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SMALL ARMS AND THE INTERACTION COUNCIL

by

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1. Introduction

Each year as many as 350, 000 people are killed worldwide through the use of small arms.¹ The control of the unrestricted proliferation and availability of small arms represents one of the most pressing challenges facing the international community in decades. In sharp contrast to nuclear weapons and other, larger scale, traditional instruments of warfare small arms are considerably more conspicuous, easier to sell, obtain and to use. The impact of small arms on civilians throughout the world, particularly the developing world, has been nothing less than catastrophic. Small arms are used far more frequently than traditional weapons and are consistently responsible for more fatalities in conflicts globally than any other tool. For more than a decade civil society groups, non-governmental organizations and government leaders have been working tirelessly to find ways to best tackle this global epidemic on an international, regional and local level. Much has been accomplished, however considerably more pressure must be brought to bare on all UN member states to strengthen measures that will lead to the eradication of the illicit trade in small arms.

Two different, but not mutually exclusive, mechanisms for change are at the forefront of the push to solve this serious global problem. The first is the creation of a strong, legally binding Arms Trade Treaty, expected to take shape in July 2012, the final details of which and the extent to which small arms will be included are as yet unclear. The second and the subject of a good deal of this paper's focus, is the United Nations Programme of Action. Both will be explored in greater detail in the latter section of this paper. This paper makes a clear and direct recommendation that both the Arms Trade Treaty and the Programme of Action be afforded the considerable support of the InterAction Council in the interest of strengthening the international support needed to eradicate the extraordinarily destructive problem caused by the illicit production, trade and use of small arms.

This contribution will shed light on the process of eradicating the illicit production, trade and use of small arms. To do so, this paper will briefly survey the state of affairs on the issue of small arms by outlining its successes, shortcomings and major challenges moving forward. The latter section *What Needs to be Done* will focus primarily on what can be done to ensure that action is taken to prevent the unnecessary deaths of hundreds of thousands of people each year. There are now important mechanisms in place that, if enforced on the local, national and international level, provide a genuine opportunity for real change to occur. Much of the groundwork has already been laid to establish a basis for specific actions by States that can make a difference. What is needed now is the political heavy lifting to take one of the most pressing issues in a generation and move it toward action, a move that will require a great deal of hard work, however the reward for this investment of time and effort will be nothing less than saving lives.

¹ Foreign Affairs and International Trade Canada <http://www.international.gc.ca/glynberry/weapons-arnes.aspx?lang=eng&view=d>. Other sources such as Amnesty International have estimated the number of deaths caused by small arms annually to be between 250, 000 and 350, 000.

The use of small arms and light weapons (SALW) has a powerful destabilizing effect on regional, national and international security. Whether SALWs are used to instigate, prolong or foster violence the results are dire. The enormity of the problem of the illicit trade and use of small arms and light weapons becomes clearer when we consider that these weapons were used almost exclusively in some of the bloodiest civil wars, ethnic and regional conflicts that humanity has witnessed over the past two decades, including, but certainly not limited to, conflicts in Rwanda, Sierra Leone, Liberia, Somalia and the Democratic Republic of Congo. Sub-Saharan Africa has been particularly hard hit by the proliferation of the illicit trade in small arms and light weapons. It is not in any way unrealistic to suggest that this issue is one of the most destructive problems Africa has faced in a generation. The pervasiveness of the international production and trafficking of small arms means that action must be taken swiftly and decisively before the already staggering death toll becomes insurmountable.

DEFINING SMALL ARMS AND LIGHT WEAPONS

To understand the effect that small arms and light weapons have throughout the world and to more effectively work toward reducing and eradicating them it is important to provide a working definition of what exactly these weapons consist of. Small arms can be defined as weapons that are primarily designed for individual use, which includes carbines, rifles, self-loading pistols, revolvers, assault rifles and sub-machine guns. Light weapons can be defined as weapons that are designed for use by two or three persons serving as a crew, they include, but are not limited to “heavy machine guns, hand held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, and mortars of a caliber of less than 100 millimetres.”²

According to the United Nations the vast majority of illicit small arms and light weapons come from the following sources: illicit brokering, weapons left over from conflicts, illicit manufacturing, leakages from military and police stockpiles, smuggling and theft. It is estimated that there are in excess of 600 million small arms and light weapons in circulation worldwide today.³ This is enough for one in every 11 people in the world to own one.

2. What is being done

In July 2012 an Arms Trade Treaty will emerge thanks to the many years of diligent and committed work of a countless number of individuals, organizations and countries. This

² www.un.org/events/smallarms2006/faq.html The Programme of Action (PoA) does not explicitly define small arms and light weapons. The UN has nonetheless attempted to provide a general definition in some of its commentary and/or information pages. In this case the site was set up to answer frequently asked questions about the 2006 Review Conference.

³ Ibid. This estimation was provided by the UN in 2006.

work is ongoing. It is hoped that a final version of this Treaty will contain within it a clear set of guidelines that deal directly with the issue of small arms. The latter section of this paper will look at the relationship between an ATT and the PoA, touching on ways in which the two have the potential to either complement or contradict one another. As the specific details of a final Arms Trade Treaty are as yet unknown the following section will focus on the single most important development to date on this issue, the United Nations Programme of Action that deals directly with small arms and light weapons.

THE UNITED NATIONS PROGRAMME OF ACTION (PoA)

The most significant development in the fight to reduce and eradicate the illicit trade of small arms and light weapons came in 2001 in the form of the *UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*⁴, which saw 130 countries adopt a politically-binding agreement in which States made considerable commitments. The Programme of Action, commonly known as the (PoA), was adopted as a result of this conference and is generally accepted as the first comprehensive attempt by the international community to understand and table concrete measures to eradicate SALW. The conference was comprised of delegates from UN member states, civil society groups and representatives of regional and international organizations. As a direct result of the conference countries are required to report back to the United Nations on their implementation of the PoA.

