



IANSA United Nations Bulletin
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Special edition: Preparatory Committees on the ATT and PoA

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1. Update from the New York office

The period that has elapsed since our last Bulletin has been dominated by the Preparatory Committee on the Arms Trade Treaty (ATT PrepCom) from 13-17 February 2012 and the Preparatory Committee (PoA PrepCom) for the Second Conference to Review Progress Made in the Implementation of the UN Programme of Action on small arms (PoA RevCon) from 19-23 March 2012. During this intense time, the New York office continued its efforts of reaching out to UN member states and UN entities as well as to NGOs to build relationships and keep everyone informed around these important meetings. In preparation for these major events, IANSA attended the 6th UN Office for Disarmament Affairs (UNODA) - NGO consultative meeting on 7 February to exchange ideas and information on these events, as well on disarmament issues.

We also participated in two monthly meetings of the Control Arms Campaign Secretariat on the ATT, an initiative which began in August 2011 and aims at providing a regular exchange of views and information among New York based organisations ahead of the final negotiations at the ATT Diplomatic Conference (DipCon) in July 2012.

On 21 March, IANSA members participated in the Group of Interested States meeting (GIS) which discussed how the international community can cooperate to implement the UNPOA and included analysis of the relationship between the ATT and the PoA, and emphasised that small arms will have to be included for an ATT to be effective, and that the ATT must complement the PoA and the wider UN small arms process.

In March, we welcomed Ms. Angela Kane of Germany as the new High Representative for Disarmament Affairs. Ms. Kane has over 35 years of experience at the UN, including relating to political and disarmament areas. Ms. Kane replaces Mr. Sergio Duarte who held the post for four and a half years. We look forward to continuing our successful and effective engagement with the UN Office for Disarmament Affairs.

2. Fourth session of the ATT Preparatory Committee (PrepCom)

The fourth ATT PrepCom took place from 13-17 February 2012 at UN Headquarters, and was Chaired by Ambassador Roberto García Moritán. Prior to the meeting the Chair circulated his Draft Provisional Rules of Procedures for the ATT DipCon in July 2012, when the ATT itself will be negotiated.

a) Discussions at the PrepCom

After adopting the provisional programme of work, UN member states made general statements relating to the Chair's Non-Paper of 14 July 2011, including on scope, criteria and implementation. This paper was made available to delegates during the third ATT PrepCom in July 2011, as it was the Chair's attempt to summarise and reflect all comments and points of view expressed in the three previous ATT PrepComs.

The Chair's Non-Paper

The discussion on the Chair's Non-Paper of 14 July 2011 focused mainly on whether it should be considered as a background document, or serve as a basis for the treaty text in the July 2012 negotiations. The **EU** and **CARICOM** indicated that the Chair's Non-Paper offered a good basis on which to start the negotiations in July 2012, and **Algeria, Belgium, Belize, Brazil, Chile, Cuba, Fiji, France, Germany, Grenada, Ireland, Japan, Kenya, Malaysia, Mexico, Morocco, New Zealand, Nigeria, Peru, Republic of Korea, Spain** and the **UK**, all expressed support for including the paper as a background document for the negotiations. The **Arab Group, Egypt, Indonesia, Iran, Jamaica, Pakistan, Russian Federation** and **Venezuela** stated that while the Non-Paper was useful, it did not reflect the positions of all states and therefore could not form a basis for the Treaty text. **Pakistan** added that none of its proposals had been reflected in the Non-Paper. The **Arab Group** insisted that the UN Secretariat produce an additional background document reflecting all proposals and views of states expressed during the meetings of the PrepCom, which should be submitted to the delegations in advance of the DipCon. This was supported by **Algeria, Cuba, Egypt, Morocco, Nicaragua, Pakistan, Syria** and **Vietnam**. Meanwhile, **Sweden, Switzerland** and the **EU** stated that they could see no added value of another such document.

Scope, criteria and implementation

A high number of delegations, stated that small arms and ammunition should be included in the scope of the Treaty, including **Bangladesh, Burundi, CARICOM, Chile, Colombia, Cote d'Ivoire, Democratic**

Republic of Congo, Ecuador, Grenada, Mexico, Morocco, Niger, Nigeria, Spain, Switzerland, Sweden, Nigeria, Uganda, UK, and the United Republic of Tanzania. The **Philippines** and **Vietnam** argued against the inclusion of ammunition, while the **Republic of Korea** indicated that although it supports the inclusion on small arms and ammunition, it would accept a treaty text that does not include ammunition, if this would increase the chances of consensus on scope.

