Briefing Paper
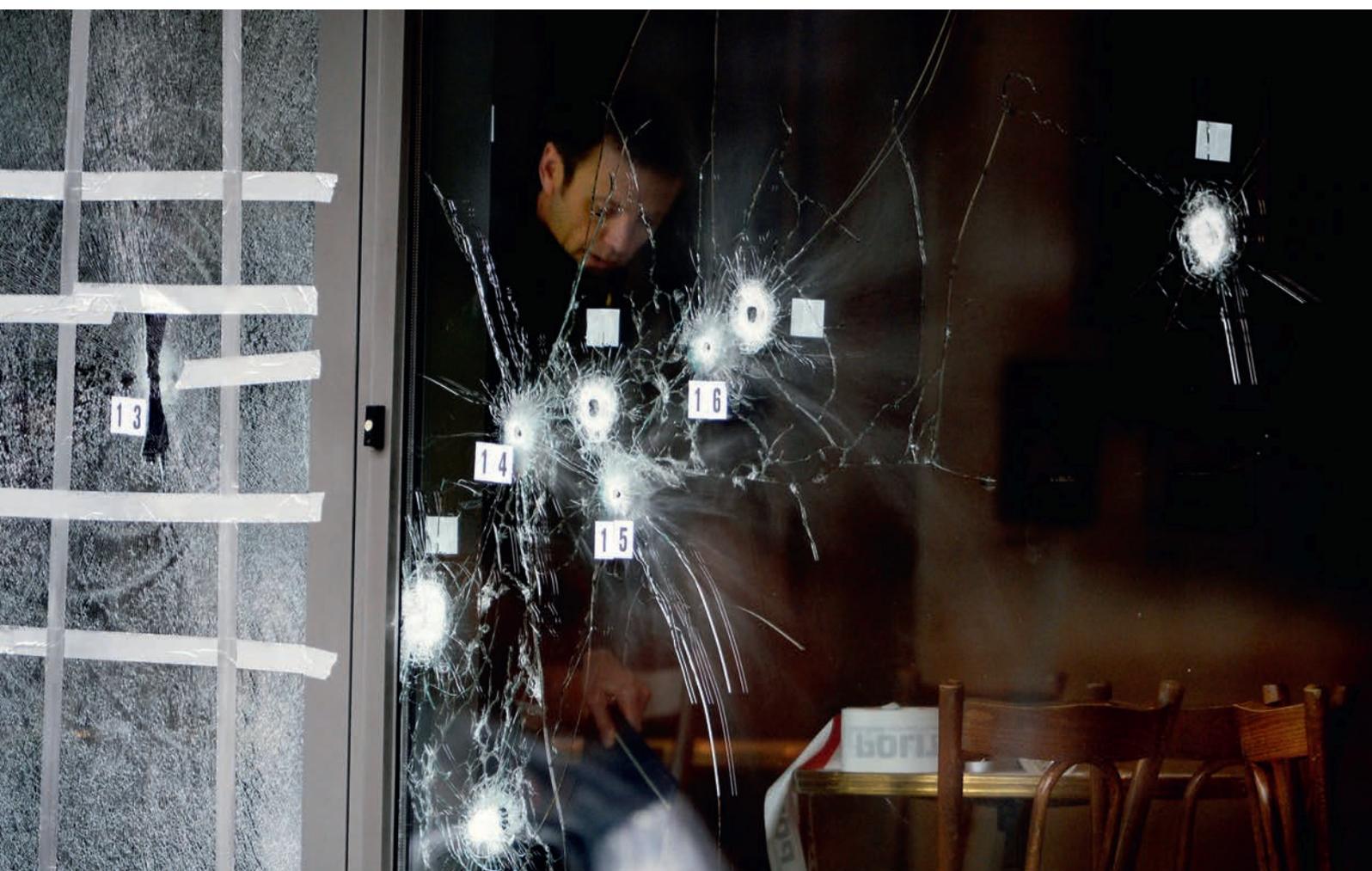
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GAINING PERSPECTIVE

