

**Reporting the results of the
Second UN Biennial Meeting of States
to review the implementation of the
Programme of Action on Small Arms
July 2005**



**Prepared for the
Small Arms Working Group
of the
Canadian Peacebuilding Coordinating Committee
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About this paper

This paper is a report prepared for the Small Arms Working Group (SAWG) of the results of the Second UN Biennial Meeting of States (BMS2) held at the United Nations in July 2005 to review the implementation of the UN Programme of Action (PoA) on small arms. It covers four small arms issues: civilian possession of small arms; small arms transfer controls; small arms brokering regulations; and small arms and demand. The authors of the four papers are experts in their respective fields and long-time members of SAWG. The papers are intended to strengthen the Canadian government's pursuit of effective small arms control policies and the policy recommendations are intended to advance actions needed for the 2006 PoA UN review. This report follows up SAWG's policy brief, *Policy recommendations for a Canadian response to the proliferation and misuse of small arms and light weapons (SALW)*, produced in March 2005 in the lead up to the BMS2.

The Small Arms Working Group (SAWG)

SAWG is one of six working groups of the Canadian Peacebuilding Coordinating Committee (CPCC) and is coordinated by Project Ploughshares. SAWG provides a forum for Canadian peace, disarmament, human rights and development NGO communities to engage each other and the Canadian government in policy dialogue on the national and international policies and measures needed to reverse the diffusion and misuse of small arms and light weapons.

The Canadian Peacebuilding Coordinating Committee (CPCC)

The CPCC is a network of Canadian non-governmental organizations and institutions, academics and other individuals from a wide range of sectors engaged in facilitating dialogue between civil society and the Canadian government for the development of peacebuilding policy and programming.

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Project Ploughshares is an ecumenical agency of the Canadian Council of Churches established to work with churches and related organizations, as well as governments and non-governmental organizations, in Canada and internationally, to identify, develop, and advance approaches that build peace and prevent war. Project Ploughshares is a founding member of the International Action Network on Small Arms (IANSA).

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1. Introduction

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It has been four years since the United Nations member states convened the first ever Conference on small arms and light weapons. The result was the “Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)”. The PoA remains a watershed document that provides a framework and a follow-up process for national, regional and global action on SALW. Indeed, SALW have remained on the international agenda in no small part because of the PoA.

Since then, states have met to review implementation on a biennial basis (BMS). The main purpose of the follow-up BMS meetings is for states to report on implementation of the PoA, not to negotiate changes. Monitoring implementation of the PoA is essential to ensure that states continue to move towards full implementation and maintain momentum on small arms issues. These meetings also serve as forums for civil society organizations to lobby governments on specific issues and, more generally, allow for dialogue and networking opportunities among civil society organizations, and between government and civil society. The Second Biennial Meeting of States (BMS2) in July 2005 saw some progress on the small arms agenda.

The formal proceedings were chaired by Ambassador Pasi Patokallio of Finland, were conducted over five days. During the first two days, 77 Member States made statements and 101 submitted full reports to the Coordinating Action on Small Arms mechanism (CASA), the body that oversees the Programme of Action reporting process (UN 2005). Given that data and information are provided by states voluntarily – in 2003 only 39 states submitted reports – this increased participation is in itself a positive development that the UN has worked hard to achieve by building the capacity of states to report.

Along with the official proceedings, there were more than 25 side events and six publication launches by both civil society and governments.

There were approximately 190 IANSA-affiliated organizations from 59 countries (IANSA 2005). Civil society was given a three-hour slot to address the conference. This session gave representatives the opportunity to provide an overview of the small arms issues that civil society is working on. Representatives from the pro-gun lobby, the World Forum on the Future of Sport Shooting Activities (WFSA), also spoke briefly.

Canadian civil society was represented by members of the Small Arms Working Group of the Canadian Peacebuilding Coordinating Committee: Project Ploughshares, The Group of 78, and The Coalition for Gun Control. As well, a representative of the Quaker United Nations Office based in Canada was part of the official Canadian delegation.

Along with Canada, 21 other governments had civil society representatives as part of their official delegation. Civil society will encourage governments to include civil society representatives on their delegations at forthcoming meetings.

The last two days of the meeting were devoted to thematic discussions guided by a set of questions provided by Ambassador Patokallio on the following topics:

- Weapons collection and destruction
- Stockpile management
- Disarmament, demobilization, and reintegration of former combatants
- Capacity-building
- Resource mobilization
- Institution-building
- Marking and tracing
- Linkages (terrorism, organized crime, trafficking in drugs and precious minerals)
- Import/export control – illicit brokering in SALW
- Human development
- Public awareness and the culture of peace
- Children, women, and the elderly.

As the papers that follow will show, the BMS2 moved a number of issues forward, more so than previous meetings and certainly States did more than merely report on their activities.

Briefly, results of the discussions included:

- Some states expressed support for an international Arms Trade Treaty or interest in developing a legally binding instrument to control small arms transfers. Others did not go so far but still came out in support of common standards that would regulate the international small arms trade.
- The Canadian government’s statement, in keeping with many others, called for “the development of common criteria and procedures for arms exports with the goal of incorporating such guidelines into a revised UN PoA in the Review Conference in 2006.”
- Three states announced that they would start the process to ratify/accede to the UN Firearms Protocol, currently the only legally binding international treaty on small arms. So far 42 countries have ratified this agreement. Canada has signed but not ratified the Protocol.
- Approximately 58 states, including Canada, expressed regret that the creation of the UN Open-Ended Working Group on Tracing Illicit Small Arms and Light Weapons (OEWG) did not result in an agreement on a legally binding international instrument.
- Forty-seven states welcomed the upcoming meeting of the Group of Governmental Experts to examine brokering controls. Canada’s statement did not strongly recommend an international instrument but encouraged countries to work in their national jurisdictions “towards measures for curbing illicit brokering.”
- The PoA does not refer explicitly either to the regulation of civilian possession of small arms

or to prohibiting small arms transfers to non-state actors, but many states, including Canada, mentioned one or both of these issues in their official statements.

- Many civil society organizations have been pressing governments to support more fully programs that aim to lessen the demand for small arms. More states and UN agencies made specific reference to demand issues than did in previous meetings in 2001 and 2003. Canada referred specifically to the need to deal with both supply and demand directly.

In his closing statement, Ambassador Patokallio (2005) spoke specifically of the need for enhanced controls on transfers and increased regulation on brokers and brokering activities. He expressed regret that the international instrument to identify and trace illicit small arms was not legally binding, but declared that states were not therefore released from their obligation to implement it “fully and in good faith.” He saw the need for stronger demand-side measures that focus on all community stakeholders and for security sector reform initiatives that enhance perceptions of security.

In January 2006, states will meet at the Preparatory Committee to discuss and set the agenda for the Review Conference to be held in July 2006. Civil society organizations need to ensure that this agenda is as comprehensive as possible.

The reports in this paper are based on participation by the authors at the BMS2. Their analysis is drawn from statements delivered during the formal sessions during the meeting, notes taken during these sessions and attendance at various relevant side-events (panels, briefings, book launches, etc.) that took place in parallel with the formal discussions. They provide policy recommendations for the Canadian government on four themes: civilian possession of small arms; small arms transfer controls; small arms brokering regulations; and small arms and demand.

Canadian civil society organizations will continue to monitor developments at the international level and dialogue with government to seek further strengthening of its own policy on small arms issues.

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2. Global Principles for International Small Arms Transfers: Second Biennial Meeting of States and Beyond

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Background

Despite widespread state interest in developing strict global standards for the legal transfer of small arms and light weapons during the 2001 UN Conference on Small Arms and Light Weapons (SALW), the Programme of Action (PoA) that emerged from the conference failed to identify common criteria that states should follow in making small arms export decisions. The PoA did acknowledge that state authorization of small arms transfers should be consistent with “existing responsibilities of States under relevant international law” in Section II, paragraph 11 and this paragraph became the focus of subsequent attention by states and civil society groups seeking to strengthen state responsibilities and standards for small arms transfers.

In advance of the Second Biennial Meeting of States (BMS2) in July 2005, there were at least four tracks of activity aimed at strengthening PoA II:11:

- **The “Montreux process”** – This process was initiated by the Canadian government. Noted as a “dialogue” in Canada’s statement to BMS2, it emerged from an initial interest in engaging the Human Security Network of states to involve a like-minded grouping of states willing to champion a “people-centred” approach to improving the PoA. The initiative includes three key issues: regulation of civilian possession of small arms, addressing the misuse of small arms by security forces, and inclusion of common transfer principles in the PoA. The first meeting in Montreux, Switzerland, in January 2005, led to Canada’s drafting a set of “core” principles for all three issues. The transfer principles of the Montreux statement refer to states’ existing responsibilities under international law and stipulate when SALW may not be transferred and when states should “take into account” other criteria (see Appendix A).
- **Transfer Controls Initiative (TCI)** – This UK-led initiative involved states, civil society groups and experts in a series of regional meetings between July 2003 and July 2005 to develop common criteria for small arms transfers. The UK reported on the initiative at a meeting in the margins of BMS2 and subsequently circulated draft “Guidelines governing transfers of small arms and light weapons.” Although the draft guidelines refer to the existing responsibilities of states and provide a helpful list of criteria, they suffer from weak language that stops well short of stipulating even the obligatory circumstances when states may not transfer SALW (such as UN embargoes). Instead the guidelines commit to “undertake to avoid authorizing exports of small arms and light weapons where there is a clear risk that the transfer in question” will contravene certain legal obligations such as contributing to violations of international humanitarian law (see Appendix B).

