

*Ambassador and Permanent Representative
of Nigeria to the United Nations*

Ref: No. PMN/PR/C.07

30 December, 2011

Your Excellency/Dear Colleague,

REVIEW CONFERENCE OF THE UNITED NATIONS
PROGRAMME OF ACTION TO PREVENT, COMBAT
AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS
AND LIGHT WEAPONS IN ALL ITS ASPECTS

I have the honour to write to you in my capacity as Chair-designate of the Second Review Conference of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to be held in New York from 27 August to 7 September 2012. I sincerely wish to thank all of you who attended, and actively participated in, our third informal consultations held on **22 December 2011**.

On my very preliminary suggestion for eight thematic areas for the Review Conference, based on what States had conveyed as priorities during the First Committee debate and informal consultations over the past months, I received constructive feedback from various delegations, which I believe would facilitate substantial progress. Your contribution so far demonstrates the value of engaging in serious and focused discussions at an early stage; where topics and approaches can be freely tested, considered, altered and fine-tuned. This letter tries to capture the salient points in our consultations so far as points of departure to plan the next steps to be taken.

Some States have asked for a clearer picture on the way forward. Let me provide you therefore with my vision on the way forward, through the Preparatory Committee meeting in March to the Review Conference in August/September 2012, building on the valuable input received during past consultations. I should like to stress that there is the utmost need for your constant involvement and engagement throughout the process. Your continued support and guidance indeed will be essential for a positive outcome of which all States can rightly claim ownership.

Let me begin with the three key principles arising from our consultations so far, which should guide our work:

- (i) The importance of full transparency in negotiations, in particular where the outcome documents of the PrepCom and the Review Conference are concerned;
- (ii) The need to comprehensively review all aspects of the implementation of the Programme of Action rather than a selection of topics; and
- (iii) The broad support to pay particular attention to regional implementation, but with national and global implementation remaining integral parts of the agenda.

Preparatory Committee (PrepCom), 19-23 March

It is important to stress that the Preparatory Committee could consider to agree the following:

- (a) Provisional Agenda of the Review Conference;
- (b) Provisional Rules of Procedure of Review Conference;
- (c) PrepCom Report, which will include recommendations to be submitted to the Review Conference.

My team will shortly commence the preparations of the initial drafts of these documents in advance of the PrepCom. This is with a view to making the document available well ahead of the date of the PrepCom.

In line with this, I wish to propose to you, the following draft agenda for the PrepCom:

1. Opening of the meeting.
2. Election of the Chairperson of the Preparatory Committee/President of the Review Conference.
3. Election of other officers.
4. Adoption of the agenda of the Preparatory Committee.
5. Adoption of the rules of procedure of the Preparatory Committee.
6. Organization of work.

7. General exchange of views: Provisional agenda of the Review Conference to include:
 - a. Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects
 - i. at the national level;
 - ii. at the regional level;
 - iii. at the global level.
 - b. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.
 - c. Implementation, international cooperation and assistance.
 - d. Follow up.
8. General exchange of views: Statements by participants other than States.
9. Adoption of the Provisional agenda of the Review Conference.
10. Adoption of the Provisional rules of procedure for the Review Conference.
11. Adoption of the report of the Preparatory Committee.

Items (7a) to (7d) are in line with the structure of the Programme of Action, as was suggested in previous informal consultations, including the International Tracing Instrument, which is to be reviewed during the Review Conference. This is the essence of the resolution which states that: "States will review the implementation and future development of this instrument within the framework of conferences that review the United Nations Programme of Action..." (GA decision 60/519, annex, paragraph 38).

Please note that item (7d) on 'Follow up' could, among other topics, including future of Meetings of Governmental Experts under this process, as called for under resolution 65/64 which states that: "...the 2012 review conference may consider recommending convening a further open-ended meeting of governmental experts" (GA resolution 65/64, operative paragraph 20).

Substantive Agenda Points

States may wish to include in – or annex to – the report of the Preparatory Committee, a draft outcome of substantive issues for the consideration of the Review Conference.

It may be recalled that the PrepCom of the first PoA Review Conference, in 2006, was scheduled for two weeks and still ran out of time; our upcoming one has been scheduled by us for one week only. Given the valuable lessons of the 2006 experience, the substantive debates during the PrepCom may need to be organised with emphasis on our highest priority in mind: to effectively prepare the Review Conference. With more implementation experience to discuss, but with half the time available, we must agree on a different strategy for debating substantive issues regarding the Programme of Action.

This places certain responsibility on me, since one of the tasks of the Chair-designate is to assist all parties in rigorous time management. States have made it clear that they want the debates structured in such a way that enough time is set aside for a transparent process – conducted in plenary – leading to an agreed report of the PrepCom.

It is therefore imperative that the PrepCom may perhaps consider refraining from general presentations on implementation efforts. Rather, national reports would appear as the place for that. Let me also add that during the PrepCom, States may wish to focus solely on *which **substantive elements should be reflected in the PrepCom outcome document, and how these should be formulated.*** I am seeking your confirmation that this promising approach, which emerged from the informal consultations held so far, is indeed the best way forward in preparing the substantive discussions of the PrepCom. Such an approach may enable us to achieve an effective PrepCom outcome within the shortened timeframe.

I will thereby seek your agreement on having my team prepare short working papers on each of the substantive agenda points (7a-d), in advance of the PrepCom. Such working papers could be of an indicative nature, prepared on the basis of national reports and discussions thus far, highlighting priority topics under the respective headings which may need to be elaborated during the Review Conference.

Between PrepCom and Review Conference

Once the PrepCom has decided on its final report, on the provisional agenda for the Review Conference and the Provisional Rules of Procedure for that Conference, the inter-sessional period can then focus on further building on the PrepCom outcome. I will certainly request your assistance in this regard.

Review Conference, 29 August – 7 September, 2012


The expected proceedings of the Review Conference itself need to be primarily discussed during the PrepCom (in particular its agenda points 8 and 9), so it may be too early for me to venture into detail. Again, setting ample time aside for negotiations in plenary seems crucial to achieving a positive outcome; which can only be attained by preparing the Review Conference well in advance. That is why it is so important to develop the PrepCom outcome during the inter-sessional period. It allows for a further maturing of ideas, and the timely circulation of a draft outcome document of the Review Conference in advance of the start of the Review Conference itself.

The draft agenda above should be considered as a building block of our evolving discussions. It is an attempt to capture the discussions so far. I would highly appreciate any further comments and suggestions you may have.

As announced at the 22 December, 2011 consultations, I intend to hold further consultations in New York to discuss the proposed PrepCom agenda, before my Geneva consultations on 18 January, 2012. In this regard, I propose to convene informal consultations on **Friday 13 January 2012, at 3:00 p.m. in Conference Room 5** at the United Nations Headquarters in New York. In line with the standing practice, this informal meeting will be conducted in English.

I am very pleased and encouraged with the meaningful consultation process so far and, with your support, I intend to persevere in this manner.

Please accept, Your Excellency, the renewed assurances of my highest consideration.

Sincerely

U. Joy Ogwu

Ambassador/Permanent Representative

To All:
Ambassador/Permanent Representative
to the United Nations
New York.