbuktu in 1996.¹⁵ Mali founded a model of the security-first approach to development efforts. It

established the weapons for development programme, which helps not only to reduce the number of weapons in circulation, but also to bring communities together to provide both security and development for the affected community.¹⁶

Further initiatives taken at the subregional level testify to the serious concern regarding small arms and their consequences for human insecurity.

- Economic Community of West African States (ECOWAS) Moratorium on the Importation, Exportation and Manufacture of Light Weapons, October 1998.
- Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking, 1998.
- Decisions taken by the Council of the Southern African Development Community (SADC) on the Prevention and Combating of Illicit Trafficking in Small Arms and Related Crimes, August 1999.
- Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, March 2000, and its Coordinated Agenda for Action and Implementation Plan.
- Efforts by members of the Economic Community of Central African States (ECCAS), within the framework of the UN Standing Advisory Committee on Security Questions in Central Africa, on the proliferation and illicit circulation of small arms and light weapons in Central Africa, 2000.

The human dimension of the political document

African delegates took full advantage of the United Nations conference to make their commitments known and promote and defend the African Common Position.¹⁷ As a result of African efforts, some of Africa's priorities on the humanitarian dimension of the problem are reflected in the PoA, albeit weakly. These include references to the impact on children; the need for weapon collections; post-conflict disarmament and demobilization and reintegration efforts; and the development and implementation of public awareness programmes on the problem of small arms. The PoA also includes almost all the issues specified in the 1997 and 1999 UN expert reports. It is therefore of relatively comprehensive scope, and contains substantial agreed norms, standards and programmes.

SECTION I: PREAMBLE

The preamble recites the intended use or purpose of an instrument. It gives it "life, meaning and vitality".¹⁸ As such, the language of the preamble provides antecedent basis for subsequent usage or for implementation. And the preamble of the PoA comprehensively states the intended use of the Programme, setting out the values and aspirations of the states that have committed themselves to the document.

Contrary to those who argue that the PoA does not explicitly refer to some humanitarian issues, and that therefore there is no call for states to take action on humanitarian concerns, the preamble of the PoA makes strong reference to the human dimension associated with SALW illicit trafficking, proliferation and misuse. It is a strong expression of Member States' commitment to address the human security element of small arms problems. Therefore, while not a source of obligation, the preamble can and should be used more positively to guide the interpretation of the PoA's subsequent provisions.¹⁹

SECTIONS II AND III: POA PROVISIONS

The Programme of Action includes some 41 paragraphs of specific agreed action to be taken by Member States at the national, regional and international levels against the illicit trade in small arms. It includes, among others, controls and measures on the following activities: small arms transfers, including end-use licensing; brokering; enforcement of United Nations Security Council arms embargoes; marking, record-keeping and tracing of SALW; security and management of weapon stockpiles; and information exchange and transparency. Some of these provisions may seem so technical that they have no relevance to the human dimension of the problem. But a closer examination shows how they contribute to the human cost.

Over 150 refugees were killed in an attack on the Gatumba transit camp in Burundi on 13 August 2004. Ammunition cartridges recovered at the scene of the massacre had been stamped with codes identifying their manufacturer or country of manufacture as well as their year of production. Had enforced international standards of marking, record-keeping and tracing of small arms been in place, it would have been possible to identify the point at which these weapons were diverted into the hands of the armed groups that perpetrated the massacre. Drawing up and implementing such standards will prevent future diversions.

According to a recent report by Amnesty International, large quantities of weapons and ammunition are flowing from unsecured military stockpiles in the Balkans and Eastern Europe into Africa's conflict-ridden Great Lakes region, despite evidence of their use in gross human rights violations. This has continued regardless of a United Nations arms embargo and a peace process initiated in 2002.²⁰ The Ituri district of the Democratic Republic of the Congo has seen at least 55,000 violent deaths, an uncounted number of deaths from disease and half a million people displaced.²¹ Insecure weapon stockpiles as well as states' neglect of their obligations under existing international humanitarian law and human rights law during arms transfers facilitate arms reaching armed groups and militias.

According to the report of the UN Panel of Experts on Sierra Leone in 2000, illegal arms brokering resulted in the transfer of 68 tons of weapons from Burkina Faso to Liberia in 1999. From Liberia, the weapons were transferred to the Revolutionary United Front armed group, in violation of a 1997 UN arms embargo.²² A Gibraltar-based company had arranged to transfer these Ukrainian weapons to Burkina Faso, and a UK company delivered the arms to Burkina Faso on its behalf. The end-user certificate, signed by the authorities in Burkina Faso, had stated that the Burkina Faso defence forces were to be the sole users of these weapons, and the deal was legal. Nonetheless, according to the Panel of Experts, the weapons were transferred to Liberia within days of their arrival in Burkina Faso. Without an international instrument on arms brokering and extraterritorial brokering controls, unscrupulous international brokers will continue to take advantage of loopholes in national and international controls to facilitate arms transfers to conflict regions.