- **Biting the Bullet Project** – Bradford University, International Alert and Saferworld jointly convened this project as the “Small Arms Consultative Group Process.” The process has involved consultations with officials from over 30 governments as well as with representatives from UN and regional organizations and civil society groups. It has met six times in several regions during the past two years, including its latest meeting in Rio de Janeiro in April. During the BMS2, the Group released a “Food for Thought Paper” that offered “guidelines for national decisions on whether to authorize proposed small arms transfers.” The guidelines include 15 factors that states “should take into account” when authorizing transfers of SALW. Like the TCI guidelines, the Biting the Bullet criteria do not identify the conditions when states are obligated to deny transfers, even though these are included in the factors to be taken into account (see Appendix C).
- **The Arms Trade Treaty Initiative** – Arguably, the most clearly articulated track is the civil society-based effort to advocate a legally binding international arms trade treaty (ATT). Introduced in 1997 by a group of Nobel Peace laureates led by Oscar Arias, it has drawn upon international humanitarian and human rights obligations to propose that all conventional weapons transfer decisions should be based on a set of six principles. The ATT principles include “express limitations” and “limitations based on use” that preclude the transfer of weapons as well as factors that states should take into account when making transfer decisions. The principles also address the important issue of transparency (see Appendix D). Because these “global principles” are intended to apply equally to small arms exports, civil society groups supporting the ATT argue that the principles should be inserted into the PoA. During BMS2, civil society representatives met with BMS delegations to discuss and promote the ATT and its global principles.

Transfer control issues at the BMS2

It was apparent during the BMS2 that the issue of small arms transfer controls had gained considerable momentum since the first BMS two years earlier (July 2003). According to the International Action Network on Small Arms (IANSA) report on the meeting, 32 states expressed support for an international arms trade treaty and six states – including Canada – expressed interest in developing a legally binding instrument on small arms transfers. A further 36 states expressed support for common standards in regulating the trade in small arms. (For a list of the states and their positions see www.iansa.org/un/bms2005/BMS-report-for-web.pdf.)

Some ATT support came from expected sources such as Costa Rica, Finland, Kenya, Cambodia and the UK but there also was unexpected support during BMS2 from 13 states including Colombia, Turkey and Uganda.

The profile of the ATT was raised substantially during the meeting through reference in at least 10 country statements as well as by efforts on the part of NGO representatives to raise the treaty in informal discussions with mission delegates. The Arms Trade Treaty Steering Committee (of NGOs) in particular made a concerted effort through the week to engage a wide range of meeting delegates in ATT discussions.

Several states also expressed support for strengthened small arms transfer controls during the BMS2 thematic discussions.

A few states – Canada, Hungary and Finland – referred to the need for an agreement on small arms transfers in 2006.

A telling indicator of the interest in the ATT and its global principles was the larger-than-anticipated turnout to a breakfast meeting of governments and NGOs entitled “Bridging Strategies to Advance the Global Principles of the Arms Trade Treaty.” Sponsored by the Permanent Missions to the UN of Costa Rica, East Timor, Kenya, Norway and Slovenia, and supported by the Arias Foundation (Costa Rica), the Friends Committee on National Legislation (USA) and Project Ploughshares (Canada), the meeting brought together over 60 representatives of at least 20 governments and more than a dozen NGOs to build support for the ATT and to promote global principles for the PoA. Several government delegates expressed strong support for one or both objectives.

Despite the clear momentum on small arms transfer principles and controls, the BMS2 outcome document was a disappointment, even if the Chair referred to the progress on transfers and a need for further work.

It was also apparent that confusion remains among some states over the commonalities and differences between the ATT and principles for small arms transfers. To avoid dissipating political commitment to the two initiatives, NGO and government supporters will need to ensure that the strategic links but separate objectives of both processes are clear and coordinated.

Towards the 2006 UN PoA Review Conference: Recommendations

Canada has demonstrated leadership with regard to the insertion of transfer principles into the UN PoA (among other issues). It is apparent from statements made during BMS2 that Canada intends to continue this role up to the July 2006 Review Conference (RevCon). Nevertheless, to obtain a successful outcome from the RevCon on small arms transfer controls, Canada needs to give immediate attention to several key initiatives in the period up to and during the January PrepCom:

1. Canada should work with other governments that have demonstrated leadership on the small arms transfers issue – especially the UK but also Finland, Costa Rica, Kenya and others – to draft a set of common principles for national decisions on small arms transfers. Canada should look for cooperation from states that expressed support during the BMS for the Arms Trade Treaty or for a legally binding instrument on small arms transfers.

The UK is hosting a mid-November meeting to discuss the proposed guidelines governing transfers that emerged from its Transfer Control Initiative. In addition to joining the UK in pressing for stronger language, Canada should consider hosting a working meeting of like-minded states before the end of 2005 to further develop a draft set of principles to be tabled at the January PrepCom. Alternatively, Canada could sponsor a meeting in the margins of the PrepCom to advance the discussion of global principles.

Canada could also make use of regional and other multilateral forums to promote small arms transfer principles in the period up to the RevCon. These include relevant meetings of the OAS, the Francophonie, the Commonwealth and other organizations. For example, the Commonwealth Head of States meeting in Malta, November 25-27 would be an early opportunity for Canada to press for cross-regional attention to SALW transfer principles.

2. With other like-minded states, Canada should determine and pursue the most effective political approach to ensure that the common principles for small arms transfers are inserted into the UN PoA. There are several options available, including:

a. An annex or supplementary document to the PoA specifically addressing Section II, paragraph 11 and detailing the principles to govern or influence national small arms transfer decisions that are consistent with state responsibilities under relevant international law.

b. Opening the PoA to include transfer principles in Section II. This approach would underline the significance of the principles and avoid any ambiguity in political status such as might occur with an annex, but it could leave the PoA vulnerable to some states' efforts to weaken other areas. And like the PoA itself, principles inserted in this manner would be politically binding, not legally binding.

c. Achieving an agreement by changing the PoA decision-making process from consensus to majority vote. There is speculation that some states may be interested in this approach, especially in light of growing concern about the virtual veto that can arise from a consensus requirement. It runs high risks, however, since it breaks with the traditional consensus approach on disarmament issues at the UN and could create an obstructive backlash. On the other hand, some advantage stems from the apparent existence of a majority of states that would approve an agreement on small arms transfers.

d. A commitment from the July 2006 RevCon to negotiate an international instrument on small arms transfer principles. The efficacy of this option would depend on the approach. A process like an Open-Ended Working Group (OEWG) would risk repeating the disappointing results of the Marking and Tracing OEWG unless the working group were given a clear mandate to reach a strong agreement. Alternatively, a self-selecting process of "like-minded" states could produce a strong, legally binding instrument that built upon the membership and progress to date of the initial states. This approach may hold the greatest chance of success.

3. Canada should announce and clarify its support for the ATT. Government officials have signaled Canadian support for UK efforts to advance an international treaty for the weapons trade, but Canada has yet to make a public call for an ATT.

Canada should become an early proponent of an ATT to ensure that the negotiated treaty text is robust and incorporates the highest possible international standards. It should work to ensure that the transfer criteria on small arms transfers promoted and adopted for the PoA are consistent

with criteria that may be proposed for an ATT. It should give substance to this work by supporting a negotiating process to draft a treaty.

Canada needs to begin at home with the clarification and coordination of policy regarding an ATT and principles for small arms transfers. Although in the past the Peacebuilding and Human Security Division (AGP) of Foreign Affairs Canada (FAC) has demonstrated leadership on small arms policy and on small arms transfer issues in particular – and the new Small Arms Unit appears to be extending this work – it is still not clear which FAC department is responsible for policy regarding an international treaty on all conventional weapons trade or even regarding the Canadian response to the initiative announced by the UK Foreign Secretary. The ATT agenda is gathering international momentum and Canada should demonstrate consistent policy with respect to all conventional arms transfers. With its own house in order, Canada will be better placed to bring consistency to multilateral discussions on transfers in the PoA and in forums dealing with all conventional weapons.

Appendix A:

A People-Centered Approach to Small Arms: Core Principles

Chair's Non-Paper
Montreux, 16-18 January (2005)

Motivated by the extraordinary human costs of small arms violence, experts gathered in Montreux, Switzerland to advance a people-centred approach to the proliferation and misuse of small arms. Committed to prioritizing those measures that most directly and effectively reduce the impact of small arms violence on people and their communities, participants focused on *controlling* international weapons transfers; *preventing* the misuse of weapons by state officials and agents, and *regulating* the possession of small arms by civilians. In this regard some common principles emerged, including:

Principle 1: Transfer Controls

The national control of small arms and light weapons transfers, according to common international standards, is essential to combating illicit trafficking and to addressing small arms violence and its human cost. Such transfers must be authorised by importing and exporting states and be consistent with their existing responsibilities under international law.

- States should take active steps to prevent violations of arms embargoes and moratoria.
- small arms may not be transferred where there is an established risk that the recipient will use them to commit violations of international law, including in particular international human rights and international humanitarian law.
- In considering authorization for small arms transfers, states should also take into account the impact of the proposed export on national and regional stability, sustainable development and terrorism.
- States should ensure that adequate laws and administrative procedures to prevent the diversion of small arms to unauthorised users are in place.
- States should be encouraged to explore options for strengthened international cooperation with regard to export control procedures and transfers, including the establishment of a global framework for transfer controls.

