

Reaching Consensus in New York: The 2001 UN Small Arms Conference



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Debating delegates at the 2001 UN Small Arms Conference.

The *Programme* confirms that the problems caused by the proliferation and misuse of small arms are multi-faceted, going beyond arms control and disarmament to include conflict prevention, development, crime control, public health, and humanitarian dimensions. Furthermore, it assigns primary responsibility for solving the problems of small arms to national governments. Finally, the *Programme* highlights both the regional and global dimensions of the problem, thus necessitating co-operation at all levels.

Measures agreed by states in the *Programme* include: strengthening of national regulations governing the production and transfer of small arms; ensuring that manufacturers mark all weapons (and keep appropriate records) to allow tracing of seized weapons; improving the system of end-use certification to diminish the risk of diversion and illicit trafficking; encouraging the destruction of weapons; increasing security of small arms stocks; co-operating with the United Nations system to ensure the effective implementation of Security Council arms embargoes; and encouraging co-operation with relevant international and regional organizations, including NGOs.

After nearly four years of preparation, the *United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* ('the Conference') closed on 21 July 2001, following its final two-week session, producing a consensus *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* ('*Programme*').

The *Programme* spelled out the security, humanitarian, and socio-economic consequences associated with both the illicit trade in these weapons and their excessive and destabilizing accumulation, and included a set of principles to guide the actions of states in addressing this problem. By agreeing to this *Programme*, national governments made a commitment to implement a series of measures at the national, regional, and global levels. They also agreed to meet every two years and hold a conference no later than 2006 for the purpose of reviewing the implementation of the *Programme*.

UN Secretary-General Kofi Annan welcomed the *Programme's* many important first steps as essential in building norms and in implementing collective measures against this global scourge.

A number of states made it clear they would not agree to any consensus that contained any reference to human rights violations.

The language of the *Programme* is non-binding, and leaves wide margins for states to exercise discretion or interpretation. More importantly, several crucial issues identified by certain states and NGOs prior to and during the Conference were not included in the final *Programme*. These include concrete commitments to: negotiate an international instrument on marking and tracing; regulate the civilian possession of weapons; increase transparency in the legal production, stockpiling, and trade in small arms; control transfers to non-state actors; agree upon specific criteria governing arms exports; and negotiate an international legal instrument on arms brokering.

Throughout the preparatory process and during the Conference itself, there were two distinct NGO communities at work. By far the largest was the broad coalition of some 300 groups working to control the proliferation of small arms and their effects, brought together under the International Action Network on Small Arms (IANSA). The second group represented the firearms community, which saw the Conference as a threat to the rights of gun owners and sport shooters. In total, 119 organizations registered and 380 representatives attended the Conference, representing a wide range of constituencies and interests. While these numbers were modest in comparison with some other UN conferences, these groups succeeded in making their presence felt and strengthened their capacity to further engage in the post-Conference work that lies ahead.

The United States was a major player throughout the Conference process, making it clear from the beginning that it would not be part of a consensus *Programme* that included two specific measures: restraining or prohibiting civilian possession of small arms; and limiting trade in small arms solely to governments. True to its word, the US found itself the only state holding this position, in direct opposition to the African bloc. In the end, the two measures were not included in the *Programme*.

The *Programme* is the first global framework to guide the work of national governments, regional and international organizations, and civil society in combating the illicit trade in small arms, and has served to raise the level of commitment of states to address the illicit trade in small arms. It provides the justification for all actors, including NGOs, to monitor, report on, encourage, and if necessary apply political pressure to those states that are not meeting their commitments.



Multilateral diplomacy produced a consensus Programme of Action, but no commitment to negotiate legally binding instruments.

Third, the UN could change the way it tackles the problem by recognizing that the small arms issue is multi-dimensional and by creating a mechanism that allows the more effective and inclusive consideration of the economic, social, and humanitarian effects of the accumulation, proliferation, and misuse of small arms, and the effective participation of a wider range of stakeholders.

The experience of NGO involvement in the 2001 UN Conference strengthened their capacity to further engage in small arms issues in the post-Conference period.

The Conference and its outcome could provide the basis for at least three ways forward. First, the process could remain under the auspices of the UN First Committee, and thus be dominated by an arms control and disarmament perspective. Second, coalitions outside the auspices of the UN could augment the *Programme* by focusing on the humanitarian and economic costs associated with the proliferation and use of small arms.

The various partnerships built by the Conference will be crucial for future efforts to address the different dimensions of the small arms issue.