According to the report of the UN Panel of Experts on Sierra Leone in 2000, illegal arms brokering resulted in the transfer of 68 tons of weapons from Burkina Faso to Liberia in 1999.

The PoA recognizes that governments bear the primary responsibility for controlling SALW and preventing and combating illicit trafficking, but equally it recognizes that governments cannot solve these crises alone. The humanitarian aspect of small arms misuse impacts upon society at all levels: individual, community, national, regional and international. The PoA encourages regional and subregional initiatives to be consistent with PoA commitments, and encourages and facilitates involvement of regional and international organizations and civil society. Thus, when individual state capacity is challenged in finding solutions to the negative impact small arms inflict, the PoA seeks to ensure that the vibrancy of other supporting sectors and actors complements and reinforces government efforts.

Implementation of the Programme of Action

How effectively have states managed to address the human dimension of the small arms problem in implementing the PoA? What challenges have they encountered?

Within the last couple of years, the number of conflicts in Africa has decreased, as has the number of conventional arms sales, including small arms.²³ On a less positive note, but nonetheless signifying a certain level of international action, the number of sanctions and UN embargoes has increased. There are more democracies, more truth and reconciliation programmes,²⁴ and more disarmament, demobilization and reintegration (DDR) programmes in all the post-conflict communities and in fragile regions such as Somalia and Sudan.²⁵

Countries in Africa are playing an increasingly important role in efforts to address the humanitarian aspect of small arms control through their commitment to regional and international initiatives. To date, of the three legally binding regional instruments on SALW, two are in Africa; namely, the SADC Firearms Protocol and the Nairobi Protocol. (The third is the Organization of American States' Firearms Convention of 1997.)²⁶ West Africa is in the process of transforming its ECOWAS Moratorium into a binding convention. A number of other regional and national initiatives are also under way to harmonize and strengthen small arms possession and transfer legislation, stockpile management and community awareness programmes.²⁷

Since November 2004, there has been growing support for an international Arms Trade Treaty (ATT), which would ensure that states adhere to existing human rights and humanitarian law during arms transfers. Among the 39 states that have expressed support for an ATT or expressed interest in developing a legally binding instrument on small arms transfers are 9 African states.²⁸

Small arms availability continues to fuel and to prolong conflicts in Africa, as well as to contribute to increased criminal activity. Out-migration, epidemics and humanitarian catastrophes are ever more frequent.

But much remains to be done. Small arms availability continues to fuel and to prolong conflicts in Africa, as well as to contribute to increased criminal activity. Out-migration, epidemics and humanitarian catastrophes are ever more frequent. Arms proliferation still poses a great threat to regions suffering latent conflict. Northern parts of Ghana and Nigeria as well as the Niger delta of Nigeria continue to experience civil unrest, violence and strikes. There

are secessionist tensions in the Caprivi Strip—a narrow strip of land in the far northeast of Namibia, and Angola's Cabinda enclave is often dubbed "Angola's forgotten war". Eighteen years of fighting in northern Uganda are yet to find a meaningful resolution and people continue to be terrorized by the rebel Lord's Resistance Army. Mediation and peace talks on the Darfur region of Sudan and in Somalia have yet to prove successful. In West Africa, unresolved tensions in Côte d'Ivoire still pose a threat to the country and to its neighbours. Security remains fragile in most post-conflict regions, for example in Burundi, Liberia, Rwanda and Sierra Leone.

Box 2. The continuing human cost of small arms

- Thousands of children and women are still in active combat. This includes an estimated 12,500 girls fighting in armed groups in DRC.²⁹
- Despite a global drop in the refugee population at the end of 2004, two of the three regions to have recorded increases are in African conflict zones: Central Africa and the Great Lakes region, and East and Horn of Africa.³⁰

The PoA stands as the central global agreement on the proliferation and misuse of small arms and light weapons. Despite having some of the most progressive provisions relating to the human dimension of small arms, however, the vagueness and ambiguity of some of the PoA's provisions has hindered the addition of instruments, guidelines and resources that would ensure meaningful and sustainable programmes targeting the human dimension of the problem.

Implementation is faltering in domains such as stockpile management, record-keeping, public awareness and DDR programmes, as well as national regulation. States need guidelines and best practices for their specific, regional security and social needs. In the case of arms transfers, including registration, licensing, end-use certification and brokering, supportive international instruments are needed to close gaps within the international transfer regimes and minimize the loopholes that currently allow the diversion of arms from the legal to the illegal market, and then on to conflict-prone regions and human rights abusers. This would also halt routine violation of UN arms embargoes. An instrument on arms transfers could follow the new international marking and tracing instrument as a model of a parallel international instrument supporting the implementation of the human dimension of the PoA.³¹

Conclusions and recommendations

The African story demonstrates the indisputable human dimension to small arms control. And this story is no different from the problems associated with small arms availability in crime- and conflict-ridden communities in North America or Latin America and the Caribbean, the Asia Pacific region or the Middle East.

While the humanitarian aspect of the small arms problem is mentioned in the preamble of the PoA, and implied and dealt with indirectly by some measures, the PoA does not directly or comprehensively spell out strategies for addressing the human dimension of the problem, and this leaves room for weak interpretation and ineffective subsequent implementation.