Appendix B: Guidelines governing transfers of small arms and light weapons*

Suggested text

The Programme of Action requires that States assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons, and are consistent with the existing responsibilities of States under relevant international law. (*para II.11*)

The Programme of Action requires that States establish or maintain an effective national system of export and import licensing or authorization, as well as measures on international transit, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons. (*para II.11*)

Taking into account our respect for and commitment to international law and the purposes and principles enshrined in the Charter of the United Nations, [including the sovereign equality of States, territorial integrity, the peaceful resolution of international disputes, non-intervention and non-interference in the internal affairs of States],

We undertake to avoid authorising exports of small arms and light weapons where there is a clear risk that the transfer in question will:

- a) Violate, or threaten to violate sanctions of the United Nations Security Council or other multilateral sanctions to which the State adheres;
- b) Contravene bilateral or multilateral commitments on non-proliferation, small arms, or other arms control and disarmament agreements to which the State adheres;
- c) Be used for the purpose of repression or the violation or suppression of human rights and fundamental freedoms, including the commission of genocide or crimes against humanity;
- d) Be used for the commission of serious violations of international humanitarian law;
- e) Be used in acts of aggression against another State or population or threaten the national security or territorial integrity of another State;
- f) Be used to worsen the internal situation in the country of final destination, in terms of provoking or prolonging armed conflicts or aggravating existing tensions;
- g) Be used to support or encourage terrorist acts and facilitate organised crime.

In considering proposed exports of small arms and light weapons, States will take into account:

- a) The internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts;

- b) The record of the recipient country's compliance with regard to international obligations and commitments in the field of non-proliferation, non-use of force, suppression of terrorism arms control and disarmament, and their record of respect for international humanitarian law;
- c) The requirements of the recipient country to enable it to exercise its inherent right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations;
- d) The requirements of the State to meet its legitimate self-defence and security needs, and to enable it to participate in peacekeeping operations in accordance with the Charter of the United Nations or relevant regional organisations with a peacekeeping mandate;
- e) The nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and to the objective of the least diversion of human and economic resources to armaments;
- f) The risk of diversion or re-export in conditions incompatible with these guidelines.

States will, in importing small arms and light weapons, undertake to:

- a) Ensure that all shipments of small arms imported into their territory are subject to effective national licensing or authorization procedures in order to prevent their diversion to any party other than the declared end-user;
- a) Without prejudice to the rights of States to re-export small arms and light weapons that they have previously imported, ensure that the original exporting State will be notified before re-export or re-transfer of these weapons.

* Circulated draft of the UK government, October 2005.

Appendix C: Elaborating international guidelines for national decisions on whether to authorise proposed small arms transfers*

Consistent with the commitments contained in Paragraph 11 of Section II of the PoA, the relevant national authorities of each state that is directly involved (as exporter, importer, transit or transshipment country) in authorising any proposed transfer of small arms (including parts, components and ammunition), should take account of the following factors and guidelines.

- 1) The rights to self-defence in accordance with Article 51 of the UN Charter of all states involved in the process of the small arms transfer, and the prohibition on the use or threat of force and on intervention in the internal affairs of another state.
- 2) The right of all states directly concerned with the proposed small arms transfer to meet their legitimate national security needs.
- 3) The requirement for explicit authorisation of the small arms transfer by all states directly concerned with the process of the small arms transfer, in accordance with their relevant and adequate national laws, regulations and administrative procedures to control small arms transfers, including the exporting and importing states, and subject to the national controls of relevant transit and/or transshipment states and of states with jurisdiction over relevant arms brokering activities.
- 4) The commitment to ensure adequate marking and record-keeping in relation to each of the small arms involved in the proposed transfer, in accordance with relevant international standards, and to co-operate to enable timely and reliable identification and tracing of any small arms that are diverted to the illicit trade.
- 5) The commitment to assess applications for small arms transfers according to strict national regulations and procedures, taking into account in particular the risk of diversion of the small arms concerned to unauthorised uses or end-users or into the illicit trade.
- 6) The record of compliance of all states involved in the process of the transfer with international obligations and commitments, in particular in relation to: the non-use of force, non-proliferation, arms control and disarmament, and the record of respect for international law governing the conduct of armed conflict.
- 7) The obligations under the Charter of the United Nations to comply with, and prevent circumvention of, decisions by the UN Security Council such as those imposing arms embargoes or restrictions on small arms transfers; and also requirements to comply with any other obligations the states have entered into, including: binding decisions (including embargoes) adopted by relevant international, regional and sub-regional bodies, prohibitions on arms transfers that arise in particular treaties to which a state is party, such as the 1980 Convention on the Use of Certain Conventional Weapons Which May Be Considered Excessively Injurious and the associated Protocols.

- 8) The obligation of states to meet their existing responsibilities under relevant international law, including appropriate responsibility to avoid actions likely to facilitate or contribute to actions by others that are in contradiction to existing international law.
- 9) The obligation of states not to authorise transfers of small arms that would be used for or would facilitate violation or suppression of human and peoples' rights and freedoms, or for the purposes of oppression.
- 10) The obligation of state not to authorise transfers of small arms that would be used for or would facilitate acts that violate international humanitarian law, including genocide and crimes against humanity.
- 11) The risk that the proposed small arms transfer might support, facilitate or encourage terrorism.
- 12) The risk that the proposed small arms transfer would adversely affect international or regional peace and security, or contribute to destabilising or uncontrolled accumulations of arms, particularly in countries or regions that are at serious risk of armed conflict or are emerging from conflict.
- 13) The risk that the proposed small arms transfer might be used for or would facilitate violent or organised crime or contribute to criminal mis-use of arms and ammunition.
- 14) The risk that the small arms concerned in the proposed transfer may be diverted from authorised stocks, for example due to inadequate stockpile management and security, or due to lack of ability or willingness to protect against transfers, loss, theft or diversion that are unauthorised or inconsistent with commitments relating to end use or end user.
- 15) The risk that the proposed small arms transfer may hinder or obstruct sustainable development and unduly divert human and economic resources to armaments of the states involved in the process of the small arms transfer.

In addition to the above international obligations and guidelines, each state directly concerned with authorising a proposed transfer may also take into account other relevant national, regional or international commitments or guidelines. After considering the above international obligations and guidelines, and assessing the balance of risks, each such state has the right and responsibility to make national decisions. However, the decision-making process should be approached co-operatively and with appropriate consultation.

As far as possible, assessments relating to the above obligations and guidelines should be made on the basis of objective evidence. Where the states directly concerned initially differ in their assessments relating to one or more of the above obligations or guidelines, they should seek to engage in relevant information exchange or consultation, with a view to resolving or addressing the issues or concerns in a co-operative manner.

*Excerpted from "Food for Thought Paper," Small Arms Consultative Group Process, July 2005 (available from Saferworld, UK)

Appendix D: Global principles for arms transfers*

Principle 1: Responsibilities of states

All international transfers of arms shall be authorised by a recognized state and carried out in accordance with national laws and procedures that reflect, as a minimum, states' obligations under international law.

Principle 2: Express limitations

States shall not authorize international transfers of arms that violate their expressed obligations regarding arms under international law.

This includes:

- A Obligations under the Charter of the United Nations – including:
- decisions of the Security Council, such as those imposing arms embargoes;
 - the prohibition on the use or threat of force;
 - the prohibition on intervention in the internal affairs of another state.
- B Any other treaty or decision by which that state is bound, including:
- Binding decisions, including embargoes, adopted by relevant international, multilateral, regional, and sub-regional bodies to which a state is party;
 - Prohibitions on arms transfers that arise in particular treaties which a state is party to, such as the 1980 UN Convention Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, and its three protocols, and the 1997 Anti-personnel Mines Convention.
- C Universally accepted principles of international humanitarian law:
- Prohibition on the use of arms that are of a nature to cause superfluous injury or unnecessary suffering;
 - Prohibition on weapons that are incapable of distinguishing between combatants and civilians.
- D Transfers which are likely to be diverted for any of the above or be subject to unauthorized transfer.

Principle 2 encapsulates existing express limitations under international law on states' freedom to transfer and to authorize transfers of arms. It focuses on circumstances in which a state is already bound not to transfer arms, as set out in expressed limitations in international law. The language is clear: "states shall not ..."

When new binding international instruments are agreed, new criteria should be added to the above principles. For example, if there is a new binding instrument on marking and tracing or illicit brokering.

Principle 3: Limitations based on use or likely use

States shall not authorize international transfers of arms where they will be used or are likely to be used for violations of international law, including:

- A breaches of the UN Charter and customary law rules relating to the use of force;
- B the commission of serious violations of human rights;
- C the commission of serious violations of international humanitarian law, genocide, and crimes against humanity;

Nor should they be diverted and used for the commission of any of the above.

In Principle 3, the limitations are based on the use or likely use of the weapons to be transferred. All states should abide by the principles of state responsibility, as set out in international law, which include supplier-state responsibility and accountability for the use of arms transferred between states.

Principle 4: Factors to be taken into account

States shall take into account other factors, including the likely use of the arms, before authorizing an arms transfer, including:

A the recipient's record of compliance with commitments and transparency in the field of non-proliferation, arms control, and disarmament.

States should not authorize the transfer if it is likely to:

B be used for or to facilitate the commission of violent crimes;

C adversely affect regional security or stability;

D adversely affect sustainable development;

E involve corrupt practices;

F contravene other international, regional, or sub-regional commitments or decisions made, or agreements on non-proliferation, arms control, and disarmament to which the exporting, importing, or transit states are party;

G or be diverted for any of the above.

