

The Geneva Process on Small Arms

Making the UN Programme of Action Work

WORKING GROUP ON BMS:

Options and proposals for making Biennial Meetings of States as effective as possible in advancing implementation of the UN Programme of Action on Small Arms

1 June 2007

Background

At its meeting of 26 February 2007, participants in the Geneva Process on Small Arms created a working group to develop options and proposals for making biennial meetings of States as effective as possible in advancing 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 (henceforth “Programme of Action”).

Representatives of the following States and organizations volunteered to contribute to the work of the group: Australia, Canada, Finland, India, Israel, Japan, Netherlands, Norway, Switzerland, the United Kingdom, Geneva Forum, Quaker United Nations Office, Small Arms Survey, the United Nations Office for Disarmament Affairs, and the United Nations Development Programme. Finland volunteered to coordinate the working group.

The working group met five times between March and June 2007. At the close of this phase of work, it agreed to issue this paper containing a number of options and proposals for improving the effectiveness of biennial meetings of States.

Rationale

In 2001, the UN General Assembly, acting on the recommendation in the Programme of Action (section IV.1.b), decided by consensus “to convene a meeting of States on a biennial basis, commencing in 2003, to consider the national, regional and global implementation of the Programme of Action.”¹ Two such biennial meetings have taken place, one in 2003 and the other in 2005. These meetings did not, however, fully live up to expectations from the point of view helping to advance implementation of the Programme of Action.

In 2006, the UN General Assembly decided to convene a biennial meeting of States “no later than in 2008.”² It is the shared feeling of this working group that every effort should be made to ensure that the 2008 biennial meeting is more effective in advancing implementation of the Programme of Action than have been its predecessors. To this end, the working group proposes the following options and proposals for consideration and action.

¹ A/RES/56/24 V of 24 December 2001, operative paragraph 2.

² A/RES/61/66 of 6 December 2006, operative paragraph 4.

The importance of re-establishing consensus

A fundamental political objective of the 2008 biennial meeting of States and, indeed, of the 62nd session of the UN General Assembly, should be to restore the broad consensual approach to small arms and light weapons that existed before the 2006 Review Conference. This goal will naturally be assessed against the need to make significant progress towards implementing the Programme of Action and thus alleviating the human suffering caused by the illicit trade in small arms and light weapons.

The need for action-oriented biennial meetings

The Programme of Action states that biennial meetings are designed to “*consider* the national, regional and global implementation of the Programme of Action” (section IV.1.b, emphasis added). Since the word “consider” may be interpreted in a number of different ways, this working group proposes an understanding of the term that allows for a constructive approach to the work of the 2008 biennial meeting.

The working group draws a general distinction between the function of a biennial meeting of States and that of a Review Conference. The function of a biennial meeting is primarily to *monitor* implementation of the Programme of Action; i.e. to check that it is being implemented as was agreed by UN Member States. The function of a Review Conference, on the other hand, encompasses monitoring but also goes beyond it to *evaluate* the implementation of the Programme of Action; i.e. to determine, as far as is feasible, the impact that Programme of Action implementation has had on reducing the illicit trade in small arms and light weapons.

Both monitoring and evaluation functions, to be effective, should have action components. In other words, if a Review Conference finds that the extent or impact of Programme of Action implementation is weak, it should be able to make changes to the overall strategy or way of functioning of the Programme of Action.

Likewise, the working group recommends that, if a biennial meeting finds that the Programme of Action is not being implemented as was agreed by UN Member States, it should be able to make recommendations, including to the General Assembly, on how to improve implementation.

The desirability of focusing on a limited number of issues

The UN General Assembly has already decided that implementation of the marking and tracing instrument³ shall be considered “within the framework of the [2008] biennial meeting of States.”⁴ Since this will be the first opportunity to examine how this new instrument is faring, it makes strong sense to focus on this issue in an intensive manner.

³ International instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons (adopted by the United Nations General Assembly on 8 December 2005).

⁴ A/RES/61/66 of 3 January 2007, operative paragraph 5.