The human dimension of the PoA needs to be taken beyond mere rhetoric and translated into concrete action in terms of guidelines, supporting documentation and instrumentation. As states meet to review the implementation of the PoA in 2006, they have obligations to each other and to their citizens, under international humanitarian and human rights law, to give thorough consideration to the continuous human suffering across the globe as a result of the increased availability and misuse of small arms. The PoA, and the victims of small arms problems, will only benefit if states keep these responsibilities in mind in the run-up to and during the Review Conference.

STATES' RESPONSIBILITY TO PROTECT HUMAN RIGHTS

This responsibility embraces three specific duties of states: here they are described in relation to SALW issues, and followed by relevant recommendations for the PoA.³²

- *The responsibility to prevent:* to prohibit arms transfers to states, communities and non-state actors where there is a reasonable risk that the weapons would be used in violation of international human rights and international humanitarian law.
- *The responsibility to react:* to respond to situations of compelling human need with appropriate measures, which may include strengthening regional and global instruments, including sanctions, or coercive measures like humanitarian intervention.

- *The responsibility to rebuild:* to provide, particularly for post-conflict regions, full assistance with recovery, reconstruction, rehabilitation and reconciliation; addressing both the root and direct causes of issues that exacerbate the proliferation and misuse of small arms, including armed conflict, the security needs of affected communities, crime, underdevelopment and other man-made crises putting communities at risk.

RECOMMENDATION 1: THE RESPONSIBILITY TO PREVENT

Prevention of the humanitarian disaster caused by the proliferation in and misuse of SALW is linked to increasing the responsibility of states and individuals involved in small arms transfers. The PoA should be strengthened with supporting guidelines or instruments that include states' obligations under existing humanitarian and human rights law during arms transfers. This includes, inter alia, the four Geneva Conventions and the two Additional Protocols, the Convention on the Prevention and Punishment of the Crime of Genocide, Article 3 of the Code of Conduct for Law Enforcement Officials (on the use of force), Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and Article 38 of the Convention on the Rights of the Child.³³ This should ensure that weapons are not diverted to support illegal activities or to perpetrate war crimes and genocide.³⁴

States' obligation under existing humanitarian law and human rights law to regulate civilian possession of SALW should be reconsidered. When considering the use of small arms by individuals, there is a range of legislative measures that can be applied to regulate the types of gun available and the use of small arms: for states, particularly those emerging from conflict, immediate measures must also be taken to ensure that adequate regulations and administrative procedures are in place to exercise effective control over the legal possession of small arms.

RECOMMENDATION 2: THE RESPONSIBILITY TO REACT

At the World Summit in September 2005, the international community accepted responsibility for taking collective action to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.³⁵ It also urged the development of proposals for enhanced, rapidly deployable capacities to reinforce peacekeeping operations in crises.³⁶ Since small arms are one of the primary tools of such crises, for example the Rwandan genocide of 1994,³⁷ these proposals could be developed at the 2006 Review Conference.

On the national level, states are strongly encouraged to make violations of arms embargoes a criminal offence under national law. Logistical or financial support for the violation of arms embargoes, such as the illicit trade in natural resources, should also be prohibited.

On the national level, states are strongly encouraged to make violations of arms embargoes a criminal offence under national law. Logistical or financial support for the violation of arms embargoes, such as the illicit trade in natural resources, should also be prohibited. In support of national efforts, the United Nations should establish a dedicated and properly resourced Sanctions Unit to effectively monitor and enforce UN arms embargoes.³⁸ One way of deterring violators of arms embargoes is to treat them as international criminals and have the particular individuals involved brought before the International Criminal Court or national courts and charged with crimes against humanity. In this case, extra-territorial jurisdiction could also be applied. Penalizing violators of these sanctions can go a long way in stemming the proliferation of arms to conflict-prone regions.

RECOMMENDATION 3: THE RESPONSIBILITY TO REBUILD

States' responsibility to rebuild entails a genuine commitment to helping to build and maintain a society free of small arms misuse by promoting conditions of public safety, durable peace, good governance and sustainable development. This responsibility will involve the commitment of sufficient funds and resources with strong community focus and local participation to address, particularly, socio-economic factors underlying violence.

Since situations of insecurity and widespread violence negatively affect development and assistance programmes, programmes that integrate security concerns may be useful not only for conflict regions, but for relatively stable communities as well. Small arms control programming should also consider the diverse roles of men, women, boys and girls and how their different experiences of security can directly impact upon SALW control measures and mechanisms.³⁹

States and donors should adopt an integrated approach to security and development, ensuring that development assistance—particularly to post-conflict regions—is consistent with the security needs of the affected community.⁴⁰ Appropriate provisions should also be made for sustainable peace-building initiatives, and border management programming, judicial reform, community policing and security sector reform. This includes provisions that address the perceived insecurity that increases and maintains the demand for guns.