Principle 4 does not contain clearly stated prohibitions on the authorization of arms transfers. Instead, it identifies possible consequences that states are required to take into account before authorizing an arms transfer, imposes a positive duty on states to address these issues, and establishes a presumption against authorization where these consequences are deemed very likely.

Principle 5: Transparency

States shall submit comprehensive national annual reports on international arms transfers to an international registry, which shall publish a compiled, comprehensive, international annual report.

Principle 5 is a minimum requirement to increase transparency so as to help ensure compliance with Principles 1-4 above. States should report each international arms transfer from or through their territory or subject to their authorization. Reporting should be standardized and tied to the implementation of the normative standards set out in the Treaty. These reports should be sent to an independent and impartial Registry of International Arms Transfers, which should issue a comprehensive annual report.

Principle 6: Comprehensive Controls

States shall establish common standards for specific mechanisms to control: (a) the direct import and export of arms; (b) arms brokering activities; (c) the export of licensed arms production; and (d) the transit and trans-shipment of arms. States shall establish operative provisions to monitor enforcement and review procedures to strengthen the full implementation of the Principles.

Principle 6 will help ensure that states enact national laws and regulations according to common standards, and ensure that the principles are implemented consistently.

*Drafted by the Arms Trade Treaty Steering Committee, June 2005.

3. The International Regulation of Small Arms Brokering: A Way Forward

Peggy Mason
Chair, The Group of 78

Background

The 1999 General Assembly Resolution mandating the UN Small Arms and Light Weapons Conference also called upon the UN Secretary-General to establish a group of governmental experts to do a feasibility study on the regulation of all aspects of arms production and trade, with particular emphasis on arms brokering. The mandate was: “[t]o carry out a study...on the feasibility of restricting the manufacture and trade of such weapons to the manufacturers and dealers authorized by States, which would cover the brokering activities, particularly illicit activities, relating to small arms and light weapons, including transportation agents and financial transactions”.¹

A Group of Governmental Experts (GGE) was established to study the issue and reported its findings in March of 2001 to the third session of the Preparatory Committee for the United Nations Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The study reported certain key findings:

- the need for national brokering regulation based on registration and licensing;
- the need for common approaches among states, particularly in relation to the geographic scope of application of the controls);
- the time was not ripe for the negotiation of a global brokering instrument due to the lack of national experience with brokering regulation and the lack of common understandings among states on how to handle such regulation;
- the **regional** level was possibly the best way “to implement international action in the short term.”²

In the Programme of Action, States agreed “[t]o develop common understandings of the basic issues and the scope of problems related to illicit brokering in small arms and light weapons with a view to preventing, combating and eradicating the activities of those engaged in such brokering.” However, this was a watered-down version of what had been contained in other drafts of the PoA, which committed States to develop an international instrument to control arms brokering.

¹ UN General Assembly Resolution 54/54V of 15 December, 1999.

² “The negotiation by States of a legally binding international instrument, which establishes the norms and principles that States agree they should adopt, was discussed. However, the lack of sufficient national experience with brokering regulation, together with the variety of national approaches to brokering control and the lack of agreed criteria, might make it difficult to achieve a legally binding agreement at this time. The regional level might be the most promising to implement international action in the short term.” Paragraph 83, GGE Study pursuant to GA resolution 54/54V.

Since 2001, there has been some progress made on this issue at the national level. 32 states now regulate brokering as compared to 18 in 2003. 24 governments operate a register of arms brokers and 15 have some form of extra-territorial application in their law.³

As well, a great deal of work has taken place to develop common understandings at the regional level, for example, the European Union Common Position on arms brokering in 2003, and the brokering principles agreed by the Organization for Security and Co-operation in Europe (OSCE) in 2004. In Latin America the Organization of American States (OAS) agreed draft Model Regulations for the Control of Brokers of Firearms, Their Parts and Components and Ammunition in 2003. Both the Southern African Development Community (SADC) Protocol and the Nairobi Protocol (2004), covering the Horn and Great Lakes sub-regions, include provisions on brokering that are legally binding on signatory states (although the level of control has not been determined).

Given that the preconditions identified by the 2001 GGE – greater number of states with national brokering regulations and more common understandings at the regional level – are well on their way to being met, it is reasonable to argue that the time is now ripe to begin negotiations on a legally binding international brokering instrument.

Therefore, the decision at last year's General Assembly, Resolution 59/86 (see Appendix A), to mandate another Group of Governmental Experts Study was a source of frustration and even confusion among states and civil society, especially since the Secretary-General urged the negotiation of a legally binding international instrument regulating brokering⁴. The wording of the resolution only calls for consideration of "further steps to enhance international cooperation" to address illicit brokering and so does not even go as far as the previous mandate, which was a feasibility study on regulating all aspects of small arms manufacture and trade, including brokering.⁵

Brokering issues at the BMS2

Civil society hoped that the issue of brokering would be rejuvenated at the international level during the BMS2 and as there was a considerable amount of discussion about the issue both in the formal sessions and informal discussions and side events there appeared to be considerable interest in moving forward on effective regulation of arms brokering.

During the formal discussions, a number of states, including the members of the European Union, stressed that effective brokering regulation was a high priority. These states support the

³ Examining implementation of the UN Programme of Action, Biting the Bullet project, 2005
www.iansa.org/un/bms2005/red-book.htm

⁴ Paragraph 120 of the UN Secretary General's Report "In Larger Freedom: Towards Development, Security and Human Rights for All", 2005.

⁵ "...to carry out a study...on the feasibility of restricting the manufacture and trade of such weapons to the manufacturers and dealers authorized by States, which would cover the brokering activities, particularly illicit activities, relating to small arms and light weapons, including transportation agents and financial transactions;" excerpt from GA resolution 54/54V of 15 December, 1999.

negotiation of an international instrument but put forward no specific plan for achieving this objective.⁶

Norway, the Netherlands and South Africa have been “leading” in the First Committee on this issue. Norway openly voiced the need for an Open-ended Working Group (OEWG) to begin negotiations, first in the July 14 consultations within the Geneva Process framework, and again in their statement at the BMS2 in the thematic debate on brokering.

In its statement, Norway emphasized the high degree of international consensus on the need for international brokering standards and on how to achieve them. The core activity is arranging the arms transfer licensing of brokering activities and, to a lesser extent, the registration of brokers. Records need to be kept on brokers and regular information exchanges undertaken. Two areas where there is still not full consensus relate to the extraterritorial application of the legislation and on whether to include financing and transport agents – particularly air freight and shipping agents – within the ‘core brokering activities’ to be regulated.

The Netherlands, in their thematic statement, also noted the key characteristics of brokering: facilitation of the arms transfer without necessarily taking ownership or physical possession, the globalized nature of the trade, and the key role that brokers play in diverting small arms from the licit to the illicit trade. Citing the five regional and multilateral agreements already reached on brokering regulation⁷ and the need for further regional and international cooperation to harmonize national laws, the Netherlands urged that the GGE be established without delay.

However, both Norway and the Netherlands indicated in discussions on the margins of the meeting (Norway, before their thematic intervention on brokering and the Netherlands after) that they would be willing to consider fresh approaches to secure a decision at the PoA Review Conference on the establishment of an OEWG, including a new resolution in the First Committee in the fall that called for the OEWG rather than another expert study.

On the civil society side, Owen Greene of Bradford University and the Biting the Bullet project also argued, at a side-event organized by the Geneva Process, that it would be redundant to have another GGE, that the time was indeed “ripe” for an OEWG.

Looking Ahead to the Review Conference in 2006: Recommendations

Given the findings of the first GGE and the progress that has now been made from 2001 to the present and most recently at the BMS2, states should review the call in UNGA Resolution 59/86 (10 December 2004) for a second GGE study and amend it to call for the establishment of an

⁶ Albania, Australia, Brazil, India, Indonesia, Israel, Mexico, Netherlands, Nigeria (for the Africa Group), Norway, Senegal, Spain, Switzerland, and UK (for 25 EU countries and 13 associate countries).

³ The EU Common Position on Arms Brokering, the Wassenaar Arrangement Guidelines on arms brokering, the OSCE Principles on the Control of Brokering in Small Arms and Light Weapons, 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, and the SADC Protocol on the Control of Firearms, Ammunition and other Related Materials.

OEWG, to begin immediately after the Review Conference to negotiate an international brokering instrument. It will be important to reference the BMS2 as it highlights new developments since the adoption of the 2004 resolution.

However, supporters of this new approach will confront the belief that consensus on the resolution calling for the OEWG is necessary. Without in any way minimizing the importance of consensus for the launch of a negotiation of a politically or legally binding instrument within the framework of the UN, it is important to realize that momentum and support have to be built first. Thus, the resolution can be the *first* step – with the aim of getting close to, but probably not achieving, absolute consensus. This would set the stage for a *decision* at the Review Conference to negotiate an international instrument forthwith.

If enough *affected* states spoke out very strongly in favour of such a negotiation, China and Egypt would find it increasingly difficult to block this next step. Therefore, effective strategies must be followed to build a coalition of likeminded states (both in New York and in capitals) that can work effectively through the First Committee and then through the Review Conference process.⁸

Canada now lags far behind in fulfillment of its commitment in Section II, paragraph 14 of the PoA to implement national legislation regulating brokering. Since then, we have made two further commitments to enact such regulation – in the OSCE and Wassenaar contexts. This inaction is all the more striking when compared to the leadership role Canada assumed by seeking and securing the Chair of the GGE 2000-2001 study on regulating brokering. Now that John Tory⁹, the leader of Ontario's Official Opposition, has identified the issue of illegal gun smuggling from the USA into Canada as a serious law and order issue for "Canada and Ontario," the need for Canada to fully set its own house in order may become both more pressing and more politically 'doable'.

