

**Combating the Illicit Trade in Small Arms and Light Weapons:
Opportunities to strengthen implementation of the UN Programme of Action***

Introduction

In his letter dated 29 February 2008, the Chair-designate of the third Biennial Meeting of States to the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (BMS3) noted that a critical issue for BMS3 would be “refining the process of implementation of the PoA” and setting goals for “institutional changes”. In response, the Geneva Process Working Group on the BMS has prepared the following paper setting out food-for-thought for improving the PoA framework to strengthen implementation beyond 2008.

The POA contains many substantive provisions for addressing the illicit trade in small arms and light weapons (SALW). However, it provides little guidance on process. The Group believes adding clarity to these issues could concretely aid future implementation. But “refining the process” or making “institutional changes” should be made only if a link can be made to strengthening PoA implementation.

The Group examined procedural and organisational arrangements in other arms control regimes to identify how these arrangements improved implementation. It found that strategically focused, well-prepared and action-oriented meetings with full reporting and attendance could provide practical assistance to states. In this paper, the group has applied these best-practices to the POA process, as appropriate.

The options proposed in this paper reflect discussions in the Working Group and do not necessarily represent the national positions of its members. The paper is intended to stimulate debate on strengthening PoA implementation at BMS3 and beyond.

A. Setting a framework

Pursuant to Part IV (1)(b) of the PoA, states should “convene a meeting of states on a biennial basis to consider the national, regional and global implementation of the PoA”. Further, the 2007 UN First Committee omnibus resolution on small arms and light weapons (62/47) in preambular paragraph 6 reiterated, “meetings of States should be convened on a biennial basis”. While there is a clear mandate to hold BMSs, such meetings have in the past been convened in an *ad hoc* fashion. This uncertainty hinders productive forward planning.

Part IV (1)(b) of the PoA enables states to determine the most productive structure for each BMS. Experience has shown that without a focused structure, the productivity of a BMS is limited. Identifying themes for each BMS can assist a meaningful debate and outcome. Such themes would be identified for expediency, not as an indication of priority. A general flexible session at each BMS could allow states to raise urgent or emerging issues under the PoA. Given the fundamental importance of international assistance and cooperation to full and effective PoA implementation, this issue should cross-cut other themes.

* Members of the Geneva Process Working Group on the BMS are Australia, Canada, Colombia, Israel, Japan, Lithuania, Netherlands, Norway, Switzerland, United Kingdom, Geneva Forum, UNDP, UNODA, Small Arms Survey.

The thirteen topics identified in paragraph 18 of the report of the 2005 BMS could provide guidance on future themes (A/CONF.192/BMS/2005/1).

Option 1: To maximise the value of meetings mandated under Part IV (1)(b) of the PoA, the Working Group suggests setting a forward-looking framework for BMSs, including future dates and themes. There is valuable precedent for such an approach under the BTWC.

Implementation of Option 1 could, *inter alia*:

- allow for detailed examination of all aspects of the PoA;
- cumulatively and incrementally build up and share practical expertise on implementation;
- allow for meaningful and early planning and consultation on substance;
- allow early designation of a Chair;
- assist with ODA budget planning.

B. Open-ended meetings of experts

Pursuant to Part IV (2)(b) of the PoA, states should “encourage all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action”. Further, pursuant to Part III (7) states should “enhance cooperation, the exchange of experiences and training among competent officials”. The value of engaging experts was reaffirmed in paragraph 29 of the ITI. Most arms control regimes have in place a forum to facilitate expert interaction (eg. IAEA for the NPT, OPCW for the CWC, expert meetings of all states parties for the CCW, Mine Ban Convention, BTWC). The PoA could greatly benefit from a similar initiative.

Regional meetings could be held in cooperation with UN regional disarmament centres and report to BMSs. This approach would minimise budget implications. However, notwithstanding the utility of regional meetings, the PoA derives much value as a global process. As such, consideration could be given to global open-ended meetings of experts.

Option 2: The Working Group suggests convening regular regional meetings and/or open-ended meetings of experts, possibly in the year in which no BMS is held. There is valuable precedent for such an approach under most arms control instruments, notably the CCW.