Ensuring that the human dimension of small arms is effectively addressed during implementation of the PoA remains a challenge. Reaching consensus concerning additional international instruments on arms transfers and guidelines or best practices on regulating possession and stockpiling, etc. is challenging. It requires common action and positive commitment in terms of resources and political will. It is a matter of figuring out how to protect the citizens of the world from human suffering as a result of the availability and misuse of small arms, and respecting the basic rights of all people.

Notes

1. Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 20 July 2001. Reproduced in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15, pp. 7–17. See also <disarmament2.un.org/cab/poa.html>.
2. The United Nations Firearms Protocol, which is the only global legal instrument to regulate the illicit manufacturing and trafficking of small arms, is limited to handguns, pistols, sub-machine guns and light missiles. See note 11 for full reference details.
3. In the post-PoA period there has been more documentation of these effects. For example, see *Small Arms Survey 2003: Development Denied*, Oxford, Oxford University Press, chapter 4, Table 4.1.
4. Country Reports on Human Rights Practices - 2001, Uganda, Released by the Bureau of Democracy, Human Rights, and Labor, March 4, 2002, US Department of State, <www.state.gov/g/drl/rls/hrrpt/2001/af/8409.htm>.
5. Kenya, 2003, *Kenya Country Report to the UN Biennial Conference on the Implementation of the UN Programme of Action*, Nairobi, pp. 4–6, at <disarmament.un.org/cab/nationalreports/2002/Kenya.pdf>.
6. B. Coghlan, R. Brennan et al, 2004, *Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey*, Burnet Institute and International Rescue Committee, at <www.theirc.org/resources/DRC_MortalitySurvey2004_RB_8Dec04.pdf>.
7. United Nations Third Committee Press Release GA/SHC/3588, 11 October 2000, at <www.un.org/News/Press/docs/2000/20001011.gashc3588.doc.html>.
8. Crime Information Analysis Centre, South African Police Services, 10 April 2002, cited on the Gun Free South Africa web site, at <www.gca.org.za/facts/statistics.htm>.

9. Namely Angola, Burundi, Central African Republic, DRC, Liberia, Rwanda, Somalia and Sudan. The two other countries were Afghanistan and The former Yugoslav Republic of Macedonia. UNHCR, 2002, *Statistical Yearbook 2001*, Geneva.
10. UNDP, 2005, *Human Development Report 2005: International Cooperation at a Crossroads*, New York, p. 363, at <hdr.undp.org/reports/global/2005/pdf/HDR05_complete.pdf>.
11. Other subregional initiatives aimed to control arms trafficking were also adopted before the 2001 conference, see the article by Elli Kytömäki in this issue of *Disarmament Forum*. Importantly, a parallel international process was adopted in 2001: the UN Firearms Protocol (or the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime), adopted in UN General Assembly resolution 55/255 of 31 May 2001, UN document A/RES/55/255, 8 June 2001, at <www.undcp.org/pdf/crime/a_res_55/255e.pdf>.
12. See *Report of the Panel of Governmental Experts on Small Arms*, in UN document A/52/298, 27 August 1997; *Report of the Group of Governmental Experts on Small Arms*, UN document A/54/258, 19 August 1999. African representation within the two groups was as follows:
 - 1997 Group of Governmental Experts: Dr Mahmoud Karem, Deputy Assistant Foreign Minister for Disarmament, Ministry of Foreign Affairs, Cairo, Egypt; Bennie J. Lombard, Conventional Non-proliferation and Arms Export Control, Department of Foreign Affairs, Pretoria, South Africa; Lieutenant Colonel Blaise Sangare, Ministry of Foreign Affairs, Bamako, Mali.
 - 1999 Group of Governmental Experts: Lieutenant Colonel Rabah Bekhti, Ministry of Defence, Algiers, Algeria; Carlos dos Santos, Permanent Representative of the Republic of Mozambique to the United Nations, New York; Alaa Issa (third session), First Secretary, Cabinet of the Foreign Minister, Ministry of Foreign Affairs, Cairo, Egypt; Mahmoud Karem (first and second sessions), Deputy Assistant Foreign Minister for Disarmament Affairs, Ministry of Foreign Affairs, Cairo, Egypt; Bennie J. Lombard, Deputy Director, Directorate, Non-proliferation and Disarmament, Department of Foreign Affairs, Pretoria, South Africa.
13. UN General Assembly resolution 54/54 V of 15 December 1999, UN document A/RES/54/54, 10 January 2000. The Preparatory Committee for the 2001 conference was chaired by Ambassador Carlos dos Santos, Permanent Representative of the Republic of Mozambique to the United Nations, New York.
14. Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, 1 December 2000, at <www.globalpolicy.org/security/smallarms/regional/bamako.htm>.
15. A Flame of Peace was also burned in Niger in September 1999 to symbolize the formal end of the armed rebellion and the commitment to reconciliation and peace.
16. See R. Poulton and I. ag Youssouf, 1998, *A Peace of Timbuktu: Democratic Governance, Development and African Peacemaking*, Geneva, UNIDIR.
17. Forty-one of the 52 member states of the African Union participated in the 2001 United Nations Small Arms Conference and 32 states presented statements.
18. Terminology borrowed from Intellectual Property and Technology patent claim preamble law cases.
19. See PoA preamble, paragraphs 2–6.
20. Amnesty International, 2005, *Democratic Republic of Congo: Arming the East*, AI index AFR 62/006/2005, at <web.amnesty.org/library/index/engaf620062005>.
21. C. Bernath and N. Pearson, 2003, *MONUC: Mandate to Succeed*, Refugees International, at <www.refugeesinternational.org/files/3025_file_MONUC_Mandate_to_Succeed_v3.pdf>.
22. *Report of the Panel of Experts appointed pursuant to Security Council resolution 1306 (2000)*, paragraph 19, in relation to Sierra Leone, in UN document S/2000/1195, 20 December 2000.
23. For the fall in the conventional arms trade, see Richard F. Grimmett, 2002, *Conventional Arms Transfers to Developing Nations, 1994–2001*, Congressional Research Service, at <fpc.state.gov/documents/organization/12632.pdf>.
24. Human Security Centre, The University of British Columbia, 2005, *Human Security Report 2005: War and Peace in the 21st Century*, New York and Oxford, Oxford University Press.
25. Currently, seven countries are under UN arms embargoes—Somalia, Liberia, Rwanda, Sierra Leone, Iraq, the Democratic Republic of the Congo and Côte d'Ivoire—along with the organizations Al-Qaeda, Taliban and the Janjaweed militia in Darfur, Sudan.
26. The SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, 2001, at <www.grip.org/bdg/g2010.html>; Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 2004; Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, at <www.oas.org/juridico/english/treaties/a-63.html>.
27. See Conference Report of the Second Continental Conference of African, Governmental Experts on the Illicit Trade in Small Arms and Light Weapons, 14–16 December 2005, Windhoek, Namibia; Also see National Reports