Since the 2001 conference a number of follow up conferences have been held to review progress and to introduce a greater degree of specificity to key aspects of the PoA, particularly with regard to the issues of regional and international cooperation, tracking and reporting mechanisms. In 2006 at the UN's New York Headquarters a major Review Conference was held with what could only be considered modest results. The conference encountered considerable disagreement among the participants on a number of substantive issues. Many of these issues have been explored and have now been rectified, however since the 2006 conference the challenges have moved towards the issue of countries taking action or more commonly not taking action with regard to their responsibilities to the PoA. There have been Biennial Meetings of States (BMS) in the years following the 2001 PoA as well as regional meetings under the auspices of the United Nations in 2009 and 2010 in Sydney, Kigali, Lima, Bali and Kinshasa. Progress has been steady, sometimes only incremental, however a process of this magnitude will inevitably face major challenges translating policy into action. In June 2010 the Fourth Meeting (BSM4) was held in New York. This meeting was convened to consider the implementation of the PoA. The BSM4 was able to achieve what preceding

⁴ The United Nations Programme of Action includes the full text of the program itself in addition to the minutes of all past meeting related to the document. There are several other notable resources which can be found at <http://www.poa-iss.org/PoA/poahtml.aspx>

meetings had not in that it contained far greater detail on process issues, which had been comparatively weak in past meetings.

In general the implementation progress since 2001 has been decidedly mixed with some countries meeting all of their obligations while others are as yet unable to fulfill the most basic requirements. Beyond the unfortunate and perennial issue of not meeting the goal of full participation there have been, particularly throughout the first follow up conferences, distinct problems with regard to reporting mechanisms. The precise manner by which a country shall collect, organize and submit information on SALW is still not completely clear, albeit in recent years greater clarity has prevailed. Systems with greater specificity have ultimately emerged providing countries with a more streamlined method of reporting through more effective templates and other useful measures that leave less room for variances and ambiguities.

UN member states and the UN itself are increasingly more aware of the specific shortcomings of the PoA's guidelines and changes to rectify these shortcomings do emerge with some consistency. One of the world's leading experts on the topic, Sarah Parker of the authoritative Geneva based *Small Arms Survey*, who has leveled a number of constructive critiques toward the PoA, has recently outlined her relative optimism with some of the new measures in place to make the PoA more accurate and effective. She has laid out three specific examples of how some relatively new changes to the PoA will enhance states idea of what adequate and effective controls look like. The following measures, Parker suggests, will "provide a benchmark against which we can measure their implementation progress."⁵ These measures are as follows:

- The development of International Small Arms Control Standards (ISACS) by the United Nations Coordinating Action on Small Arms mechanism. These will provide guidance on implementation and measurable benchmarks for assessing the adequacy of states' implementation efforts.
- The adoption of the **International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (the International Tracing Instrument or ITI)**. The ITI contains politically binding commitments designed to enhance the traceability of small arms and light weapons through improved marking, record keeping, and international cooperation. It builds on the marking and tracing provisions in the PoA.
- A growing and evolving understanding of the PoA commitments and benchmarks for assessing PoA implementation. For example, the report of the group of governmental experts on brokering provides recommendations such as record-keeping by brokers

⁵ Sarah Parker's review of the United Nations Programme of Action 10 years after its adoption. <http://www.nato.int/docu/review/2011/Arms-control/10-years-actions/EN/index.htm>

and/or the state and examples of penalties that could be imposed for illicit brokering activities. Another example is the 2008 biennial meeting (2008), which highlighted the need to minimize the environmental impacts of destruction programmes.⁶

A number of leading researchers on this issue have recognized a notable trend amidst the discussions on how to improve the PoA's structure. Despite the shortcomings of the PoA, it has very effectively and consistently created new norms of international behaviour on the issue of small arms.

The process is still relatively new, however UN member states are coming to recognize, sometimes independent of their own level of participation in the PoA, that there is a decidedly new direction the international community is taking with regard to SALW. It is within the context of this new direction and of changing norms of behaviour on this issue that the InterAction Council can make a considerable contribution by using its political capital to work with the UN and specific countries to ensure that countries have greater clarity about the new road ahead and about the importance of staying on it. The introduction of the Meetings of Government Experts (MGE) who met in May 2011 to discuss key aspects of the PoA and ITI is an important development that will further enhance the technical and political credibility of the broader effort to reduce and eradicate illicit small arms.

The United Nations Programme of Action (PoA), despite its imperfections, has formed an important foundational basis for further work on this critical issue and has served as a milestone of the arms control issue more broadly. The PoA has attempted to define the problem and it has set out, in some detail, what it is that states must do to eradicate the illicit trade in small arms. Underlying the UN's Program is a concerted effort to ensure effective controls on legal production, possession and transfer of small arms. To effectively combat and eradicate the illicit trade in small arms the United Nations Program of Action (PoA) has created a framework for the implementation of reporting mechanisms. The lack of control of the production, transfer and use of small arms at present means that there is considerable work to be done. The management of small arms stockpiles, appropriate controls on small arms in disparate conflict settings, not least in post-conflict situations, and the eventual destruction of weapons once they are collected have been among the most significant goals of the program.

THE WORK OF NON-GOVERNMENTAL ORGANIZATIONS

Non-governmental organizations have contributed a great deal to this issue in terms of articulating what the eradication of the illicit trade and use of small arms would look like. It is important to note the role NGOs have had in working diligently towards an Arms Trade Treaty with a variety of important actors over the past several years. The PoA has existed for a

⁶ Ibid.

number of years and the ATT, while of tremendous importance, is not expected to emerge until later this year. This reality lends itself to more detailed focus on the PoA. It is clear though that both the PoA and the ATT owe a great deal to the dedicated work of NGOs and their role moving forward with both instruments will be of considerable importance.

