

**Canadian Centre
for Foreign Policy
Development**



**Centre canadien
pour le développement
de la politique étrangère**

125 promenade Sussex Drive, Ottawa, Ontario K1R 0G2
Telephone/Téléphone : 613.944.8278 www.cfp-pec.gc.ca Fax/Télécopieur : 613.944.0687

**UN 2001 CONFERENCE ON ILLICIT TRADE OF
SMALL ARMS IN ALL ITS ASPECTS: BRIEFING AND DISCUSSION**

Wendy Cukier,
Coalition for Gun Control

December 19, 2000
Ottawa, Ontario

1009.14E

ISBN: 0-662-31010-1
E2-420/2001E-IN



Department of Foreign Affairs
and International Trade

Ministère des Affaires étrangères
et du Commerce international

Canada

COALITION

for Gun Control / pour le contrôle des armes
www.guncontrol.ca

To : Hughes Simard

From : Wendy Cukier

Re : Briefing and Discussion on the UN 2001 Conference on Illicit Trade of Small Arms in All its Aspects

Enclosed please find our report (including abstract) and detailed expense summary. Having completed the work we are requesting full payment of \$6000. Thank you for your assistance.

Yours Truly,

Wendy Cukier

P.O. Box 395, Station D
Toronto (Ontario) M6P 3J9
Tel & fax: (416) 604-0209
E-mail: 71417.763@compuserve.com

1301 Sherbrooke St. East
Montreal (Quebec) H2L 1M3
Tel: (514) 528-2358 / fax: 528-2598
E-mail: cgc_montreal@compuserve.com

**Briefing and Discussion
on the UN 2001 Conference on Illicit Trade of Small Arms in All its Aspects**

December 19, 2000 - 9:30 am – 3:30 pm

Lord Elgin Hotel

<p>Attending (* teleconference)</p> <ul style="list-style-type: none">• Dr. Neil Arya, President, Physicians for Global Survival; Co-Vice President, IPPNW*• Yves Beaulieu, Department of Foreign Affairs (DFAIT), IDA• Rubem Caesar Fernandes, Viva Rio*• Dr. Antoine Chapdelaine, Representative on Small Arms for the Quebec Public Health Association• Jim Coflin, J. Coflin & Associates• Wendy Cukier, Professor of Justice Studies, Ryerson Polytechnic University; President, Coalition for Gun Control• Priscilla de Villiers, CAVEAT• Tina Edan, Coalition for Gun Control• Brooks Gray, Small Arms Firearms Education and Research Network (SAFER-Net)• Debbie Grisdale, Executive Director, Physicians for Global Survival• Joe Gunn, Canadian Conference of Catholic Bishops• James Hayes, Coordinator, International Firearms Issues, Justice Canada• David Jackman, Associate Representative, Quaker United Nations Office*	<ul style="list-style-type: none">• Adele Kirsten, Gun Free South Africa *• Steven Lee, Canadian Centre for Foreign Policy Development• Lora Lumpe, International Peace Research Institute, author of <i>Running Guns: the Black Market in Small Arms</i>• Marilou McPhedran, Program Director, International women's Rights - Refugee Studies, York University• Jonathan Morse, Special Assistant to John Manley• Greg Puley, Project Coordinator, ARIAS Foundation• Julie Rechel, Candian Centre for Foreign Policy Development• Chantale Walker, CCFPD• Vincent Westwick, Legal Advisor, Ottawa-Carleton Regional Police Service• Dr. Owens Wiwa, African Environmental and Human Development Agency (AFRIDA), Nigeria/Canada• Shayna Watson, Physicians for Global Survival <p>Regrets</p> <ul style="list-style-type: none">• Peggy Mason, DFAIT• Denis Chouinard, IDA-DFAIT• Ernie Regehr, Project Ploughshares• David Pimm, Department of Justice
---	--

Abstract

A consultation was held with academics, NGOs and governments to build on the results of a consultation of the Ottawa Group with the North Atlantic Treaty Organisation (NATO) regarding the upcoming United Nations 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Participants reviewed the nature of the problem from a variety of perspectives, including: South Africa, Latin America, East Africa as well as from the perspectives of disarmament, policing, health and gender. Government representatives summarized the status of DFAIT initiatives to date as well as the status of the UN Convention on Transnational Organized Crime. Finally, representatives of various NGO's including the International Action Network on Small Arms (IANSA) discussed preparations for the conference and the next steps in the process.

