

## Less than 3 WEEKS to the PrepCom!

### IANSA Update Bulletin on the UN Small Arms Process, 22 Dec 2005

As we approach the PrepCom and after a round of consultations and meetings with the Chair-designate of the meeting, Ambassador Sylvester Rowe (New York Mission of Sierra Leone), this update aims to provide IANSA members with information on three issues:

1. NGO participation at the PrepCom
2. The status of the position papers from IANSA and States
3. Last minute advocacy and lobbying you can do with government officials in the first week of January

It also includes an annex with a letter sent by Ambassador Rowe to States this week, setting out his thoughts on the PrepCom.

#### 1. NGO participation in the PrepCom

Over the last two weeks a series of formal and informal ‘consultations’ (meetings) have been conducted by Ambassador Rowe in Geneva and New York. In addition the Geneva Forum convened a meeting on 15 December where governments also aired views and positions relevant to NGO participation.

The 2001 Programme of Action mandates the full involvement of NGOs in its implementation. Despite this, there has never been official agreement on how NGOs should be allowed to participate at UN small arms meetings. As we approach the PrepCom, the extent of NGO participation has again become a polarised topic. The key question is whether NGOs should be able to take part in the thematic debate, in addition to making a statement to the general meeting. Some States have objected to NGO participation in the thematic debate, despite precedents in other disarmament fora (see the box below).

IANSA maintains that the effective implementation of the PoA draws extensively on the energy and expertise of civil society. Therefore it is incongruous that NGOs are not able to contribute to the thematic debate covering the multiple issues that we are engaged with, ranging from marking and tracing, to assistance to survivors, to brokering controls, to national regulations, to transfer controls.

States that have recorded their support for NGO involvement in the thematic debates include the Netherlands, Sweden, Mexico and Japan.

International organisations that have noted their support of NGO involvement in the thematic debates include the UN Development Program (UNDP), the World Health Organisation (WHO) and the International Committee of the Red Cross (ICRC).

#### ***Two examples of NGO involvement in thematic discussions in disarmament fora***

##### *1. UN Convention on Certain Conventional Weapons*

During the 1995/6 negotiations of amended Protocol II and Protocol IV of the UN Convention on Certain Conventional Weapons (CCW), NGO access was limited to the open plenary sessions. However, during the negotiation of Protocol V in 2002/3, interactive NGO participation was allowed in both the preparatory discussions and also in the negotiations of the Group of Governmental Experts (GGE).

The same States which take part in the CCW process are also actively involved in the UN process on small arms control. It is striking that there is such a difference between these two disarmament processes when it comes to NGO participation.

## *2. 2004 and 2005 UN First Committee*

The 2005 First Committee consolidated a 2004 precedent, set under the leadership of Ambassador Luis Alfonso de Alba, by again permitting an interactive discussion with NGO experts. For example, on Friday 21 October, presentations and discussions with NGOs on disarmament education provided for input from experts – government or non-government. This provides a recent example of the ability of States to include NGOs as experts in thematic debates. Hopefully the involvement of NGOs in First Committee will be built upon at the 2006 session to encourage even wider NGO participation.

Ambassador Rowe has indicated that the thematic debates will focus on implementation of the PoA. Given the diverse roles of NGOs in implementation efforts, it is vital that NGOs have the opportunity to bring their expertise and experience to these debates.

Another way NGOs can participate is by being included on government delegations. If your government has not already announced the inclusion of NGO members on its delegations, please encourage them to do so.

Governments that have indicated their inclusion of NGOs on delegations include Kenya, Canada, Finland, Argentina, Côte d'Ivoire, Norway and Guatemala.

## **2. The status of the position papers from IANSA and States**

The ten IANSA position papers (see previous UN bulletin for subject titles) are being circulated to States as well as our members at the end of this week, and will be available in the first week of January on the IANSA website.