Given that so much of the background work on small arms has emanated from NGOs it is important that the work that lies ahead be to a certain extent informed by the some of the important and detailed research, recommendations and reports from these organizations. When considering the number of groups and organizations, at a local, regional and international level, which have made meaningful contributions to bringing the issue of small arms to the international agenda there is ample reason for optimism. It can nonetheless be overwhelming to decipher precisely which information is most effective in terms of moving forward. Outside of the United Nations and its appendages there is quite a lot of good work that has been published on the subject in the past decade.

While most NGOs advocating on this issue are dedicated to reducing or eradicating the illicit production, trade and use of small arms and light weapons, some have set their sights on informing the general public of the gravity of this issue and as a result have put much of their efforts towards valuable public information campaigns. While this is an important aspect of solving the problem, for the purposes of this paper the focus will be on the work of those organizations whose research has aptly categorized, classified, codified and analyzed the current state of small arms, which have directly assisted the UN and other key actors in their efforts to create and enforce concrete policies. Organizations such as OXFAM, Amnesty International, the International Action Network on Small Arms (IANSA) and others have and continue to make invaluable contributions to this issue and links to their work can be found in the *Resources* section of this paper. It is imperative moving forward on this issue that non-partisan, detailed, concise and well-researched information be available for policy makers.

Some excellent research work has been produced on this issue by many NGOs, each having their own unique focus and approaches, while finding common ground in seeking an end to the destruction of SALW. It is however the contention of this paper that the single most valuable resource for consistent, timely and well researched information on the issue of small arms and light weapons, is that of the Geneva based *Small Arms Survey*. The independent research project was founded in 1999 and is supported by the Swiss Federal Department of Foreign Affairs and is sustained by support from more than 13 other governments and from a number of bodies and agencies of the United Nations. The *Small Arms Survey* stands out because it has consistently been responsible for the most accurate and detailed research and reports, including regional, country and issue based reports. Since 2001 the Survey has produced annual reports that contain some of the most up to date information on the state of small arms by providing relevant statistics and detailed analyses as well as very useful overviews of the major issues facing the PoA and the small arms issue more broadly.

In the *2011 Small Arms Survey* a good deal of new information emerged with respect to the cataloguing and analyses of country reports, detailing the ways in which countries and regions participated. The study provided a detailed analysis of what individual countries have done, and not insignificantly, what many countries have not done. One notable conclusion from one of the survey's authors in 2011 concerned rates of reporting by countries. The report states that:

Exceptionally low rates of reporting and information exchange in 2010 suggest that UN member states were largely indifferent to the International Tracing Instrument (ITI) five years after its adoption by the UN General Assembly. A decade after the finalization of the PoA, UN member states continued to balk at any form of independent assessment of implementation.⁷

The general consensus on reporting by countries has moved towards biennial rather than annual reports. It is hoped that the two-year period between reports will give UN member states ample time to more thoroughly arrange their national reporting. More skeptical observers would argue that whether or not countries have one or two years to compile their reports, much will be absent from the final submissions. This speaks to the broader issue of participation and acting on the requirements of the PoA, which is in need of significant improvement.

One of the most pressing issues that has not received a great deal of attention is the inability of national reports to identify the specific needs of countries, in terms of technology and equipment to adequately fulfill their commitments to the PoA. The reports identifying the needs of countries, while more streamlined than they have been in recent years, are still a work in progress, and are commonly deemed to be the one most important components of the Programme of Action. The PoA is understandably highly reliant on detailed and accurate reporting by individual countries. For national reports to be effective they must convey to the UN their needs. Two-way communication between countries and the UN depends on a number of factors, however the most pertinent of factors involves a consistent and accurate point of contact for a given country's work on the PoA.

The United Nations Office for Disarmament Affairs (UNODA), the body that collects information directly from countries is meant to be supplied with National Points of Contact (NPC), in most cases this would consist of something as simple as an accurate telephone number and email address. Unfortunately this basic requirement was found to be either absent or inaccurate on nearly three quarters of member states.⁸

⁷ Small Arms Survey 2011, Chapter 2. <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2011/en/Small-Arms-Survey-2011-Chapter-02-summary-EN.pdf>

⁸ Chapter 2 of the Small Arms Summary reported that only 52 countries were confirmed to have NPC, approximately one quarter of the member states. The Summary can be found at <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2011/en/Small-Arms-Survey-2011-Chapter-02-summary-EN.pdf>

One of the most important contributions on this issue to come from outside of the UN or its member states is the numerous broad based as well as specialized country reports analyzing the progress of the PoA. Although it is no doubt disheartening to learn that more than half of the signatories of the PoA have engaged with the Program in a relatively passive manner it has been precisely through the revealing reports and analyses of various NGOs and civil society groups that we continue to learn and will continue to scrutinize the concrete actions of States in the interest of improving the chances of success for the PoA's ultimate objectives.

2012 is a year that will witness a number of crucial meetings on the advancement of this issue. The policy focus moving forward on this issue will largely be concerned with the extent to which the ATT can bring the issue of SALW into its mandate, however there will also be much attention, with regard to the PoA, on the importance of identifying and improving the ways in which national reports are organized and completed. There is a good deal of room for more detailed standardization in reports, NPCs and a number of other areas, however what is most needed moving forward is the political motivation of member states to take seriously the potential impact of the PoA. If the political will exists to tackle this issue at the highest levels by simultaneously supporting a strong ATT, which includes the issue of SALW, and working to improve the PoA, there is little doubt that real lives will be spared.