- submitted by African States to the UN Secretary-General on the implementation of the PoA since 2002, at <disarmament.un.org/cab/salw-nationalreports.html>.
28. Officials from Benin, Ghana, Guinea, Kenya, Mali, Senegal, Sierra Leone, Tanzania and Uganda each expressed their government's support at the 2005 Biennial Meeting of States on the PoA in New York, July 2005.
 29. Save the Children, 2005, *Forgotten Casualties of War: Girls in Arms Conflict*, at <www.savethechildren.org.uk/scuk_cache/scuk/cache/cmsattach/2800_Forgottencasualties33395.pdf>.
 30. The other was the Asia and Pacific region. UNHCR, 2005, *2004 Global Refugee Trends*, 17 June, Geneva, at <www.unhcr.org/cgi-bin/texis/vtx/statistics/opendoc.pdf?tbl=STATISTICS&id=42b283744>.
 31. For more information on the marking and tracing instrument, see the article by P. Batchelor and G. McDonald in this issue of *Disarmament Forum*, and United Nations Department for Disarmament Affairs web site <disarmament.un.org/cab/salw-oweg.html>.
 32. Adapted from The International Commission on Intervention and State Sovereignty, 2001, *The Responsibility To Protect: Report of the International Commission on Intervention and State Sovereignty*, Ottawa, International Development Research Centre, at <www.iciss.ca/pdf/Commission-Report.pdf>.
 33. The text of these instruments can be found at <www.unhchr.ch/html/intlinst.htm>.
 34. See conclusions of the International Workshop on Global Principles for Arms Transfers, Dar Es Salaam, 21–22 February 2005, organized by the Government of Tanzania with the support of the Governments of Finland and the United Kingdom, at <www.safer africa.org/DocumentsCentre/Conferences/SaferAfrica/Continental/TanzaniaFeb2005/FinalReportTZFeb2005.pdf>.
 35. UN General Assembly resolution 60/1 of 16 September 2005, *2005 World Summit Outcome*, UN document A/RES/60/1, 24 October 2005, paragraphs 138 and 139. Follow the link from <www.un.org/summit2005/documents.html>.
 36. *Ibid.*, paragraph 92.
 37. Although many of the murders in Rwanda were committed with machetes, the victims were often corralled with small arms before being massacred. See, for example, Human Rights Watch, 1999, *Leave None To Tell The Story: Genocide in Rwanda*, at <www.hrw.org/reports/1999/Rwanda>.
 38. For example, the Sanctions Committee has been particularly weak in monitoring the air and land freight traffic of arms to embargoed regions.
 39. See N. Johnston, W. Godnick et al, 2005, *Putting a Human Face to the Problem of Small Arms Proliferation: Gender Implications for the Effective Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*, International Alert, at <www.international-alert.org/pdfs/gender_and_programme_of_action.pdf>.
 40. UNDP, 2005, *Securing Development: UNDP's Support for Addressing Small Arms Issues*, New York, at <www.undp.org/bcpr/smallarms/docs/publication_07_05.pdf>.

Israel joining the Non-Proliferation Treaty: time for a re-evaluation?

