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Quick Guide: Results of the Seventh Biennial Meeting of States to Consider the Implementation of the Programme of Action (PoA)

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This Quick Guide provides an overview of key outcomes of the Seventh Biennial Meeting of States (BMS7) to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA). It includes suggested follow-up actions, primarily focused on analysts, activists, and diplomats. This guide supplements other IANSA resources prepared for BMS7, including: “Five Key Issues for the Seventh Biennial Meeting of States (BMS7) on the UN Programme of Action (PoA)”, “The Programme of Action on Small Arms: Why Ammunition Must be Included”, “IANSA Call to Action on Gender and Small Arms Control”, “Towards BMS7: Marking and Tracing” and “Towards BMS7: Stockpile management”.¹

Introduction

The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) was originally adopted in 2001. Between the review conferences that are held every six years, Biennial Meetings of States (BMS) are convened. The Seventh Biennial Meeting of States (BMS7) was held in July 2021 and followed the Third Review Conference in June 2018 (RevCon3). A BMS is generally designed for states to provide updates on the implementation of the PoA, while review conferences give states the opportunity to reach more substantial agreements to strengthen the PoA’s implementation.

BMS7 took place in July 2021 in a mix of virtual, in-person, and hybrid formats. It was scheduled for June 2020 but was delayed a year because of the global COVID-19 pandemic. The new format created significant challenges for civil society participation. Accredited representatives from civil society were not allowed to enter the UN headquarters. Civil society was also excluded from the informal sessions, which included a significant portion of the substantive discussions of the conference. The negotiations in general were also hindered by the extensive limitations on face-to-face contact, the list-like nature of early drafts of the outcome document, and the attempts by a small group of states to block numerous substantive proposals.²

The decision-making process of the PoA meetings also continued to be problematic. In the PoA process, “consensus” has been interpreted as meaning unanimity, allowing a single state to block progress if it so chooses. As was the case in RevCon3, an inability to reach consensus on an outcome document resulted in states voting on particular paragraphs of the document. Although some states expressed concern about this process, in both cases, the outcome document was stronger because a small group of states was not allowed to determine the content of the text.³ Despite these disagreements, member states unanimously adopted the outcome documents for both RevCon3 and BMS7.

¹ These publications and other information relating to BMS7 are available on IANSA’s website: <https://iansa.org/seventh-biennial-meeting-of-states-on-the-united-nations-programme-of-action-on-small-arms/>

² Material in this quick guide dealing with BMS7 is largely drawn from IANSA, “Small Arms and Light Weapons,” Reaching Critical Will First Committee Briefing Book, September 2021 (author: Dr. Natalie Goldring).

³ Ambassador Martin Kimani (Kenya, BMS7 Chair) and Ambassador Jean-Claude Brunet (France, RevCon3 President) both deserve credit for refusing to reduce their respective outcome documents to the least common denominator.

The [BMS7 outcome document](#)⁴ was surprisingly substantive under the circumstances, and contains promising language on many issues, including gender, ammunition, diversion, technological developments in weapons development and production, international cooperation and assistance, and the need to exercise control over weapons throughout their lifecycle, including the destruction of surplus weapons. In a significantly more inclusive text than the RevCon3 outcome document, states also recognized that to achieve full and effective implementation of the PoA and ITI, they need to strengthen their cooperation with diverse groups and individuals, including “...civil society, youth, victims and survivors of armed violence, parliamentarians, industry and the private sector...” (paragraph 55)

This guide uses the framework of the five key issues that IANSA identified as needing additional attention in the PoA process:

- The need to include ammunition in the PoA;
- Implementing and building on the gender outcomes agreed during the 2018 PoA Review Conference (RevCon3);
- Preventing and combatting diversion (the stated focus area of BMS7);
- Marking and tracing of Small Arms and Light Weapons (SALW);
- Stockpile management: safety, security, and destruction of surplus and excessive accumulation.

For each of these five issues, this Quick Guide gives a summary of what happened at the Conference and why the results are important, with suggestions for next steps.