All delegations who spoke on criteria concurred that the Treaty should re-affirm states' right to self-defence and the right to produce, import and export weapons to ensure national security, referring to Article 51 of the UN Charter. **Cote d'Ivoire, France, Senegal** as well as **Grenada, Morocco, Switzerland** and **UK** insisted that the Treaty must include references to International Human Rights Law and International Humanitarian Law. **Grenada** stressed the importance of including reference to sustainable development. Malaysia stated that human rights law and international humanitarian law are too 'subjective' and should not be included in the principles as this would make the Treaty difficult to enforce in practice. In response, **Chile** and **Sierra Leone** stressed that the ATT should be a humanitarian treaty as much as a trade treaty and that one should not lose sight of the human impact it could have. **Sierra Leone** and the **Democratic Republic of Congo** emphasised the need to pay attention to victim assistance as a crucial element of this.

CARICOM, Mexico and the **Philippines** pointed out the need for the treaty to include provisions on international cooperation and assistance for implementation. **CARICOM** emphasised that an Implementation Support Unit (ISU) should be put in place which is independent and properly resourced but does not place a heavy burden on states, particularly not on developing countries. **Malaysia** insisted that information-sharing on implementation should be voluntary rather than mandatory. Finally, the **Philippines** stressed that the treaty should include a provision on the number of states necessary to ratify before it enters into effect. **CARICOM** suggested a range between 30 to 60 ratifications, **Iran** proposed 100. **Ecuador** opposed both suggestions, stating that any number would be arbitrary.

Rules of Procedure, consensus, and NGO participation

During discussions on the Rules of Procedures, most delegations recommended that civil society should be able to participate in the final negotiations on the ATT. **CARICOM** insisted that NGO participation in previous ATT-related meetings had been a "catalyst" for the advancement of the ATT. **Australia** and **Mexico** commended the contribution of NGOs and their "technical know-how" so far in the process. **Belgium** and **EU** as well as **Bangladesh, Burundi, Costa Rica, Denmark, Ghana, Ireland, Niger, Poland, Senegal, Uruguay** and **Zambia**, stressed the need for greater NGO participation in all meetings during the negotiations, including committee meetings and plenary sessions. **Brazil, Mexico, Norway** and **Sweden** explicitly requested that the rules on civil society participation should be relaxed further. Norway proposed that Rule 63(b) of the Rules of Procedure be amended to allow NGOs to speak at more than one meeting. Both **Morocco** and **Zimbabwe** stated that they did not want to see NGOs speaking more than once at the DipCon. While agreeing that NGOs should be able to actively participate in proceedings, the **Russian Federation** and the **UK** noted that delegates should have the possibility to hold closed meetings.

According to the 2009 UNGA resolution (A/RES/64/48), which established the formal process towards an ATT, negotiations should "be undertaken in an open and transparent manner, on the basis of consensus, to achieve a strong and robust treaty". Several delegations, including the **Arab Group, China, Democratic People's Republic of Korea, India, Israel, Nicaragua, Qatar, Russian Federation, Syria** and **Turkey** requested on the basis of this that all decisions on substantive issues at the DipCon should be made by consensus. The majority of delegations agreed that the final text of the treaty should be agreed by consensus (**Algeria, Australia, Bangladesh, Belarus, Belgium, Burundi, Cuba, Costa Rica, Czech Republic, Denmark, Egypt, Ecuador, the EU, Fiji, Finland, France, Germany, Ghana, Indonesia, Iran, Ireland, Italy, Japan, Kenya, Liechtenstein, Malaysia, Morocco, Netherlands, New Zealand, Niger, Nigeria, Pakistan, Peru, Poland, Senegal, Spain, Sweden, Switzerland, Syria, Uruguay, USA, Venezuela, Vietnam, Zimbabwe, the Holy See**). However, many delegations, including **Argentina, Brazil, Colombia, Mexico** and **Venezuela**, stressed that "consensus" should not be interpreted as allowing any single state to veto the treaty. **CARICOM, Grenada, Mexico** and **Norway** recommended that a two-thirds majority vote should take place if consensus on the final treaty could not be achieved. **The Russian Federation** warned that if procedural matters were decided by a simple majority vote, minority delegations might not sign up the final treaty, making it weaker as a result.