On 22 June 2005 a symposium on potential Israeli membership of the Treaty on the Non-Proliferation of Nuclear Weapons (the Non-Proliferation Treaty, or NPT) was held at the Hebrew University of Jerusalem under the auspices of the Leonard Davis Institute of International Relations, the Hebrew University, and the Jaffee Center for Strategic Studies, Tel-Aviv University. The subject made the event, attended by scholars including Yair Evron and Gerald Steinberg, plus the guest of honour, Jozef Goldblat (researcher Emily Landau acted as discussant), unique.

Unlike the other issues regarding Israel's nuclear option—for example, the rationale behind the continuation of its opaque policy—the question of joining the NPT receives limited attention from Israeli scholars and journalists. This is in sharp contrast, of course, to the attention that has been devoted to nuclear non-proliferation in general and in the Middle East in particular. This disregard does not, however, result from any government conspiracy or negligence. As Israel could accede to the NPT only as a non-nuclear weapon state, accession would mean relinquishing the nuclear option, which the Israeli public perceives to be the ultimate guarantor of the state's survival. The issue's low profile therefore reflects a sense among Israel's small community of arms control analysts that the time for reconsideration—let alone execution—of this step has not yet arrived.

But the Middle East has undergone rapid and dramatic changes: consider Libya's relinquishing of its weapons of mass destruction (WMD) programmes, the American presence in Iraq and Iran's nuclear progress. A review of the arguments in light of these changes is therefore merited. What follows is a concise review of the symposium, retaining the original wording where possible, although the speakers will not be mentioned by name.

Positions on NPT membership

None of the speakers held the view that Israel should join the NPT immediately, but there were differences over the importance of taking the step and its implications. I open the review with remarks made by participants who favoured NPT membership, continue with those who opposed the move before peace is reached in the region, and conclude with the moderate position, which did not rule

out membership, yet was unable to predict what could alter Israel's traditional stance of maintaining a nuclear deterrent.

ADVOCATES OF NPT MEMBERSHIP

The participants in favour of joining the NPT adopted the position that Israel would be unable to maintain its nuclear monopoly forever, as the short-lived American nuclear monopoly illustrates. Supporting this argument was the opinion—widespread among delegates at the last NPT Review Conference—that in light of Israel's present nuclear monopoly and progress in Iran's nuclear programme, other regional states may also embark on the nuclear road.

Given the geography of the Middle East, they continued, nuclear war is unthinkable, as it would decimate the region. Even if aggressors intend to wage a conventional war, their likely first strike in a nuclear environment would be directed at their opponent's nuclear installations. As nuclear contamination would devastate large parts of any country, it was argued that the mere possession of nuclear weapons threatens the possessor. Moreover, accidental explosions of stored nuclear weapons, such as those that occurred in the Soviet Union, could render entire countries in the Middle East uninhabitable.

Questions were posed regarding the rationality of Israel's insistence on maintaining its nuclear option. The belief that possession of nuclear weapons deters conventional attacks, they argued, is misguided, judging from the cases of Viet Nam and Afghanistan, in which nuclear deterrence played no role despite the huge nuclear arsenals possessed by the United States and the USSR. The October 1973 Arab–Israeli War confirmed that a nuclear deterrent does not prevent conventional attacks. It was stressed that Israel's conventional superiority rather than its nuclear capability functioned as a deterrent. Joining the NPT would not therefore jeopardize Israel's security interests, especially when an Arab military alliance appears highly unlikely.

Advocates also noted the legal aspects of nuclear proliferation. Although no agreed nor customary prohibition against the use of nuclear weapons exists, their use in response to a non-nuclear attack would violate the principle of proportionality enshrined in international law.

Finally, they submitted that establishing a nuclear-weapon-free zone (NWFZ) in the Middle East under stricter international control than the NPT, without the right of withdrawal, may be the best option. It would allow Israel to join the non-proliferation regime in more security. The establishment of an NWFZ would nullify any justification for Arab possession of chemical or biological weapons, making a WMD-free zone (WMDFFZ) feasible. Moreover, as Israel's nuclear monopoly is a sore point in its relations with Arab states, an NWFZ could dramatically improve the chances of the negotiation of a comprehensive peace settlement in the region. In other words, a nuclear-weapon-free Israel would be safer than a nuclear-armed Israel.

OPPONENTS TO NPT MEMBERSHIP

In contrast, participants strongly opposing such a move started by rejecting the demand for a universal NPT (only Israel, India and Pakistan—not counting North Korea, which has an unclear nuclear status—are not party to the Treaty). This oft-repeated argument for Israeli membership claims that if universal membership were adopted, the NPT would necessarily become stronger.

