



Geneva Reporter

Quaker United Nations Office - Geneva

Small Arms Review Count-down Begins in Earnest

More than four years have passed since the unanimous agreement on the UN “Programme of Action” (PoA) on the illicit trade in small arms and light weapons. (A/CONF.192/15). That agreement authorises the General Assembly “to convene a conference no later than 2006 to review progress made in the implementation of the Programme of Action.” As the General Assembly’s First Committee (Disarmament) deliberates during October in New York, awareness is growing of how little time is left before that Review Conference, now scheduled for 26 June - 7 July 2006.

Views are mixed on how much progress has actually been made since 2001. Many states have barely begun to implement the kinds of commitments made in the PoA. One authoritative NGO analysis has argued that, “Unfortunately only a limited number of countries and regions have so far demonstrated a sufficiently serious commitment to implementing the PoA commitments they entered into in 2001.”¹ The only multilateral step growing from the PoA which has been completed since 2001 is the draft international instrument on the tracing of small arms, awaiting approval by the General Assembly this autumn.² Although a step forward, it is felt by many to be far too weak. The failure to agree a legally-binding

instrument and one which includes the important related issue of ammunition means that states will enter the Review Conference with not very much to demonstrate at the multilateral level by way of real commitment to progress.

Yet, the relative weakness of that agreement is a reflection of the general pattern currently plaguing the multilateral system—the capacity of a handful of states to manipulate consensus to reduce agreement to the lowest common denominator. The actual outcome does not reflect accurately the views of the large majority of states who actually wanted more. On a whole range of scores, it can be said that there has been considerable growth in understanding of the nature of the small arms problem and what needs to be done, and there have been many encouraging steps by individual states, by regional organizations, and by international agencies such as UNDP. One reflection of this was the 2005 BMS, where plenary statements, informal meetings, and the volume and quality of civil society materials reflected a maturing of this multi-dimensional issue.³

So far, however, little has been done to prepare for the 2006 Review Conference. In addition to reviewing progress, this meeting will be looked to to set a focused

agenda of commitments for the subsequent period. The Review Conference will be judged by the kind of steps which are outlined for action on key issues of regulating arms brokers and guidelines for arms transfers. But there will also be expectations of new commitments to be set on such questions as civilian possession, misuse of weapons by state actors, ammunition, stockpile management, the problem of non-state actors, attention to gender dimensions of small arms effects, the “reintegration” of ex-combatants, the linkages with development concerns in general, and many others. There remain but a few weeks prior to the Preparatory Committee for the Review Conference (9 - 20 January 2006) and July will quickly follow. There is no time to waste; complacency about this tragic human issue is not an option.

1. “International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action,” prepared by the Biting the Bullet, see www.iansa.org

2. See “Report of the Open-end Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons” (A/60.88).

3. For one reflection on the growing understanding of the so-called “demand” dimensions and requirements, see “A Broader Outlook: Progress on Demand Issues at the UN Second Biennial Meeting on Small Arms” on www.quno.org



Comments on the Commentary

Standard Minimum Rules for the Treatment of Women Prisoners?

QUNO's latest publication **Women in Prison: A Commentary on the Standard Minimum Rules for the Treatment of Prisoners** by Megan Bastick, was launched in July at the Palais des Nations before an audience of representatives of non-governmental organisations, States and UN human rights experts. The Commentary applies the **UN Standard Minimum Rules for the Treatment of Prisoners** to the key problems for women prisoners, as identified in previous QUNO publications and examines the measures required to implement them and other human rights standards.

QUNO distributed copies of this publication to members of the **Committee on the Elimination of Racial Discrimination** (CERD).

New General Recommendation from CERD

CERD is the body tasked with overseeing the realisation of the rights enshrined in the **Convention on the Elimination of Racial Discrimination**. CERD's main function is to monitor States' implementation of

the Convention, by reviewing States' regular reports and considering individual complaints of violations. In addition to these functions the Committee can make thematic statements of interpretation of the Convention – General Recommendations. The new **General Recommendation on the Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System** was adopted in August. The General Recommendation will be used to inform their assessment of States parties' reports and individual communications.

