

Search for Consensus: Insights into Linguistic, Procedural and Process Related Techniques of the Negotiations of the ITI Outcome of the Second Review Conference of the UN Program of Action on Small Arms and Light Weapons

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Introduction

There is much to learn from analysing the procedural and substantive aspects of negotiating the outcome of the Second Review Conference of the UN Program of Action (UNPOA) on Small Arms and Light. The Review Conference (RevCon) was able to adopt a consensus outcome, thereby reversing the failure of the preceding Review Conference six years earlier to achieve such a result¹. Additionally, and maybe more significantly, the RevCon was able to reach consensus in the immediate aftermath of the failure of "first" United Nations Conference on the Arms Trade Treaty (ATT) to adopt a final text. The RevCon was thus able to reverse the failure of its predecessor, and resist contagion from a similar process that had taken place at the same UN premises only four weeks earlier.

This success was neither random nor was it a result of coincidence or luck. Several procedural and substantive factors contributed to the consensus outcome. This should offer learned lessons for similar subsequent processes. It is the aim of this chapter to identify a few of these lessons, from my experience

¹ The opinions expressed hereby are those of the author only, and do not necessarily reflect the official positions of any of his affiliations.

as facilitator and moderator of the negotiation on the International Tracing Instrument (ITI). These lessons are more valuable if we factor in the complexity of negotiations on issues related to small arms and light weapons in general and to the ITI in particular.

UNPOA negotiations are marked by a 'substantive' complexity which stems from the fact that there are no clear lines demarcating negotiating coalitions on issues related to small arms and light weapons, compared to other issues of disarmament and international security, and especially nuclear disarmament. The picture here is more of a variable geometry, where groups of states coalesce around subthemes or specific issues, with the Non-Aligned Movement unifying mainly on issues related to international cooperation and assistanceⁱⁱ. There is also a 'procedural' complexity, resulting from the semi-independent nature of ITI negotiations within the wider UNPOA process, reflecting both its historical evolution as separate and subsequent document and earlier practice within the processⁱⁱⁱ. The fact that consensus was reached despite these complexities makes the lessons learned even more pertinent for less complex negotiating processes.

Factors Related to Process and Procedure that Facilitated the Negotiations

There are several factors related to process and procedure that facilitated negotiations and eventually the adoption of a consensus outcome at the RevCon. The early designation of a Chair enabled an early start to the preparatory phase, increased awareness of the meeting amongst delegations, and produced guidance for the overall process. The Chair, assisted by the Secretariat, began was able to draw on these early consultations to issue a 'zero draft' more than two months before the conference, which served as a base for subsequent deliberations. Yet, it became clear that Member States aspired to a more active role in developing the text further. At this stage, the Chair-designate was quick to appoint four facilitators, who are among the main contributors to this book.

The selection of the facilitators was not random. It was evidence of a readiness to accommodate the diversity of perspectives amongst member states. The four facilitators represented different negotiating groups and held diverse positions and perspectives on the UNPOA process. Furthermore, the facilitators were drawn from countries that had continuously undertaken an active role on issues related to small arms and light weapons in particular or on conventional weapons more generally. Some, such as Egypt, had even acted as facilitator for the same issues before, during a preceding meeting of the same process (the Third

Biennial Meeting of States in 2010).

The immediate impact of the appointment of these facilitators was to widen the ownership of the negotiating process, thereby increasing the number of parties with a stake in its success. Equally importantly, it led to an enriching of the knowledge and information available to the Chair and her team, particularly with regard to the reasoning behind the various positions expressed by the most active delegations. This was further enhanced by the harmonious and friendly relationships between the facilitators, thus reinforcing the personal connection and involvement between key delegations - a factor that cannot be overestimated in multilateral diplomacy. This harmonious relationship allowed the facilitators sufficient space to sometimes transcend his or her own role and specialization in order to offer advice to the Chair on issues related to the process as a whole. On no occasion was this clearer than on the final afternoon of the RevCon, when it seemed that consensus would not be reached on the outcome document due to sharp objections by some delegations. The Chair's meeting with the facilitators reinforced the message that there was still room to accommodate these remaining delegations in order to preserve the value of consensus document, without undermining overall integrity of the document. Arguably this conclusion would not have been reached had the Chair not had been able to draw on the advice and information provided by this diverse yet harmonious group of facilitators.

This process of widening the ownership of the process was not restricted to the selection of facilitators. A subsequent rippling process of open consultations immediately followed, ensuring transparency and providing opportunities for further input and interaction with the wider membership. This was coupled with intensive email interaction which, while largely informal, helped refine the texts and generate alternative drafting options. This relatively intensive employment of ICT technologies is instructive regarding today's multilateral negotiations. A model is developing whereby email interaction is used to receive textual proposals and to circulate evolving drafts. In some ways, it creates a level of perceived informality, which provides comfort to the negotiators, yet allows for substantive textual negotiations.