Meeting Summary

1. Introductions

Steve Lee, Canadian Centre for Foreign Policy Development

Today's meeting is a timely follow-up to the two meetings recently held in Brussels: the meeting of the Ottawa Group and the consultation with officials and others at NATO Headquarters. We at the Canadian Centre for Foreign Policy Development, are happy to help integrate the results of today's work into the policy process. Minister Manley has signalled his interest in Human Security issues. The work done here today will tie into the broad landscape of foreign policy development that includes looking at humanitarian norms and laws, questions surrounding the issue of intervention, as well as topical security issues like nuclear weapons and anti-ballistic missile defence.

2. The Problem of Illicit Trafficking

Wendy Cukier, World Victimology Society; Professor of Justice Studies, Ryerson Polytechnic University; President, Coalition for Gun Control

There are as many small arms in the possession of private citizens as there are in the possession of states. The social and public health problems resulting from small arms vary depending on context. Similarly, sources of licit and illicit small arms vary greatly from state to state. It is important to understand the flow of weapons in order to recognize where flaws in legal markets allow for transfer of small arms to illicit markets. In some contexts, the distinction between licit and illicit small arms markets is virtually non-existent. By clearly defining what constitutes the licit market and legitimate use in small arms, states become better equipped to combat illicit markets.

3. Regional Perspectives

South Africa: Adele Kirsten, National Director, Gun Free South Africa (via teleconference)

Small arms are a problem in South Africa mainly because of their relative abundance and availability. Policy-makers have recognized that greater supervision and control of legal markets is needed because illegal weapons flow from legal sources. Recently, the South African government enacted the comprehensive Firearms Control Bill. The Bill seeks to address this and other issues concerning small arms.

South Africa has a long tradition of gun-ownership. The increase in violent crime in the post-apartheid era has contributed to a culture of fear and consequently, to an increased demand for small arms for self-protection.

Those most often victimized by gun-violence are 18-34 year old black males. Violence, however, affects everyone in South Africa. Women are increasingly at risk. The number of women killed with guns often goes unreported. Most often women are attacked in their homes, usually by someone the victim knows. For a woman killed by her spouse, it does not matter if the gun is legal.

Brazil: Rubem Cesar Fernandes, Viva Rio (via teleconference)

Throughout the 1990's, Brazil saw approximately 300,000 people killed with firearms. These numbers are analogous to a nation at war. There is a growing demand for guns and ammunition and a concurrent increase in armed conflict in Brazil. The supply of small arms is domestic and international, with 6 - 7% of guns in Rio originating in the United States. US-produced guns have special importance because they tend to be military-style long arms (assault, submachine, machine, etc.). Arms produced in Brazil are mainly revolvers and pistols.

It is not sufficient to address the issue of increased demand for firearms. Efforts should be focused on how to control the supply of these weapons. The need for regional controls is recognized, because small arms from countries with lax regulations tend to flow into countries with stricter controls. Similarly, there is a need to investigate the domestic small arms trade, and the ways by which arms are diverted to the illicit market. By imposing comprehensive laws concerning the licit small arms trade, it is hoped that the licit/illicit small arms connection will be broken.

Central America: Greg Puley, Project Coordinator, ARIAS Foundation

The Arias Foundation for Peace and Human Progress was established in 1988 by then Costa Rican president, Dr. Oscar Arias. It was funded initially with the monetary award that came with Dr. Arias' 1987 Nobel Peace Prize, which was bestowed for his role in ending the civil wars in Central America. The Foundation is dedicated to researching and advocating peace, gender equity, and sustainable development. It promotes peaceful and just societies by working to strengthen democracies and non-governmental organizations.

Nigeria: Dr. Owens Wiwa, African Environmental and Human development Agency (AFRIDA)

Extensive experience treating victims of gun violence and research reveals the mental health consequences of gun violence. The small arms trade in Africa is a complex issue with many factors. In countries like Nigeria, the struggle for control over natural resources has led to armed conflict and an increased militarization of society. Many countries are involved in armed conflict or are in a post-conflict state, contributing to an abundance of small arms. Illicit trafficking of small arms across international borders is prevalent in many regions. Compounding the problem is the lack of adequate training in the proper use of small arms in most regions.