In the next section we will focus on some of the specific actions that can be taken to contribute to a genuine reduction in the illicit production, transfer and use of small arms. While waiting to see the shape of an ATT much work is needed.

3. What needs to be done

There can be no doubt that the state of the small arms issue has improved over the past decade with the advent of the United Nation's Programme of Action. The PoA has had its challenges, particularly in the area of enforcement, being without any legally binding status. It is important to note that the PoA has set in motion so much of the groundwork on this issue it is hoped that a strong ATT will be particularly important in strengthening the considerable work which the PoA has in place. The PoA is adjusted at regular intervals, based upon Biennial Meetings of States, to allow room for the most up-to-date changes that will better serve the program's objectives. Countries are simply not putting as much time and resources into fulfilling the requirements of the PoA as is necessary.

There is a good deal of work to be done to further refine guidelines both for States and by States with respect to clarifying the tools required by countries, the accuracy and consistency of national reports, stricter adherence to the PoA and the ITI, more enforcement of existing national regulations and significantly higher levels of participation by all States. The very fact that most countries recognize that there are undeniably new international norms to grapple with in terms of reducing the use of small arms is a major achievement. What is needed now

is action. Strong support for both the ATT and PoA are vital to the reduction and eventual eradication of the illicit production, trade and use of SALW.

The importance of countries meeting their obligations to the PoA cannot be understated. Placing this issue high on the international agenda and providing the necessary assistance to individual countries as well as regional and international actors are vital steps towards ultimately eradicating the deeply destructive impact of small arms and light weapons. It is clear that the IAC is uniquely positioned to lead this charge with its rare and powerful combination of political and academic credibility on issues of consequence in the international arena. States require the motivation, tools and the wherewithal to proactively engage in this process. With the effective use of the IAC's resources and expertise the goal of ending this scourge upon humanity will be one important step closer.

For years, those who trafficked in small arms and those who ultimately used them to perpetuate cultures of violence have enjoyed relative impunity. There are now tools in place that can potentially end this impunity. The United Nations Programme of Action is widely accepted as the foundation of the broad-based plan of action on the issue of reducing and eradicating the illicit trade and use of small arms and light weapons. The illicit use of small arms throughout the world is one of the leading causes of development being impeded and in some cases halted. Continued pressure on national leaders to take seriously the work of the PoA will go a very long way in clearing the way for a safe and sustainable future for so many of the world's citizens who are put at immeasurable risk by the inaction of States to responsibly act on this issue. Many nations invest so much economically and politically to improve Human Rights and Human Security globally, particularly in the developing world and with the successful implementation of the UN's PoA these efforts, instead of being hindered will be strengthened.

In addition to the 2011 Small Arms Survey there is another highly relevant and in some respects more detailed paper by the same group published in May 2011. *Analysis of National Reports: Implementation of the UN Programme of Action on Small Arms and the International Tracing Instrument in 2009-10* sheds considerable light on where the most attention for further action is needed. The analysis gets to the heart of what is going right, what is going wrong and what can be done. The study provides the most useful comparative analysis to date on the specific actions of countries toward the PoA and ITI.

Directly related to the absence of urgency on the part of far too many member states is the "...relative scarcity of functioning NPCs [National Points of Contact]"⁹ This problem, the report suggests, "...raises serious questions about the breadth and depth of PoA implementation."¹⁰ National Points of Contact may be as rudimentary as an accurate phone number and email address making possible direct contact with a given country's primary

⁹ *Analysis of National Reports: Implementation of the UN Programme of Action on Small Arms and the International Tracing Instrument in 2009-10* by Sarah Parker, pp. 74-75

¹⁰ Ibid.

representative on this issue who has the requisite training and expertise to address issues related to the PoA. A number of recent studies have suggested that even the absence of accurate and up-to-date NPCs in many countries are indicative of the lack of commitment to the PoA. In 2012 the United Nations will hold a review conference where, it is hoped, countries will have the chance to respond to and improve relatively weak NPCs, which are a crucial part of the PoA's structure and consistently an important measure of a country's commitment to the PoA and to this issue more broadly. The issue of implementation is one that needs improvement and relates directly to country specific requirements and overall engagement in the process.

The *Analysis of National Reports* also takes aim at the absence of sufficient and detailed information in national reports. The report states that "there is a need to go beyond the text of national reports to fill in missing details of implementation, and further, to verify the information they contain—determining for example, whether an NPC is functioning or not."¹¹ The machinery of the PoA will prove effective only when participating countries are sufficiently nudged toward a full engagement in the process that they have committed to.

The contemporary history of arms control would suggest that influential state actors and intermediaries are able to exert a great deal of influence through the use of positive incentives. A good deal of evidence, provided by the Small Arms Survey and others, suggests that the majority of countries that have endorsed the PoA are not meeting their most basic obligations. As discouraging as this can be there are a number of concrete examples of countries (hitherto mainly in terms of Nuclear weapons) that have transitioned from positions ranging from defiance, malevolence and complacency to positions of mutual agreement. From the Ukraine to Argentina to South Africa a number of countries that once stood firmly against either relinquishing their nuclear weapons or their weapons programs turned the corner through a unique set of incentives that served their needs and those of the international community. There is a strong precedent under the larger umbrella of arms control to support the efficacy of positive incentives. There will inevitably be multiple solutions to this problem, which lends itself to the disparate and resourceful nature of the InterAction Council.

In terms of the PoA every country has different circumstances and requirements and by examining the needs and circumstances of a given state, solutions, while not easy, are attainable. Tailoring incentives to the specific needs of a particular country while consistently reinforcing the nature of international norms on this issue can be effective. It is important to note that recent history is also replete with examples of countries that have followed the lead of either regional or political allies in changing sometimes major policy decisions. With this in mind it would seem judicious to focus on countries that maintain a certain degree of influence in a particular area. If certain incentive arrangements are successful the tide may

¹¹ Ibid.

begin to turn in a particular region or at least within a given country's sphere of influence in terms of compliance and engagement with the PoA.