The need to include ammunition in the PoA

What happened and why the results are important

A glaring gap in the PoA text is the absence of reference to controls on ammunition. During RevCon3, member states took an important step forward toward the inclusion of ammunition in the PoA process by including two paragraphs on ammunition.⁵

The inclusion of ammunition in the PoA process is still opposed by a small number of states. At BMS7, a small number of states attempted to block even the consideration of ammunition, arguing that states should focus on issues where there was already consensus. Despite this opposition, many member states and civil society representatives continued to attempt to reach agreement on consensus language, but were unsuccessful. They also continued to point out that ammunition is what makes SALW powerful, and that separating weapons from their ammunition is not logical. While the BMS7 outcome document contains two paragraphs that are similar to the texts from RevCon3, advocates were not successful in achieving additional commitments in relation to ammunition within the framework of the PoA.

Under ‘Other issues and topics of relevance...’ the outcome document refers to states having different opinions on the application of the provisions of the PoA and the ITI to SALW ammunition and called for further dialogue among states in this regard.

⁴ Available here: <https://iansa.org/seventh-biennial-meeting-of-states-on-the-united-nations-programme-of-action-on-small-arms/>

⁵ The outcome document of RevCon3. Paragraph 16 welcomes the parallel process established under the General Assembly resolution on ammunition. Paragraph 18 “acknowledge[d] that States that apply provisions of the Programme of Action to small arms and light weapons ammunition can exchange and, as appropriate, apply relevant experiences, lessons learned, and best practices acquired within the framework of other relevant instruments to which a State is a party, as well as relevant international standards, in strengthening their implementation of the Programme of Action”. The United States and Israel voted against both paragraphs at RevCon3.

A positive development was the increased focus on the responsibility and accountability of individual states and regions in implementing the PoA and the ITI. Based on the suggestion in the 2019 Report of the Secretary-General (A/74/187),⁶ the outcome document proposes that states consider setting voluntary national and regional targets to support implementation of the two instruments (paragraphs 50, 51, 52, 116). Setting such targets for both SALW and their ammunition would allow states to supplement existing more general goals with more specific goals they themselves have developed. This could increase state ownership of the resulting activities, while also improving accountability.

Next steps

The disagreement over addressing ammunition will not be solved quickly. States and civil society must continue to voice their support for its inclusion and stress that weapons without ammunition are useless. Analysts and activists should encourage states to include ammunition in operations related to marking and tracing and stockpile management, as unsecured and inadequately marked ammunition contribute considerably to global diversion into illicit markets, becoming a key factor in crime, terrorism, and the escalation of armed conflict. States should also set national voluntary targets related to managing ammunition.

Governments should continue to review their existing legislation, to exchange information with other countries, and to report publicly on ammunition exports, imports, and transit, both in their reports on the PoA and in implementing other instruments such as the Arms Trade Treaty.

A hopeful factor is the work of the Group of Governmental Experts on Problems Arising from the Accumulation of Conventional Ammunition Stockpiles in Surplus (GGE). While the group's work was slowed by COVID-19 constraints, it should be completed in time for BMS8 to act on its results in summer 2022. Analysts and activists should review the conclusions of the GGE in developing advocacy priorities for BMS8.

Implementing and building on the gender outcomes agreed during the 2018 PoA Review Conference (RevCon3)

What happened and why the results are important

Work on gender is one of the important successes of RevCon3, and advocates continued to make progress at BMS7, despite the opposition of a small number of states. Ahead of BMS7, IANSA updated its Call to Action on Gender and Small Arms Control⁷ which identifies five main priorities for states to address during BMS7 and was well received by many states. In line with these priorities, the PoA framework now contains strong language on disaggregating data to examine the effects of SALW use with respect to sex, age, and disability, as well as on mainstreaming gender perspectives.

The full and effective participation of women in processes regarding SALW controls is supported by many states, but progress remains slow and uneven. For instance, only a handful of states reported on gender considerations in their 2020 national reports on the implementation of the PoA.⁸ At the BMS7 conference itself,

⁶ The 2019 Report of the Secretary-General (A/74/187), when referring to SALW, argues that the 'urgency and the character of the small arms issue is so diverse around the world, there can be no "right" or "wrong" national ambition level'. A bottom-up approach is suggested where each state determines the level and type of contribution, allowing the PoA to focus on national implementation, as was originally intended.