Canada's support for a renewed effort by Norway and the Netherlands to launch a negotiation process for an international brokering instrument would go some way toward re-establishing Canadian credibility in this important area of small arms regulation.

There is a lot of work that needs to be done to prepare the ground for this new brokering resolution and indeed to prepare for the handling of brokering in the Review Conference itself.

⁴ Since the writing of this report, the First Committee has met and did not review its decision to call for the establishment of a new GGE study. However, for all of the reasons enumerated above, the way is clear for interested states to use the preparatory process (beginning with the 1st PrepCom in January) to the 2006 Review Conference to build support for a decision at the Conference to begin the negotiation of a legally binding brokering instrument forthwith, and therefore NOT to wait until a further GGE study reports. The Conference is master of its own house and is free to reach such a decision, notwithstanding prior resolutions of the General Assembly. The decision of the Conference can then be carried forward into a new resolution at the 61st General Assembly, which can, *inter alia*, agree to the establishment of the OEWG to negotiate the brokering instrument and to rescind the 2004 call for a new Group of Governmental Experts study.

⁵ See for example the Globe and Mail article for Tuesday, August 2, entitled *Crackdown on Illegal Arms Urged in Ontario*, where Tory is quoted as saying: "It's time for Ontario and Canada to close the border to illegal guns...."

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Appendix A: United Nations A/RES/59/86

10 December 2004
Fifty-ninth session
Agenda item 65 (z)
04-48142

Resolution adopted by the General Assembly

[on the report of the First Committee (A/59/459)]

59/86. The illicit trade in small arms and light weapons in all its aspects

The General Assembly,

Recalling its resolutions 56/24 V of 24 December 2001, 57/72 of 22 November 2002 and 58/241 of 23 December 2003,

Emphasizing the importance of early and full implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,¹

Welcoming the efforts by Member States to submit, on a voluntary basis, national reports on their implementation of the Programme of Action,

Noting with satisfaction regional and subregional efforts being undertaken in support of the implementation of the Programme of Action, and commending the progress that has already been made in this regard, *Taking note* of the report of the Secretary-General on the implementation of resolution 58/241,²

Welcoming the convening 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, which held its first two-week substantive session in New York from 14 to 25 June 2004,

Welcoming also the broad-based consultations held by the Secretary-General with all Member States, interested 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, and noting the report of the Secretary-General in this regard,²

1. *Decides* that the United Nations conference to review progress made in the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects¹ shall be held in New York for a period of two weeks, from 26 June to 7 July 2006;

2. *Also decides* that the preparatory committee for the conference shall hold a two-week session in New York from 9 to 20 January 2006, and reiterates that, if necessary, a subsequent session of up to two weeks in duration may be held;

3. *Further decides* that the second biennial meeting of States, as stipulated in the Programme of Action, to consider the national, regional and global implementation of the Programme of Action shall be held in New York from 11 to 15 July 2005;

¹ 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* (A/CONF.192/15), chap. IV, para. 24.

² A/59/181.

4. *Expresses its appreciation* for the efforts undertaken by the Chair 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, encourages the continued active participation of delegations in the remaining sessions of the Open-ended Working Group, and stresses the importance of making every effort to ensure that a positive outcome is achieved by the Open-ended Working Group;

5. *Requests* the Secretary-General, while seeking the views of States, to continue to hold broad-based consultations, within available financial resources, with all Member States and interested regional and subregional organizations on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, with a view to establishing, after the 2006 review conference and no later than 2007, and after the conclusion of the work of the Open-ended Working Group, a group of governmental experts, appointed by him on the basis of equitable geographical representation, to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, and requests the Secretary-General to report to the General Assembly at its sixtieth session on the outcome of his consultations;

6. *Reaffirms* the importance of ongoing efforts at the regional and subregional levels in support of the implementation of the Programme of Action, and invites all Member States that have not yet done so to examine the possibility of developing and adopting regional and subregional measures, as appropriate, to combat the illicit trade in small arms and light weapons in all its aspects;

7. *Continues to encourage* all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in its implementation;

8. *Requests* the Secretary-General to continue to collate and circulate data and information provided by States on a voluntary basis, including national reports, on the implementation by those States of the Programme of Action, and encourages Member States to submit such reports;

9. *Also requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution, including any outcome of the work of the Open-ended Working Group;

10. *Decides* to include in the provisional agenda of its sixtieth session the item entitled “The illicit trade in small arms and light weapons in all its aspects”.

*66th plenary meeting
3 December 2004*

4. Civilian Possession and the Second Biennial Meeting of States

*Wendy Cukier, Professor
Ryerson University/President, Coalition for Gun Control*

Background

The Small Arms Survey (2002) has estimated that 60% of the world's small arms and light weapons (small arms) are in the hands of civilians.¹ This includes a wide range of users, such as sporting shooters, gun collectors, hunters, as well as, criminals, terrorists, and drug dealers. Most countries restrict the private (civilian) ownership and use of small arms to some extent through national firearms control policies. In 1998, the UN released an international survey on firearm regulation highlighting the variation in laws across the world.²

Small arms in the hands of civilians pose serious challenges for security in different contexts, including war and violent conflict, states in transition, and 'peaceful' nations. From a human security perspective, it is clear that as many, if not more, civilians are killed with small arms in the context of crime than 'armed conflict'. In some countries, for example in Colombia or Haiti, criminal violence is inseparable from political violence. While there is not complete data on deaths in conflict zones, estimates range from 20,000 to 100,000 direct deaths from small arms per year while many more people are injured or maimed. In countries not considered at war, there are approximately 200,000 deaths per year.

There is growing recognition at the regional level that the cross-border movement of arms is affected by how states regulate their internal stockpiles, which implies managing who can own guns and under what circumstances. Regional agreements have also started to include provisions regulating weapons in the hands of civilians. The most relevant agreements include: the Joint Action of the European Communities Council (1998), the Bamako Declaration (2000), the Nadi Framework (2000), Southern African Development Community Protocol (2001), the Andean Plan (2003), and the Nairobi Protocol (2004).

There are also well established precedents and international norms to support a focus on the regulation of civilian firearm. Strong national laws are critical factors in establishing sustained peace in post conflict situations. The report of the UN Disarmament Commission, reviewed at the UN General Assembly in December 1999 advises that, "States should work towards the introduction of appropriate national legislation, administrative regulations and licensing requirements that define the conditions under which firearms can be acquired, used and traded by private persons. In particular they should consider the prohibition of the unrestricted trade and private ownership of small arms specifically designed for military purposes, such as automatic guns (e.g. assault rifles and machine guns)."³

1 Small Arms Survey 2002, *Counting the Human Cost*, Oxford University Press, Oxford, p. 79.

2 United Nations Commission on Crime Prevention and Criminal Justice, *United Nations International Study on Firearm Regulation*. UN Publication E.89.IV.2, 1998.

3 UN Disarmament Commission, reviewed at the UN General Assembly in December 1999.

At the United Nations Commission on Crime Prevention and Criminal Justice in 1997, a resolution was signed by more than 30 countries which specifically linked access to weapons availability to increased levels of death and injury, and acknowledged the important role of national legislation in controlling the flow of guns from less regulated to more regulated areas.⁴ The resolution “Requests the Secretary-General to promote, within existing resources, technical co-operation projects that recognize the relevance of firearm regulation in addressing violence against women, in promoting justice for victims of crime and in addressing the problem of children and youth as victims and perpetrators of crime and in re-establishing or strengthening the rule of law in post-conflict peace-keeping projects.” Specifically, it:

Encourages Member States to consider, where they have not yet done so, regulatory approaches to the civilian use of firearms that include the following common elements:

(a) Regulations relating to firearm safety and storage;

(b) Appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession of firearms;

(c) Mitigation of, or exemption from, criminal responsibility, amnesty or similar programmes that individual Member States determine to be appropriate to encourage citizens to surrender illegal, unsafe or unwanted firearms;

(d) A licensing system, inter alia, including the licensing of firearm businesses, to ensure that firearms are not distributed to persons convicted of serious crimes or other persons who are prohibited under the laws of respective Member States from owning or possessing firearms;

(e) A record-keeping system for firearms, inter alia, including a system for the commercial distribution of firearms and a requirement for appropriate marking of firearms at manufacture and at import, to assist criminal investigations, discourage theft and ensure that firearms are distributed only to persons who may lawfully own or possess firearms under the laws of the respective Member States.

A compelling human rights case for careful regulation of civilian held weapons has also been put forward by the UN Special Rapporteur on Human Rights and Small Arms. Ms. Frey noted that, ‘Under [existing] international human rights law, the State is responsible for violations committed with small arms by private persons who, because they are operating with the express or implicit permission of authorities, are considered to be State agents.’⁵ She suggests that a State may be failing its obligations under international human rights law if it does not investigate and prosecute massacres or take reasonable steps to regulate weapons in order to protect citizens from homicides, suicides, accidents, a pattern of intimate partner or family violence and/or organised crime.

Civilian possession issues at the BMS2

4 United Nations Commission on Crime Prevention and Criminal Justice, Sixth Session. Criminal Justice Reform and Strengthening of Legal Institutions Measures to Regulate Firearms. Resolution L.19/CN.15/1997/L.19/Rev.1, May 1997.

5 Barbara Frey, “The Question of The Trade, Carrying And Use Of Small Arms And Light Weapons In The Context Of Human Rights And Humanitarian Norms”, Working Paper submitted in accordance with Sub-Commission decisions 2001/120, para 46, 2002.

