

IANSA BRIEFING PAPER
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FIVE KEY ISSUES for the Seventh Biennial Meeting of States (BMS7) on the UN Programme of Action (PoA)

Five key issues for BMS7 on the Illicit Trade in Small Arms and Light Weapons.

From July 26–30, 2021, the United Nations will conduct the Seventh Biennial Meeting of States (BMS7) on the UN Programme of Action (PoA) to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects. The meeting was postponed from 2020 to 2021 due to the COVID-19 pandemic.

In preparation for BMS7, the International Action Network on Small Arms and Light Weapons (IANSA) has chosen to focus its analysis and advocacy on five key issues:

1. The need to include ammunition in the PoA;
2. Implementing and building on the gender outcomes agreed during the 2018 PoA Review Conference (RevCon3);¹
3. Preventing and combatting diversion (a stated focus area of BMS7);
4. Marking and tracing of SALW;
5. Stockpile management: safety, security, and destruction of surplus and excessive accumulation.

States' effective implementation of the PoA at the national level is an important element of achieving the 2030 Agenda for Sustainable Development. The Sustainable Development Goals (SDGs), and in particular SDG16 target 4 aims to "by 2030, significantly reduce illicit financial and arms flows (...)". This speaks directly to the objectives of the PoA and highlights the continued relevance of the PoA. States need to prioritise the implementation of their PoA commitments and strengthen the framework of the PoA during BMS7.

This factsheet provides a brief introduction to each of the five key issues, and their importance to the PoA and the control of the illicit trade in small arms and light weapons (SALW).

1. Include ammunition in the PoA

BMS7 provides an important opportunity to strengthen the PoA by directly including ammunition as part of its consideration of "the illicit trade in small arms and light weapons in all its aspects."

SALW 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, "[T]he widespread availability of illicit small arms and light weapons *and their ammunition* is a key enabler of conflict and endemic crime."

During BMS7, States should:

1. Acknowledge that weapons without ammunition are useless and that **management of ammunition is essential to prevent armed violence**, in crime- and conflict-affected communities as well as unplanned explosions at munitions sites (UEMS);

¹ The Third Review Conference of the UN Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons In All Its Aspects held at the United Nations Headquarters in New York City from 18–29 June 2018.

2. **Include ammunition in the thematic discussions on diversion** as unsecured ammunition stockpiles contribute considerably to global diversion into illicit markets, becoming a key factor in crime, terrorism and the escalation of armed conflict;
3. Discussions on the International Tracing Instrument should include the complexities related to **the marking and tracing of ammunition** for SALW. The International Tracing Instrument (ITI) does not cover ammunition, and tracing of ammunition relies on a patchwork of national regulations. The systematic collection and sharing of data would enhance transparency and accountability and contribute to identifying points of diversion and limiting the illicit trade;
4. Commit to formulating **national targets also in relation to measures to manage ammunition**. 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 it was intended;
5. Acknowledge the **link between gender and arms and ammunition management**, as part of implementing and building on the RevCon3 gender outcomes. This is in line with UNSCRs [2122\(2013\)](#) and [2242\(2015\)](#) of the Women, Peace and Security Agenda to “ensure women’s full and meaningful participation in efforts to combat and eradicate the illicit transfer and misuse of small arms and light weapons” as well as General Assembly Resolution [74/65](#) on problems arising from the accumulation of conventional ammunition stockpiles in surplus to “encourage the full involvement of both women and men in ammunition management practice and policy”.

2. Implementing and building on the RevCon3 gender outcomes

RevCon3 made important progress on gender issues. For example, States committed to “encourage mainstreaming gender considerations into small arms and light weapons policies and programmes”. States also reiterated the importance of encouraging “the full participation and representation of women, including in leadership roles and as agents of change, in policymaking, planning and implementation processes...”

However, the need for concerted and sustained action on gender and small arms control has never been clearer than during the COVID-19 pandemic, which has intensified violence against women particularly in, but not limited to, the domestic sphere, and is having a deeply regressive effect on gender equality.²

During BMS7, States should commit to:

1. Operationalize the gender-related outcomes of the Third Review Conference on the UN Programme of Action (PoA) at community, national and regional levels;
2. Ensure women’s full and effective participation in all policymaking, planning, and implementation processes related to small arms and light weapons (SALW) control;
3. Collect sex and age-disaggregated data on SALW and support research to have a better analysis of the gendered impacts of SALW;
4. Achieve women’s full and effective participation and full involvement in all stages of peace negotiations and the security sector reform process;
5. Urgently take measures to address gender-based violence, including the creation of coherent, coordinated, and well-resourced National Action Plans on SALW specifically to reduce GBV as States rebuild in and following the COVID-19 pandemic that include linkages with armed violence reduction

² UN Women, The Shadow Pandemic: Violence against women during COVID-19 (2020): <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

initiatives, SALW control measures and legislation, existing legislation on GBV, and violence against women and girls.³

3. Diversion

During RevCon3, States adopted the recommendation that BMS7 should consider “key challenges and opportunities relating to [...] preventing and combatting the diversion and the illicit international transfer of small arms and light weapons to unauthorized recipients”.⁴ IANSA is therefore highlighting the following priorities for action by States to prevent the diversion of SALW to unauthorized or unlawful end-users or for an unauthorized or unlawful end-use.