Due to the collapse of domestic markets in Nigeria and elsewhere, Africa represents a lucrative market for the foreign small arms industry and its illicit counterpart. AFRIDA (a Nigeria-based NGO with an office in Toronto) has formed coalitions with governments and members of civil society to discourage arms proliferation.

Lora Lumpe, Senior Associate, International Peace Research Institute, Oslo; Editor of *Running Guns: the Black Market in Small Arms* (Zed Books: August 2000)

In *Running Guns*, we are shown the means by which legally manufactured small arms end up in illicit markets, and how corrupt state agents and criminal syndicates facilitate and broker these transfers. *Running Guns* offers several recommendations to deal with the problem, including: the elimination of transfers of small arms from states to non-state actors; greater control and supervision of arms brokers; clarification of the legal obligations of states to enforce international legal resolutions; and greater transparency of legal shipments.

4. Sectoral Perspectives

Health: Dr. Neil Arya, President, Physicians for Global Survival, Co-Vice President, International Physicians for the Prevention of Nuclear War

PGS started as a group advocating the non-proliferation of nuclear weapons. Since the mid-1990s PGS has participated in the international movement to retrieve, disarm and outlaw the manufacture of landmines. PGS recognizes that the proliferation of small arms is a major threat to public health in many areas of the world. The public health perspective emphasizes prevention. The abundance of weapons created by the international trade in illicit small arms undermines preventative efforts.

Health: Dr. Antoine Chapdelaine, Representative on Small Arms for the Quebec Public Health Association - affiliated with the Canadian Public Health Association

Physicians are concerned with the impact of small arms on public health. The goal of a public health strategy is to identify and break the causal chain of death and injury at its weakest link. The proliferation of small arms is facilitated by the transfer of licit arms to illicit markets. The weak link in the chain is domestic legislation concerning small arms. Physicians and public health organizations can advocate the strengthening of domestic small arms legislation in order to stem the flow of arms from licit sources to illicit uses.

Policing: Vincent Westwick, Legal Advisor, Ottawa-Carleton Regional Police Service

Communication between domestic, foreign and international police organizations is essential to combat the illicit small arms trade. Internationally recognized for expertise in small arms, Canadian law enforcement agencies are in a unique position to facilitate communication. Canada possesses one of the most sophisticated databases on small arms trafficking and transnational crime. Foreign police organizations can use this as a resource and as a model to develop similar systems. Conversely, Canadian police require information sources from other countries to effectively police illicit arms travelling across Canadian borders.

Enforcement of domestic gun control legislation and increased scrutiny of the legitimate market is part of the strategy to prevent the transfer of small arms from licit to illicit markets.

Law enforcement agencies, in cooperation with community groups and NGOs, have learned the importance of conflict control. Conflict control principles aim to reduce the severity and lethality of conflict. Reducing the accessibility of small arms is an important preventive conflict control principle.

Gendered Perspectives: Marilou McPhedran, O.C., Director, International Women's Rights Project, York University

The international women's movement has focused on the realities experienced by women and girls, including the power imbalance in the legal, political and social systems within which violence against girls and women flourishes. It is clearly Canadian policy to apply gender equity principles to national and international funding; thus a "gender analysis" of the impact on females – and on males - needs to be done for each and every initiative, whether focused on men or women, whether initiated by men or women. Since the founding of the UN, more than 50 years ago, implementation of women's human rights has been hindered by the myth of "gender neutrality", evident in UN treaties such as its first - the Universal Declaration on Human Rights. In developing new approaches to small arms regulation, we must acknowledge how often laws and policies have a disparate impact on females. Thus, it is necessary to build gender analysis into our proposals from the beginning. The UN Declaration on the Elimination of Violence Against Women, adopted by the UN in 1993 as its first major policy statement on this issue, is a

valuable tool because it offers a broad definition of violence that includes threats of violence and holds governments responsible for using all possible and adequate means to eliminate acts of violence against women and girls. This includes violence committed by state authorities.