Some States have been developing position papers, called 'non-papers', on a range of themes. These will be distributed at the PrepCom in January. IANSA will endeavour to make them available to our members who are not in New York.

## **3. Last minute advocacy and lobbying you can do with government officials in the first week of January**

In the first week of January please call or hold a meeting with your national focal point on small arms to discuss:

- The issue of NGO participation in the PrepCom, including participation in the thematic interactive debates and inclusion on your government's delegation;
- Encourage your government to advocate for the broadest terms of debate at the PrepCom regarding the subjects to be considered for discussion.

It is the view of IANSA and some States that there is no divide between 'old' and 'new' issues, there are simply underdeveloped issues, that are long overdue for discussion, and issues that if unaddressed will continue to undermine effective implementation. All of these issues should be open for discussion at the PrepCom and RevCon, regardless of whether they are mentioned explicitly in the PoA.

The letter from Ambassador Rowe to States this week (attached) emphasises the importance of an 'open list of issues'.

## **Annex: Letter to UN Member States from the Chair-designate of the Small Arms Review PrepCom, 19 December 2005**

*Office of Ambassador Sylvester Ekundayo Rowe  
Permanent Mission of Sierra Leone*

19 December 2005

Excellency,

I have just completed a series of wide-ranging and intensive consultations here in New York and in Geneva in my capacity as Chair-designate of the Preparatory Committee for the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, scheduled to be held in New York from 9-20 January 2006.

On the basis of those consultations and taking into account the conclusions of the two Biennial Meetings of States, as well as the debates and resolutions of the recent session of the First Committee concerning small arms and light weapons, I would like to convey to you my thoughts for the forthcoming meeting of the Preparatory Committee.

### **The Exchange of views**

As I see it, item 7 of the draft provisional agenda of the Preparatory Committee provides an opportunity for Member States to deliver short formal statements, if possible at a high political level, on general policy matters and broad assessments of the Programme of Action and its implementation.. Since it is only six months after BMS2, speakers may wish to highlight some of the action taken to implement the Programme of Action, and where appropriate give updates of their national reports.

Due account should be taken of the conclusion of the Second Biennial Meeting of States (BMS2) that “significant progress” had been made in the implementation of the Programme of Action, but that “further action was required to fulfill the commitments undertaken in the Programme of Action.” It is expected that statements in the general exchange of views would stress that the ultimate objective of the Review Conference is to prevent, combat and eradicate the illicit trade in small arms and light weapons. The Programme of Action, important as it is, contains a set of recommendations on some of the ways of achieving that objective.

The Committee would benefit from statements in the general exchange of views that include summaries of the conclusions of recent regional and other meetings convened in connection with the review process.

### **The interactive thematic debate**

Using the work programme of the First Committee as a guide I propose that we organize the interactive thematic debate under six clusters.<sup>1</sup> (See ANNEX) Each cluster contains a number of issues that are directly or indirectly related to the theme of the cluster. The list of issues which are essentially derived from the Programme of Action, and from the discussions in BMS 1 and BMS 2, as well as the recent thematic debate in the First Committee, is not exhaustive. This format gives delegations the opportunity, indeed the right to raise any issue which, in their view, is relevant to the cluster and to the overall objective of preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects. It will be recalled that in BMS 2 we concluded *inter alia* that “as part of statements reviewing national

---

<sup>1</sup> Draft resolutions on issues before the First Committee are traditionally considered under several thematic clusters, such as “Nuclear Weapons”; “Other weapons of mass destruction”; “Conventional weapons”; “Outer Space”; “Disarmament machinery” and “regional disarmament”

implementation, some issues (emphasis added) relevant to the illicit trade in small arms and light weapons in all its aspects, but not covered by the Programme of Action, were discussed.”