The working group recognises that biennial meetings of States may consider all issues contained in the Programme of Action. In the short-term, however, and without prejudice to the Programme of Action as a whole and to a balanced supply- and demand-side approach, the working group recommends that biennial meetings focus on a limited number of priority issues, rather than trying to touch upon all aspects of the Programme of Action, as has happened in the past. Such a focused approach would highlight the implementation challenges associated with specific aspects of the Programme of Action and would allow biennial meetings to make recommendations for overcoming them.

Having considered all issues related to the implementation of the Programme of Action, the working group recommends that, in addition to marking and tracing, the 2008 biennial meeting also focus on the following issues:

Overarching focus on international cooperation and assistance

International cooperation and assistance is vital to implementing the Programme of Action. The 2008 biennial meeting could put this issue on top of its list of priorities and could also make this issue the lens through which it considers various other priorities (see below). Focusing on international cooperation and assistance implies a number of things; i.e., providing States with the opportunity to solicit and to offer assistance, mobilising resources and creating effective mechanisms to assess needs and to match them with resources in the context of Programme of Action implementation. Focusing where applicable on international cooperation and assistance, the 2008 biennial meeting could consider the following issues:

- Illicit brokering: The Group of Governmental Experts (GGE) on illicit brokering is due to report its findings and recommendations to the UN General Assembly in 2007, at which point the General Assembly may decide on next steps. The 2008 biennial meeting presents an ideal opportunity to maintain momentum on this important issue, including by following up on any decisions that may be taken by the General Assembly on the basis of the GGE's recommendations.
- Stockpile management and surplus destruction/disposal: Efficient, secure and safe storage of global small arms and ammunition stockpiles, as well as the destruction or other responsible disposal of surplus stocks, would significantly reduce the number of weapons leaking into the illicit market. This issue is particularly conducive to practical cooperation and assistance and so would benefit from in-depth consideration at the 2008 biennial meeting.
- Transfer Controls: At the 2006 Review Conference, UN Member States exchanged views in a constructive manner on how to move forward on the issue of transfer controls. The Government of Canada will host an "informal global meeting" on transfer controls on 27-31 August 2007 in Geneva. The 2008 biennial meeting would be well placed to build upon progress made on this issue since the Review Conference.

In addition to these substantive issues, the 2008 biennial meeting could also address two mechanisms that are of vital importance to the effective implementation of the Programme of Action, with a view to improving them:

- **Reporting:** Ensuring that national reporting becomes an effective tool in the service of Programme of Action implementation (see below for specific ideas and recommendations).
- **Follow up:** The 2008 biennial meeting is currently the only formally programmed UN meeting dedicated to advancing the implementation of the Programme of Action. The absence of a medium- to long-term perspective on the Programme of Action undermines implementation efforts and belies the fact that it will take considerably longer than five years to reduce significantly the illicit trade in small arms and light weapons. To address this, the 2008 biennial meeting could make recommendations, including to the General Assembly, for further follow-up, e.g. the recommendation to programme a biennial meeting of States for 2010 and to designate as early as possible a Chair for that meeting.

Ensuring that national reporting becomes an effective tool in the service of Programme of Action implementation

Reporting is crucial to the monitoring function of biennial meetings of States. Without it, States have no way of knowing if Programme of Action implementation is on track. As a general principle, the working group believes that, in order to increase the effectiveness of national reporting, it will be necessary to establish mechanisms and procedures that encourage States to report regularly and well. The working group believes that the following measures could improve reporting and thus increase the overall effectiveness of biennial meetings.

- The existing suggested reporting template could be modified to make it easier for States (1) to indicate their assistance needs and (2) to place special emphasis on the issues upon which the 2008 biennial meeting will focus.⁵
- Additional reporting tools could be developed to assist States in preparing accurate, regular and timely reports.
- Mechanisms could be developed to allow States to present their national reports to target audiences predisposed to helping them to overcome their implementation challenges.
- A system of voluntary mutual evaluation could be introduced to supplement reporting on Programme of Action implementation, similar to the peer-review mechanisms that exist in other multilateral fora.⁶

⁵ A suggested reporting template is contained in the “Reporting Assistance Package” developed by UNDP, UNODA, UNIDIR and the Small Arms Survey. The package is available online at http://www.undp.org/bcpr/smallarms/Programme_of_Action.htm.

