

Second Wind

THE POA'S 2012 REVIEW CONFERENCE

In August–September 2012, the UN convened the Second Review Conference for the UN Programme of Action (PoA) at its headquarters in New York. Although many were hoping for a strong result, the Second Review Conference faced the same problem that had contributed to the failure of the First Review Conference, in 2006, namely how to make sense of a mandate that required it to review progress made in PoA implementation when there was no mechanism to do so.

The 2012 Conference avoided many of the problems that had plagued its 2006 predecessor.

This chapter explains how the Second Review Conference managed to achieve a result that holds out the promise of a strengthened PoA despite the initial uncertainty surrounding its mandate. Drawing on relevant UN documents and the author's own observations of the meeting and its preparatory phase, the chapter examines the principal features of the Review Conference process and outcome.

With respect to process, the Second Review Conference, including its preparatory phase, was characterized by incremental, visible progress towards a final, consensual outcome. It avoided many of the problems that had plagued the First Review Conference, largely through the use of a working method that contributed to the success of UN small arms meetings after 2006. Among other things, this translated into the early designation of the Conference president, Ambassador U. Joy Ogwu of Nigeria, and the optimal use of scarce meeting time. Another important factor in the Review Conference success was the resolution of the uncertainty surrounding its mandate at an early stage. Draft outcome documents were prepared and discussed during the months preceding the Conference. By the time the meeting started, states seemed comfortable with an outcome that, while forward-looking, was squarely rooted in the implementation of norms laid out in the PoA and the related International Tracing Instrument (ITI). Equally important, at the Second Review Conference UN member states showed a willingness to compromise that they had often lacked at its 2006 predecessor.

At the end of the Second Review Conference, UN member states adopted, by consensus, a substantive outcome in which they committed themselves to a series of measures designed to bolster implementation of the PoA and the ITI during the period leading



Permanent Representative of Nigeria to the UN and President of the Review Conference U. Joy Ogwu addresses delegates at the Second Review Conference on the UN PoA, New York, August 2012. © UN Multimedia



An officer of the Indian Border Security Force speaks to journalists at the India–Pakistan border where heroin, fake currency, and weapons were allegedly seized, Thatha Koda, India, January 2009. © Altaf Qadri/AP Photo

to the Third Review Conference in 2018. As described in greater detail in the chapter, while some of these measures simply repeat PoA or ITI text, many of them, drawing on earlier meeting discussions, fill out the existing framework. Language on border controls, women, and conflict tracing, although contentious at past UN meetings, found expression in the final outcome. Moreover, despite the apparent preference of a few states for a weaker PoA and ITI, there was no dilution of existing norms. The Review Conference outcome also consolidates recent moves towards a more structured process, articulating the broad outlines of the 2012–18 meeting cycle.

Despite these gains, important gaps remain. First, it is still impossible to say much about ‘progress made’ in the implementation of the PoA and ITI in the absence of mechanisms that independently assess the extent to which states are meeting their commitments under these instruments. The Review Conference outcome does point to the possible consideration of longer-term trends in small arms proliferation and misuse, along with the question of PoA and ITI effectiveness, but this chapter of the PoA story has yet to be written.

What is essential is not simply to have the map, but to use it to move forward.

Implementation aside, there is still room for normative development. Among the many issues that states tried, and failed, to include in the Review Conference outcome—often because of the opposition of a small number of states—the exclusion of the word ‘ammunition’ from the final texts is perhaps the most puzzling omission. Neither excluded from nor included in the PoA, given the latter’s failure to define ‘small arms and light weapons’, ammunition remains in some kind of political limbo, regardless of its pivotal role in fuelling crime and conflict around the world.

At the end of the day, despite its gaps, the Review Conference outcome is an important diplomatic achievement. Notwithstanding the UN membership’s recent adoption of an Arms Trade Treaty, the PoA is still the only comprehensive global framework for small arms control, covering almost all stages of the small arms life cycle, from cradle (manufacture) to grave (final disposal). ‘Control’ is more difficult than prohibition. The long life span and complex ownership chains of many small arms make the task harder. Yet, building on preceding UN meetings and taken together with the PoA and ITI themselves, the Second Review Conference offers an extensive road map for meeting these challenges.

What is essential, obviously, is not simply to have the map, but to use it to move forward. As they indicated quite clearly at the Second Review Conference, a small number of states view UN small arms norms with considerable suspicion. In that context, it was the determination of the vast majority of states to wrest something useful from the Conference that proved decisive. While the Review Conference’s stated goal of ‘full and effective’ PoA and ITI implementation remains aspiration, not reality, the UN small arms process currently has a spring in its step. ■