There are other reasons for having an open list of issues. They include (a) the problem of small arms and light weapons is multi-dimensional or “multi-faceted and involves *inter alia*, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions” (b) the conviction expressed in the Programme of Action of the need for a global commitment to a comprehensive approach to the problem (c) the view of many delegations that some important issues were “missing” from the Programme of Action and (d) the imperative to take account of relevant developments on the ground, including lessons-learned, since the adoption of the Programme of Action almost five years ago.

Accordingly, it is my hope that while acknowledging that the principal purpose of the 2006 Conference is to “review progress made in the implementation of the Programme of Action”, we would not be distracted by prolonged arguments about which issues are “old” “new” “emerging” or even “missing”. Instead we would try to focus attention on our resolve to prevent, combat, and eradicate the illicit trade in small arms and light weapons in all its aspects.

As proposed in the attached structure the interactive thematic debate should facilitate a thorough examination of a wide range of issues in the six clusters from the national, regional and global perspectives. Throughout the Programme of Action States have been asked “to adopt and implement”, “to establish, or designate as appropriate” “to identify” “to ensure” “to assess” “to take appropriate measures” “to put in place and implement” “to develop and implement” “to destroy surplus arms and light weapons” “to encourage” “to strengthen” “to support” and “to promote”. However, I would like to suggest that the debate should not be used as another platform for reiterating what States have done in response to these requests. In other words, participants should try not to devote their interventions in the debate to a repetition of their national reports.

My expectation is that the debate will provide answers to questions such as: How adequate or effective are the measures taken so far at the national level to strengthen or develop agreed norms in our struggle to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects? What about those taken so far at the international level? What further action or measures can we take in this regard? What are some of the obstacles if any have States, regional and international organizations encountered in their efforts to implement the Programme of Action?

What else should be done to facilitate the ratification or full implementation of some of the regional and sub-regional instruments related to the illicit trade in small arms and light weapons? Have we really done enough to encourage the relevant international and regional organizations and States to facilitate the appropriate cooperation of civil society, including non-governmental organizations in activities related to the objectives of the Programme of Action?

Does the Programme of Action include all the measures and means necessary to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects? In addition to those contained in the Programme of Action what other measures, if any, do we need to increase the efficacy of the Programme of Action? What effects if any would the nature of the new instrument on marking and tracing have on the elaboration of a legally binding instrument on brokering? What are the prospects for effective implementation of the new instrument on marking and tracing, given the fact that a large number of States would have preferred a legally-binding instrument? What is required to facilitate and ensure full implementation of that instrument? Have we exhausted all possible steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons?

Have we really done enough for the victims of the use of illicit and misuse of small arms and light weapons in conflict and organized crime? Given the human suffering and the devastating effects that illicit small arms and light weapons continue to have on sustainable development, what else can States do to integrate the problems of SALW into national development plans? Can we really deal effectively with the problems of illicit small arms and light weapons without considering possible measures for dealing with ammunition and explosives? How effective is a DDR programme with no provision for the collection of ammunition and explosives from ex-combatants?

I intend to ask members of the Bureau to assist me in drawing up a list of questions for the interactive thematic debate. Delegations may also wish to send me, through the Secretariat, any questions they would like discussed in the debate. Members of the Bureau may also be requested to serve as moderators or co-moderator of the debate. In this connection, I would urge regional groups that have not already done so to submit the names of their representatives on the Bureau by **28 December 2005**.

There will be no advance speakers' list for the interactive thematic debate. The floor will be open for interventions after the moderator's introductory remarks for each cluster. Participants may make more than one intervention in any cluster. However, each intervention would be limited to no more than four minutes.

### **Expected Outcomes**

Delegations are not expected to speak on each and every issue in a cluster. However, at the end of the debate we should have been able to identify, analyze and consolidate those issues and areas that need urgent action, and which the Preparatory Committee may wish to recommend for possible inclusion in the final documents of the Review Conference.