Nor was the widening of ownership of the negotiation process limited to Member States, and their governmental delegations. The presence of non-governmental organizations (NGOs) was felt well beyond their formal appearance in the sessions designated for their participation and their delivery of statements. All the letters sent by the Chair-designate to Permanent Missions were available

simultaneously on the Conference website, and hence equally accessible to all interested civil society. Many experts from some of the most active NGOs participated as ‘advisers’ in the delegations of Member States, thus enjoying full access to all aspects of the negotiations, including informal and closed sessions. Finally, an expert from one of the most prominent small arms research centers acted as an advisor to the Chair, following on from similar precedents at previous UNPOA meetings. This expert participated within the limited circle of the Chair, the facilitators, and the substantive secretariat support provided by the Office of Disarmament Affairs, and made a direct and significant contribution to the substantive evolution of the draft texts. These unconventional procedural arrangements had a significant substantive impact on the negotiating process, given the opportunities they provided for contributing to the evolution of the negotiating text.

Distinct Perspectives on Illicit SALW: Alternative or Complementary?

While the RevCon demonstrated the scope for procedural methods and process-related dynamics to influence negotiation, the real challenge for reaching a consensus outcome is always agreement between delegations on the main substantive issues. It may be hard to comprehend why a seemingly commonly-shared objective such as combating the illicit trade in small arms and light weapons should be controversial. Well, arguably, it is not. The reason behind the diverging positions of delegations is not necessarily disagreement over the cause itself. Rather, it is a result of the diverse perspectives that can be held on the same issue, taking into consideration the differing threat perception of Member States and their groupings.

At a high level of generality, it may be possible to categorize the different positions regarding the illicit trade in SALW onto three main perspectives: national security, homeland security, and human security^{iv}. While these three perspectives may be applicable to both importing and exporting, source and destination states, vulnerable and safeguarded or secured states, it is arguably more valid and pertinent with regard to states that are on the receiving side (i.e. states that are primarily arms importers), and especially those that are most dependent on imports and hence more exposed. These categories are not necessarily mutually exclusive, nor demarcated with clear lines. There is inevitable overlap. Yet these categorizations serve as prisms through which it is easier to clarify the reason certain positions are maintained by some states, or groups of states. This is particularly insightful when questions that relate to scope of the UNPOA and the mandate of the meeting are considered. Aspects relating

to scope and mandate are usually amongst those that are most intensely debated and where positions diverge the most; and they generally conceal a much larger set of issues and subjects. Hence, identifying the basic perspectives of states helps untangle their positions on many subthemes and issues.

In general, states that adopt a national security perspective are more conservative towards the scope and mandate rubrics. They tend to be more wary about what they may consider intrusive regulations and measures, especially if there is no clear potential benefit to be accrued, or where they are not particularly affected by the specific menace or challenge being addressed – either due to a low level of risk, or a State's conviction that it is capable of managing it. They may therefore see no specific need for enhancing international action in this regard. Conversely, these states may consider that augmented measures of international scrutiny, and tight policy prescriptions, increase their national security exposures. This sensation of uneasiness increases in situations of regional tension or conflict, or where national security threats - perceived or real, potential or imminent – are present. It is principally states that are primarily importers of SALW who adopt such a 'national security perspective'.

It is interesting to note that exporting states often stand at the other end of the spectrum to this perspective, given that enhanced international regulations, and especially increased transparency, may serve their national security objectives by maximizing their knowledge of SALW flows and the capabilities of other states in this regard, hence improving their awareness of any potential threats or vulnerabilities. Usually, these states have their own export control regulations, and have already subscribed to regional or trans-regional regimes, which require in all cases transparency and control measures. Their tolerance for additional measures may therefore be larger, as much as the parameters for these measures are identical or similar to the other measures they are already implementing. In fact, they often call for the flexibility to consider measures that are already applying as substitutable in order not to increase their administrative burdens or to alter the practices they already have in place. This level of tolerance is not viable for many importing states, which may not feel as confident or capable of being able to implement the same measures without an accompanying opportunity cost at the expense of their national security concerns.

States that adopt a 'homeland security' perspective are primarily concerned with curtailing the illicit flow of SALW across their borders, promoting international action that can complement and reinforce their national efforts in this regard,

including potentially by closing existing loopholes arising from insufficient capacities and/or due to a lack of cooperation from other parties. This perspective appears to focus more on the 'criminal' impact of illicit SALW, including organized crime and networks related to drug trafficking, although it may also extend to other issues that can overlap, even if partially, with national security concerns such as terrorist entities. States who adopt this perspective are more eager to see a robust UNPOA and ready to accommodate an enlarged scope and widened mandate, even in areas not addressed in the text of the UNPOA itself or the outcomes of subsequent meetings. Such states have more 'appetite' for a larger set of issues to be discussed, including those that are only inferred from existing language or even totally new ones. Free, at least partially, from major national security concerns or constraints, these states are more willing to accept tighter regulations on themselves and others, even if these regulations emanate from other regimes, or originate in other regions and organizations. This perspective may be reinforced by a real or perceived conviction that their national capacities are simply insufficient to meet these challenges, and that some forgoing of sovereignty is acceptable in order to meet their more pressing homeland security concerns. They may also hope that such international regulations and requirements for increased transparency may eventually put pressure on those States and other actors that are the source of the illicit trade, thereby complementing if not substituting national efforts in this regard. Homeland security concerns assume a paramount position, relative to these other aspects.