We call upon all States to address the following issues:

1. **National legislation**, if not yet established, should criminalize any deliberate or reckless act of diverting SALW or related ammunition, parts or components, by making the unauthorized re-routing and misappropriation, whether by means of theft, fraud, deception, corruption, violence or any other method, a criminal act subject to criminal sanctions;
2. **National transfer control systems** for export and import authorizations, and for transit authorization or notifications, have sufficient capacity to assess the risks of diversion of all transfers and, where necessary to take measures to reduce risks to an absolute minimum, as well as capacity to screen applicants and to objectively assess undertakings from a prospective recipient State that it can and will fully comply with relevant best practice transfer control standards to prevent diversions;
3. **Authorization of exports and imports** must in all cases be in standardized written form with a limited expiry date and include a detailed description of the items to be transferred, their origin, quantity, weight and value, as well as the names and full addresses of the contract holders, the consignee, the consignor, any intermediaries or agents involved, and the proposed route and means of delivery;
4. **End-use and end-user documentation** must include signed undertakings not to re-transfer the items without the agreement of the sending national authority, and documents must not be issued for any transfers unless the end-use/user documents are first authenticated with an expiry date, and until the legitimacy and reliability of the intended end user/end-use, and the other entities involved in the transfer of the SALW and related items, have first been verified.

4. Marking and tracing

In 2005, within the framework of the PoA, the General Assembly adopted the International Tracing Instrument (ITI). In the ITI, States commit to undertaking measures to ensure the adequate marking and record-keeping of SALW and to strengthen cooperation in tracing illicit SALW.

RevCon3 discussed the topic of new technologies and how this will present challenges and opportunities for the marking, record-keeping and tracing of small arms. The Chair of BMS7 has therefore suggested the consideration of a Supplementary Annex to the ITI to be included on the agenda.

During BMS7, States should:

1. **Ensure the continued relevance of the ITI by supporting the development of a Supplementary Annex** to address recent developments in SALW manufacturing, technology, design, materials used as well as implications for the ITI;
2. **Include ammunition in the thematic discussions on marking and tracing**, especially in relation to the complexities related to marking and tracing of ammunition for SALW. Tracing of ammunition today relies on a patchwork of national regulations. Systematic data collection and sharing would enhance

³ See, IANSA Call to Action on Gender and Small Arms Control: <https://iansa.org/call-to-action-on-gender-and-small-arms-control-april-2021/>.

⁴ A/CONF.192/2018/RC/3, reiterated in General Assembly resolution 73/69.

transparency and accountability, contribute to limiting the illicit trade and identifying points of diversion, and ultimately prevent the illicit use of ammunition to commit violent acts;

3. Commit to **marking all military, police and other law enforcement SALW**;
4. Develop procedures at the national level to **maintain up-to-date records** of the markings on confiscated weapons for 20 years and have adequate procedures to keep records of all marked small arms and light weapons;
5. Commit to having **detailed national procedures** and trained relevant law enforcement officials to trace small arms and light weapons.

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

Inappropriately managed and insecure stockpiles of conventional arms and ammunition have been a growing and serious concern to the international community. When governments fail to keep their national stockpiles secure, the use of diverted arms and ammunition into illicit markets leads to thousands of deaths and injuries in conflict as well as terrorism and organised crime.

Moreover, the problems arising from poorly managed stockpiles of ammunition and the accumulation of ammunition surpluses also present an imminent threat to communities. Unplanned explosions at munition sites (UEMS) due to failures to maintain deteriorating stocks cause hundreds of deaths every year as well as widespread destruction of infrastructure.

We call upon all States to:

1. **Ensure that safe storage and destruction of surpluses** follow international best practice standards carried out at safe and secure facilities with strictly controlled access and practices that are subject to regular robust inventory management and accounting procedures. This includes the comprehensive marking of all items and the recording of all movements and transactions, which are inspected by the national authorities;
2. Continue to provide **cooperation assistance to interested States** where **enhanced sustainability** is the primary objective of donors, implementing partners as well as recipient States, promoting national ownership and political leadership;
3. **Include ammunition in the PoA**, acknowledging that weapons without ammunition are useless and underscoring the global need for a multilateral, comprehensive framework to address matters related to stockpiling ammunition.

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