⁶ Peer review mechanisms are used to help implement a number of global and regional agreements and conventions; e.g., the UN *Convention Against Corruption*, the WHO *Framework Convention on Tobacco Control*, the IAEA *Convention on Nuclear Safety*; the Council of Europe’s *Twenty Guiding Principles to Fighting Corruption*, the OAS *Inter-American Convention against Corruption*, the Asian Development Bank and OECD *Anti-Corruption Action Plan for Asia and the Pacific*, and the New Partnership for Africa’s Development (NEPAD) Peer Review Mechanism.

- Reporting on implementing the Programme of Action could be synchronised with reporting on implementing the marking and tracing instrument. This would translate into a strong expectation for States to report on their implementation of both agreements on a biennial basis.
- Ideally, such biennial reporting should not coincide with biennial meetings; i.e., biennial reports could be submitted in the years when biennial meetings are *not* taking place. This would provide adequate time to analyse and draw conclusions from the reports, which would then be of much more value to the ensuing biennial meeting. In any case, States should report well in advance of biennial meetings.
- Interested States and organisations could consider and develop practical proposals for improving reporting in the run-up to the 2008 meeting.

The need for broad participation

Previous biennial meetings of States, especially the meeting in 2005, have demonstrated the value of attracting and facilitating the participation of relevant officials from developing countries affected by the illicit trade in small arms and light weapons. Every effort should be made to build upon this work for the 2008 meeting, including through a sponsorship programme aimed at increasing the participation of developing countries.

The active participation of experts from international organisations and civil society can only benefit biennial meetings of States. The working group recommends broad participation by such experts at the 2008 biennial meeting. Such experts could be invited to introduce the thematic issues under consideration and/or to contribute, in an interactive manner, to the thematic debates.

The role of side events

As the 2003 and 2005 meetings have demonstrated, side events are a vital element of biennial meetings. In particular, they provide a useful forum in which interested States can address issues that may not yet be ripe for formal consideration. States in need of assistance in implementing the Programme of Action could also use side events to present their national reports and/or action plans with a view to attracting such assistance. The working group recommends that these and other roles for side events should be recognised and fully exploited by the 2008 biennial meeting.

The need for intersessional work

The working group recommends that UN Member States consider establishing an intersessional work programme (i.e., between biennial meetings) to help advance implementation of specific aspects of the Programme of Action. One possible model might be the “informal global meeting” being organised by the Government of Canada in August 2007 on the issue of small arms transfer controls. Informal annual meetings on specific topics could help to advance implementation of the Programme of Action and could also help to build consensus around issues that may not yet be ripe for consideration within formal UN settings. Another model that States may

wish to consider is the intersessional work programme of the Biological and Toxin Weapons Convention, which takes place within the UN framework and which focuses on one or two issues per year.

The role of the omnibus resolution

UN Member States should take action soon to ensure that the 2008 biennial meeting will be as effective as possible in advancing implementation of the Programme of Action. The omnibus resolution of the 2007 First Committee will play a crucial role in this regard. As well as setting the dates for the 2008 biennial meeting, the omnibus resolution could also:

- Indicate the issues upon which the 2008 biennial meeting will focus and encourage States to prepare themselves for in-depth exchanges on these issues.
- Encourage States to submit reports on their implementation of all aspects of the Programme of Action and of the marking and tracing instrument in a timely manner, putting special emphasis on the issues upon which the 2008 biennial meeting will focus.

The role of the Chair of the 2008 biennial meeting

The success of the 2008 biennial meeting will not depend on who is in the Chair, but on the collective willingness of UN Member States to focus on the issues at hand and to advance implementation of the Programme of Action. Nevertheless, the Chair will play an important role. For this reason, the working group recommends the following:

- The Chair of the 2008 biennial meeting should be designated as early as possible in order to give her/him ample time for consultation and preparation.
- The Chair could appoint “Friends of the Chair” on each of the topics on which the 2008 meeting will focus, making use, as appropriate, of expertise within the Bureau.
- The Chair could issue and/or encourage others, including the “Friends of the Chair,” to issue papers on the topics on which the 2008 biennial meeting will focus.
- The Chair could propose efficient time management of the 2008 biennial meeting that prioritises in-depth exchanges on the chosen issues.