Finally, there are states whose position towards the illicit trade in SALW derives primarily from a 'human security' perspective, even if such states are equally cognizant of the 'national' and 'homeland' security perspectives. The main concern of such States is with the impact and use of illicit SALW. It is noteworthy here that for some the very concept of 'human security' is neither fully developed nor clearly defined, let alone its application to a phenomenon as complex as the illicit trade in SALW. This perspective almost inevitably leads to the adoption of approaches and the importing of concepts and issues that have not 'traditionally' been included in the arms control agenda or the regulation of SALW. States that consider illicit SALW from such a 'human security' perspective are hence much more 'liberal' when it comes to steps to de-facto expand the scope of the UNPOA or the mandate of its meetings to incorporate such issues and themes, even where these are not explicitly mentioned in the UNPOA or its subsequent documents, and often rely heavily on discourse and literature borrowed from other forums. States giving primacy to this perspective may belong to any of the negotiating groups, at least to variant degrees. However, most typically such

states are not exclusively active in either of the main groupings of major exporter or producer and major importer. Moreover, they are often not amongst those States that are the most vulnerable and affected by SALW, which tend to give primacy to homeland security concerns. Their 'human security' perspective may be emanating from other realms of international relations, making it easier to adapt to issues related to illicit SALW.

Though distinct, these perspectives are not always contradictory or mutually exclusive, although they offer at least a sense of a different ordering of priorities. There are various degrees of adopting each of these perspectives, as they form more of a spectrum of views or a series of overlapping circles.

Evolution of the Negotiating Text with Regard to the Main Substantive Issues

Applying these three perspectives of 'national', 'homeland' and 'human' security provides something of a magnifying glass that can help clarify the underlying presumptions and fundamental concerns behind positions on specific substantive issues in the negotiations. It is to this micro level of specific issues and positions that we now turn. There are doubtlessly many issues regarding which there were divergent views, and to which the three perspectives can be applied. Though only a select few will be highlighted in this upcoming section of the paper, many of these issues end up revolving around the two core issues of scope and mandate, even if disguised under other substantive arguments. They can be grouped under the following headings.

'Differentiated Capacities', International Cooperation and Assistance

International cooperation and assistance was a theme that cut across many of the discussions. Similar to the concept of 'common but differentiated responsibilities' in other multilateral negotiations, especially those related to the environment and climate change (CISDL, 2002), this concept marked the common discourse of the NAM and many of its members. The main premise was that, while the challenge of illicit SALW faces the international community as a whole, the constraints of limited capacities for many developing countries necessitates a recognition of these challenges, either by reducing the obligations and commitments placed on these countries or by pledging to furnish assistance and provide resources to enable them to fulfil these responsibilities. As in other development forums it was not easy to reach consensus on such a difficult topic, especially given the different perspectives that many developed countries may

hold in this regard. Luckily, compromise language was achieved based on existing provisions of the UNPOA and ITI. This rested on language that recognizes “the different situations and capacities of States and regions” and notes “the continuing challenges to the implementation of the Instrument, including the need for enhanced international cooperation and assistance”.

Issues related to international cooperation and assistance were hence integral to this discussion, even if dealt with in other areas of the document. While this issue is not new, what featured more clearly at this meeting was an attempt to qualify international cooperation and assistance to ensure that it was ‘adequate’ and to couple it with a clearer reference to more concrete measures such as the transfer of technology and of equipment, as essential enablers for combating illicit SALW. Eventually, compromise language was agreed which also included the qualification of ‘relevant’ technologies as necessary for the effective implementation of the ITI.

The discussions on the ‘adequacy’ of international cooperation and assistance also led to a consideration of how to determine the amount or even level of assistance required. Language was agreed on encouraging the utilization of voluntary national reports in relation to matching needs with resources and submitting assistance requests, as well as on sharing information on the provision of international cooperation and assistance. This drafting exercise reflected the traditional debate with regard to the type of language concerning international cooperation and assistance, and the extent to which such language would be restricted to ‘best endeavour’ clauses or be elevated to more operational and concrete language. The result was typical of compromise language crafted to enable consensus.

Vertical and Horizontal Reinforcement of Measures Related to ITI

Several issues related to the substantive negotiations can be considered as attempts to reinforce vertically or horizontally measures related to the application of the ITI in combatting illicit SALW. Vertical reinforcement relates to strengthening the implementation of measures already included in the ITI text, including by introducing new means of implementation. Horizontal reinforcement involves expanding existing measures by adding ‘adjacent’ issues that may be closely linked but are not identical to what appears in the ITI itself.