⁷ Available here: <https://iansa.org/call-to-action-on-gender-and-small-arms-control-april-2021/>

⁸ IANSA report: *Room for improvement: An analysis of "gender considerations" in the 2020 Programme of Action national reports* (July 2021) <https://iansa.org/room-for-improvement-an-analysis-of-gender-considerations-in-the-2020-programme-of-action-national-reports-july-2021/>

states were taking the participation of women seriously. The proportion of statements by speakers identified as female was significantly higher at BMS7 (30 percent) than at RevCon3 (20 percent). This is still far short of parity, but is a promising start.

Another priority for IANSA is the adoption and implementation of measures to address gender-based violence (GBV), including the creation of National Action Plans on SALW specifically to reduce GBV both during and after the COVID-19 pandemic.⁹ The outcome document refers to GBV (paragraph 77) and to action plans on SALW and the women, peace and security agenda (WPS) (paragraph 73). However, a challenge with the WPS agenda is that it applies to conflict or post-conflict situations but has not been applied to non-conflict situations. That means that gender-responsive measures are not able to reach their full potential, since most women are injured and killed in non-conflict settings.¹⁰

Next steps

Full implementation of the gender-related outcomes of RevCon3 and BMS7 at community, national, regional, and global levels will require political will at all levels of society and enough funding to carry out the proposed activities. States must urgently take measures to address GBV and advance women's security both during and after the COVID-19 pandemic. This includes strengthening armed violence reduction initiatives, SALW control measures and legislation, existing legislation on GBV, and measures to eliminate violence against women and girls.

One low-cost, immediate improvement would be for governments to continue to ensure the full and effective participation of women on their national small arms commissions and in their delegations to relevant conferences and meetings.

Achieving women's full and effective participation and full involvement in all stages of peace negotiations and the security sector reform process remains to be addressed in the PoA process.

Preventing and Combatting Diversion

What happened and why the results are important

In accordance with the recommendation adopted during RevCon3,¹¹ the stated focus area of BMS7 was on preventing and combatting the diversion of SALW to unauthorized or unlawful end-users or for an unauthorized or unlawful end-use.

Overall, numerous references to diversion permeate the outcome document, noting that diversion risks exist at each stage of the life cycle of a weapon, including manufacture, before and during transfer, post-delivery

⁹ One devastating consequence of the measures taken to fight the coronavirus has been an upsurge in violence against women and girls. UN Women reports, "Since the outbreak of COVID-19, emerging data and reports from those on the front lines, have shown that all types of violence against women and girls, particularly domestic violence, has intensified." This phenomenon is referred to by the UN as the "Shadow Pandemic" UN Women 2020 *The Shadow Pandemic: Violence against women during COVID-19* <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

¹⁰ Myrtilinen, Henri. 2020. *Connecting the Dots: Arms Control, Disarmament and the Women Peace and Security Agenda*. Geneva, Switzerland: United Nations Institute for Disarmament Research (UNDIR). <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

¹¹ A/CONF.192/2018/RC/3, reiterated in General Assembly resolution 73/69.

storage in stockpiles, and end-use or disposal.¹² States acknowledged that the diversion of SALW includes illicit international transfers to unauthorized recipients and to illicit markets, including terrorists, involving cross-border trafficking without appropriate authorization, unauthorized State retransfer and the violation of arms embargoes imposed by the Security Council.

To prevent the diversion of SALW, states recognized the importance of establishing a range of legal and enforcement and risk mitigation measures, including procedures to exchange information, as well as national risk assessments for exports, imports and transits that, among other factors, take into consideration international humanitarian law and international human rights law. States also committed themselves to reinforce national control measures in coordinated action with other sub-regional, regional, and global instruments to which they are parties. (paragraph 54)

To improve the ability of states to prevent the diversion of SALW, the outcome document also underscored the need to establish and maintain systems for authenticated end-user and/or end use certificates, secure transportation, marking, record keeping, and tracing of weapons according to procedures agreed in the ITI, the management of stockpiles and responsible disposal and destruction of surplus SALW. States also agreed that, where appropriate, post-shipment verifications could be conducted in accordance with bi-lateral agreements.