QUNO is pleased that our concerns about women in prison and the children of imprisoned mothers have been taken into consideration in two key areas.

Sentencing

In respect of execution of sentences the General Recommendation states that:

"...with regard to women and children belonging to [relevant] groups..., States parties should pay the greatest attention possible with a view to ensuring that such persons benefit from the special regime for the execution of sentences to which they are entitled, bearing in mind the particular difficulties faced by mothers of families and women belonging

to certain communities, particularly indigenous women."

Pre-Trial Detention

Within the global context of over-reliance on pre-trial detention, CERD identifies that factors taken into consideration in remand decisions may be inherently discriminatory towards members of the groups in question. The General Recommendation calls on States to ensure that:

"...the guarantees often required of accused persons as a condition of their remaining at liberty pending trial...are weighed in the light of the insecure situation which may result from their membership of such groups, particularly in the case of women and minors;"

Recognition that the criteria for such decisions may be weighted against women is encouraging and could be a platform for further exploration of this issue.

The General Recommendation and the Commentary together are useful tools in work on women's imprisonment and its impact on their children. They spell out the requirement on States to take gender and family situation into account both when considering imprisonment (in the General Recommendation) and once a woman is imprisoned (in the Commentary).

QUNO's work on women in prison is part of a joint project with the FWCC representatives to the UN Commission on Crime Prevention and Criminal Justice, the Quaker Council for European Affairs and Quaker Peace and Social Witness

Women in Prison: A Commentary on the Standard Minimum Rules for the Treatment of Prisoners is available from www.quno.org

The Commentary is published as a Discussion Draft and QUNO encourages comments and feedback. This and other General Recommendations are available from www.ohchr.org



Policy Coherence in Intellectual Property

Setting national policies on intellectual property (IP) and promoting these in negotiations at an international level has never been easy. The issues are complex and not readily accessible to the layman or politician alike. In recent years however, there has been a growing realisation that developing countries face additional problems in formulating IP policies and experience the impacts of IP very differently from developed countries. One recent publication by the South Centre (www.southcentre.org) helps shed some light on these issues.

In his paper entitled *Developing Country Coordination in International Intellectual Property Standard-Setting* written for the South Centre, Ahmed Abdel Latif highlights the problems developing countries face in putting together coherent policies on IP. This often stems from a lack of coordination at the national level and in international negotiations between developing countries.

“Lack of coordination considerably weakens the participation of developing countries in IP negotiations In certain cases, lack of coordination even leads to inconsistencies in the positions taken by developing countries on the same issues in different international fora, thus resulting in outcomes which undermine their efforts to shape a development friendly global IP system.”

The way in which IP is negotiated in a multitude of fora, in both the United Nations context and in other international organisations, is part of the problem. Latif identifies nine fora in addition to the World Trade Organisation

(WTO) and World Intellectual Property Organisation (WIPO) that are engaged in IP standard-setting.

The proliferation of IP negotiations has two negative consequences for developing countries. First, many developing countries have traditionally viewed IP as a technical issue and have delegated policy formulation to the national IP Office. It has therefore been very difficult to examine the cross-cutting nature of IP negotiations with other relevant government ministries. Second, the fragmentation of IP at a national level is reflected in international negotiations. For example, a government might send its Trade Ministry to the WTO, its IP Office to WIPO and its Environment Ministry to the Convention of Biological Diversity. The fact that all three organisations are negotiating the same issue, in this case genetic resources and IP, does not mean that the Trade, Environment and IP Office staff have coordinated a common approach.

To overcome these problems, Latif examines three examples of national IP coordination used by Brazil, India and the Netherlands. All three underscore the importance for developing countries to establish effective coordination mechanisms across government departments and agencies involved in IP policy making. Whilst there are considerable difficulties in setting up such structures, Latif insists that:

“... the need for establishing effective inter-governmental coordination mechanisms ... in relation to IP is not a luxury measure for larger developing

countries. It is an urgent need for all developing countries ...”.

