



## Six key issues for the 2018 Review Conference on the Illicit Trade in Small Arms and Light Weapons

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From 18-29 June 2018, the United Nations is conducting the third Review Conference (RevCon 3) on the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (PoA), which was originally adopted in 2001.<sup>1</sup> This briefing paper from the International Action Network on Small Arms (IANSA) focuses on six key issues for discussion at RevCon3:

- the illicit trade in ammunition;
- destruction of surplus and excessive accumulations of SALW and ammunition;
- measures to address armed violence in crime as well as conflict;
- gender-based action to curb SALW proliferation and violence;
- links between small arms and light weapons (SALW) reduction, Sustainable Development Goal (SDG) 16.4, and development; and
- synergies in implementing the PoA and the Arms Trade Treaty (ATT);

This briefing paper provides an introduction to each of these issues and their importance to the PoA and the control of the illicit trade in small arms and light weapons.<sup>2</sup>

### Illicit trade in ammunition

In his 2011 report on small arms, the UN Secretary General stated that: “The Security Council has consistently taken an inclusive approach to arms and ammunition and has included the issue of ammunition in its discussions on arms embargoes, disarmament, demobilization and reintegration, child soldiers, counter-terrorism, and the protection of civilians in

armed conflict.”<sup>3</sup> The UN Secretary General reported that:

Arms and ammunition are also considered jointly in other contexts, including drugs and crime, peacebuilding, women and peace and security, development, human rights, mine action, air transport, maritime safety and border controls. Importantly, most countries do not distinguish arms export legislation from ammunition export legislation. In sum, because of its particular characteristics, the trade in ammunition should be a key component of any discussion on the regulation of the global arms trade.<sup>4</sup>

RevCon 3 provides an important opportunity to strengthen the PoA by more directly including ammunition as part of consideration of “the illicit trade in small arms and light weapons all its aspects.”

Small arms and light weapons can last for decades. But without continuing supplies of ammunition, these weapons essentially become useless. Although ammunition was not explicitly included in the PoA when it was agreed in 2001, in practice, States that are committed to fully implementing PoA controls are already including ammunition. The RevCon 3 outcome document should make explicit States’ commitments to including SALW ammunition in POA implementation.

As the Secretary-General highlighted in his 2016 report on the illicit arms trade, “The widespread availability of illicit small arms and light weapons and their ammunition is a key enabler of conflict and endemic crime.”<sup>5</sup>

<sup>1</sup> United Nations, “Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,” A/CONF.192/15, 2001.

<sup>2</sup> Portions of this briefing paper are based on: Natalie J. Goldring, “The Programme of Action, the Arms Trade Treaty, and the UN Register of Conventional Arms: Seeking Synergy and Overcoming Challenges,” International Action Network on Small Arms (IANSA) Briefing Paper, June 2016.

<sup>3</sup> United Nations Security Council, “Small arms: Report of the Secretary-General,” 5 April 2011, S/2011/255, pp. 3-4.

<sup>4</sup> Ibid.

<sup>5</sup> United Nations General Assembly, “The illicit trade in small arms and light weapons in all its aspects: Report of the Secretary-General,” 4 October 2016, A/71/438–A/CONF.192/BMS/2016/1, p. 3.

## **Destruction of surplus and excessive SALW and ammunition**

In the PoA, all States agreed they were: "...gravely concerned about the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world."<sup>6</sup> Destroying surplus and excessive accumulations of both SALW and their ammunition is essential to reduce this danger.

The Secretary-General's new Agenda for Disarmament indicates potential consequences of failing to destroy surplus and excessive accumulations of ammunition:

"Effective ammunition management mitigates the risk of storage depots accidentally exploding in populated areas. These explosions, when they occur, are humanitarian disasters that lead to death, injury, economic loss, displacement and destruction of infrastructure and private property."<sup>7</sup>

The only sure way to prevent continued circulation of illicit SALW and ammunition is to destroy them when they are captured or existing stocks are assessed as surplus or obsolete. Destruction is the only way to guarantee that surplus and excessive accumulations of SALW and ammunition will not be diverted to illicit markets and actors.<sup>8</sup> Securing legal stockpiles and decommissioning weapons is important, and can decrease the risk of diversion. But stockpile security and decommissioning systems are not foolproof, so stockpile security alone does not eliminate the risk of diversion. Similarly, as long as storage depots are located in populated areas, civilians will be at risk.

In the RevCon 3 outcome document, States should recommit themselves to destroying surplus and excessive accumulations of SALW and ammunition.

## **Measures to address armed violence in crime as well as conflict**

In his 2008 report on small arms, the UN Secretary General stated that: "Most present-day conflicts are fought mainly with small arms and light weapons. They are broadly used in inter-State conflict and they are the weapons of choice in civil wars and for terrorism, organized crime and gang warfare."<sup>9</sup> Little has changed since then; small arms and light weapons are still the weapons of choice in these settings.