The UN Programme of Action's Sixth Biennial Meeting

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Credits and contributors

About the author

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Front cover photo

A police technician works at the scene of an attack by a gunman in Copenhagen, Denmark, February 2015.
Source: Liselotte Sabroe/Scanpix Denmark/Reuters

Overview

This Briefing Paper reviews the results of BMS6, the final PoA meeting in advance of the PoA's Third Review Conference and the first to follow the adoption of the SDGs. As explained in the text, the BMS6 outcome document, adopted by UN member states in June 2016, adds important value to the UN small arms framework. Firstly, in areas ranging from the prevention of small arms diversion to the promotion of security in conflict and post-conflict situations, it develops elements of practical PoA and ITI implementation that featured in earlier PoA meeting outcomes. The BMS6 text also breaks fresh ground by connecting the UN small arms process with the SDGs, and by highlighting the importance of new forms of small arms trafficking and of gender. Generally, it does more than preceding PoA meetings to draw connections between the UN small arms instruments and related instruments, organizations, issues, and processes. It is now up to the Third Review Conference to build on these gains as it maps out the next phase of global activity on small arms.

Key findings

- The BMS6 outcome strengthens practical PoA and ITI implementation in areas ranging from the prevention of small arms diversion to the promotion of security in conflict and post-conflict situations.

- The BMS6 text also breaks fresh ground by connecting the UN small arms process with the SDGs, and by highlighting the importance of new forms of small arms trafficking and of gender.

- Generally, the BMS6 outcome does more than preceding PoA meetings to draw connections between the UN small arms instruments and related instruments, organizations, issues, and processes—stressing implementation synergies in the form of improved cooperation, coordination, and information exchange.

- The PoA's Third Review Conference, scheduled for June 2018, faces two main tasks: further strengthening the implementation of UN small arms norms; and ensuring the UN framework's continued relevance in the face of new security challenges—and opportunities.

Introduction

The Sixth Biennial Meeting of States (BMS6),[1] held in June 2016, was the final meeting for the UN Small Arms Programme of Action (PoA) (UNGA, 2001b) before the PoA's six-year stock-taking exercise, the Third Review Conference,[2] scheduled for 2018. It was also the first PoA meeting to follow the adoption of the Sustainable Development Goals (SDGs) in September 2015 (UNGA, 2015a). Taking the SDGs and other new developments into account, BMS6 needed to prepare the ground for the Review Conference.

This Briefing Paper explains how BMS6 fulfilled this objective. It begins by describing preparations for the meeting and the meeting itself, with a particular focus on the development of the BMS6 outcome document. Subsequent sections of the paper analyse the contents of the BMS6 outcome in detail, highlighting sources of added value, along with issues that were left unresolved. The concluding sections consider what the Third Review Conference can take from BMS6—and other recent PoA-related meetings—when mapping out the next phase of global activity on small arms.

Containing multitudes: the Sixth Biennial Meeting of States

The mandate for BMS6 derived from the PoA and, more directly, from the outcome of the PoA's Second Review Conference.[3] The period leading from the PoA's Second to Third Review Conference (2012–18) added two BMSs and an open-ended meeting of governmental experts (MGE) to the list of meetings convened since the PoA's adoption in 2001 (see Figure 1).

The BMS5 outcome, while hardly ground breaking, had identified a series of practical measures for the strengthened implementation of the PoA—and of the International Tracing Instrument (ITI), agreed by the UN membership in 2005 (UNGA, 2005)—in the areas that the meeting covered, in particular stockpile management, and weapons marking, record-keeping, and tracing (see McDonald, 2015). For BMS6, the challenge was to address a broader range of small arms control challenges, while sharpening some of the tools that had been developed in outline form at previous PoA meetings. At the same time, it was important that BMS6—the first gathering of PoA diplomats[4] to follow the entry into force of the Arms Trade Treaty (ATT) (UNGA, 2013) and the adoption of the SDGs—assess the implications of these developments for the UN small arms process.[5]