Outcome

An amended Draft Report of the 4th Prep Com and an appended revised Rules of Procedure were circulated and approved after intense consultations. The revised Draft Report of the PrepCom was adopted and included reference to the Chair's Non-Paper of 14 July 2011 as a "Background paper" for the final

negotiations in July. The amended Rules of Procedure allow for a mix of consensus and majority voting and establishes that NGOs will have access to plenary sessions as well as to main committees.

The draft report is available at <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/att/prepcom4/documents/CRP1.pdf>

b) IANSA activities and NGOs presentation/side events

IANSA members and staff organised and participated in a range of side events during the PrepCom. On 15 February the following IANSA and Control Arms members addressed the plenary: Jeff Abramson, Control Arms, Dr Omolade Oladejo, International Physicians for the Prevention of Nuclear War (IPPNW) and the IANSA Public Health Network, and Jordi Armadans, Fundacio per la Pau, Spain. The statements can be found at: <http://www.un.org/disarmament/convarms/ATTPrepCom/Statements.html>.

A number of side events were held throughout the week: On 13 February, Trinidad and Tobago and Control Arms co-hosted "Import and Transit Considerations for an Arms Trade Treaty". On 14 February, Costa Rica, Amnesty International and the Arias Foundation co-sponsored "Nobel Peace Laureates call for robust criteria, scope and implementation mechanisms in an effective ATT". The following day, IANSA co-hosted the side event "Monitoring an ATT: The Role of Public Health and Civil Society" with IPPNW. On 16 February, the IANSA Women's Network co-hosted the event "Gender and ATT" with the Manipur Women Gun Survivors Network. Summaries of the side events can be found at:

<http://iansa.org/resource/2012/02/summaries-from-the-arms-trade-treaty-preparatory-committee-13-17-february-2012>

3. PrepCom for the second PoA Review Conference (RevCon)

The PoA PrepCom took place from 19-23 March 2012, and was Chaired by HE Ambassador U. Joy Ogwu. The meeting was opened by the newly appointed High Representative for Disarmament Affairs, Ms Angela Kane, after which the bureau was elected and the agenda adopted. During the first two days, delegations made general comments on the PoA and what the RevCon should cover. The rest of the week was dedicated to discussion on international cooperation and assistance, national regional and global implementation, the International Tracing Instrument (ITI) and the PrepCom report.

a) Discussions at the PrepCom

All states agreed that the proliferation and misuse of small arms poses a threat to peace, security stability and sustainable development, and that the PoA is the main international framework to prevent, combat and eradicate the illicit trade in small arms. It was reiterated that each state has the right to manufacture, import, and retain small arms for its self-defence and security needs; in exercising its inherent right to individual or collective self defence in accordance with Article 51 of the UN Charter and; that governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects.

A majority of states suggested that the 2012 RevCon should be seen as an opportunity to take stock on progress on PoA implementation, and explore what could be done to strengthen implementation at national, regional and global level, as well as to discuss areas of priority for the next six-year cycle for the PoA (**EU, Japan, New Zealand, Norway, South Africa**). **Japan** stressed the need to have a clear vision for follow up mechanisms and argued that the RevCon must agree a programme of intersessional meetings for the period leading up to the 2018 RevCon. A number of states, however, stated that the mandate of the RevCon should be only to review progress in the implementation of the POA. **India** argued that the RevCon should focus on reviewing PoA implementation in a comprehensive manner without reviewing or reopening the programme itself. **Egypt** stated that any attempt to reinterpret the PoA should be avoided, and **Iran** and **Venezuela** warned that states must avoid the introduction of any subject beyond the content of the PoA and the ITI.

Delegations highlighted the need to better address the impact of illicit small arms on children (**EU, Kazakhstan, Norway**). Many called for increased representation of women at all levels of decision making in small arms control and stressed the need to make the links between UN Security Council Resolution (SCR) 1325 and the PoA (**Argentina, EU, Germany, Kazakhstan, Netherlands, Norway**). It was suggested that the PoA should cover ammunition (**Argentina, Ecuador, Norway**); that small arms and ammunition should be included as categories in the UN Register of Conventional Arms (**CARICOM, Italy, Mexico, Netherlands, Norway, Spain, Sweden**); and that firearms marking should be standardised (**Ecuador**). A few argued that the ITI (**Norway**) as well as the PoA itself (**Mexico**) should become legally binding instruments.