Universality, the opponents argued, is a myth, particularly because it does not exist in any other aspect of security, such as territorial size, alliances, natural resources or political systems. Israel is a fraction of the size of most countries in the region, and therefore it has no strategic depth. Alliances have negative meaning for Israel. It has been attacked by alliances of Arab states, and does not belong to any similar alliance. Few, if any, states would send troops to its aid if a conventional attack occurred. (The United States' reliability as an ally was left an open question.) Of special interest was the argument concerning the relevance of Israel's political system to its joining the NPT. As Israel is a liberal, thriving democracy, it takes its treaty obligations seriously. As an open society, it is much more likely to abide by treaty obligations because its ability to "cheat" is vastly lower than that of a number of "closed" societies involved in proliferation activities. Given Arab threats to Israel's existence, opponents concluded that these asymmetries demonstrated why, for Israel, the case for universality loses its force. In such a security predicament, Israel has no alternative but to rely on nuclear weapons as the "great equalizer" to ensure its very survival.

The argument for nuclear deterrence was raised. The presence of existential threats has meant that deterrence—despite its inherent weaknesses—has been fundamental to Israel's survival, although it was admitted that deterrence is very difficult to evaluate. The absence of war between the two superpowers is a fact: whether it was thanks to a successful deterrence regime or despite the instability inherent in deterrence remains unclear. Assuming an anarchic, Hobbesian world, opponents emphasized the first explanation. Holders of the moderate position added that nuclear deterrence must be judged according to the threats against which it is directed; and in Israel's case these are existential threats, not conventional threats that do not pose a threat to existence. Opponents argued that deterrence has succeeded in the Middle East: Israel's nuclear option has had a positive impact since the mid-1960s. They used the 1991 Gulf War in support of their argument: the threat of massive nuclear retaliation deterred Saddam Hussein from launching Scud missiles armed with chemical or biological warheads at Israel. For this group, President Anwar Sadat of Egypt initiated rapprochement in 1977 because Israel's nuclear capability convinced him that a military option had been eliminated. They also observed a similar, albeit less salient, process in the Syrian regime and among some Palestinian intellectuals.

Holders of the moderate position added that nuclear deterrence must be judged according to the threats against which it is directed; and in Israel's case these are existential threats, not conventional threats.

After reviewing the broader picture, they concluded that Israel's nuclear deterrence, to the extent that its outcomes can be measured, has successfully thwarted threats of mass destruction. The very different environment negates analogies to Viet Nam and Afghanistan. Under existential threat, knowledge of Israel's nuclear capability makes other aspects of Israeli deterrence more effective despite the ambiguity of the nuclear option. Despite the limitations of deterrence, accession to the NPT regime, especially given its current crisis, is unable to provide Israel with necessary assurances of security. As the Iraqi case demonstrated, the International Atomic Energy Agency (IAEA) inspection system was very weak before 1991. Although strengthened immediately afterward, it remains highly politicized and major weaknesses persist (witness its treatment of Iran, North Korea and Libya). Thus, opponents to joining the NPT argued that the closing of Libya's programme should not be credited to the IAEA but to Libyan fears of becoming the next US target. So Israel has no confidence in the ability of the international system in general and the NPT regime in particular to prevent existential threats posed by its adversaries.

And according to opponents, the threats still exist, albeit in changed form. They no longer consist of conventional armies (the Egyptian army coming from the west or Iraqi tanks from the east), but of missiles launched by an Iranian regime intent on wiping Israel off the map. Given Iran's links with Hezbollah, Israel has to take possible conflict with a nuclear Iran seriously. Moreover, the impressive progress of clandestine programmes in Iraq, Libya and Iran, and signs of efforts in the same direction elsewhere in the region, should worry Israel.

It was acknowledged that stable nuclear deterrence with a nuclear Iran, however, will not be a panacea, nor will it be easy. Hence opponents to the NPT agreed that joining a framework in which all the region's countries move toward an NWFZ or a WMDFZ should be Israel's ultimate goal. But Israel requires this framework to be professional rather than political, with mutual inspection for lasting peace. Thus, in the view of opponents to joining the NPT, a WMDFZ remains an important, though Messianic, goal.

PERHAPS, BUT NOT YET

Holders of the moderate position examined joining the NPT from four perspectives: Israel's security and strategic position within the region; the advantages or disadvantages that the NPT regime provides for Israel; the United States' position on the issue; and the possible emergence of additional nuclear powers in the region, particularly Iran.

As far as Israel's security and strategic position in the region is concerned, nuclear deterrence has been far from successful. Current capability, combined with US support and Israel's conventional superiority, has improved overall deterrence, but it is Israel's conventional capability that has made its position so strong since 1948. The nuclear element has been secondary. As one scholar suggested, it has surprisingly led neither to major regional instability nor to greater stability, let alone peace. Egypt's initiation of the peace process in 1977 had more to do with Israel's readiness to return Sinai than to the nuclear dimension. However, although it was agreed that Israel's conventional deterrence could serve as a proper substitute for nuclear capability, no clear case has been made to justify relinquishing the nuclear option. Such a step, they noted, would go very much against the grain of Israel's keen desire for self-reliance, a key feature of its national security culture.

The non-proliferation regime, however, contributes considerably to Israel's security. Without exaggerating trends toward a normative system, the very existence of the NPT regime has created a set of international norms. Without these norms, several more countries in the region could have acquired or developed nuclear weapons and multiplied the threats to Israel's security.