The textual proposals that were received on marking the components of

weapons and the discussions that took place around them included ideas that could be categorized as both vertical and horizontal reinforcement. Positions diverged on the extent to which new measures could be entertained at the RevCon. Compromise language was reached by making explicit reference to paragraph 10 of the ITI, providing reassurances that the issue was being addressed, or better still highlighted, while the scope of the ITI was not de facto being expanded. This same approach was applied in discussions on record-keeping, where references to training were restricted to 'applicable relevant' personnel. Interestingly, many of delegations of countries that provide assistance were very specific in proposing language that restricted training to law enforcement personnel, while others had categorically refused to include such a specification, arguing that it was within the realm of national jurisdiction to determine the category of professionals that would receive such training and noting that law enforcement was a sector with certain national security sensitivities. The final language, while mentioning law enforcement, included the traditional qualifiers concerning appropriateness and restriction to "matters relating to the implementation of the ITI".

Prescribing National Implementation Measures and Corresponding International Cooperation

While national implementation measures are clearly identified in the ITI and the UNPOA, they received much attention again during the RevCon. This stemmed from the proposal of language to identify measures that were not being sufficiently implemented and to 'evaluate' progress in implementing other measures, as well as to prescribe concrete ways to improve such implementation. In particular, these discussions revolved around three specific issues: inter-agency coordination, designation of national points of contact, and strengthening of laws, regulations and administrative procedures.

The debate regarding inter-agency coordination revolved around the extent to which this fell exclusively within the realm of domestic jurisdiction over how best to manage such processes. In fact, some of these proposals implied the type of authority that the UNPOA point of contact would enjoy domestically *vis a vis* other national authorities. What increased the contention in this regard was that this call to strengthen coordination was coupled with an expectation that it should facilitate responses to tracing requests. The compromise language ultimately agreed included a clear reference to conformity with national constitutional processes so as to provide comfort to those countries that had expressed reservations in this regard.

Regarding national points of contact, the debate revolved around the fact that this was already mentioned in the UNPOA, leading some to suggest there was no need to mention it again, especially if this could be seen to imply infer that States had not fulfilled this commitment when many in fact done so. Also, questions were raised as to whether highlighting this issue again implied that an additional task was needed other than merely establishing a point of contact. The final language therefore restricted this call to situations where it had not been already implemented and set a deadline for its full realization before the next RevCon, while making explicit reference to paragraph 25 of the ITI to clarify the aspects related to the mandate of these points of contact.

A similar discussion took place on the enactment of national laws, regulations and administrative procedures, where the final compromise language went further by calling for their 'strengthening' even where they were already in place, although this was counterbalanced by the qualifications of appropriateness and conformity with the ITI and national constitutional processes.

The debate that took place on national measures resonated in an almost corollary way when issues of international cooperation were raised. Again, the extent to which quantitative and qualitative cooperation could be ensured by national authorities was questioned. Of particular significance was cooperation on legal and administrative aspects related to the effective implementation of the ITI, enhancing the sharing of information on national practices, and the exchange of tracing results. Explicit references to paragraphs 14 and 15 of the ITI and determining the specific objective of preventing the diversion of SALW helped to facilitate agreement on language with regard to the exchange of tracing results, with a wider opening to 'other relevant information'. More delicate language was needed for the sharing of information on national practices related to markings used to indicate country of manufacture and/or country of import. This was restricted to information that was applicable, and in accordance with paragraph 31 of the ITI.

Linkage with Other International Instruments, Mechanisms and Tools

As intricate as the discussions on international cooperation in general were, they elevated to a higher level of contention where a particular international instrument, mechanism or tool was concerned, especially when the instrument was not universal in membership but was supported by a large enough group of

states prepared to defend its pertinence to the discussions and worthiness for explicit mention. An added element of complexity arose when proposals were not be restricted to a simple reference, but suggested an explicit linkage between the ITI and the relevant instrument, mechanism or tool.

The clearest example was the Protocol against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the Firearms Protocol), a legally binding instrument^v that is not universal in membership. Many States that are not parties to the Protocol resisted explicit references to an international instrument by which they were not bound. The proponents of such language, on the other hand, argued that the synergies between the Protocol and the UNPOA and ITI could not be overlooked. The language ultimately agreed called for enhancing linkages, when appropriate, with other relevant legally binding instruments for those States that are parties to them, with explicit mention of the Firearms Protocol. While some may consider this formulation a statement of fact, since states have the sovereign right to synergize their own obligations and commitments, it presented a solution for those states that wished to see the Firearms Protocol explicitly mentioned in the document.