5. Government and NGO Initiatives – UN 2001 Conference

Government Initiatives: Yves Beaulieu, DFAIT, IDA

DFAIT welcomes NGO input. DFAIT has been very active over the past few months in the international forum. They agree with the principals of the OSCE document but can build on it. Outlines activities sponsored by Canadian government.

The second prepcom is scheduled for January 8-20. DFAIT consulted with NGOs December 18, 2000 and with industry representatives November 11, 2000. Embassies abroad constantly need to be briefed and updated in the country of accreditation. DFAIT will bring NGO views to New York in January. It is considering DDR in New York and will support Peggy Mason's UN group. It is important to establish the relevant talking points to be included in the January conference.

Update on IANSA Activities: David Jackman, Associate Representative, Quaker United Nations Office (via teleconference)

IANSA has begun actively planning for the next prepcom (January 8-19) of the UN Conference on the Illicit Trade in Small Arms. There will continue to be problems with NGO access and accreditation but hopefully these things will be settled with the Department of Disarmament Affairs. IANSA will be bringing a number of representatives to the Prepcom from affected countries. IANSA should have a campaign organizer hired by early January and this position will continue until after the Conference itself in July. This next Prepcom session is crucial to moving the conference process ahead. It would be very helpful for NGOs to be present and to convey the breadth of their concerns and the depth of their research on relevant issues. It is hoped that the January Prepcom will initiate a close reading of substantive issues. This will be facilitated by a draft paper from the Chairman on the conference's program of Action.

6. UN Protocol

James Hayes, Coordinator, International Firearms Issues, Department of Justice, Canadian Firearms Centre

The problem of illicit firearms trafficking was recognized by the G8 countries at the Halifax Summit in 1995 as a form of criminal activity requiring action. The subsequent 40 recommendations of the Senior Experts Group on Transnational Organized Crime (now the Lyon Group) included specific proposals on firearm regulation strategies and on illicit trafficking.

During 1996 the work of a special subgroup on firearms set up within the Lyon Group developed a number of practical measures designed to enhance international cooperation and assist law enforcement. These were principally, the marking of firearms; greater import/export and in-transit controls on commercial shipments; enhanced exchange of criminal intelligence information and the exchange of scientific and technological information.

A statement in the June 1997 Denver Summit communiqué suggested that states would consider "a new international instrument" to combat illicit firearms trafficking. This led to further discussions on the question of whether such an instrument should be legally binding. This proposal, made by Canada, for a legally binding instrument was ultimately accepted.

The legally binding instrument contemplated by the G8 Lyon Group firearms subgroup found a home in the UN when UN member states decided to support the 1998 Crime Commission resolution to begin negotiation of a Protocol on the Convention on Transnational Organized Crime (TOC), and a related protocol to deal with firearms trafficking.

The Firearms Protocol contains practical, tools-based measures designed to assist law enforcement communities by enhancing international cooperation and promoting greater transparency in legal transfers of firearms. The Firearms Protocol sets out comprehensive procedures for the import, export and transit of firearms, their parts and components, and ammunition. It is a reciprocal system requiring countries to provide authorizations to one another before permitting shipments of firearms to leave, arrive or transit across their territory and enables law enforcement to track the legal movement of shipments to prevent theft and diversion. Negotiation of the Firearms Protocol began in early 1999 and is ongoing.

The Department of Justice believes that the participation of NGO's is essential for the negotiation of the protocol. To be effective, any resolution requires, an internationally recognized system of marking weapons; a clear definition of scope (i.e. Should government-brokered weapons transfers be exempt?); and a guarantee that nations would be legally bound to the new 'international instrument'.

7. Next Steps, Follow-up

Wendy Cukier, World Victimology Society; Professor of Justice Studies, Ryerson Polytechnic University; President, Coalition for Gun Control

The NGO which has participated the most in the UN proceedings is the NRA. We need more NGOs paying attention to the Vienna process. At the Vienna meeting we need to focus on commercial imports and exports and in-transits. Some NGOs felt this protocol should be broader. For the 2001 Conference, the short-term issue is that DFAIT should be consultation with relevant NGO's and other concerned groups. We need to communicate with our government and NGO partners in other communities. The 2001 process is a step in a much larger process and we must follow up with specifics: the OSCE document left out important issue, namely, domestic legislation as part of an international strategy on illicit trafficking.