



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

June 2017

In June 2018, the United Nations will conduct 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. In preparation for RevCon3, the International Action Network on Small Arms and Light Weapons (IANSA) has chosen to focus its analysis and advocacy on five key issues:

- the illicit trade in ammunition.
- measures to address pervasive SALW violence in crime as well as conflict settings; and
- 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;
- synergies in implementing the PoA and the Arms Trade Treaty (ATT);

This factsheet provides a brief 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.¹

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.”² The UN Secretary General also 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.³

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 are essentially useless. Although ammunition was not explicitly included in the PoA when it was agreed in 2001, it is difficult to understand how countries can fully implement PoA controls without addressing ammunition.

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.”⁴

Measures to address pervasive SALW violence in crime as well as conflict settings

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.”⁵ Little

1. Portions of this factsheet 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. I am grateful for Brian Wood, Rebecca Peters, and Baffour Amoa’s assistance with this piece.

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

3. Ibid.

4. 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.

5. United Nations Security Council, “Small arms: Report of the

has changed since then. 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 because of lethal violence.⁶ Roughly 85 percent of these deaths were not in conflict settings. This highlights the critical importance of focusing on reducing SALW violence in both crime and 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. Because of the deeply cross-cutting nature of the issue, meetings under the Programme of Action should take into account that several national agencies may need to be involved and that the international work relating to small arms control is undertaken simultaneously in many forums.⁷

RevCon 3 should commit to strong practical measures in each of these areas.

Gender-based action to curb SALW

As the Secretary-General indicated in his report on Progress towards the Sustainable Development Goals, "...gender equality remains a persistent challenge for countries worldwide and the lack of such equality is a major obstacle to sustainable development."⁸

BMS6 made important progress on gender issues. It referred to seeking gender equality, and also advocated for disaggregated data on gender and the illicit trade in small arms and light weapons.

Even though there has been recent progress on gender issues, a great deal of work remains. The 2017 IANSA factsheet, "Gaps in Women's Participation and Representation in Small Arms Control Processes," analyzes three sets of needs:

1. The need to improve governments' understanding of the links between small arms

control and issues of gender. Those links need to be reflected in legislation and other governmental processes.

2. The need to end the underrepresentation of women in small arms processes, and to include women as full participants in these processes.
3. The need for capacity building and additional funding support.

Links between SALW reduction, SDG 16.4, and development

As the Secretary-General noted in his June 2016 report on the Sustainable Development Goals, "Peace, justice and effective, accountable and inclusive institutions are at the core of sustainable development."⁹ SDG 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."¹⁰ Better tracking of seized, found, or surrendered weapons will highlight illicit trade patterns, as well as weaknesses in monitoring and control of the legal trade.

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

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. The entry into force of the Arms Trade Treaty adds legally binding elements for the control of international transfers of SALW and other common types of conventional arms. Taken together, these two instruments complement and strengthen each other.¹¹

9. 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.

10. "Revised list of global Sustainable Development Goal indicators," UN Statistical Commission, March 2017, p. 22.

11. 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

Secretary-General," 17 April 2008, S/2008/258, p. 1.

6. Geneva Declaration on Armed Violence and Development, "Global Burden of Armed Violence 2015," p. 51.

7. 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.

8. Progress towards the Sustainable Development Goals," p. 8.

The PoA has particularly strong language on maintaining records on SALW transfers, certifying that weapons are reaching their intended recipients (end-user certification), and preventing the diversion of legal weapons into the illicit weapons trade. The PoA also contains important provisions on destroying both surplus SALW and weapons that remain when conflicts end. Such destruction can reduce the number of weapons available for diversion into illicit markets.

The Arms Trade Treaty contains important prohibitions on certain types of transfers that would violate international law, including when it is known the arms would be used for crimes against humanity, genocide, or war crimes. States also have to assess all exports against international human rights law, humanitarian law, and criminal law risk criteria. The ATT is the first legally binding international treaty on the arms trade. As of 30 May 2017, there were 92 States Parties to the ATT.¹² Additionally, states that have not yet ratified the ATT can still 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.

Strengthening civil society

Civil society plays a critical role on all of these SALW issues. Governments can increase their effectiveness by including representatives of a wide range of independent NGOs, including arms control groups, think tanks, universities, professional associations, women's movements, community associations, human rights organizations, disabled peoples' groups, faith groups, peace advocates, and others, as full partners in the work to eradicate the illicit trade in SALW in all its forms and to reduce the human costs of armed violence. This includes 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. This would require open negotiation sessions.

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 these issues; it would also require much more participation by women at various levels, including in the composition of delegations to international meetings and negotiations.

For all of these issues, providing sustained funding for civil society is critical. Civil society representatives need sufficient 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.

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Security Council and instruments such as the Cluster Munitions Convention, Landmines Convention, and various regional treaties, among others.

12. The UN lists 91 States Parties as of April 2017; Honduras became a State Party on 30 May 2017. <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/04/Table-of-States-parties-April-10-2017.pdf>

