

The UN Review Conference on small arms control: Two steps backwards?

"We had come here with high expectations... We feel profound disappointment," Representative from Kenya.¹

The much awaited small arms Review Conference (RevCon), held in New York from 26 June to 7 July, ended in a shameful lack of productivity and direction, failing to agree an outcome document after two weeks of wrangling and many months of preparation and anticipation. What this means for the continuation of the UN small arms control process remains to be seen. The forthcoming First Committee of the General Assembly in October/November will be the first test of preparedness for action from governments.² In the ramshackle final session several States announced initiatives, including the United Kingdom plan to lead on a resolution on the Arms Trade Treaty at the First Committee³; Mexico and its declaration on regulating civilian access to guns; Canada's proposal to convene an informal meeting in Geneva in May/June 2007 to discuss transfer controls and assistance and cooperation⁴; and Switzerland's plans to implement the *Geneva Declaration on Armed Violence and Development* (June 2006), supported by some 42 governments.⁵

A close shave for the Programme of Action

Why did the RevCon fizzle out in such a lacklustre fashion? Theoretically the right ingredients were in place for a minimalist outcome document to be agreed. Following an unproductive preparatory meeting in January,⁶ the RevCon Chair, Sri Lankan Ambassador to New York Prasad Kariyawasam, spent considerable time in the lead-up to his meeting consulting with States. Over a period of months (including the two weeks of the RevCon itself) he produced seven iterations of a possible outcome document, each weaker than the previous version. Coming very close to rolling back the 2001 UN Programme of Action (PoA), no outcome document in this case is better than what could have been agreed.⁷

The inability to agree an outcome document was largely due to the intransigence of a small but powerful group of unlikely bedfellows: Cuba, Egypt, India, Iran, Pakistan, the USA and Venezuela, who pushed and pulled at the content as the clock counted down and other government officials looked on with growing frustration, indifference and bewilderment. There were other States – notably nations wracked with gun violence from the South – that played less than constructive roles, chipping away at fragile moments on procedure or issues that did not require repetitious airing. The European Union (EU), which came to the conference with expectations on several issues, in particular transfer controls and development-disarmament linkages, seemed to lack visibility at key moments. The EU's flexible approach to the negotiations, intended to salvage a minimal consensus outcome, did not in the end yield the desired result despite intense backroom efforts. In attempts to take stronger positions on a number of themes, several EU States spoke on behalf of their individual governments, rather than allowing the moderate joint EU statements to represent them.

The straw that broke the camel's back

The 'technical' catalyst for the RevCon's failure to reach an outcome was the US intransigence on the next steps for the UN small arms control process. As the Chair observed, "(t)he U.S. views on the follow-up are very different... Their position was unique."⁸ Their opposition to further meetings convened at the UN is part of the much larger US agenda on UN reform. US Ambassador to the UN John Bolton is the leading proponent of cutting back the UN, and thus opposition to any further global action became yet another US 'redline' on small arms.⁹

Multidimensional misunderstandings

Since 2001 a significant (though still low compared to other comparable issues, eg. landmines) amount of time and resources have been spent on greater understanding of the uncontrolled arms trade, and its various impacts. A mountain of information to inform effective policy and action now exists, demonstrating the issue of gun violence and the arms trade to be multifaceted. Indeed this is recognised in the title of the PoA itself.

The title of the UN *Programme of Action Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* reflects two competing perspectives on the issue. One demands a sole focus on the illicit trade, a fraction of the overall arms trade.¹⁰ The other demands a wider perspective premised on the belief that the illicit trade is linked to a lack of control of the 'legal' trade. At the RevCon this title hovered above the proceedings with irony as government delegations argued the parameters and limits of the issue.

Serious efforts to formulate approaches that are sensitive to wider understanding of the issues at stake were advanced by numerous governments, international organisations and NGOs. For example, Australia suggested that security sector reform should be considered a critical aspect of disarmament, demobilisation and reintegration (DDR) efforts. Nigeria argued that the needs and rights of children caught in the crossfire of small arms violence should be taken into account. The United Kingdom and the Netherlands argued for references to the new OECD-DAC guidelines on armed violence reduction.¹¹ However, during the RevCon these concerns were either ignored or rejected by a small group of States. Fortunately these efforts have not been lost or wasted and progress will continue to be pursued by governments, although largely outside the formal UN process.

Diverging perspectives on the linkages to development efforts

There is also confusion and a degree of cynicism about the refusal by a small collection of States speaking for the larger Non-Aligned Movement, led by India and Indonesia (who then both passed the baton to Caribbean States to fight the public battle) to accept references to the OECD-DAC decision and its significance for unlocking resources for greater action on gun violence and weapons control. At the heart of this 'division' lies an ideological difference of opinion with issues of note on both sides: concerns about conditionality on development aid, and searching for ways to broaden interest in donor governments and secure larger pools of resources. With sufficient time for a decent debate, common ground probably could have been achieved.

Consensus: Blessing or burden?

The UN small arms control process on small arms control has, since its inception, operated under the consensus procedure. However, it has worn thin on various issues such as the tough negotiations around the agreement on marking and tracing.¹² (As a result of the consensus requirement this agreement is non-binding.) In a process where legal agreements are rare and political agreements more the standard, consensus – when it works – can provide an important measure of respect and accountability for implementation efforts.¹³ Yet the RevCon graphically highlighted the limitations of this way of working. The majority of States were in agreement about moving forward in some way whether it is on global transfer controls or issues regarded by a majority of States as central to ending the ‘illicit trade in small arms in all its aspects’; ammunition control; development and disarmament linkages; standards related to access to weapons by civilians; or curtailing weapons transfers to armed groups. Yet potential progress was consistently stymied by a minority of States who stretched the consensus approach in undemocratic ways.