It must also be noted that in a number of countries there is a willingness to engage in this process, however the lack of specific resources makes the task extremely challenging, if not impossible in some cases. In such cases there could be overtures from countries that have taken a leadership role on this issue and that have sufficient resources to assist in the allocation of resources (sometimes only basic assistance is required) to countries that require it. The encouragement of bilateral cooperation in this manner may also be an effective strategy to endorse, not to speak of the ancillary benefits of this kind of cooperation that may not have existed before between certain States.

SMALL ARMS AND THE ARMS TRADE TREATY (ATT)

The broader issue of Arms reduction and Arms control will be dominated in 2012 by multiple conferences in New York. Following the preparatory conferences on the Arms Trade Treaty (4th Prepcom) in February and on the PoA's (Prepcom) in March the decisive UN Conference on the Arms Trade Treaty will be held on 2-27 July and the PoA's 2nd Review Conference is to be held between 27 August to 7 September. It will be important, if not challenging given the close time proximity of key UN conferences, for the international community to maintain its focus on both the Arms Trade treaty and the PoA. The Arms Trade Treaty (ATT), expected to be adopted in July 2012, will represent the most significant development to date in terms of regulating conventional weapons. The relationship between an Arms Trade Treaty and the PoA is uncertain. An Arms Trade Treaty will do a great deal to focus the international community's attention on the broader issue of Arms Control and the international community's urgent need to take proactive steps towards limiting the detrimental effects that Arms of all varieties are having on people and societies around the world, particularly in the developing world.

The broad based international attention brought about by the final stages of the ATT and the crucial work with regard to initially conceptualizing the ATT by president Arias would certainly suggest that the ATT would only be strengthened by the support of the IAC. The Arias Foundation has been among the most prominent groups contributing to strong and effective ATT. The IAC's parallel focus on the UN's PoA would potentially be made more effective by the IAC's endorsement, in principle, of the ATT, by allowing some much needed additional space for the issue of small arms to be given a larger public stage.

The ATT is still incomplete and any predictions about its precise outcome are unfortunately still within the realm of conjecture, even at this late stage. Despite the broad scope and inclusion of issues that have been proposed in relation to the ATT small arms have not been central to the Treaty's objectives, however it is hoped that small arms will indeed be a part of a final Arms Trade Treaty. This would have a major impact on adding the necessary legal mechanisms, which have been a glaring absence on this issue and among the PoA's biggest challenges.

Despite the strong relationship between small arms and the broader issue of the arms trade the ATT has positioned its focus, quite understandably, on creating a new set of standards and regulations dealing with conventional weapons. It is clear that the ATT and the issue of small arms are interlinked and the developments of the ATT will most certainly have a decisive impact on the issue of reducing and eradicating SALW. There are several challenges surrounding the inclusion of small arms in a substantial way into the ATT, not least concerning domestic opposition to Second Amendment rights within the United States and the decidedly vocal opposition of some very prominent countries to the inclusion of SALW to the ATT at all. This ambiguity only reinforces the need, in addition to lending strong support to the ATT, to maintain a parallel and sufficiently detailed exclusive focus on SALW, primarily through the support of the PoA.

The Arms Trade Treaty has traditionally used what is referred to as the “7+1” formula for the classification of conventional arms. Under the UN Register of Conventional Arms the “7” refers to the following 7 large-scale conventional arms: combat aircraft, armored combat vehicles, large-caliber artillery, attack helicopters, warships, battle tanks in addition to missiles and missile launchers. The “+1” referred to small arms and light weapons. The “+1” status was generally interpreted as being peripheral to larger scale weaponry which comprised the first seven. Over the last several years a number of ideas were proposed, including a 1+7, then a 7+1+1, the additional “1” representing ammunition. While these categorizations were meant to represent the most important areas of concern, small arms and light weapons were at no point considered to be of primary concern, indeed the “+1” status signified a category open for submissions, however it was not an official category.

Even without knowledge of the ATT’s final outcome what is certain is that the PoA, despite its many weaknesses, is a document that has been responsible for largely initiating a normative framework for the control of small arms. The primary weakness of the PoA has concerned its “politically” binding status instead of a “legally” binding status. An effective ATT will likely go quite a long way equipping this issue with desperately needed legal commitments. Instead of conceptualizing the ATT as completely independent of the PoA this paper would suggest that there may be a number of ways in which the two may serve to complement one another.

The noble intentions of the ATT’s proponents are matched only by the concern of those whose interests are significantly threatened by the Treaty’s adoption, particularly by a robust and effective Treaty. Given the disparate range of powerful interests opposed to the Treaty, the groundbreaking work of the ATT’s architects is to be applauded and indeed admired, particularly given the sometimes nuanced nature of opposition to the Treaty which has at times arisen. There is still much work to be done and the IAC’s support of the ATT along with that of other influential bodies and organizations can only be a boon to a successful and powerful ATT. This support will not only be crucial over the longer term, but also over the months leading up to the final negotiations in July 2012.

It would seem prudent for the IAC, in addition to supporting the ATT, to focus equal energy on taking a prominent role in promoting the issue of reducing and eradicating small arms through its support of the PoA as well the use of its own political capital to persuade countries that have yet to take the PoA seriously to do so.