As for the position of the United States, it was claimed that the United States is clearly unhappy with Israel's independent nuclear deterrent but has gradually become tolerant of it since the famous understandings on the Israeli nuclear issue reached between Prime Minister Golda Meir and President Richard Nixon in September 1969. From this perspective, joining the NPT offers few benefits.

The possibility of nuclear proliferation in the Middle East operates against joining the NPT, as it provides the rationale for Israel to maintain its nuclear capability in the face of future developments. Whether a stable balance of nuclear deterrence can be established with future proliferators, however, remains questionable.

Working from the framework of these four perspectives, holders of the moderate view concluded that Israel should not currently join the NPT. In fact, the issue is not urgent since the cost of remaining outside the NPT (in terms of international legitimacy) is bearable—witness the tolerance toward India and Pakistan. Indeed, some of the participants that perceived nuclear capability as the centrepiece of Israel's security conception wondered whether anything has changed to alter their basic assumptions. Arab demands have resurfaced, but this is nothing new; neither are the gains Israel could make by revising its policy. There have been changes, but they have been negative: increased fears of clandestine nuclear programmes, which are not necessarily motivated by Israel's own nuclear policy, and the emergence of a nuclear black market. That is, no clear evidence is available to warrant Israel's reliance on a universal, effective NPT or NWFZ for its security.

Practical implications

In conclusion, despite disagreements on the salience of the nuclear weapon option, participants in the symposium agreed that Israel should consider other directions for strengthening its commitment to the goal of non-proliferation. Measures proposed included:

- maintaining Israel's nuclear ambiguity, albeit only as a diplomatic fiction, for as long as Israel remains outside the NPT;
- considering favourably the Fissile Material Cut-Off Treaty, if and when it materializes. (This could contain Iran's and possibly other countries' nuclear programmes, including the enrichment of uranium);
- formalizing the nuclear status of Israel, India and Pakistan by creating a new category of states party to the NPT—those possessing nuclear weapons but stopping their further development;
- strengthening the international norm banning chemical and biological weapons; and
- resuming regional arms control talks in order to build confidence and stabilize inter-state relations with a view to establishing a zone free of weapons of mass destruction in the Middle East.

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NEW PUBLICATION

Comparative Analysis of Evaluation Methodologies in Weapon Collection Programmes

This is the fourth and final publication from the project “Weapons for Development”, funded by the Government of Japan. This two-year project assessed small arms and light weapon collection programmes in which the incentives provided for people to give up their weapons were community development projects. The project researchers, G. Mugumya and S. Koyama, applied a new evaluation method, namely participatory research, to the case studies of Albania, Cambodia and Mali. The participatory research method places community members at the centre of the evaluation process, since they are in the best position to evaluate the schemes that are meant to resolve their security concerns.

This volume compares the findings of the participatory evaluation method with the standard, non-participatory evaluations that have been conducted. The result shows that the standard evaluation method paints a broad picture of project implementation, while participatory evaluation is able to document more finely how local communities’ roles, perceptions and expectations determine the success of weapon collection programmes.

The author examines the constructive compatibility between both evaluation techniques and their results in order to discuss the implications of differences for future arms reduction policy-making. A combination of both methods could assist governments, donor agencies, international organizations and implementing agencies to develop and implement more effective post-conflict disarmament efforts.

Comparative Analysis of Evaluation Methodologies in Weapon Collection Programmes

S. Koyama

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In each issue of *Disarmament Forum*, UNIDIR Focus highlights one activity of the Institute, outlining the project’s methodology, recent research developments or its outcomes. UNIDIR Focus also describes a new UNIDIR publication. You can find summaries and contact information for all of the Institute’s present and past activities, as well as sample chapters of publications and ordering information, online at <www.unidir.org>.

CURRENT ACTIVITY

Capacity development for reporting to the UN Programme of Action on Small Arms

In 2002, the United Nations Development Programme, the United Nations Institute for Disarmament Research, the UN Department for Disarmament Affairs and the Small Arms Survey began the project “Capacity Development for Reporting to the UN Programme of Action on Small Arms” to help countries with their reporting obligations on the implementation of the UN Programme of Action on Small Arms (PoA).

The project developed a series of tools—including an assistance package composed of a report template and fact sheets—to enhance both the quantity and quality of National Reports submitted to the Biennial Meetings of States. Based on the positive feedback received from assisted countries and from funders, the project has since been expanded and extended.

In particular, the project has sought to analyse all the National Reports submitted to date, which will contribute to the preparation for the first PoA Review Conference in 2006. This analysis is scheduled to be published in May 2006. The researchers have identified areas for cooperation and assistance to implement the PoA. The analysis draws out the specific dynamics at play within each region and considers all small arms-related topics mentioned in the National Reports.

UN Member States, in particular national points of contact and national coordination agencies, may contact the project’s helpdesk for assistance with reporting. The helpdesk is free of charge and can provide:

- general and specific guidance,
- an assistance package (including a proposed reporting template),
- comments on draft reports, and
- advice on the submission process.

Helpdesk contact details:

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