Next steps

The PoA remains the only global framework to guide future multilateral action on small arms control. All States – minus one – say they are convinced of the need to proceed with a global process in some form. Given the global nature of the small arms challenge it would seem incongruous not to. The RevCon has ironically renewed appreciation for this often maligned document.

In the coming years it is likely that more governments will strengthen their gun laws, examine and destroy excess weapons stocks, discuss in detail arms transfer controls, identify linkages between armed violence, sustainable development and crime control, and look for ‘neighbourhood’ or regional approaches for stemming illegal arms flows. Complementing this is a richer understanding of the costs of small arms violence. All eyes are now focussed on those governments who expressed frustration or flagged initiatives in the dying moments of the conference to carry aspects of global action forward. There is high hope *and* expectation that this will happen, with or without the endorsement of the UN process.

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1. *No Deal on Illegal Gun Trade*, Haider Rizvi, Inter Press Service News Agency, 7 July www.ipsnews.net/news.asp?idnews=33901

2. For an analysis of the 2005 session see Cate Buchanan and Mireille Widmer, *Small arms control: A focus on the 2005 Session of the UN First Committee*, Available at: www.hdcentre.org/UN+First+Committee+%28Disarmament%29+2005

3. On the 24th July the UK in conjunction with Argentina, Australia, Costa Rica, Finland, Japan and Kenya distributed a draft resolution. See also www.controlarms.org/latest_news/attstatement-240706.htm for the Control Arms response raising concern over the omission of references to human rights.

4. *UN guns meeting ends in disarray. Canada proposes new initiative, United States opposes further review*, Toronto Star, July 8, 2006, Olivia Ward
www.thestar.com/NASApp/cs/ContentServer?pagename=thestar/Layout/Article_Type1&c=Article&cid=1152309010266&call_pageid=968332188854&col=968350060724
5. Signatories include Afghanistan, Australia, Austria, Bulgaria, Brazil, Canada, Chile, Costa Rica, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Indonesia, Ireland, Jamaica, Japan, Jordan, Kenya, Republic of Korea, Lebanon, Liberia, Mali, Mexico, Morocco, Mozambique, New Zealand, Nigeria, Norway, Papua New Guinea, Senegal, Slovenia, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, The Netherlands, Timor Leste, United Kingdom. The full text is available at: <http://content.undp.org/go/newsroom/june-2006/governments-agree-to-armed-violence-reduction-measures-.en>
6. See Centre for Humanitarian Dialogue et al (2006), *Overview of Governmental Statements made at the small arms PrepCom*. Available at: www.hdcentre.org/UN+process+on+small+arms+control
- 7 Available at: <http://disarmament.un.org/cab/poa.html> For background on the UN process visit: www.hdcentre.org/UN+process+on+small+arms+control and www.iansa.org
8. Prasad Kariyawasam quoted in *No Deal on Illegal Gun Trade*, Haider Rizvi, Inter Press Service News Agency, 7 July www.ipsnews.net/news.asp?idnews=33901
9. See *Actions taken by the United States to stem the illicit trade in small arms and light weapons*, June 9, 2006. Available at: www.state.gov/t/pm/rls/fs/67700.htm; See also *Remarks at UN Review Conference on the Illicit Trade in Small Arms and Light Weapons*, Robert Joseph, US Under Secretary for Arms Control and International Security, June 27, 2006. Available at: www.state.gov/t/us/rm/68537.htm
- 10 The total global authorised trade is estimated at around USD4 billion annually. *Small Arms Survey 2006: Unfinished business*, Oxford University Press, Oxford p. 88 Due to its nature estimates for the illicit trade are difficult to calculate. See the Small Arms Survey yearbooks from 2001 onwards for analysis on this.
11. The OECD's Development Assistance Committee agreed in March 2005 that small arms control can effectively be considered an activity that enables sustainable development. The evidence base suggests this to be an informed response. See for example: *Small Arms Survey 2003: Development Denied*, Oxford University Press, Oxford; Buchanan, Cate and Robert Muggah (2005), *No Relief: Surveying the effects of gun violence on humanitarian and development personnel*. Centre for Humanitarian Dialogue and Small Arms Survey; UNDP at www.undp.org/bcpr/smallarms/index.htm; Conflict, Security & Development special edition Vol. 4, Number 3, December 2004; Muggah, Robert and Peter Batchelor (2002), *Development Held Hostage: Assessing the effects of small arms on development*. UNDP, New York; DFID (2003), *Tackling Poverty by Reducing Armed Violence: Recommendations from a Wilton Park Workshop*, 14-16 April 2003. DfID, London; Louise, Christopher (1996), *The Social Impacts of Light Weapons Availability and Proliferation*, Discussion Paper, UN Research Institute for Social Development, Geneva.
12. An open-ended working group (OEWG) on tracing illicit small arms was established in 2003 to negotiate an international instrument, and concluded its work on 17 June 2005 with the adoption of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. The instrument was formally adopted at the 2005 session of the UNGA First Committee with a vote of 145 in favour, 0 against, and 25 abstentions, primarily from Latin American and Caribbean countries. They expressed deep regret that the OEWG was unable to achieve consensus on a legally binding international on marking and tracing, and failed to include ammunition
13. For analysis of implementation to date see IANSA and Biting the Bullet (2006), *Reviewing Action on Small Arms 2006: Assessing the First Five Years of the Programme of Action*. Available at: www.iansa.org/un/review2006/redbook2006; See also Elli Kytömäki and Valery Yankey-Wayne (2006), *Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports*, UN Institute for Disarmament Research
14. Thank you to those who provided comments.