Since we already have a Programme of Action, and without prejudice to its provisional agenda, the Preparatory Committee may wish to consider recommending only one draft final document to the Review Conference. The working title would be as follows:

### **“The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects – a strategy for further implementation”**

Intended to supplement and reinforce the 2001 Programme of Action, the draft strategy would be structured along the lines of the Programme of Action. Accordingly it could comprise three parts, namely:

- I. A declaration or reaffirmation of principles, with an expression of stronger commitment to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.**
- II. Concrete measures to further strengthen the Programme of Action at the national, regional and global levels.**
- III. Elaboration of follow-up mechanisms for 2006 and beyond.**

Benefiting from previous discussions and debates in BMS1 and BMS2, the recent session of the First Committee, and more importantly the exchange of views and interactive thematic debate of the Preparatory Committee, a Chair's text of the proposed draft final document could be made available to the Preparatory Committee for its consideration immediately following the conclusion of the interactive thematic debate.

### **Enhanced participation and contribution of inter-governmental and civil society organizations**

Pursuant to, and in the spirit of Section III, paragraph 18 and Section IV paragraph 2 (c) of the Programme of Action, I sincerely hope that Member States will concur with a proposal I intend to offer for enhanced participation and contribution of relevant intergovernmental and civil society organizations including NGOs, in some of the work of the Preparatory Committee, without prejudice to relevant Rules of Procedure and practices of other United Nations meetings, and on the understanding that this should in no way constitute a precedent.

The next open-ended consultations will take place on Wednesday 4 January 2006, at 3 p.m. in the Trusteeship Council Chamber.

The website for the Conference can be accessed at the following address:  
<http://www.un.org/events/smallarms2006/>

I look forward to working with your delegation. With the cooperation and assistance of all participants we should have a successful preparatory meeting next month.

With highest consideration,

Sylvester Ekundayo Rowe  
Ambassador, Chair-designate

## ANNEX

### **Clusters for the interactive thematic debate**

**at the meeting of the  
Preparatory Committee for the United Nations Conference  
to review progress made in the implementation of the Programme of Action to prevent, combat and  
eradicate the illicit trade in small arms and light weapons  
in all its aspects**

**9- 20 January 2005**

#### **Cluster I**

##### **Human/humanitarian and other dimensions**

- Victim assistance and rehabilitation
- Human and sustainable development
- Special needs of children, women and the elderly
- Reconciliation and conflict resolution
- Peace-building and conflict prevention
- Human rights
- Crime
- Terrorism

#### **Cluster II**

##### **Norms, regulations and administrative procedures**

- Strengthening/developing agreed norms
- Conclusion/ ratification of legally-binding instruments
- Tracing and marking/record keeping
- Illicit brokering
- End-user certificates
- Non-State actors and civilian possession
- Export/import control
- Criminalization under domestic law
- Compliance with UN sanctions regimes
- Moratoria and other initiatives

#### **Cluster III**

##### **Excessive accumulation, misuse and uncontrolled spread**

- Management, safety and security of stockpile
- Supply-demand perspective
- National security needs

- Identification , confiscation, destruction/disposal of surplus weapons, ammunition and explosives
- Disarmament, demobilization and weapons collection
- Post-conflict weapons problems
- Financing illegal manufacture, trade, acquisition and possession
- Diversion from legal to illegal trade
- ‘Misuse’ by authorized bodies

**Cluster IV**

**International cooperation and assistance**

- Capacity building and specialist training
- Technical assistance
- Resources mobilization
- Networks for information-sharing
- Coordination and partnership
- Lessons learned
- New technologies
- Action-oriented research

**Cluster V**

**Communication**

- Engagement of civil society, including NGOs and Parliamentarians
- Public awareness programmes
- Mobilizing political will of States
- Confidence-building measures/programmes
- Promotion of dialogue and culture of peace

**Cluster VI**

**Follow-up, reporting mechanisms**

- Review processes
- Periodicity of national reporting
- Research and monitoring
- Points of contact
- National coordination agencies.

-----