A challenge of similar magnitude was faced with regard to proposals to include specific and explicit reference to the role of peacekeeping missions, sanctions committees, and other UN bodies in tracing illicit SALW and to enhancing their synergies with the ITI. There were two opposing points of view on this issue. The first insisted that a literal reading of ITI would reveal no mention of peacekeeping missions (despite reference in UNPOA). Moreover, such missions and other bodies referred to, including sanctions committees, were governed by their own separate mandates, and thus could not be confounded with ITI and its measures, which rest on a mandate derived from more universal forums, such as its own meetings or its origin in UN General Assembly resolutions. The debate at times touched on wider and more conceptual aspects of the relationship between the General Assembly and the UN Security Council and the more touchy issue of encroachment, which is a particularly sensitive issue for many of the NAM countries. The language agreed employed a high level of generality, avoiding any mention of specific types of mission, organ or body, addressing them instead in a generic way, sometimes by nomenclature that can be interpreted in different ways. Additionally, an emphasis on the respective mandates and competencies of different bodies was explicitly added.

A 'milder' version of this debate took place with regard to specific tools and platforms used for tracing illicit SALW. Some states resisted any reference to platforms that were developed without any oversight or mandate from the broader UN membership. Here as well the resulting language used generic formulations, avoiding any specific reference to particular tools and platforms, though with mention of the weapons tracing procedures used by INTERPOL and the 'relevant online information platforms' of the UN Office for Disarmament Affairs.

Concrete Follow Up to the RevCon

As extensive as the substantive discussions are in any negotiations, they can never be exhaustive. Issues for follow up and new questions are hence almost always part of any negotiations. Given that these reflect an implicit prioritization of future action and set the way forward, they are traditionally among the most difficult ones to tackle. The RevCon saw a concrete proposal for a follow up mechanism, or rather a committee, that would attempt to address trends and developments in weapons design and technology, and their impact on the efficacy of the measures prescribed in the ITI. While this would appeal logically to the large number of states that perceived the need for tighter and more adaptive ITI measures (Small Arms Survey, 2013, p173), it quickly hit the wall of cost, in the form of its 'program and budget implications' (PBI). It is interesting that some states that are liberal with regard to the need for 'expansive' ITI implementation are traditionally more conservative with regard to the creation of any new mechanisms, especially in light of the costs involved. This 'institutional conservatism', if we may call it such, converged with the 'content conservatism' of the opposite camp, and made the creation of a new mechanism difficult to agree, often with the rationale that the idea was not ripe for action and that more work was needed to develop the mandate and expected function of any such mechanism.

Agreement was therefore restricted to simply keeping the door ajar on this issue. The outcome document requested the UN Secretary-General (UNSG) to submit an initial report on this topic, drawing on views of States, for their consideration at relevant future meetings. While tackling the implications of recent developments in SALW technology, as well as practical steps to ensure the continued and enhanced effectiveness of tracing systems in the light of such developments, it also addressed international assistance and

capacity building, including ways to support the transfer, uptake and effective utilization of relevant tools and technologies. This paved the way for both sides of the issue, including both developing and developed countries, to have their priorities reflected in the UNSG's report.

Conclusions and Lessons Learned

The main challenges in getting to consensus language in RevCons arise when the meeting attempts to go beyond a mere 'review' of implementation into a more evaluative mode on one hand, or on the other hand a more forward looking mode by trying to practically expand the scope of the existing instrument being reviewed. When such attempts are made delegations become more wary, making consensus more of a challenge. This RevCon was a classic example of the power of language in increasing the comfort zone for such delegations, even when approaching relatively uncharted territory.

Two particular approaches were applied in creative use of language to achieve consensus. One was the use of qualifiers. The use of phrases such as 'to the extent possible', 'where/as appropriate/feasible/possible/necessary/applicable', and 'relevant/applicable/pertinent' were rampant throughout the text. The second was the use of 'reference points' that were acceptable to all and that increased the comfort levels by tethering new issues to these reference points. Probably the two most common ones were references to 'national constitutional processes' or the ITI and its specific paragraphs. These references provided an assurance, some would claim the illusion, that there was no reinterpretation of the scope of these instruments as set upon in the original text.

This creative 'word-smithing' complemented the innovative use of procedural and process-oriented approaches ranging from the early designations of the Chair and the widening of the ownership of the negotiation process by appointing a dynamic, representative and harmonious team of facilitators, which in turn widened the participation of the general membership through transparent informal consultations, coupled with specific ad hoc arrangements for NGO participation. It was this combination of process and procedural interventions together with linguistic formulas that were able to bridge the sometimes competing 'national', 'homeland' and 'human' security perspectives on illicit SALW. These

perspectives, which exerted a decisive influence over perception and positions towards the main substantive issues in the negotiations, were in many ways a reflection of perceptions concerning the scope of the ITI itself and the mandate of the meeting. These ‘consensus building’ techniques were soon to prove of equal utility in the negotiations at the subsequent Fifth Biennial Meeting of States (BMS5) in 2014.