Virtually all illicit small arms begin as licit small arms and consequently regulation of legal firearms is critical to reducing the opportunities for legal firearms to be diverted to illegal markets. The importance of national regulations of firearms to an integrated strategy to address the illicit trade was explicitly recognized in early versions of the Programme of Action associated with the 2001 Conference on the Illicit Trade in Small Arms in all its Aspects. The L4 version of the draft Programme of Action (PoA) (2001) made explicit reference to the need for states to regulate civilian possession and use:

*To put in place adequate laws, regulations and administrative procedures to exercise effective control over the legal manufacture, stockpiling, transfer and possession of small arms and light weapons within their areas of jurisdiction. [and later]
To ensure that those engaged in illegal manufacture, stockpiling, transfer and possession, can and will be prosecuted under appropriate penal codes. To seriously consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes.*⁶

However, these references were dropped in the final version of the Programme of Action resulting from the Conference.⁷

In spite of this, there is growing recognition that obligations contained within the PoA cannot be easily fulfilled without appropriate controls over the sale, possession and use of civilian weapons.⁸ This is particularly true with respect to obligations for record-keeping and tracing. Consequently, most countries in reporting on their progress towards meeting the commitments of the PoA describe changes to their national laws implicitly recognizing that it is not possible to meet the PoA obligations to combat the illegal trade without appropriate controls on the legal sales and possession of small arms.

Although the United States remained actively opposed to any mention of civilian gun regulation at the First Biennial Meeting of States in July 2003,⁹ 69 out of 103 governments (67%) voluntarily highlighted civilian possession policies in their national reports at that meeting.¹⁰

Based on reporting by States at 2003 and 2005 BMS, more than 50 countries have reported strengthening their gun laws (national legislation) and Kenya, Papua New Guinea, and El Salvador are undertaking reviews. Countries such as Mexico have identified the regulation of civilian possession as a key issue and spoke to it frequently during the BMS2.¹¹ Only one has

6 United Nations, "Draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects", Version L4 Rev 1, 2001.

7 United Nations, "UN Draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects", Third session, March 19-30, 2001.

8 Ernie Regehr, "The UN and a Small Arms Program of Action: Measuring Success", Ploughshares Monitor, December 2001. <http://www.ploughshares.ca/CONTENT/MONITOR/Monitor01list.html>

9 World Net Daily, "UN seeking global gun control? Conference moving toward plan that would regulate US arms", posted 16 July 2003 www.worldnetdaily.com/news/article.asp?ARTICLE_ID=33584; See also "The United Nations and Gun Control", Congressional Research Service, April 7, 2005.

10 UN Institute for Disarmament Research and Small Arms Survey, Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the Reports Submitted by States in 2003, Geneva, UNIDIR/2004/25.

11 Wendy Cukier, "Implementation of the POA", UN Disarmament Commission, New York, February 24, 2005.

relaxed their laws – the United States. In a side-panel session at the BMS2, “Reporting on the Implementation of the PoA”, the United Nation Institute for Disarmament Research (UNIDIR) stressed that during the 2001-2005 period, fully 90% of states mention civilian possession in their reports.¹²

Canada, through its ‘Montreux Process’, has identified civilian possession as one of its three key areas of focus. Along with co-hosting a panel with Mexico and Sierra Leone at the BMS2, Canada has participated in a number of meetings on this issue including a meeting in Rio with like minded states and NGOs in March 2005.

As well as State reporting and discussions, there was also more NGO activity on this issue than there has been in past meetings.

Controlling civilian possession is a key element of the International Action Network on Small Arms (IANSA) position. References to the importance of controls on civilian possession are also made but not detailed in the Control Arms campaign (www.controlarms.org). Canada’s gun legislation was recently cited by Amnesty, Oxfam and IANSA as a model in dealing with small arms violence against women.

IANSA also tabled some suggestions regarding moving forward on the issue of civilian possession and it was one of the key themes highlighted in the NGO presentation during the formal sessions at the BMS2 with examples from countries as diverse as Papua New Guinea, the USA and Brazil.

In addition, the Centre for Humanitarian Dialogue issued a publication ‘Missing Pieces’ (supported by the Canadian Government), which contains a number recommendations on regulating civilian possession. The Centre also hosted a workshop on this issue, co-hosted by Canada, Mexico, and Sierra Leone, which identified best practices, including: reviewing national regulations on gun possession in light of the 1997 Resolution of the UN Commission of Crime Prevention and Criminal Justice; establishing gun owner responsibility through weapons registration; defining minimum criteria for private gun ownership through national licensing systems; prohibiting civilian possession of military-style firearms; ensuring harmonization of arms laws with other measures to prevent violence against women; and supporting the appointment of disarmament advisors to peace processes and UN missions to examine opportunities to improve national laws. Presenters also discussed examples of the impacts of improved regulation of firearms – declining firearm deaths in Canada, for example, have been linked to the strengthening of firearm laws. Presenters also emphasized the importance of careful attention to implementation including police training and community based partnerships.¹³

At workshops on the gender perspective of the small arms the importance of addressing issues related to civilian possession as part of international strategies to combat violence against women was raised. As many women are threatened by intimate partners and acquaintances with small

12 Valerie Yankey.

13 <http://www.hdcentre.org/datastore/Small%20arms/national%20gun%20laws%20event%20summary.pdf>

arms as by strangers¹⁴ and the omission of this issue is regarded by many as an indication of the lack of gender perspective among governments and NGOs working on small arms control.

Towards the 2006 UN PoA Review Conference: Recommendations

Canada should consider leading on the issue of civilian possession. It is well-positioned to do so because of its previous leadership in the UN Crime Commission as well as its track record on strengthening national legislation. It is also imperative in terms of the security of Canadians who are victimized by the illicit trade in small arms fuelled largely by the diversion of legal civilian small arms to illegal markets in both Canada and the United States.

One option being considered by many states is an international declaration on civilian possession of firearms. Language needs to be carefully considered but the 1997 Crime Commission Resolution would be a good start plus the insertion of recommendations on the prohibition of the sale and possession of military assault weapons.

The recommendations which have been tabled that are consistent with Canadian policies include:

- *Adopt a new definition which integrates the definition of “small arm” with the definition of “firearms”..*

Harmonizing the definition of firearms with the definition of small arms is important to developing a coherent strategy which addresses the problems of the illicit trade “in all its aspects”. The Organization for African Unity (OAU), International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons suggested a focus on a single accepted definition of small arms based upon a synthesis of the definition used by the UN Panel of Experts on Small Arms and that used in the UN Firearm Protocol. The term “firearm” encompasses the full range of these including: “revolvers and self-loading pistols; rifles and carbines; submachine guns; assault rifles; light machine guns”¹⁵ regardless of their intended use (military, police, civilian) to developing effective national arms control regimes. International work on small arms (in the context of conflict and disarmament) and the work on firearms (in the context of crime and injury prevention) has tended to proceed on parallel tracks.¹⁶ Efforts to differentiate small arms by focusing on “military specifications” are fraught with difficulty and coordination is needed.¹⁷

- *Ban the sale and unregulated civilian possession of military style weapons including semi-automatics which can be converted to fully automatic fire and semi-automatic variants of military weapons.*

14 Women under Fire, IANSA workshop, BMS2, July 13, 2005.

15 UN Expert on Small Arms cited in Joseph Di Chiaro, "Reasonable Measures: Addressing the Excessive Accumulation and Unlawful Use of Small Arms", Bonn International Centre for Conversion (BICC), 1998.

16 Wendy Cukier, “International Fire/Small Arms Control: Finding Common Ground”, Canadian Foreign Policy, pp. 73-89, 6(1), 1998.

17 W. Cukier, D. Miller, H. Vazquez and C. Watson, “Regulation of Civilian Possession of Small Arms and Light Weapons and the Centrality of Human Security”, Biting the Bullet Series: London, July 2003.

This has been effectively implemented in countries such as Canada and Cambodia. It is important to develop norms in which the civilian possession of assault weapons is seen as undesirable and inappropriate. The definitions present challenges as many semi-automatic pistols were originally designed for military purposes. Work on language is essential.¹⁸

- *Adopt national regulatory regimes consistent with the 1997 UN Commission of Crime Prevention and Criminal Justice Resolution.*

National laws should:

- define the legitimate purposes for gun ownership, legal uses of guns and legal firearms;
- license all gun owners and screen them to reduce the risks that they will misuse firearms;
- control the sale of firearms;
- maintain records (registration) in order to increase gun owner accountability and reduce the risks that legal guns will be diverted to illegal markets
- control the sale of ammunition;
- define safe storage requirements to reduce the risk of theft and diversion; and
- include appropriate criminal penalties for illegal possession or trafficking of firearms.

(These represent minimum standards for effective legislation. Appendix A provides more details regarding current norms. Many countries have legislation which goes beyond these standards.)

Ensure that national approaches include:

- a particular focus on preventing violence against women;
- efforts to reduce the incidence of gun violence against children;
- community based initiatives to reduce demand;
- periodic amnesties and measures to encourage the collection and destruction of unwanted, unneeded and illegal firearms; and
- strong implementation processes including enforcement, prosecution and alternative policing strategies.

18 For a more detailed discussion of the definitional issues see W. Cukier, “The Feasibility of Increased Restrictions on the Civilian Possession of Military Assault Weapons at the Global Level”, Ploughshares Working Paper, 05-2, April 2005, prepared for The Peacebuilding and Human Security: Development of Policy Capacity of The Voluntary Sector Project of the Canadian Peacebuilding Coordinating Committee of the Small Arms Working Group.