An Arms Trade Treaty will be extraordinarily important as it will meet a vital set of needs, which have not been sufficiently met, although much groundwork has emanated from the PoA's framework, the ATT will contain far greater scope and power given its legally binding implications, which States would be obligated to adhere to. The ATT is, among other things, a way to remedy the glaring absence of globally agreed rules on arms that all countries will be subject to. Member states met at UN headquarters in New York in February 2012 to continue their work on establishing effective standards to better regulate the international flow of arms. While the relationship between the issue of small arms and the ATT is intuitive, there is much that separates the ATT's agenda and that of SALW reduction and elimination. Conventional weapons pose a major threat to international peace, development and security, however to eradicate the overwhelmingly destructive impact of small arms it is necessary to present the small arms threat as one which demands attention in its own right. The PoA is an invaluable and complementary tool in this regard. The ATT and PoA will have the potential to reinforce each other once a strong ATT is created.

Given the uniquely influential membership of the IAC it would seem only logical to suggest that its greatest influence on this issue will be at the diplomatic level. The IAC's membership comprises former world leaders, academics, policy makers and dignitaries from a disparate range of countries and regions of the world, which enables it to partner with current governments and organizations across traditional regional, political and economic divides to potentially find concrete ways to influence less engaged countries to embrace their obligations to the PoA and ultimately the ATT.

COMPARING THE ATT AND PoA

The ideal scenario of a robust ATT, which has SALW firmly on its agenda would move the issue of SALW further than any other single development to date. Within this ideal scenario there would be a great many ways in which a strong Arms Trade Treaty and the PoA would complement each other. Ultimately the more robust and unequivocal the ATT will be the more it will benefit the issue of small arms reduction and part of this help will include the strengthening of the PoA. The PoA, despite its flaws, has been successful in terms of establishing the most relevant and detailed framework to date on the issue of small arms. The PoA's main problems have been at the level of implementation generally considered to be related to the lack of legally binding rules in place, seen in its decidedly general language on many of its provisions, which it is hoped will be significantly remedied by a strong ATT. The following are some examples of how the two could potentially serve to reinforce one another.

- A robust ATT and regularly evolving PoA could serve to reinforce each other in terms of international transfer controls, the ATT could play a strong and important role in filling the gap of ammunition (if the more influential countries agree to it within the ATT), which is one of the PoA's more glaring shortcomings
- The PoA has established a lengthy list of administrative procedures, which focus on export, import, transit, retransfer and brokering, the ATT would ultimately find it necessary to institute many of the same procedures
- The ATT would have parties create a system of export, import licensing or authorization and to establish ways in which brokering activities could be controlled, not to mention a system for registering brokers-the PoA has fortunately already established such parameters with regard to small arms and small arms brokers.

The PoA at this time remains the only specific universal framework for the control of small arms and light weapons, at least until the point at which the ATT is complete and has been successful in bringing on board countries to an ATT that includes SALW with legally binding mechanisms. Representatives of a great number of countries have put forth extraordinary effort to develop, expand and enforce the PoA and these efforts have no doubt contributed to the work of those who are attempting to include SALW in an Arms Trade treaty.

The relationship between the ATT and the PoA will be an important one. The focus has traditionally been on either the ATT or the PoA, with the exceptions of the *Small Arms Survey and work by IANSA (International Action Network on Small Arms)* and some others, there has been precious little work attempting to understand the relationship between the two. On a more basic level there has been surprisingly little attention paid to outlining even the rudimentary differences between the two. There is much that separates the two and there is certainly reason to believe that the two could serve to complement one another, ultimately strengthening the deterrent for engaging in the illicit trade and use of small arms and light weapons. To better conceptualize the considerable differences between the ATT and the PoA the following chart on page 17 (Table 1.1) may serve as a useful guide.¹²

¹² The International Action Network on Small Arms (IANSA) in their work prepared for the African Union Expert Meeting to Elaborate an ATT Common Position, held in Lome, Togo, 28-29 of September 2011 presented a number of important points regarding, not only the relevance of the ATT to Africa, but to the ATT's relationship to small arms. In the work titled: *The Arms Trade Treaty, Useful Documents and Initiatives Relevant to Africa*, the report included a comparison between the ATT and the PoA. The information used in Table 1.1 on page 17 is largely a reproduction of a comparison produced in the following report: <http://www.iansa.org/system/files/Final%20English.pdf>

Table 1.1

Comparison of the ATT and PoA

	PoA	ATT
What is it?	The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN Small Arms Process) was adopted by consensus at the UN General Assembly after negotiations at the 2001 UN Conference on Small Arms. It is a non- legally binding agreement covering aspects of processes, regulations and assessment of measures to address illicit trade of SALW	The ATT does not yet exist; however negotiations to develop a global, legally binding agreement are underway at the UN and are expected to conclude in July 2012. A strong and effective global ATT would strengthen regulation of international arms transfers of conventional weapons, helping to reduce serious violations of human rights and international humanitarian law and prevent undermining of socio-economic development
Types of Weapons	Small arms & light weapons and their ammunition	A comprehensive ATT would cover all conventional arms, including SALW and possibly ammunition
Activities Covered	Recommendations for manufacture, marking, record-keeping, tracing, stockpile management, surplus identification and disposal, public awareness, DDR and children, international transfers of SALW	All international arms transfers of conventional weapons including exports, imports and other transfers between countries
Commitment	Politically binding. UN Member States have affirmed their 'will' to implement the PoA but on a voluntary basis only	Will be a legally binding treaty i.e. provisions of the ATT will become international law
Implementation	Each State can implement the PoA as it wishes, usually guided by National Commissions in line with National Action Plans	After the treaty text is agreed, states that ratify the ATT will need to modify national arms transfer legislation and procedures to comply with its provisions
Monitoring	Voluntary biennial reports on implementation	Annual reporting obligations should be included in the treaty. The establishment of an Implementation Support Unit will support and coordinate state reporting
Enforcement	None. Implementation is on a voluntary basis	National legislation meeting a minimum standard would enforce the treaty
Next Steps	A PoA Review Conference will take place in August 2012. States will report on their progress implementing the PoA since the last PoA Biennial Meeting of States in 2010. There will also be a PoA Preparatory Committee in March 2012 to prepare for the August Review Conference	UN member states will aim to draft treaty text at the ATT Negotiating Conference, July 2012. Member states will then decide to sign and ratify the ATT. Ratification can take years and usually has to pass through national parliament. There will be an ATT PrepCom in February 2012 to prepare for the ATT negotiating conference

