

THE PARIS PROCESS

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“I commend the Eminent Persons Group for its tireless efforts in striving for an ambitious and far-reaching outcome of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, especially in those areas promoting an increased transparency from all involved in the small arms trade. I believe the work of the EPG in this regard can have an immense impact.”

Kofi Annan
(UN Secretary-General)

THE AUTHOR

Albrecht Gero Muth is Convener and Executive Director of the Eminent Persons Group, an independent commission of 24 international personalities co-chaired by former OAU Secretary-General Salim Ahmed Salim and Malian President Alpha Oumar Konare.

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Advancing Understanding and Cooperation Among Manufacturers, Governments and NGOs in Furtherance of Global Peace and Harmony

Salim Ahmed Salim is right in calling “the proliferation of small arms and light weapons (SALW) one of the great humanitarian challenges of our time.” Africa is imploding under the carnage of small arms violence. Not a day goes by that innocent children and women are not killed or maimed. As UN Secretary-General Kofi Annan states: “these weapons must be brought back under the control of States, with States being made accountable for their transfer.”

In the aftermath of the “11 September” attacks on the United States, efforts to deprive terrorists of financial resources are at the top of the international anti-terrorism campaign. With small arms and light weapons the terrorists' weapons of choice, cooperation on eradicating the illicit proliferation of these weapons must be at the top of the agenda as well. A new emphasis must be placed on the traceability of small arms to their illicit sources through marking and tracing.

Standards for small arms transfer under international law must be enhanced and State-run manufacturers must be held to the same standards as commercial manufacturers. State responsibility and accountability must be increased, with governments rethinking the long-term implications of arming non-state actors for short-term gain.

Last year, the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted a Programme of Action (A/CONF.192/15) in order to eradicate illicit SALW proliferation, especially to regions in conflict. Regrettably, the PoA contains no calls for future treaty-making mandates. Moreover, the conference failed to reach consensus on two of the most critical issues: civilian non-possession and non-transfer to non-state actors. On marking and tracing, brokering and export criteria, the PoA falls behind expectations as well. However, as Dr. Salim states, the conference is significant because of the commitment to a follow-up process and a review conference in 2006.

Former UNIFIL Commander, Lieutenant-General E. A. Erskine, the Chairman of the Steering Committee of the Ghana Action Network on Small Arms (GANSA) and a member of the EPG Advisory Group states: *The PoA has come at a point where humanity needs to uphold and ensure that it is implemented to the letter. We should*

not be despaired by the rather slow process we are experiencing in its implementation. The first “Agenda for Peace” was almost silent on small arms, but today we have managed to arrive at a document we can work with as members of the UN family.

When assessing the UN Conference I feel reminded of a story, which Secretary-General Annan is fond of telling. It dates back to his happy days of fond memories at Mfantispim School and involves one of his favorite teachers, the Reverend Brandful. “Once,” Mr. Annan remembers, “Reverend Brandful took out a large white sheet with a black dot in the middle, draped it over the blackboard and asked us: What do you see? We all answered: The black dot. Why only the black dot, he responded. Why only the negative? What about the vast white spaces around?” Reverend Brandful, in the words of Mr. Annan, was reminding his students always to look beyond the obvious and beneath the surface, to bear in mind the larger picture, not to focus just on the blemishes. He was teaching them also to remember that there is more than one side to a story, and more than one answer to a question.

Such is the EPG approach to Conference follow-up. We are engaged in multi-stakeholder dialogues with manufacturers, governments and NGOs to advance joint action. There is, in Reverend Brandful's words, “more than one answer to the question” of how to redress the failure of the conference to provide for agreement on making illicit SALW traceable to their origins through marking and information exchange and further to help in eradicating the potential for diversion from the licit trade by norms for transfer under international law.

The main responsibility for effectively controlling SALW transfers must rest with national governments of manufacturing and exporting countries. The EPG calls upon manufacturers and manufacturing/ exporting States to use more efficiently means already available: to ensure stricter national control on SALW, to promote in practice serious international cooperation in curbing illicit traffic in this type of weapons, and to recognize their markings on a reciprocal basis.

At the same time, success in eradicating illicit SALW proliferation depends upon a coalition of governments and civil society, including NGOs and manufacturers. The Secretary-General supports EPG's efforts to build such a coalition and believes the Group plays an important role towards that end. As Mr. Annan states:

The PoA foresees a role not only for Governments, but very much counts on the action of civil society in taking measures to prevent, combat and eradicate the illicit SALW trade. I am grateful for everything the EPG has done in this regard, and I truly appreciate the Group's commitment to carry forward this important work. I am particularly heartened by the effort being lead by two great African leaders: my brothers Alpha Oumar Konare and Salim Ahmed Salim”.