Figure 1 Timeline of PoA meetings
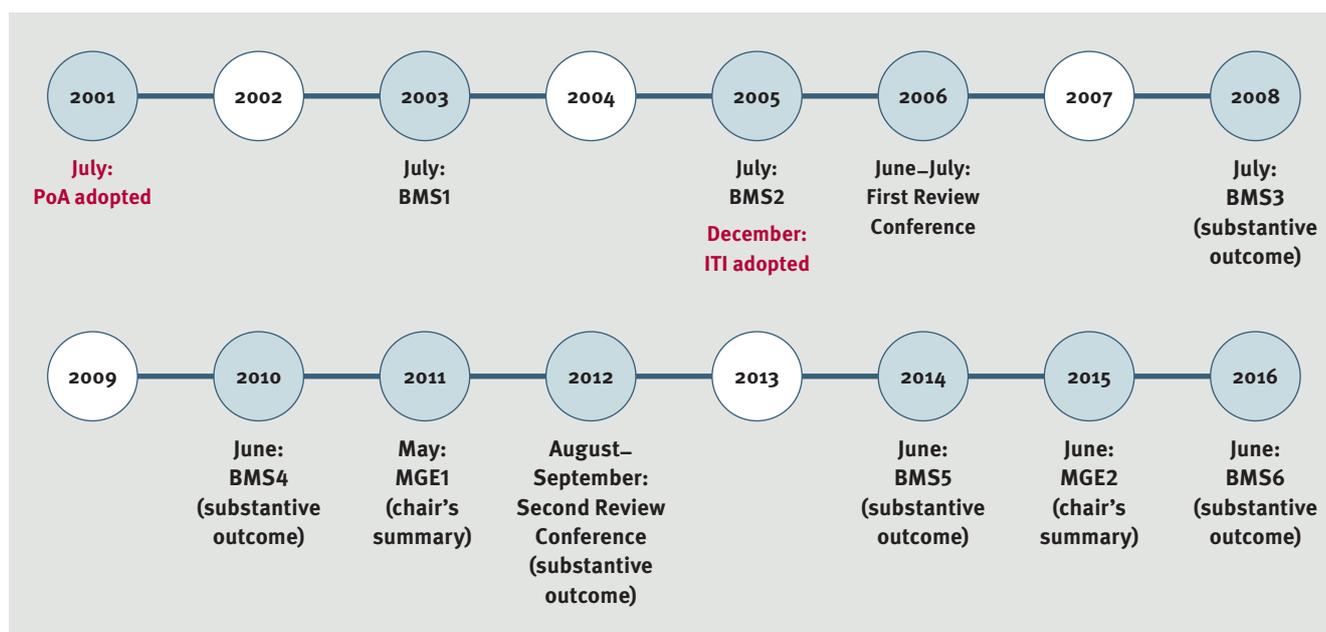
Consistent with practice following the PoA's First Review Conference, the chair of BMS6, Ambassador E. Courtenay Rattray of Jamaica, was designated well in advance of the meeting, in late 2015. He immediately launched into meeting preparations, convening an initial round of informal consultations at UN headquarters in New York on 15 December 2015. By mid-February 2016, following interventions from UN member states at the first two informal consultations, it was clear that BMS6 could adopt the same working methods that had been used for BMSs since 2008 (BMS3). Besides the early designation of the meeting chair, these included convening informal consultations in advance of the meeting;[6] developing draft versions of the meeting outcome document during the preparatory period; and focusing the meeting on specific themes, rather than on the PoA as a whole (Jamaica, 2015a; 2015b; 2016a).[7]

Delegations reached preliminary agreement on the BMS6 agenda at their third round of informal consultations, on 22 February 2016 (Jamaica, 2016b). Formally confirmed at BMS6 itself, the agenda put the spotlight on:

- the 2030 Agenda for Sustainable Development;
- the role of regional and sub-regional organizations in PoA implementation;
- 'recent developments in small arms and light weapons technology and their implications for the International Tracing Instrument'; and,
- under the rubric of international cooperation and assistance, 'the provision

of training, equipment and the transfer of technology' and 'the adequacy, effectiveness and sustainability of assistance' (UNGA, 2016a).