One can find no better way to characterize the final text of the RevCon than the words of the facilitators themselves in their final remarks to the meeting, which borrowed expressions from the ITI itself:

The adopted text is an ‘International Instrument’ which should enable every delegation to ‘identify and trace, in a timely and reliable manner’, every essential or structural idea – that was proposed during the long hours of negotiations we have had in the Preparatory Process as well as the Review Conference. It is also meant to be a ‘record keeping’ tool of the progress made since the UNPOA and ITI were adopted, and that aspired from now till the next Review Conference and beyond. (Aljowaily, 2012)

ⁱ A review of the failure of first RevCon to reach an outcome can be found at Taylor, Miles E. (2006).

ⁱⁱ The NAM presented a unified working paper mainly on issues related to international cooperation and assistance (ICA), though with an introduction that addresses the overall related principles. To note here as well, is that despite this unified NAM working paper, the negotiations on ICA issues were mainly conducted through individual delegations, with occasional unified NAM statements on plenaries. Other unified group statements, coupled at times with common textual proposals came from the EU, the African and Arab Groups, and CARICOM.

ⁱⁱⁱ A brief discussion of the special status of ITI negotiations within the PoA framework is provided Parker, Sarah and Marcus Wilson (2014), p. 59, and in Small Arms Survey (2013), p 175. The Survey includes a whole chapter titled “Second Wind – the POA’s 2012 Review Conference”.

^{iv} A similar, yet not identical, approach was alluded to in the presentation by Anthony Simpson at the Side event titled held by the Permanent Mission of Nigeria to the United Nations in New York, on Monday, 16th June, 2014. Citation below.

^v For a review of how the Firearms Protocol address issues of marking, please consult (Greene, Owen, 2003, p11).

BIBLIOGRAPHY

Acheson, R. (2012, September 5). Connecting the Dots: Reaching Critical Will of WILPF. *Small Arms Monitor*, 5 (6).

Acheson, R. (2012). Debate on the Draft Report. *Small Arms Monitor*, 4 (5).

Aide-Memoire of the Special Geneva Process Meeting with Ambassador Joy Ogwu of Nigeria . (2012, January 18).

Akande, D. (2013, April 8). *What is the meaning of 'consensus' in international decision making?* From EJO: Talk!, Blog of the European Journal of International Law: <http://www.ejiltalk.org/negotiations-on-arms-trade-treaty-fail-to-adopt-treaty-by-consensus-what-is-the-meaning-of-consensus-in-international-decision-making/>

Atwood, D., & Greene, O. Reaching Consensus in New York: The 2001 UN Small Arms Conference. In *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press.

Bevan, J., & et al. (2009). Two Steps Forward: UN Measures Update. In *Small Arms Survey 2009: Shadow of War*. Cambridge: Cambridge University Press.

Cattaneo, S., & Parker, S. (2008). *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*. New York and Geneva: UNIDR.

Geneva Centre for Security Policy , The Swiss Confederation, & Reaching Critical Will. (n.d.). *The 2010 Action Plan Monitoring Report*. From http://www.reachingcriticalwill.org/images/documents/Publications/2010-Action-Plan/RCW_Final_Report.pdf

Geneva Declaration Secretariat. (2012). *Global Burden of Armed Violence: Lethal Encounters*. Cambridge: Cambridge University Press.

Geneva Forum. *Aide-memoire of the Geneva Process Meeting of 13 September 2010*.

Geneva Forum. (2012). *Aide-memoire of the Geneva Process on Small Arms of 21 June*.

Geneva Forum. (2013). *Preparing for the Fifth Biennial Meeting of States of the UN Small Arms Programme of Action, Meeting Summary, 18 December*.

Geneva Forum. (2012). *The 2nd Review Conference on Small Arms: Assessing, reinforcing and building upon ten years of the Programme of Action*. Jongny: Residential Seminar Report.

Geneva Process Working Group on Implementation. (2012, March). *Proposals for the Chair-designate regarding the 2012 PrepCom and RevCon of the UN PoA on SALW*. From <http://www.genevaforum.ch/Reports/20120306.pdf>.

IANSA. (2012). Mainstreaming gender in the UN PoA. *Small Arms Monitor*, 5 (1).

Kimball, D. G. (2011, November 25). *CCW Review Conference Fails to Reach Consensus on Weak Cluster Munitions Protocol*. From Arms Control Association Blog: <http://armscontrolnow.org/2011/11/25/ccw-review-conference-fails-to-reach-consensus-on-weak-cluster-munitions-protocol/>

Letter dated 16 January 2014 from Amb. Zahir Tanin, Permanent Representative of Afghanistan to the United Nations. (n.d.). From <http://www.poa-iss.org/BMS5/documents/Letter-16-01-14.pdf>.

Letter dated 6 June 2012 from Ambassador Joy Ogwu, Permanent Representative of Nigeria to the United Nations. (n.d.). From available at <http://www.poa-iss.org/RevCon2/Documents/RevCon-ChairLetters/Letter6-6June2012.pdf>

Lito, M., Nario-Galace, J., IANSA, & GAPW. (2012). Gender references continue as discussions on draft documents begin. *Small Arms Monitor*, 5 (2).