With more than 90% of illicitly trafficked SALW originating in the licit trade, especially from the industrialized North, the EPG undertakes within the “Paris process” to confront the supply side of the illicit traffic by working to eradicate the potential for diversion

from the licit trade. An informal mechanism, the “Paris process” aims to advance cooperation among commercial/ State-run manufacturers, governments and NGOs on cost-effective and realistic voluntary measures on marking, tracing and norms for transfer.

The “Paris process” aims to help in implementing relevant parts of the Programme of Action adopted by the UN Conference. It is guided by the recommendations for industry self-regulation, which were made by manufacturers at the June 26 Paris meeting as summarized in the Paris Chairmen's Report.

The Paris Chairmen's Report was circulated as a document of the UN Conference (A/Conf.192/13) and reflects important recommendations, which were made by NGOs at the June 18 London meeting as summarized in the London Chairmen's Report. Major SALW producing/ exporting States, including the Governments of the People's Republic of China, the Russian Federation, the United Kingdom and the United States, are supporting the “Paris process”.

Given that SALW are produced, acquired and exported for legitimate purposes it is not, as opposed to the international campaign to ban landmines, appropriate to seek a ban. Acknowledging that all states authorize some sale, possession or transfer of SALW, and that many states license civilians to possess some types of SALW, the “Paris process” advances a set of voluntary measures on the basis of industry self-regulation which manufacturers can take with the support of governments in the areas of marking, tracing and norms for transfer. As a result, when agreed to and complied with universally, these voluntary measures should help reduce the indiscriminate and unlawful use of SALW and their diversion from licit sources. These voluntary arrangements are not intended to be an alternative to state regulation or to possible international binding instruments on these matters in the future, but rather to contribute to early progress on these issues.

In fall 2002, the second meeting of the “Paris process” will take place in Geneva, Switzerland. The initial basis for deliberations will be the Paris Chairmen's Report. It summarizes the first meeting of the “Paris process,” which took place in Paris on June 26. At Paris-I, manufacturers declared that they are “prepared to institute, among themselves, standards for marking, tracing and norms for transfer. Manufacturers support and will assist in further efforts against transfers of SALW, which would be in violation of human rights, international treaty obligations, UN Security Council embargoes, international law or which would be used in genocide, illegal acts of aggression, criminal acts or interfere in the internal affairs of legitimate governments”.

The meeting will review and revise the Paris Chairmen's Report, with the objective of advancing an informal mechanism between manufacturers and manufacturing/ exporting States in order to eradicate the potential for diversion from the licit trade. The meeting could also constitute the first preparatory meeting for an international conference of manufacturers, which EPG plans to convene under the auspices of the “Paris process” in 2003 or 2004, with the objective of advancing the informal industry self-regulation mechanism. Alternatively, it would otherwise aim to re-enforce and further promote international co-operation and adoption of effective standards; for example aim to re-

enforce any intergovernmental initiatives that may have been launched in relation to marking and tracing.

Within Conference follow-up the “Paris process” is unique for it is the only venue, which is bringing together governments, manufacturers and NGOs in an ongoing process both, on formulating realistic and cost-effective measures to eradicate illicit proliferation as well as their implementation. By creating an international network of stakeholders that goes beyond the framework of nations and international organizations, the “Paris process” provides an indispensable instrument for joint action. For whereas intervention by the EPG prior to the Conference focused on those undecided and public opinion, the post-Conference focus has changed to what Michel Rocard, the distinguished EPG Co-Chair Emeritus, has called “putting pressure on well informed governments to search for compatibility in their application of the Programme of Action.” Given the need for entirely different expertise and intervention, the EPG has thus, within the Paris process, adapted its goals, working methods and structures to the new realities of the post-Conference and post-“11 September” environment. Future collective progress in the field of control of SALW trafficking will necessitate new objectives and alternative programmes of action, of which the “Paris process” is an example.

The late President Kwame Nkrumah told my uncle that 'diplomacy is the art of accepting the feasible in order to advance the desirable.' Similarly, an ancient Chinese proverb tells us that “a journey of a thousand miles must commence with its first step.” There are important lessons to be learned from both statements. Just as Ghana's independence came at the end of a long journey of discovery, so we must view ourselves as fellow travelers on the road to victory. May the “Paris process” prove an important first step on the long journey ahead.