Next steps

Analysts and activists should continue to advocate that states take these measures to prevent deliberate, reckless and accidental diversions of SALW and ammunition, including measures to reduce such risks to an absolute minimum and to cooperate in detecting, reporting, and prosecuting those responsible. Systemic and practical measures should apply to the whole chain of transaction and the physical movement of the items during their entire life cycle, including at the points of manufacture, assembly, shipment, warehousing, stockpile, and deployment. Analysis and advocates can use and refer officials to recent UNDIR reports on diversion.¹³

Marking and Tracing of SALW

What happened and why the results are important

Marking and tracing received considerable attention during BMS7, and there was consensus on the importance and need for international cooperation and assistance in this area. A contentious issue is the suggestion to develop an annex to the ITI to consider the vast changes in weapons technology since its adoption, including modular and polymer weapons and 3-D printing. New designs and production methods of SALW and how these could be obstacles to effective SALW control have been on the PoA agenda for years, but several states maintain that the adoption of an annex to the ITI is premature.

Early in the deliberations, the proposal for an annex received strong support from many states. This proposal was weakened considerably in the negotiating process, and the final text only refers to considering a proposal

¹² States reconfirmed their commitment to enforcing and applying the provisions of the Programme of Action and the International Tracing Instrument to the entire life cycle of small arms and light weapons to minimize such risks. Most notably, agreement was reached on ensuring that international humanitarian law and international human rights law would be taken into consideration in national small arms and light weapons transfer decisions; that States would undertake export risk assessments and include authenticated end user and/or end-use certification and effective legal and enforcement measures, including post-shipment verifications in their practices; and that States would stipulate in bilateral export agreements specific terms with regard to re-exports.

¹³ Wood, Brian and Holtom, Paul. 2020. *The Arms Trade Treaty: Measures to Prevent, Detect, Address and Eradicate the Diversion of Conventional Arms* United Nations Institute for Disarmament Research (UNDIR). <https://www.unidir.org/publication/arms-trade-treaty-measures-prevent-detect-address-and-eradicate-diversion-conventional>

for an open-ended working group of technical experts to address “challenges and opportunities of such technologies” (paragraph 92). Nevertheless, although the outcome document does not specifically call for an annex, it suggests several ways that states can begin addressing the emerging challenges.

Next steps

Champion governments, analysts, and activists should continue to stress the need to update the ITI based on technological developments, in order to ensure its continued relevance.

Marking and tracing of ammunition today relies on a patchwork of national regulations. Fully integrating ammunition in the PoA and ITI processes would increase the likelihood of developing consistent and robust standards.

Other areas where states should make commitments within the PoA and ITI processes include marking of military, police, and other law enforcement SALW, and developing detailed national procedures and training for law enforcement officials to improve tracing of SALW. States should also consider developing procedures at the national level to maintain up-to-date records of the markings on confiscated weapons for at least 20 years, while ensuring that they have adequate procedures to keep records of all marked SALW.

Stockpile management: safety, security, and destruction of surplus and excessive accumulation

What happened and why the results are important

The outcome document continues to address the importance of stockpile management, consistent with previous BMS and review conferences. There is an increasing emphasis on the importance of stockpile management in conflict and post-conflict situations, and acknowledgement of the link between poorly managed stockpiles and diversion. It also calls for international cooperation on how best to implement these measures.

Stockpile management is a less controversial theme in the PoA process than other issues highlighted in this briefing, but adequate stockpile management still requires capacity building and resources. The commitment to “redouble national efforts to provide for the safe, secure and effective management of stockpiles of small arms and light weapons held by government armed and security forces”, in particular in conflict and post-conflict situations, remains. (paragraph 33)

Next steps

Given that stockpile management and destruction are the areas that receive the most requests for international assistance,¹⁴ continued commitment to cooperation assistance to interested states is vital. The primary objective of both donors and recipient states should be on enhanced sustainability of assistance to promote national ownership and political leadership.