Mack, D. (2012, September 10). *The Programme of Inaction (or When New York becomes Geneva)*. From Small Arms Monitor: The Blog: <http://smallarmsmonitor.blogspot.ch/2012/09/the-programme-of-inaction-or-when-new.html>

McDonald, G. (2012, March). *Precedent in the Making: The UN Meeting of Governmental Experts*. From Small Arms Survey Issue Brief No. 5.: <http://www.smallarmssurvey.org/fileadmin/docs/G-Issue-briefs/SAS-IB5-Precedent-in-the-making.pdf>

McDonald, G. (2013). Second Wind: The PoA's 2012 Review Conference. In *Small Arms Survey 2013: Everyday Dangers* (p. Chapter 7). Cambridge: Cambridge University Press.

McLay, J. (2012). 2012 and Beyond: Advocacy and Action in the UN Small Arms Process. *Small Arms Survey Briefing Paper* (2).

Merriam-Webster Dictionary Online. (n.d.). *Consensus*. From Merriam-Webster Dictionary Online : <http://www.merriam-webster.com/dictionary/consensus>

Nario-Galace, J. (2012). Delegations call for gender mainstreaming in Programme of Action implementation. *Small Arms Monitor*, 5 (2).

Neild, R. R. (2002). *Public Corruption: The Dark Side of Social Evolution*. London: Anthem Press.

New Zealand. *Summary by the Chair of Discussions at the Open-ended Meeting of Governmental Experts on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 9 to 13 May 2011*. A/66/157 of 19 July (Annex), New York.

Nigeria. (2012c, March 23). *Chair's Summary: Elements for the Second Review Conference*. From <http://www.poa-iss.org/RevCon2/Documents/PrepCom/Chair-summary-Elements-CRP13.pdf>

Nigeria. (2011b). Letter dated 15 December from U. Joy Ogwu, Permanent Representative of Nigeria to the United Nations.

Nigeria. (2012e). *Letter dated 21 August from U. Joy Ogwu, Permanent Representative of Nigeria to the United Nations*. From <http://www.poa-iss.org/RevCon2/home/Pres-d%20letter%20of%20transmittal.pdf>

Nigeria. (2012a). Letter dated 24 January from U. Joy Ogwu, Permanent Representative of Nigeria to the United Nations.

Nigeria. (2011c). Letter dated 30 December from U. Joy Ogwu, Permanent Representative of Nigeria to the United Nations.

Nigeria. (2011a). Letter dated 30 November from U. Joy Ogwu, Permanent Representative of Nigeria to the United Nations.

Nigeria. (2012d). *Letter dated 6 June from U. Joy Ogwu, Permanent Representative of Nigeria to the United Nations*. From <http://www.poa-iss.org/RevCon2/Documents/RevCon-ChairLetters/Letter6-6June2012.pdf>

Nigeria. (2012b). Letter dated 6 March from U. Joy Ogwu, Permanent Representative of Nigeria to the United Nations.

Parker, S. (n.d.). *Analysis of National Reports: Implementation of the UN Programme of Action on Small Arms and the International Tracing Instrument in 2009-10*. From Small Arms Survey: <http://www.smallarmssurvey.org/fileadmin/docs/B-Occasional-papers/SAS-OP28-Analysis-of-National-Reports.pdf>

Parker, S. (2011). *Improving the Effectiveness of the Programme of Action on Small Arms: Implementation Challenges and Opportunities*. Geneva: United Nations Institute for Disarmament Research .

Parker, S., & Green, K. (2012). *A Decade of Implementing the United Nations Programme Action on Small Arms and Light Weapons: Analysis of National Reports*. New York and Geneva: Small Arms Survey and UNIDIR.

Programme of Action. (n.d.).

'Provisional Agenda.' Adopted 27 August. A/CONF.192/2012/RC/L.1 of 14 August. (2012g). From http://www.un.org/ga/search/view_doc.asp?symbol=A/CONF.192/2012/RC/L.1

R. (. (2012, September 10). *Small Arms Monitor*. From <http://www.reachingcriticalwill.org/disarmament-fora/salw/2012revcon/sam>

Reyes Rodriguez, C. *Statement annexed to the 2001 UN Conference Report UN Doc. A/CONF.192/15*.