In terms of the general scope of arms included in the respective agreements the ATT will clearly cover a much wider range of weapons than the PoA which is focused specifically on small arms and light weapons alone. As the Small Arms Survey points out “although the PoA may be narrow in terms of the types of arms it covers, it includes a broad range of control measures and activities”¹³ A number of these measures and activities are unlikely to make their way into an ATT. Among the most significant transactions covered in the PoA that are not likely to be covered in the ATT are the following: manufacture, marking, record-keeping, cooperation in tracing, stockpile management, surplus ID and disposal, public awareness, disarmament, demobilization and reintegration.¹⁴ The ATT can understandably cover only so much ground as its focus is on regulating conventional weapons more broadly and although it is vital that SALW be included in the ATT there will be certain important aspects of small arms control that will be inevitably absent. This is another strong reason why it would not be prudent to disregard the PoA after the creation of an ATT.

THE POTENTIAL ROLE OF THE IAC

There is much to consider, however the gravity and urgency of this issue makes this issue one that simply *must* be considered. The following are six concrete steps that can be taken by the InterAction Council to make a meaningful contribution to stopping the illicit trade and use of small arms. The last section of this paper contains a collection of resources on the issue that may prove useful.

SIX WAYS THE IAC CAN CONTRIBUTE TO THE ERADICATION SMALL ARMS AND LIGHT WEAPONS

1. Unequivocally support a strong, legally-binding Arms Trade Treaty (ATT) while emphasizing the importance of including the issue of SALW within its framework.
2. Utilize contact points within the leadership of governments to impress upon them the urgency of this issue and the need to fulfill their obligations to the United Nations Programme of Action.
3. Identify to national leaders the connection between the illicit use of small arms and stagnating development and human rights throughout the world, particularly in the developing world.

¹³ Issue Number 15, March 2012, pages 3-4 of the Small Arms Survey Research Note can be found at http://www.smallarmssurvey.org/fileadmin/docs/H-Research_Notes/SAS-Research-Note-15.pdf

¹⁴ Ibid.

4. Encourage national governments to mobilize resources and expertise to reinforce and strengthen existing laws that monitor and prevent the illegal trade in small arms across their international borders.
5. Encourage governments to support national disarmament, demobilization and reintegration programs by working directly with the United Nations Office for Disarmament Affairs (UNODA).
6. Emphasize the importance of national reports and their role in augmenting the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (the International Tracing Instrument or ITI).

4. Conclusion

The IAC's support of a robust, legally binding and enforceable Arms Trade Treaty by July 2012 while simultaneously lending strong support to the continued evolution of the PoA will be a tremendously positive step in the direction of ending the unnecessary violence caused by the illicit trade and use of small arms and light weapons. Even with a strong and legally binding ATT the UN's PoA will continue to be a highly significant document tasked with addressing this issue with a singular focus.

Despite its many flaws the PoA can continue to evolve and its evolution will be aided considerably by a powerful Arms Trade Treaty holding all countries to account. The PoA's objectives will require the continued cooperation of stakeholders internationally, regionally and locally. The path to eradicating the illicit production, trade and use of SALW is not without considerable challenges. Similar to the situation surrounding conventional arms, those involved in the production and sale of small arms are entrenched in a highly lucrative enterprise and any attempts to limit or eradicate this trade will continue to meet with tremendous resistance. Beyond the economic interests at the international and State level there is and will continue to be strong opposition to any measures that would seek to eliminate or even regulate small arms by gun owners at the local and national level, not least in countries where arms ownership is an integral part of the domestic political landscape.

The fight to reduce and eradicate SALW in all its aspects has several components, each requiring adequate resources and commitment. Without the cooperation and full participation of all UN member states the bloody consequences of the illicit use of small arms will continue unchecked.

From a policy perspective there is an impressive foundation that has been laid to tackle this problem, however two things must happen before any real success on this issue can be realized. The first entails a significantly more robust effort by governments and all of their relevant appendages, including local and national law enforcement, to play a direct and proactive role in not only enforcing existing legislation on the illegal import and export of

small arms and light weapons, but also in terms of collaborating with international and regional partners to create and reshape more effective legal obstacles to those who circumvent the current system. A strong ATT can potentially be a highly effective instrument in this regard. The second crucial element that must be taken seriously is for there to be strong and consistent pressure put on governments to *act* on their considerable obligations, primarily those laid out in the PoA.

Policy development on this issue has come a long way in the last decade, however policy alone is not the answer. Indeed if the illicit trade and use of small arms could be eradicated by policy alone the issue would be nearly solved. The work of saving hundreds of thousands of lives every year is, as we know, a great deal more complicated. The real work now depends on making policy a reality.

It must be noted that it is at the diplomatic level where some of the most important developments on this issue have emerged. The InterAction Council has the important opportunity to continue this trend. As the final stages of the ATT unfold its relationship to the PoA will become more apparent. The IAC's support of both the ATT and the PoA will reinforce its commitment to this issue in the most certain of terms. As everyone concerned about this issue awaits the ultimate shape of an ATT, the UN's Programme of Action continues to evolve, making it easier for countries to play their part in identifying and tracing small arms. What is needed now is strong and consistent leadership from highly credible and influential members of the international community to impress upon governments the gravity of the problem of the illicit production, trade and use of small arms.