The Geneva Declaration on Armed Violence and Development's "Global Burden of Armed Violence, 2015" estimated that from 2007-2012, more than 500,000 people died each year by violence.<sup>10</sup> More than 80 percent of these deaths were not in situations of armed conflict. This statistic highlights the critical importance of focusing on reducing SALW violence in both crime and armed conflict settings.

At their sixth Biennial Meeting of States (BMS6) on the PoA, Member States agreed that measures to curb the illicit trade in small arms are:

...relevant in areas ranging from peacekeeping, inner-city crime and elections to maritime security, forced migration and public health; from human rights, trade policy and aviation security to military stockpile management, humanitarian aid and development.<sup>11</sup>

At RevCon 3, States should commit themselves to strong practical measures in conflict and non-conflict areas. As the Geneva Declaration's statistics indicate, dealing with SALW violence only in situations of armed conflict risks missing the vast majority of the problem.

## **Gender-based action to curb SALW**

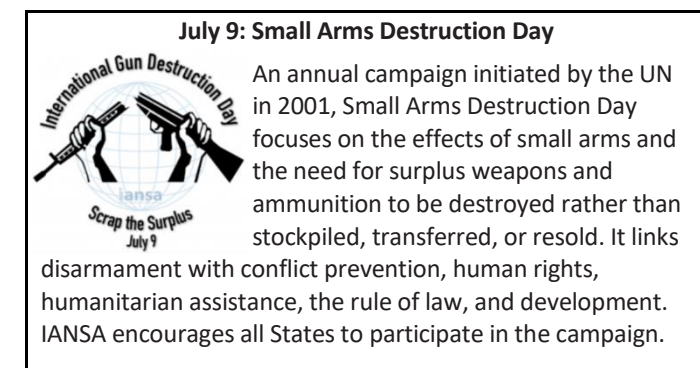
As the Secretary-General indicated in his May 2018 report on Securing our Common Future: An Agenda for Disarmament, "Greater efforts are needed to achieve equal, full and effective participation of women in all decision-making processes related to disarmament."<sup>12</sup> The Secretary-General also declared his commitment to "...work to achieve gender parity on all panels, boards, expert groups and other bodies established

<sup>9</sup> United Nations Security Council, "Small arms: Report of the Secretary-General," 17 April 2008, S/2008/258, p. 1.

<sup>10</sup> Geneva Declaration on Armed Violence and Development, "Global Burden of Armed Violence 2015," p. 51.

<sup>11</sup> United Nations General Assembly, "The illicit trade in small arms and light weapons in all its aspects: Report of the Secretary-General," Sixth Biennial Meeting of States, A/71/438-A/CONF.192/BMS/2016/1, 4 October 2016, p. 7.

<sup>12</sup> "Securing our Common Future: An Agenda for Disarmament," p. xi.



<sup>6</sup> PoA, Section I paragraph 2.

<sup>7</sup> "Securing our Common Future: An Agenda for Disarmament," p. 9.

<sup>8</sup> For extended analysis of this issue, please see Peter Danssaert and Brian Wood, "Surplus and Illegal Small Arms, Light Weapons and their Ammunition: the consequences of failing to dispose and safely destroy them," IANSA and International Peace Information Service, 2017.

under his auspices in the field of disarmament.”<sup>13</sup>

The UN has made important progress on gender issues in recent years. For example, the outcome document from BMS6 referred to seeking gender equality, and also advocated disaggregating data on gender and the illicit trade in SALW.

Even though there has been progress, a great deal of work remains. The 2018 IANSA Women’s Network Call to Action by Civil Society on Gender and Small Arms Control presents more than a dozen recommendations, including:

1. Supporting and funding initiatives to strengthen women’s capacity and skills to fully participate in the small arms process.
2. Funding research and analysis highlighting the gendered effects of armed violence.
3. Fully incorporating gender perspectives in all aspects of PoA implementation.

### **Links between SALW reduction, SDG 16.4, and development**

As the Secretary-General noted in his report on the Sustainable Development Goals, “Peace, justice and effective, accountable and inclusive institutions are at the core of sustainable development.”<sup>14</sup>

SDG target 16.4 is the most directly relevant SDG to IANSA’s work: “By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.” As part of the implementation of SDG 16.4, the UN will be attempting to determine the “Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.”<sup>15</sup>

Better tracking of seized, found, or surrendered weapons will highlight illicit trade patterns, as well as weaknesses in monitoring and controlling the legal trade. States should commit themselves to funding and undertaking more robust tracking as part of the RevCon 3 outcome document.