Implementation of Option 2 could, *inter alia*:

- provide a forum for sharing best-practices amongst experts from all states;
- provide a forum for donors/recipients to communicate resource availability/needs;
- identify implementation challenges and tools to address them;
- ensure momentum and focus on PoA implementation in years without a BMS;
- prepare issues to be discussed at the upcoming BMS and/or follow-up on issues discussed at the previous BMS.

C. Maximising the value of meetings and ensuring productive debate

Options 1 and 2 propose setting times and themes for BMSs and meetings of experts. However, such meetings *must* assist and propel PoA implementation in a concrete way. Options 3–5 propose ways to maximise the value of meetings and ensure productive debate.

Structuring Sessions

Option 3: The Working Group considers the following methods of work could maximise the value of meetings:

1. Pre-designate focus topics for meetings, while retaining a flexible session to allow states to raise urgent or emerging issues under the PoA.
2. Rotate meetings between New York and Geneva. There is valuable precedent for this under the NPT, which recognises that relevant expertise is located in New York, Geneva and Vienna.
3. Hold meetings, possibly expert meetings, in regional settings and in states affected by illicit SALW proliferation. There is valuable precedent for this under the Mine Ban Convention. The PoA places strong emphasis on regional efforts.
4. Ensure cross-regional attendance and active participation by proliferation-affected states in meetings through a sponsorship fund. The BMS3 chair could encourage payments into the sponsorship fund. This approach has proven valuable for the CCW and the Mine Ban Convention.

Ensuring Productive Debate

Option 4: The Working Group considers the following procedures could encourage productive and action-oriented debate:

1. General statements could be discouraged. National reports should serve as general statements.
2. Each session could commence with a panel of experts on practical implementation. This will ensure immediate focus on the topic and set the tone for practical discussion. This has proved useful in the UNGA First Committee.
3. Alternately, each session could commence with a short expert presentation on the focus issue (perhaps on an implementation project). This would again set the tone for the session ahead.
4. The Chair-designate or facilitator could encourage states to give a short presentation on a project, perhaps as part of their statement. This could be done jointly by the recipient and donor state for the project. Such presentations would showcase international cooperation and share best-practices.

Civil society expertise

Pursuant to Part IV (2)(c) of the PoA, states should “encourage non-governmental organisations and civil society to engage, as appropriate, in all aspects of ... efforts to implement” the PoA. Civil society plays an invaluable role under the PoA – both as implementers and monitors of states’ implementation. Meetings can greatly benefit from effective civil society engagement.

Option 5: The Working Group considers the following could enhance the benefits of civil society participation:

1. Civil society could be invited to participate in each session of meetings, so as to make full use of their expertise. While states have primary speaking rights, civil society could be allocated a set period at the end of each session or when the speaker's list has been exhausted. There is valuable precedent for this approach under the CCW and the Mine Ban Convention.
2. Civil society could be invited to give expert presentations or be expert panellists during meetings. There is valuable precedent for this approach at the UNGA First Committee.

Reporting

Part II (33) of the PoA requests the “Secretary-General ... to collate and circulate data ... including national reports, on implementation ... of the Programme of Action”. Article 37 of the ITI sets a stronger reporting requirement, stating that “States will report on a biennial basis to the Secretary-General on their implementation of this instrument including, where appropriate, national experiences in tracing illicit small arms and light weapons. This report may form part of a State’s national report on its implementation of the United Nations Programme of Action ...”. This provision strengthens the reporting provisions in the PoA.

Comprehensive national reports are an invaluable tool in ensuring PoA implementation. Such reports monitor implementation progress, share best-practices, highlight challenges and provide an overview of the global illicit proliferation concern.

Option 6: The Working Group suggests the following could further improve the value of reporting:

1. The BMS3 outcome document could note the value of national reporting and encourage timely and full reporting by all states, including on focus topics for upcoming meetings.
2. Reporting could be biennialised to reduce the reporting burden. The BMS3 outcome document could preset dates for reporting.
3. In line with Part II (33) of the PoA, ODA or UNIDIR could assess, collate and circulate national reports, in advance of each BMS. The BMS3 outcome document could encourage states to provide funding for such an analysis if it cannot be done within existing budgets.
4. Reporting templates could be finalised and introduced at BMS3. Templates must be as simple as possible and available in electronic and paper form. The Chair could encourage use of the templates in the outcome document.

Summary of Options under Part II

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