Appendix A

W. Cukier and V. Sidel. The Global Gun Epidemic: From Saturday Night Specials to AK 47s, New York: Praeger, Forthcoming. For more details on national laws see www.ryerson.ca/SAFER-Net

Table 1: Civilian Possession of Military Weapons

Issue	All		Some		None		Total Responses
	Number of Countries	%	Number of Countries	%	Number of Countries	%	Number of Countries
Prohibits Ownership of Military Assault Weapons	34 (including semi-automatic variants)	42%	39 (fully automatic versions)	48%	2.5%	19.3%	81
Prohibits Ownership of Handguns	16	19.2%	49	59.1%	18	21.7%	83

Table 2: Legal Purposes for Owning Firearms

Issue	Yes		No		Total Responses
	Number	%	Number	%	Number
Private Security	59	77%	18	23%	77
Protection of Person or Property	63	81%	14	19%	77
Collection	59	79%	16	21%	75
Target Shooting	74	97%	2	3%	76
Hunting of Game for Sport or Food	71	93%	5	7%	76

Table 3: Regulation of Firearms Possession

Issue	Yes		No		Total Responses
	Number	%	Number	%	Number
Prohibits/ Restricts Ownership on the basis of:					
Domestic Violence	53	65%	19	35%	72
Mental Illness	74	96%	3	4%	77
Criminal Record	76	99%	1	1%	77
Citizenship	36	46%	40	54%	76
Regulates Carrying Firearms	63	84%	16	16%	79
Regulates Storage of Firearms	57	34%	22	66%	79

Table 4: Purchasing Process

Issue	Yes (Some)		No		Total Responses
	Number	%	Number	%	Number
Provides information on proposed storage	32	71%	13	29%	45
Varies Process with	41	76%	13	24%	54

type/class of weapon					
Requires a CV	11	31%	25	69%	36
Requires a Photograph	27	57%	20	43%	47
Requires Acquisition certificate/ permit to acquire	37	77%	11	23%	48
Requests genuine reason/aim of use	43	88%	6	12%	49
Performs background check	55	92%	5	8%	60
Requires payment of a fee	50	89%	6	11%	56
Requires training certification	32	67%	16	33%	48
Requires References	14	38%	23	62%	37
Requires Self-Identification	45	92%	4	8%	49

Table 5: Licensing Requirements

Issue	All		Some		None		Total Responses Number
	Number	%	Number	%	Number	%	
Requires Licence, Permit or other to Purchase Firearm	61	74%	2	2	19	23%	82

5. A Broader Outlook: Progress on Demand Issues at the UN Second Biennial Meeting on Small Arms¹

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We can continue much as we have done and focus on attempting to control and curtail supplies of small arms. Our alternative way forward is to recognize and develop those aspects of the Programme of Action that are currently underdeveloped, notably the call to simultaneously address demand for small arms. If we work together to achieve that through supporting and evaluating efforts to prevent armed violence, we can extend the impact of the Programme of Action well beyond the disarmament sphere and directly affect the lives and prospects of millions around the world. Dr. David Meddings, Statement of the World Health Organization to the Second Biennial Meeting of States

Background

From the earliest discussions at the UN on controlling the spread of small arms, one of the most common analytic metaphors was that, just like the movement of other less lethal commodities, small arms trafficking was a matter of supply and demand. For most of the period since the mid-1990s, the formal negotiations at the UN about small arms control have been dominated by supply aspects, a focus on shrinking the availability of the hardware itself. This is the normal approach taken to controlling other kinds of armament, from nuclear warheads to fighter aircraft, and its procedures and methodologies are familiar to arms control institutions and specialists who staff them.

Nevertheless, an increasing number of analysts, policy makers and field organizers have been urging the international community to give equal attention to the demand side of the small arms trade. They know that more than half the world's small arms are in the hands of civilians and are considered valuable tools for security and protection by those who acquire and keep them. This perceived need won't disappear, even if governments can shrink the available supply. And given the very large number of small arms now in circulation, there will always likely be lots of such weapons available somewhere for people who think them desirable or even essential. So, along with efforts to curb the supply there will need to be parallel and equally important programs that are aimed at lessening the perceived value of and need for the weapons – i.e., programs that seek to lessen demand.

While demand issues have not been the dominant focus of international small arms control efforts, particularly at the level of international policy negotiation, they have never been entirely ignored. The UN Programme of Action² (PoA) on small arms, the central international control

¹ United Nations 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, held at UN Headquarters, New York, 11-15 July 2005.

² Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, (UN Document A/CONF.192/15).

instrument negotiated in 2001, includes a number of references to key demand issues.³ Early drafts of the PoA included an even larger number of paragraphs related directly or indirectly to demand issues and these ideas were supported by a considerable number of statements and reports by UN member states, multilateral agencies and NGOs. Their point of view – that taking a comprehensive, supply *and* demand approach was essential to the successful control of small arms proliferation – was increasingly supported by practical evidence from the field. This body of information has only increased in the years since 2001 and has been the subject of numerous reports, briefings and workshops presented to the international community. The First UN Biennial Meeting of States on small arms (BMS) in 2003, mandated by the PoA, included formal statements and sidebar meetings that focused on demand issues. Attention to these issues was even more apparent at the Second Biennial Meeting of States (BMS2) held in New York, July 11-15, 2005, although such attention was still less than that given to supply-side issues.

Demand issues at BMS2⁴

A very large number of UN Member States and agencies, along with a representative sample of NGOs took part in the BMS2. More than 140 national reports were submitted to the UN in 2004 and 2005 in time for the BMS2 and over 69 states, eight regional or sub-regional groups, and numerous agencies and NGOs addressed the formal sessions and presented information events. So the week provided a useful snapshot of typical international attitudes and trends related to small arms control.

In general, there was a broad increase in attention devoted to demand issues compared to the record at the 2001 conference and at the BMS in 2003 (see Appendices A and B). A larger number of states, agencies and NGOs expressed support for demand issues, many of them commenting on the need for a more comprehensive, supply-and-demand approach, others referring to more specific demand initiatives or themes. In all, more than 77 states (including three regional organizations and five multilateral agencies) addressed demand themes of one kind or another. Eight or more of these statements were by states that had not spoken out on the issue at previous UN meetings. There was also a wider geographic distribution of states referring to demand issues, with comments from countries in every major region and with very strong support from Western Europe and the Americas. Perhaps most valuably for the development of demand issues in upcoming UN deliberations, there was a considerable development in the *quality* of the statements given by strong advocates of a demand approach. This was evident in a) the clearer and more explicit use of demand terminology, b) references to the need for a balanced and comprehensive supply *and* demand approach, and c) analysis and practical examples that related demand to civilian perceptions of insecurity.⁵

Levels of Support

³ For a complete list of demand issues in the UN PoA see Jackman, D. (2004) “Conflict Resolution and Lessening the Demand for Small Arms: Summary Report of a Research Seminar Organized by the Quaker United Nations Office (Geneva) and Africa Peace Forum (Nairobi),” Quaker United Nations Office, Geneva, pp. 12-13.

⁴ The following analysis is based on statements delivered during the formal sessions of the BMS2, informal notes taken during these sessions and a review of “sidebar” activities (panels, briefings, book launches, etc.) presented in New York during the same time period.

⁵ See, in particular, the statements by the EU, Norway, Canada, WHO, CASA/UNDP, CASA/UNICEF and the Chairman’s summary statement.

The references made to demand issues in the various statements to the BMS2 can be divided roughly into three groups expressing either a strong, moderate or minimal level of support.

In the category of “strong” supporters were those that a) used the term “demand” directly and/or described the theme as centrally important; b) encouraged comprehensive, multi-dimensional demand programming; and c) listed a variety of demand-related initiatives. This group included some 52 states and organizations, including the roughly 40 states in or associated with the EU, plus Norway, Canada, Kenya and others. Five multilateral organizations (WHO, DDA, UNDP, UNICEF, ICRC) offered very comprehensive and vigorous support for a balanced supply and demand approach based on their practical experience. This approach was also supported by many of the NGO members of IANSA and was underlined very strongly on the final day of the BMS2 by its Chairman Pasi Patokallio in his concluding statement:

Much has been said here of the need for a comprehensive approach. And quite rightly so. Small arms trafficking, proliferation and misuse impact on security, on development and on human rights....

There is a clear need for stronger demand-side measures. Aligning action against small arms trafficking, proliferation and misuse with broader development goals make sense and already works in many places. Weapons for development programmes with strong community focus and local participation also work. Disarmament, demobilization and reintegration programmes certainly work better when women are involved as equals in decision-making and in receiving the benefits, and when the special needs of children are taken into account throughout the process. Simply put, the achievement of the Millennium Development Goals also requires effective action on small arms.

Weapons collection and destruction programmes in affected communities are necessary, with immediate and public destruction of surrendered or confiscated weapons acting as a confidence-building measure. But disarming only works if people feel secure without weapons and trust their police and security forces. That is not often the case. Security sector reform is therefore also a vital demand-side measure in those cases. The implementation of all of these demand-side measures I have briefly mentioned already benefit from international cooperation and assistance. But more is required, both in terms of the political will in affected countries to deal effectively with the causes of demand and in terms of human and financial resources, both internal and external, to match that political will on the part of recipient countries.⁶

The “moderate” category of supporters drew together those who referred in their statements to the need for action on several demand themes, but who did not link these explicitly to a demand approach. This group included 12 states (including the six members of MERCOSUR) and states from South Asia (Pakistan and Bangladesh), the Caribbean (Trinidad), Japan and the Holy See. In addition, UNIDIR and the UN Special Representative for Children and Armed Conflict directly addressed groups of issues related to demand themes.