The InterAction Council is well situated to have a sizable impact on States by encouraging them to support a strong ATT, which includes SALW, as well as encouraging them meet their obligations to the UN's PoA in reducing and eradicating this destructive force. The impact of the illicit production, trade and use of small arms and light weapons has had a devastating impact on progress, development, human rights and on the lives of civilians throughout the world. This issue has disproportionately affected the people of developing world. Taking effective action on this critical issue can save lives and change the everyday reality of hundreds of thousands people throughout our world.

Resources

- The United Nations official full text document on the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*
<http://www.poa-iss.org/poa/poahtml.aspx>
- Analysis of National Reports: Implementation of the UN Programme of Action on Small Arms and the International Tracing Instrument in 2009-10 by Sarah Parker
<http://www.smallarmssurvey.org/fileadmin/docs/B-Occasional-papers/SAS-OP28-Analysis-of-National-Reports.pdf>
- Research Note 15, March 2012. An analysis of the relationship between the PoA and the ATT. Pages 3-4 http://www.smallarmssurvey.org/fileadmin/docs/H-Research_Notes/SAS-Research-Note-15.pdf
- The United Nations Development Programme through their *Bureau for Crisis Prevention and Recovery* put forth a very well researched guide in 2008 known as the How to Guide to Small Arms and Light Weapons Legislation
http://www.undp.org/cpr/documents/sa_control/SALWGuide_Legislation.pdf
- Coordinating Action on Small arms (CASA) Project on International Small Arms Control standards <http://www.un-casa-isacs.org/isacs/Welcome.html>
- UK based Advocacy group providing background papers and analysis on the issue of Small Arms and Light Weapons <http://www.saferworld.org.uk/what/small-arms-and-light-weapons>
- International Action Network on Small Arms www.iansa.org a network of over 700 civil society organizations working to stop the proliferation of SALW worldwide. IANSA, in their work prepared for the African Union Expert Meeting to Elaborate an ATT Common Position, held in Lome, Togo, 28-29 of September 2011 entitled *The Arms Trade Treaty, Useful Documents and Initiatives Relevant to Africa*, the report included a comparison between the ATT and the PoA. This work includes a number of key documents related to the relationship between the Arms Trade in Africa and the relationship between the ATT and the PoA. These documents can be found at the following web address: <http://www.iansa.org/system/files/Final%20English.pdf>
- North Atlantic Treaty Organization (NATO) has a particular interest in Small Arms and their tremendous destabilizing effect on conflict zones worldwide
http://www.nato.int/cps/en/natolive/topics_52142.htm
- The *Small Arms Survey* is a Geneva based independent project which is run through the Graduate Institute of International and Development Studies. The group has a large number of the world's leading researchers on the issue of small arms. The group produces a number of reports covering a variety of small arms related issues. The group produces regular country reports on the state of certain aspects of small arms and light weapons as well as annual reports on small arms. <http://www.smallarmssurvey.org>

- *The Geneva Declaration on Armed Violence and Development* is an initiative addressing the interrelations between armed violence and development. It seeks measurable reductions in armed violence and improvements in human security by the year 2015. The *Geneva Declaration* is affiliated with the Small Arms Survey and details of the initiative can be found at <http://www.smallarmssurvey.org/publications/by-type/geneva-declaration.html>
- www.controlarms.org is a global civil society alliance focused primarily on the Arms Trade Treaty. They can be a useful resource for global partnerships working towards the eradication of all weapons.
- OXFAM has done some tremendously important work on the broader issue of Arms Control over the years. Their section on small arms can be found at <http://www.oxfam.org/en/category/oxfam-general/small-arms>
- The Small Arms Monitoring Page provides useful links to a disparate range of groups working on small arms reduction <http://www.fas.org/asmp/campaigns/smallarm.html>
- Controlling Small Arms, Schroeder, M. BULLETIN OF THE ATOMIC SCIENTISTS, V. 63 (4), 06/2007, p. 9-9
- Implementing the United Nations Programme of Action on Small Arms and Light Weapons: analysis of the national reports submitted by states from 2002 to 2008. Silvia Cattaneo and Sarah Parker. New York: United Nations, 2008.
- Marking Small Arms: An Examination of Methodologies. Coflin, James. [Ottawa: Govt. of] Canada, 1999.
- Small Arms and Security: New Emerging and International Norms / Denise Garcia. Milton Park, Abingdon, Oxon; New York, NY: Routledge, 2006.

Included in this document is a list of useful acronyms which are directly relevant to this issue:

ATT Arms Trade Treaty
CASAC Central America Small Arms Control Project
CICAD Inter-American Drug Abuse Control Commission
CIFTA Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Explosives and other related materials
COARM Working Party on Conventional Arms Exports
DTCC Office of Defence Trade Controls Compliance
ECOWAS Economic Community of West African States
EU European Union
EUC End-User Certificate
FLP Foreign Licensed Production
GGE Group of Governmental Experts
IANSA International Action Network on Small Arms
ICRC International Committee of the Red Cross
Interpol International Criminal Police Organization
MANPADS Man-Portable Air Defense Systems
NATO North Atlantic Treaty Organization
NCACA National Conventional Arms Control Act
OAS Organization of American States
ODA Official Development Assistance
OSCE Organization for Security and Co-operation in Europe
PoA UN Programme of Action
PSC Private Security Companies
RECSA Regional Centre on Small Arms
SADC South African Development Community
SALW Small Arms and Light Weapons
SEESAC South Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons
SICA Central American Integration System
TMSD Framework Treaty on Democratic Security
UN United Nations
UNDP United Nations Development Programme
UN-LiREC UN Centre for Peace, Disarmament and Development in Latin America and the Caribbean
UNODA United Nations Office for Disarmament Affairs
UNODC United Nations Office on Drugs and Crime
WA Wassenaar Arrangement