

Precedent in the Making

THE UN MEETING OF GOVERNMENTAL EXPERTS

How to stop a criminal from removing the identifying marks on a polymer-frame handgun? This was the kind of question asked, and sometimes answered, at the Open-ended Meeting of Governmental Experts (MGE), convened at UN headquarters in New York from 9 to 13 May 2011. For the first time at a UN small arms meeting, the discussions were expert-led and relatively interactive as delegations focused on the practical details of weapons marking, record-keeping, and tracing, specifically as dealt with in the International Tracing Instrument (ITI), negotiated within the framework of the broader UN Programme of Action (PoA).

Insufficient information and weapons misidentification are leading causes of tracing failures.

Drawing on the Chair's Summary of the MGE and the author's own observations from the meeting, this chapter presents details of the MGE discussions with a view to identifying some of the key impediments to full ITI implementation, as well as the various means of overcoming them. It does not reach any conclusions concerning progress UN member states have made in their implementation of the ITI. Its aim, rather, to borrow UN resolution language, is to examine the 'challenges and opportunities' inherent in such implementation, specifically as discussed at the MGE.

The chapter's main findings include the following:

- A key recommendation emerging from the MGE was for the establishment of a Technical Committee that would draft recommendations for marking in light of new developments in weapons manufacture and design.
- Although the subject was broached at the MGE, differences between the marking of light weapons and that of small arms remain to be explored in the UN framework.
- MGE delegations highlighted a series of challenges associated with the conversion of paper-based record-keeping systems into electronic form, including a lack of qualified personnel and software problems.



A pistol with its serial number scraped off, Rio de Janeiro, Brazil, May 2004. The gun was seized during the arrest of a 26-year-old drug dealer accused of killing several policemen. © Alaoir Filho/Agência Estado/AE

- Meeting participants cited a lack of information in tracing requests, along with the inaccurate identification of weapons and weapons markings, as the leading causes of tracing failures. Weapons produced under licence in a second country were often misidentified because of the incorrect identification of the manufacturer or country of manufacture.
- The MGE discussions revealed that when their national and international lines of communication were good, national points of contact were often instrumental in resolving even the most complex weapons cases.
- The MGE highlighted the role of technology, both in complicating implementation of certain ITI provisions (as with the import marking of polymer-frame weapons) and in overcoming critical implementation challenges (such as through the use of digital photography for weapons identification).
- UN member states have yet to develop specific means of following up on the ideas, proposals, and lessons learned that are shared at MGEs.

The 2011 MGE revealed considerable breadth and depth in weapons marking, record-keeping, and tracing practice throughout the world. It was not the role of the meeting to assess the extent to which that activity was tied to the ITI, but the MGE can be expected to have some influence in raising awareness of the Instrument's existence and spurring strengthened implementation. There is some early evidence that the MGE did just that. For example, the number of national points of contact notified to the UN Office for Disarmament Affairs—one key marker of ITI implementation—saw a huge boost from the meeting, rising from 18 in mid-January 2011 to 67 by 12 May 2011, the second-to-last day of the MGE. Moreover, INTERPOL figures show an increase in the number of tracing requests (representing thousands of firearms) that the organization is copied on: from an average of 25 per month during the two-year period preceding the MGE, to an average of 36 per month thereafter.

There is some early evidence that the MGE has spurred strengthened ITI implementation.

As of mid-2012, the implications of the 2011 MGE for the UN small arms process were unclear. The UN membership had yet to agree to convene any further MGEs, leaving this question to the PoA's Second Review Conference, scheduled for August–September 2012. Although the UN's general ('omnibus') resolution on small arms, adopted in December 2011, endorsed the formal (largely non-substantive) MGE report and took 'note with appreciation of the Chair's summary of discussions', it did not follow up on the many recommendations that emerged from the meeting, some of which, such as the establishment of a Technical Committee for weapons marking, require multilateral action. There is also a need to distil, presumably in UN document form, the various elements of the meeting that contributed to its success, including the expert-led nature of the discussions, their interactive character, and the chair's role in facilitating such processes. Among other things, such a document might help address the—as yet unanswered—question of how to distinguish the mandates of PoA biennial meetings, review conferences, and MGEs.

The place of MGEs in the PoA meeting cycle is not yet assured. Specific means of following up on the ideas, proposals, and lessons learned shared at such meetings still have to be developed. Yet if the aim of UN small arms meetings is to foster the strengthened implementation of the PoA and ITI, the logical first step is to examine the 'challenges and opportunities' inherent in implementation. The 2011 MGE shows what can be done in this respect, but concrete follow-up remains uncertain given, among other things, the current lack of institutional footing for MGEs generally. Precedent in the making, but not yet made. ▀



Officials from the Criminal Investigation Division register weapons at the Registro Balístico in Tegucigalpa, Honduras, August 2005.
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