International assistance and cooperation

A number of delegations agreed that successful implementation of the PoA depends on international cooperation and assistance and that technical and financial support, training and equipment, particularly for marking and tracing is essential for developing states (**CARICOM, Colombia, Cuba, Mauritania on behalf of the Arab group, Ecuador, EU, Indonesia on behalf of the Non Aligned Movement, Jordan, Madagascar, Malaysia, Mexico, New Zealand, Nigeria on behalf of the African Group, Norway, Pakistan, South Africa, Tunisia**). Several specific types of technical assistance were mentioned as priorities, including stockpile management assistance, capacity building, and support for improving border controls, marking and record keeping.

Cuba stressed that assistance should be unconditional and non-discriminatory while **Nigeria** and **South Africa** stated that any assistance furthering PoA implementation should be separate from development aid. Some delegations argued that greater transparency and information exchange was essential for the effective implementation of the PoA (**Republic of Korea, Switzerland**) as it would allow donor states to better coordinate and allow resources to be matched with real needs (**US**). **Germany** stated that international assistance should not be a 'one way street' and that commitments by donors have to be met with commitments by recipients. A few delegations stressed that south-south cooperation is as critical as cooperation and assistance between developed and developing countries (**South Africa, Switzerland**).

Many delegations noted specific regional and global organisations, including INTERPOL that could facilitate cooperation and coordinate efforts between states on improving marking, tracing, record keeping and capacity building necessary to combat the illicit trade in small arms (**Netherlands**). Finally, the important role of civil society as partners in PoA implementation, particularly in capacity building and in representing those affected by small arms misuse, was highlighted by several delegations, including **Argentina, Netherlands, Norway**, and **Thailand**.

National, regional and global implementation of the PoA

Several delegations insisted that the 2012 RevCon must establish clear standards and reasonable indicators for measuring the success of PoA implementation at the national, regional and global level. Moreover, they called for thorough analysis of how different instruments related to small arms (the PoA, ATT, ITI, Firearms Protocol etc) could better complement each other. Finally, some delegations proposed a discussion to clarify the respective mandates of the Biennial Meeting of States on the PoA (BMS) and Meeting of Governmental Experts on the PoA (MGE) in order to focus efforts and tackle the most pressing and appropriate issues.

At the national level, most delegations agreed that considerable progress has been made over the last year, particularly on national reporting and the adoption of national legislative regulatory frameworks to effectively implement the PoA. Nonetheless, many stressed that more work is necessary on the following issues:

- Enhanced transfer controls on SALW and ammunition in relation to the transfer provisions contained in the PoA (**African Group, EU**);
- Destruction of collected, illicit weapons and surplus arms (**EU, France, Japan, Norway, Sweden**);
- Improved national coordination mechanisms (**Japan, New Zealand**);
- Strengthened border control and protection (**Belize, CARICOM, Cote d'Ivoire, EU, India, New Zealand, Norway, Niger**);
- Establishment of adequate stockpile management and security (**Belize, CARICOM, EU, Japan, New Zealand, Norway, Sweden**);
- Effective implementation of the UN Firearms Protocol and the ITI (**Bangladesh, CARICOM, Cote d'Ivoire, Cuba, EU, India, Niger, Non-Aligned Movement**), especially on marking and tracing.

Several statements emphasised the role of regional organisations in helping to adopt national regulatory frameworks and coordinate action between legislative, military and customs policy bodies. Yet it was pointed out that some elements are lagging behind, such as interagency cooperation to prevent the illicit trade across borders and efforts by regional and sub-regional organisations to adjust their reporting requirements to those of the PoA (**India, New Zealand**).

Most delegations called for consideration of possible synergies between the ATT and the PoA (**Argentina, Italy**) as well as greater cooperation between states and international organisations such as the World Customs Organisation (WCO) and INTERPOL (**Belgium, Colombia, Kenya, Madagascar, Netherlands, New Zealand**). Other substantive issues that were raised by delegates included: concrete measures to enable peace support operations to contribute to safe storage, disposal and tracing of illicit SALW (**India**,

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Japan) and the potential collaboration of panels of experts in peacekeeping missions (**Belgium, EU, Japan, Nigeria**). Other points raised included the need for effective implementation of UN Security Council embargoes, and the need to develop a common understanding of the unique problems related to illicit brokering in small arms (**Belize, EU, Norway, Uganda**).