Parliamentarians can be effective allies, especially in their oversight role. They can help ensure effective stockpile management, safe storage, and destruction of surpluses. Defence and security committees can engage with their governments in debates and can demand reports on the stockpiles’ condition and assess the extent to which international best practice standards are being followed.

¹⁴ Small Arms Survey, Implementing the Programme of Action and International Tracing Instrument – An Assessment of National Reports, 2012–17, pg. 76 (2018) <http://www.smallarmssurvey.org/fileadmin/docs/U-Reports/SAS-Report-PoA-ITI-2012-17.pdf>

Here, too, analysts and activists need to continue highlighting the problems arising from poorly managed stockpiles of ammunition. This is necessary to prevent armed violence and because the accumulation of ammunition surpluses presents an imminent threat to communities. Unplanned explosions at munition sites (UEMS) due to failure to maintain deteriorating stocks cause hundreds of deaths every year as well as widespread destruction of infrastructure.¹⁵

It will also be important to analyze the conclusions of the work of the Group of Governmental Experts on Problems Arising from the Accumulation of Conventional Ammunition Stockpiles in Surplus (GGE) and to translate those conclusions into political language before BMS8.

Conclusion

The commitments made by states during BMS7 include significant progress on both substantive and procedural matters. The outcome document provides opportunities for further work on important issues at national, sub-regional, regional, and global levels. A continued and important challenge is generating enough political will to move forward on these key issues.

The format of BMS7, due to restrictions related to the pandemic, created significant challenges for civil society participation. While technical issues related to the UN Web TV were solved, the informal opportunities for interaction between delegates and civil society were severely limited. Including civil society representatives on national delegations is one way to secure participation. However, that can never be the only standard, as there must also be civil society representatives present who are independent from national governments. In terms of IANSA's five key issues for BMS7, the main success is the progress made in relation to gender, both in content and in practice at BMS7. Implementing and expanding these measures will be a priority for IANSA in preparation for BMS8.

With regard to the the stated focus area of the conference, states also made significant progress with respect to preventing diversion. States committed to a range of measures. Important next steps involve ensuring effective implementation.

Commitment also remains strong with regard to stockpile management, acknowledging the continued need for international assistance. In relation to marking and tracing, states made moderate progress in relation to technological developments in SALW, committing to exchanging views and to considering the proposal of an expert group at BMS8.

Ammunition remains a sticking point. Many states continued their efforts to promote the inclusion of ammunition in the PoA process; this will remain a key advocacy ask for BMS8.

IANSA welcomes paragraph 54 as a step forward in relation to coordinated action between relevant instruments, for example the PoA, the ATT, and the Firearms Protocol. Some states continue to point out that the PoA was designed to cover the illicit trade in small arms and light weapons **"in all its aspects"**. Ensuring coordinated action will also be an important area of advocacy for BMS8.

¹⁵ "The Small Arms Survey has documented at least 623 unplanned explosions at munitions sites (UEMS) between 1979 and 2019, with some 29,932 resulting deaths and injuries combined". Emile LeBrun. 2020. *Making Room for Improvement: Gender Dimensions of the Life-cycle Management of Ammunition* United Nations publication issued by the United Nations Office for Disarmament Affairs [gender-and-ammunition-web-1.pdf \(un-arm.org\)](#)

This Quick Guide was prepared for IANSA by Dr. Natalie Goldring and Teresa Dybeck. It builds on IANSA's RevCon3 Quick Guide (2018), written by Dr. Goldring. Material dealing with BMS7 is drawn in part from IANSA's chapter on Small Arms and Light Weapons in Reaching Critical Will's First Committee Briefing Book (September 2021), also written by Dr. Goldring. Comments and edits were provided by Clare da Silva and Dr. Brian Wood. Dr. Wood was also the principal author of the section on diversion.

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