### **Synergies in implementing the Programme of Action and the Arms Trade Treaty**

There are many ways in which the PoA and the ATT can complement and strengthen each other.<sup>16</sup> The same analysis could be extended to other instruments, such as the International Tracing Instrument, the International Firearms Protocol, and the Sustainable Development Goals. The Firearms Protocol, for example, covers firearms, their parts and components, and their ammunition, a useful precedent for other instruments. UN Member States also have legal obligations related to arms transfers through the UN Security Council and instruments such as the Cluster Munitions Convention, Landmines Convention, and various regional treaties, among others.<sup>17</sup>

The PoA provides important elements for a framework to curb illicit SALW transfers between and within countries, even though its provisions are not legally binding. In the PoA, all Member States committed themselves:

To assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade.<sup>18</sup>

In turn, the entry into force of the Arms Trade Treaty adds legally binding elements for the control of international transfers of SALW, other common types of conventional arms, and their associated ammunition and munitions. Taken together, these two instruments complement and strengthen each other.<sup>19</sup>

The PoA has particularly strong language on maintaining records on SALW transfers, certifying that weapons are reaching their intended recipients (end-

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<sup>16</sup> For additional detail on synergies between the PoA and the ATT, see Natalie J. Goldring, “The Programme of Action, the Arms Trade Treaty, and the UN Register of Conventional Arms: Seeking Synergy and Overcoming Challenges,” International Action Network on Small Arms (IANSA) Briefing Paper, June 2016.

<sup>17</sup> Other relevant instruments include the Convention Against Corruption, the treaties on terrorism and the UN standards on the use of firearms in law enforcement.

<sup>18</sup> PoA, Section II paragraph 11.

<sup>19</sup> The same analysis could be extended to other instruments, such as the International Tracing Instrument, the International Firearms Protocol, and the Sustainable Development Goals. The Firearms Protocol, for example, covers firearms, their parts and components, and their ammunition, a useful precedent for other instruments. UN Member States also have legal obligations related to arms transfers through the UN Security Council and instruments such as the Cluster Munitions Convention, Landmines Convention, and various regional treaties, among others.

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<sup>13</sup> “Securing our Common Future: An Agenda for Disarmament,” p. 67

<sup>14</sup> United Nations Economic and Social Council, “Progress towards the Sustainable Development Goals: Report of the Secretary-General,” E/2016/75\*, Reissued for technical reasons on 5 July 2016, p. 20.

<sup>15</sup> “Revised list of global Sustainable Development Goal indicators,” UN Statistical Commission, March 2017, p. 22.



user certification) and preventing the diversion of legally authorized transfers into the illicit weapons trade. The PoA's provisions on destroying both surplus SALW and weapons that are confiscated, seized, or collected when conflicts end are critically important, as indicated in the section on destruction above. Ensuring that these provisions are being implemented effectively could also set important precedents for the ATT.

The Arms Trade Treaty prohibits certain types of transfers, including when it is known by the exporting state that the arms would be used for crimes against humanity, genocide, or war crimes. States also have to stop exports that pose "an overriding risk" of being used to seriously violate international human rights law and humanitarian law or to commit or facilitate other offences, such as terrorism and transnational organized crime.

As of May 2018, there were 94 States Parties to the ATT.<sup>20</sup> States that have not yet ratified the ATT can also elect to follow its standards. By applying the provisions of the Treaty, they could significantly reduce the proportion of the international weapons trade that facilitates serious violations of international human rights, humanitarian, and criminal law.

The RevCon 3 outcome document should explicitly endorse potential areas of synergy between the PoA and the ATT.

### Strengthening civil society

Civil society plays a critical role in helping to create awareness of the dangers of SALW proliferation and abuse, and the need for the rule of law. Governments can increase their effectiveness by including representatives of a wide range of independent NGOs as full partners in the work to eradicate the illicit trade in SALW and to reduce the human costs of armed violence. These groups should include arms control groups, think tanks, universities, professional associations, women's movements, community associations, human rights organizations, disabled

peoples' groups, faith groups, and peace advocates. One important option is fully integrating civil society representatives into national delegations as appropriate. Governments should also commit themselves to full participation by civil society organizations at multilateral meetings on SALW. Full participation by civil society is only possible if negotiation sessions are open to civil society.

In addition to SDG 16.4, other SDGs are related to the PoA, including SDG 5, "Achieve gender equality and empower all women and girls." Fully implementing this SDG would require many states to include more women as staff members in their agencies dealing with SALW issues; it would also require much more participation by women at various levels, including in the composition of delegations to international meetings and negotiations.

In each of these areas, providing sustained funding for civil society is critical. Civil society representatives need funding to carry out research and analysis, to attend conferences and meetings, and to assist with the national, regional, and global implementation of the PoA. States can move from their supportive rhetoric about civil society to action by providing sufficient resources to support these activities.

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<sup>20</sup> The UN lists 94 States Parties as of May 2018; Chile will become a State Party on 16 August 2018. <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2018/05/Table-of-States-parties-May-2018.pdf>



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