Rhizone guide to the history of consensus. (n.d.). From http://rhizomenetwork.files.wordpress.com/2010/12/history_of_consensus_jan2012_v2.pdf

Tracey, L. (2012, September 14). *Moving Forward: Success at the Second United Nations Programme of Action Review Conference*. From <http://www.issafrica.org/iss-today/moving-forward-success-at-the-second-united-nations-programme-of-action-review-conference>

U. (. (2012d). *Progress Made on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 10 Years Following Its Adoption: Report of the Secretary General* . From <http://www.poa-iss.org/CASAUplod/ELibrary/A-67-113-E.pdf>

UN (United Nations). (n.d.). *Review Conference 2012: Statements*. From <http://www.poa-iss.org/RevCon2/statements/>

UN Chief hails 'successful' end of review of programme of action for illicit small arms trade. (2012, September 8). From UN News Centre: <http://www.un.org/apps/news/story.asp?NewsID=42832>

UNGA (UN General Assembly). (2005). *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons ('International Tracing Instrument') Adopted 8 December*. From <http://www.poa-iss.org/InternationalTracing/InternationalTracing.aspx>

UNGA (United Nations General Assembly). (2012c, June 6). *Draft Outcome Documents of the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. From <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/salw/2012revcon/documents/draft-outcome-L4.pdf>

UNGA (United Nations General Assembly). (2012e, August 21). *Draft Outcome Documents of the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. From

<http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/salw/2012revcon/documents/draft-outcome-L4-rev1.pdf>

UNGA (United Nations General Assembly). (2012a). *Draft Provisional Agenda. Adopted 19 March*. From <http://www.poa-iss.org/RevCon2/Documents/PrepCom/L1-ProvisionalAgenda/L1-ProvisionalAgenda-E.pdf>

UNGA (United Nations General Assembly). (2012m). *Outcome Document on the International Instrument to Enable States to Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. Adopted 7 September*. From <http://www.poa-iss.org/RevCon2/Documents/RevCon-DOC/Outcome/PoA-RevCon2-Outcome-E.pdf>

UNGA (United Nations General Assembly). (2012l). *Outcome Document on the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 7 September*. From <http://www.poa-iss.org/RevCon2/Documents/RevCon-DOC/Outcome/PoA-RevCon2-Outcome-E.pdf>

UNGA (United Nations General Assembly). (2010a). *Outcome of the Fourth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 18 June*. From <http://www.poa-iss.org/BMS4/Outcome/BMS4-Outcome-E.pdf>

UNGA (United Nations General Assembly). (2008a). *Outcome of the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* .

UNGA (United Nations General Assembly). (2001). *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects ('UN Programme of Action')*. Adopted 21 July. From <http://www.poa-iss.org/PoA/PoA.aspx>

UNGA (United Nations General Assembly). (2012b, March 23). *Report of the Preparatory Committee for the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. From <http://www.poa-iss.org/RevCon2/Documents/RevCon-DOC/A-Conf192-2012-RC-1-PCreport-E.pdf>

UNGA (United Nations General Assembly). (2012k). *Report of the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 7 September*. From <http://www.poa-iss.org/RevCon2/Documents/RevCon-DOC/Outcome/PoA-RevCon2-Outcome-E.pdf>

UNGA (United Nations General Assembly). (2008b). *Resolution 63/72, adopted 2 December*. From http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/63/72&Lang=E

UNGA (United Nations General Assembly). (2010b). *Resolution 65/64 adopted 8 December*. From http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/65/64

UNGA (United Nations General Assembly). (2011). *Resolution 66/47, adopted 2 December*. From <http://www.poa-iss.org/RevCon2/Documents/A-RES-66-47-Small-Arms/A.RES.66.47%20%28e%29.pdf>

UNGA (United Nations General Assembly). (2012n). *Resolution 67/234. Adopted 24 December*. From http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/234

UNGA (United Nations General Assembly). (2012i, September 6). *Untitled (draft outcome documents). United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (6 September)*. From <http://www.poa-iss.org/RevCon2/documents/Outcome/Draft-Outcome-CRP3-Rev1.pdf>

UNGA (United Nations General Assembly). (2012j, September 7). *Untitled (draft outcome documents). United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. (7 September)*. From <http://www.poa-iss.org/RevCon2/Documents/RevCon-DOC/Rev1/Draft-Outcome-CRP3-Rev2.pdf>

UNGA (United Nations General Assembly). (2012h). *Untitled (draft outcome documents). United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (4 September)*. From <http://www.poa-iss.org/RevCon2/documents/>

UNGA (United Nations General Assembly). (2012f). *Provisional Rules of Procedure of the Conference. Adopted 27 August. A/CONF.192/2012/RC/L.2 of 14 August*.

UNGA. (2010, October 14). Chair's Summary of the High-level meeting on revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations.

UNGA. (2010). *Provisional agenda of BMS4, UN Doc. A/Conf.192/BMS/2010/L.1/Rev.1*.

UNGA. (2010). *Report of the Fourth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, UN Doc. A/CONF.192/BMS/2010/3*.

UNGA. (n.d.). Resolution A/RES/56/24V of 10 January 2002 (adopted on 24 December 2001).

UNSG. (2010, September 24). *Secretary-General's closing statement to High-Level Meeting on Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations*. From <http://www.un.org/sg/statements/?nid=4808>

Zuber, R. (2010, June 15). *Border Line*. From Small Arms Monitor: The Blog:
<http://smallarmsmonitor.blogspot.com/2010/06/border-line.html>