The “minimal” category of supporters identified states that mentioned one or two demand issues in isolation. This group includes the African Union group, four individual African states (Mali, Nigeria, Egypt and Angola), several Asian states (Cambodia, China, Iran and Jordan), Albania and the USA. While it’s unlikely that the states in this category would take the lead on a broad

⁶ From the concluding statement by the Chairman of the Biennial Meeting of States, Ambassador Pasi Patokallio, Second Biennial Meeting, New York, 15 July 2005, p.2

demand initiative in forthcoming UN deliberations, they might be supporters of initiatives that focus on single demand themes, such as conflict resolution actions, improved DDR or an economic development focus.

Looking Ahead to the Review Conference in 2006: Recommendations

Looking at those BMS2 statements that showed “strong” or “moderate” support for demand issues, one can make some further generalizations about what aspects of demand might receive broad positive attention in upcoming UN meetings, in particular at the Prepcom and Review Conference in 2006.

- Clearly there are a number of states and agencies that are already approaching small arms control in a **comprehensive** way that **links supply and demand** aspects in **multi-dimensional programmes**.
- Relating demand to **civilian perceptions of insecurity** and the use of a **human security focus** are both mentioned frequently. Further, there is considerable support for **linking development and security** programming and connecting these to the achievement of the **Millennium Development Goals**.
- There is also a significant list of lessons learned related to **development themes** and also in relation to **arms for development** programs.
- Linkages with building **conflict resolution capacity** and institutions, reformed approaches to **DDR** (especially the **reintegration** component and **youth focus**); and **Security Sector Reform** (especially **community policing**) all receive frequent references.
- Programs that support a **culture of peace**, with a focus on strong **community involvement**, participation of **civil society**, and inclusion of attention to **trauma healing and reconciliation** are all mentioned repeatedly in national and agency statements.

It is useful to see that the list of priorities above is very similar to ones that have been developed over the past six years by several independent NGO research and dialogue projects based on regional and thematic consultations and workshops in most regions of the world.⁷ There is a considerable level of convergence on the content of an expanded “demand agenda” to be included in any new UN instruments related to small arms control. The Canadian delegation’s intervention on the Human Development Theme, 15 July 05:

In addition to addressing the supply side of the issue by ensuring that arms are only in the hands of those who would use them responsibly, we strongly encourage greater attention to the demand side by supporting the type of violence prevention programming described so eloquently earlier this week by the WHO, that addresses the underlying issues that can lead to violence – thus avoiding the problem in the first place.

Equally important are activities of a more traditional development nature that help create the conditions where peoples’ essential needs are met, and thus are less inclined to resort to violence.

⁷ For example see the workshop reports on demand subjects listed by the Quaker UN Office at www.quno.org; and at recent reports by Norwegian Church Aid (“Who Takes the Bullet” 2005), Pax Christi Netherlands (“Security When the State Fails: Community Responses to Armed Violence” 2005) and the Centre for Humanitarian Dialogue (“Missing Pieces” especially Theme 6 “Motivations and Means: Addressing the Demand for Small Arms” 2005).

When an affected country does not have adequate resources available to properly address the problem, appeals for support should be made to the international community. Given the multi-dimensional nature of the problem, requests should be directed to disarmament, humanitarian, and development actors.

Where circumstances warrant, we strongly recommend inclusion of SALW programming in the Official Development Assistance programs of donor countries, UN Common Country Assessments and Development Assistance Frameworks, the Country Assistance Strategies of International Financial Institutions including the World Bank, and Regional Development Banks. Similarly, into the programs of NGOs and other civil society actors.

What may be difficult will be reaching sufficient political momentum to ensure that this detailed agenda can be taken up in a comprehensive (rather than piecemeal) fashion.

The increasing attention at the BMS2 to practical demand programming on the ground confirms that there is widening support for the implementation of new demand programs, particularly as part of development, post-conflict reintegration, national small arms and conflict management programs. Such larger, practical initiatives can move ahead (indeed are moving ahead) without an explicit mandate in a UN PoA on small arms. Nevertheless, such demand programming would benefit from a much higher level of cooperation among agencies, states and civil society than we see today. Such integrated programming is far from easy. Creating processes that link national and regional planning across these issue areas is essential, if we are to see real improvements in long-term human security on the ground. Anything we can do in an improved instrument on small arms to expand the mandate for institutional collaboration may have a very large impact.

What do these trends suggest for the successful promotion of demand issues at the UN Review Conference in 2006? While it is much too early to be definitive and there is still much that might happen at the upcoming UN First Committee session in October 2005 and at the Conference PrepCom in January 2006, the following observations can be made based on the results of the BMS2:

- The present level of support – EU, MERCOSUR and a number of other influential states such as Canada, Norway, Japan – provides a strong core of support for the promotion of an expanded demand agenda and its inclusion in active programming and any new UN instruments (or annexes to the PoA). With more focused educational and diplomatic work one might add support from many members of the Africa Group (possibly with help from Kenya, Uganda and Nigeria) and there are significant expressions of interest from states in the Caribbean, South Asia and possibly the Pacific sub-regions.
- Making progress on demand issues, particularly for a major conceptual reworking of whatever document is added to the UN PoA in 2006, will require the creation of a “Friends of Demand” grouping consisting of interested states, NGOs and multilateral agencies. At the very least an informal, active network will need to begin working during fall 2005.
- For any new demand-related approaches to be incorporated into whatever annexes or other documents are negotiated at the UN Review Conference in 2006, there needs to be

unanimous support among Member States. Although current levels of support are still far from this goal most of the demand agenda is present in the existing PoA and some demand issues might find their way into new UN agreements on small arms in connection with other specific and more widely supported issues. If treated as individual proposals, not as part of a large “demand package,” several might receive wide support.

Appendix A: Statements that referred to small arms demand issues

(* marks a new expression of interest since 2001 conference)

A. Strong Support for Demand Issues

(Use the term “demand” directly and/or describe the theme as centrally important; offer comprehensive demand programming)

- EU states (40, presented by UK) – development, MDGs, DDR
- UK (individually) – fitting SALW into broader development goals
- Kenya* – conflict resolution, community policing, development
- Uganda* – “demand” work in Karamoja
- Colombia – “demand,” culture of peace, DDR
- Canada – development and security, DDR, human security
- Norway – development and security, DDR, SSR, peace education, insecurity & demand
- WHO – central focus on “demand” and unified approach, “insecurity,” social investment
- IANSA – trauma healing, policing, economic alternatives, gender, DDR, peace education
- CASA/DDA general statement mentions
- CASA/UNICEF – supply *and* demand, lists reasons for acquisition, lists successful programs
- CASA/UNDP -- Development Cooperation and Implementation
- ICRC – supply *and* demand, comprehensive national programming, youth focus
- Chairman’s final statement – supports a “comprehensive approach” that explicitly links supply and demand, and devotes several paragraphs to “demand” issues.

B. Moderate Support for Demand Issues

(Refer to action needed on several demand themes)

- Pakistan – conflict, DDR
- Brazil – culture of peace, awareness programs related to collection
- Bangladesh* – DDR, reconciliation, development, injustice as root cause
- Japan – conflict prevention, peacebuilding in ODA, consolidation of peace in Africa
- MERCOSUR* (6 states) – demand, perception of violence as part of awareness
- Trinidad* – extensive listing of youth programming during thematic section
- Holy See – culture of peace, children, development, community-based work
- UN SRSG on Children and Armed Conflict – community base, civil society, elders
- UNIDIR – weapons for development, poverty reduction, trauma

C. Minimal Support

(Some mention of one or more demand themes but no focus on demand as an issue)

- AU (presented by Nigeria) -- DDR
- Nigeria* – conflicts, economic challenges, “belonging”
- Cambodia – weapons for development
- Mali – poverty, development, root causes
- Egypt – root causes, conflict?
- Jordan – Arab-Israeli root conflict
- Albania* – arms for development, culture of peace

- Angola – DDR
- USA – weapons destruction as a CBM
- Iran – problems rooted in crime, particularly drug trafficking
- China* – economic development is necessary, root cause

D. Potential Support

(No mention of demand issues, but situation might suggest support on specific themes)

- Indonesia – conflict resolution
- Sri Lanka – conflict resolution
- Tanzania – civil society, national plan
- South Africa – youth
- Guatemala – national plan
- Switzerland – development, DDR

Appendix B: Demand Briefings at the BMS2

- “Missing Pieces” book launch, Centre for Humanitarian Dialogue
- “Women Under Fire,” IANSA Women’s Network
- “Securing Development,” UNDP /BCPR/SADU/UK
- “Who Takes the Bullet” launch, Norwegian Church Aid, Peace Research Institute Oslo
- “At the Root: Conflict Management and Small Arms Demand,” Quaker UN Office
- “Men, Women & Gun Violence,” UNIFEM, Centre for Humanitarian Dialogue
- “Operational support to SALW control,” SEESAC, Saferworld
- “CASA Database,” UN Department for Disarmament Affairs, UN Department for Economic and Social Affairs
- “Briefing on UN Integrated DDR Standards,” UN Interagency Working Group
- “Security when the State Fails,” Pax Christi Netherlands
- “Gun Violence in non-war settings,” Sou da Paz, Viva Rio, COAV