World Summit Concludes

The World Summit, marking the 60th Anniversary of the United Nations, has come and gone. The Outcome Document (see www.un.org/summit2005/documents.html), laboured over for many months, is disappointing in its failure to grasp a major opportunity for commitment and change. However, it does represent an important recognition of the linkages between peace and security, development, and human rights. The language of the document, although disappointingly non-specific, does provide a useful foundation on which to build. New structures like the Peacebuilding Commission and the Human Rights Council remain to be fully defined.

The Quaker UN Offices in New York and Geneva made a Joint Submission to the Outcome Document drafters. This can be found on www.quono.org (“Quaker United Nations Office Joint Submission for the High-level Plenary Meeting of the General Assembly of September 2005”) Look for further statements from QUNO on post-summit steps in the months ahead.

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General QUNO News

The landmines and small arms dimensions of QUNO's work found a point of cross-over in August when **David Atwood** travelled to Cambodia for research on a case study on the possible synergies between mine action and small arms action as part of a study sponsored by the Geneva International Centre for Humanitarian Demining.

QUNO Geneva in New York.

The Geneva Forum (of which QUNO is a partner organization) hosted a conference for diplomats on "Strategies for Strengthening the UN Programme of Action on Small Arms and Light Weapons," 30 September - 2 October at Glen Cove, outside New York city, prior to the start of meetings of the General Assembly's First Committee (Disarmament). Then on 4 October, QUNO-Geneva and QUNO-New York joined

with the Netherlands Mission in New York for a luncheon for First Committee diplomats on "Integrating a Demand Perspective into UN Small Arms Processes." **David Atwood** was the QUNO staff member participating in these events.

Rachel Barker (outgoing PA) and **Laurel Townhead** (incoming PA) spoke to a packed out Special Interest Group on QUNO at Britain Yearly Meeting in York in August. Laurel also led a very well attended Special Interest Group on the Women in Prison project.

QUNO has welcomed three new Programme Assistants who will be with us until the end of July next year. **Sophie Buxton** will work with David Atwood on Disarmament and Peace, **Laurel Townhead** with Rachel Brett on Human Rights and Refugees, and

Nico Tyabji with Martin Watson on Global Economic Issues.

Rachel Brett and **Laurel Townhead** participated in the Committee on the Rights of the Child's Annual Day of General Discussion on 16 September. The theme this year was Children Deprived of Parental Care.

A delegation from QUNO, including **Martin Watson** and **Nico Tyabji**, will be attending the World Trade Organisation (WTO) Ministerial in Hong Kong from 12-16 December. Their role in particular will be to provide developing countries with access to an expert group on intellectual property and services. This will include facilitating dialogues each evening where negotiators can raise queries on the substantive issues of negotiation in an informal yet confidential setting.

QUNO Publications, available online

www.quno.org

[Rethinking innovation, development and intellectual property in the UN: WIPO and beyond](#), Sisule F. Musungu, September 2005

[A Broader Outlook: Progress on Demand Issues at the UN Second Biennial Meeting on Small Arms](#), David Jackman, September 2005

[Quaker United Nations Office Joint Submission to the preparation for the High-level Plenary Meeting of the General Assembly of September 2005](#), August 2005

[Women in Prison: a commentary to the Standard Minimum Rules for the Treatment of Prisoners](#), M. Bastick, July 2005

[Parental Imprisonment Deprives a Child of Parental Care](#), July 2005, Submission of Friends World Committee for Consultation to the Committee on the Rights of the Child Day of General Discussion on "Children without parental care"

[Child Soldiers: Children Deprived of Parental Care](#), July 2005, Submission by Friends World Committee for Consultation to the Committee on the Rights of the Child Day of General Discussion on "Children without parental care"

[To be or not to be?](#) Report of the 61st U.N. Commission on Human Rights, April 2005

[Advancing the Human Rights of indigenous Peoples: A Critical Challenge for the International Community](#), Voices from a Forum at the 61st Session of the United Nations Commission on Human Rights, Oct. 2005

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