

Optional Protocols

Yesterday's discussions inside and outside Conference Room 2 focused on tools that can bring us closer to a regulatory framework of laws, regulations, law enforcement structures and information infrastructure to move us further towards an effective international tracing system. The working non-paper by William Kullman and the subsequent discussion he led in the BMS, made clear once again that the UN and member states have at their disposal high levels of technical expertise needed to maintain a robust and transparent International Tracing Instrument – complete with comprehensive, accurate reporting mechanisms -- to effectively address the 'misuse and proliferation' of Small Arms and Light Weapons.

As ably summarized on this Blog by Ray Acheson, discussions identified a range of stakeholders with resources and 'best practices' to share towards an effective and reliable ITI. States have done some important work in creating national and cross-border marking and tracing systems backed by robust legislation and enforcement. An important example of state leadership was provided through a side event by Heather Sutton and Daniel Mack of Instituto Sou da Paz who shared findings from their excellent study: "Implementing Brazil's 'Disarmament Statute': Putting Law into Practice.

In addition to states, NGOs and civil society groups are contributing much to research and information systems that can help us keep track of small arms movements and help build local capacity to assist officials in eliminating arms trafficking and (as Sou de Paz has done) craft effective laws and regulations. For instance, an extraordinary new resource for information sharing accessible to both experts and community practitioners was on display in the ECOSOC chambers where Philip Alpers and Marcus Wilson previewed Gunpolicy.org for the BMS community. Their resource offers important trans-national data and perspectives (in partnership with the Small Arms Survey and other agencies) that is quickly proving invaluable to policymakers and practitioners.

Of course, having resources and using them to full benefit are not necessarily the same. For persons outside the UN system (and for many within) a major sticking point as they assess UN-based efforts to create effective international instruments is their 'optional' nature. Most people don't understand much of how the UN functions and more specifically the small, cumulative steps towards trust building and transparency that must be taken seriously if states are to shed some of their sovereign concerns and enter into binding international agreements. At the same time, diplomats and even NGOs sometimes lose touch with the urgent needs of communities that can be more successfully addressed through robust, binding measures. While pushing states to make as many concessions to national interest as possible to create legally binding instruments that can effectively combat the illicit trade in small arms and its damaging effects on communities, we can do more to stimulate understanding of the difficult lines that diplomats must sometimes straddle on their way to finally endorsing such instruments.

As at least one delegate noted yesterday, we can and must get to the point where we can reasonably assume that any unmarked weapon is an illicit weapon. This requires levels

of state and civil society vigilance backed by robust technology and information systems sanctioned at the international level. It also requires steady progress towards making the optional, mandatory.