Follow-up mechanisms

Most delegations expressed support for the working papers submitted by **Japan** and **NAM**. However, there was some discussion on the amount of meetings proposed in these documents, including future BMS and MGE. While many argued for additional meetings which would allow focus on specific, technical topics and expressed satisfaction with the contributions of the MGE (**CARICOM, Kenya, New Zealand, Trinidad and Tobago**), some argued that both the UN and member states are already suffering from “meeting fatigue” (**US**) and that the frequency and type of meetings to be included in the next cycle of the PoA must be considered carefully to avoid overburdening small delegations in particular.

International Tracing Instrument (ITI)

All delegations expressed continued support for the ITI and some described it as an important tool for combating the illicit trade in small arms at the national, regional and global level (**CARICOM**). However, many delegations pinpointed obstacles to the full implementation of the ITI, particularly difficulties in relation to border controls. Most delegations stressed the necessity to strengthen international assistance and cooperation, on a financial and technical basis, to help identify individual needs and enhance national and regional capacity building for ITI implementation.

Outcome

After some controversy over the Chair's summary, the PrepCom ended with the unanimous adoption of its draft report. The committee also recommended the candidacy of the Chair HE Ambassador U. Joy Ogwu for the presidency of the 2012 PoA RevCon. It was decided that the working papers submitted by some member states during the PrepCom would be considered as background documentation for the RevCon. Additionally, it was decided that the Chair's summary “Elements for the Second Review Conference”, would be considered background documentation for the RevCon. At the request of some delegations, a note was added in the PrepCom report to clarify that the Chair's summary “reflects her interpretation of the main points that were discussed during the meeting of the Committee” but does not “represent a full record of all issues discussed during the week nor should it be seen as reflecting the consensus view of States on any specific points covered in it”. The Chair's summary is available in full here: <http://www.poa-iss.org/RevCon2/>

b) IANSA activities and NGOs presentations/side events

In the afternoon session on 21 March, NGO representatives and IANSA members addressed the plenary in an informal session: Hector Guerra of IANSA; Felix Kokou Aklavon of the IANSA International Advisory Council and (IAC) and the Togolese Action Network on Small Arms (RASALT); Hakeem Ayinde of IPPNW and the IANSA Public Health Network; and Nounou Booto Meeti of IANSA. Their statements are available in full at: <http://iansa.org/resource/2012/03/ngo-presentations-at-the-poa-prepcom-21-march-2012>

IANSA staff and members also participated in a number of side events throughout the week: On 19 March the Permanent Missions of **Australia** and **CARICOM**, in collaboration with the Small Arms Survey, hosted the event “Preparing for the UNPoA Review Conference: Tools and Technicians”. On 20 March SIPRI held the event “Monitoring International Arms Transfers: Recent Trends”, while the Permanent Mission of **New Zealand** invited Professor Edward Laurence to speak about “PoA indicators”. On 21 March the Permanent Mission of **Germany** held a meeting of the Group of Interested States (GIS) on “How the International Community can Cooperate to implement the PoA”. Summaries from events and sessions are available at: <http://iansa.org/news/2012/03/2012-preparatory-committee-for-the-second-un-programme-of-action-review-conference>

4. Looking forward

Specific UN related small arms advocacy opportunities in New York for the next 3-6 months include:

2 - 27 July 2012: ATT Diplomatic Conference

IANSA members and colleagues from the Control Arms Campaign will be present throughout this month to push for a Treaty that is effective and robust can help prevent irresponsible arms transfers that are fuelling conflicts, human rights abuses and poverty.

<http://www.iansa.org/campaign/arms-trade-treaty> and www.controlarms.org

27 August-7 September 2012: 2nd Review Conference to review progress in the implementation of the PoA (PoA RevCon)

As the PoA is an evolving process, the RevCon should not only to take stock of the progress achieved in the implementation of the PoA, it should also be an opportunity to evaluate the existing gaps and which steps to take in order to make the POA and the ITI more efficient.

<http://www.iansa.org/campaign/un-small-arms-process>