Ambassador Rattray presented the UN membership with an initial 'Zero Draft' of the BMS6 outcome at the end of February 2016 (Jamaica, 2016c). At first little more than an outline of potential topics for the outcome document, beginning with 'Draft 1', released on 20 April (Jamaica, 2016d), these drafts developed many of the concepts and action points, as well as specific language, that would feature in the final BMS6 outcome.[8] They drew on the interventions made by national delegations at the informal consultations, but also, as had been the case at previous BMSs, on 'working papers, written contributions and edits' submitted by the UN membership during the preparatory period (Jamaica, 2016e; 2016g).[9] 'Draft 4', sent by the chair-designate to the UN membership on 3 June after the eighth and final round of informal consultations, provided BMS6 with a relatively detailed (110-paragraph) template for the final outcome document (Jamaica, 2016i).[10]

BMS6 was held at UN headquarters in New York from 6 to 10 June 2016. All BMSs since 2008 (BMS3) had dispensed with general statements, instead moving directly to substantive discussions on agreed meeting themes. BMS6 followed this practice.[11] Ambassador Rattray, moreover, in introducing the discussion of PoA implementation, encouraged delegations to speak to the contents of 'Draft 4'. He also set a time limit of three minutes for national interventions and five minutes

for states speaking for a broader group of countries.

In the event, BMS6 proceeded at a brisk pace—ahead of the schedule provided for in the Programme of Work (UNGA, 2016b). This allowed the chair to devote significant time, including time originally penciled in for the thematic discussions, to informal consultations geared to negotiations on the draft outcome document. Informal consultations over the first three days of BMS6 picked at 'Draft 4' from beginning to end, leading Ambassador Rattray to issue a fifth draft of the outcome document on Wednesday evening, 8 June (Jamaica, 2016k). Thursday morning, 9 June, saw the last formal interventions from UN member states, as well as international and regional organizations, NGOs, and civil society. During the afternoon the UN membership focused on the sticking points in the negotiations. These included:

- the place of ammunition in the PoA framework;
- references in the draft outcome document to the ATT;
- references to the SDGs;
- border controls;
- references to Security Council resolutions, peacebuilding, and peacekeeping;
- end-user and end-use certificates and certification;
- the gender aspects of PoA implementation; and
- the analysis of PoA and ITI implementation based on national reporting.

Indonesia delivers its statement at BMS6.
Source: Twitter/indonesiaunny (Permanent Mission of the Republic of Indonesia to the UN)

A new draft of the outcome (version 6) was issued overnight on Thursday–Friday, 9–10 June (Jamaica, 2016l). But a new push for consensus on Friday morning, the last day of BMS6, foundered amid continuing disagreement on such issues as implicit references in the draft outcome to ammunition and the ATT, as well as the analysis of national implementation.

Facilitation meetings led by the chair the same morning involving those on opposite sides of these disagreements saw the obstacles—except, to some extent, that involving ammunition—removed. Ambassador Rattray tabled a new version (7) of the outcome document at the opening of the afternoon session (Jamaica, 2016m). After making minor language corrections to it, the UN membership adopted this version by consensus the same afternoon (UNGA, 2016d)—although one state, Iran, dissociated itself from a paragraph that had sought to paper over differences regarding the application of the PoA to ammunition, parts and components, and explosive material (UNGA, 2016d, para. 9; 2016c, para. 21).

Something for everyone: the BMS6 text

Since BMSs had begun focusing on specific meeting themes in 2008 (BMS3), international cooperation and assistance, and overall implementation of the ITI had been recurring topics. BMS3 added brokering controls, as well as stockpile management and surplus disposal to this list (UNGA, 2008a), while BMS4 included border controls and PoA follow-up mechanisms in its agenda (UNGA, 2010). BMS5 opted for a single additional theme, namely 'stockpile management, including physical security measures of small arms and light weapons' (UNGA, 2014b).

At BMS6 UN member states opened up the discussion of the PoA to the instrument as a whole, while highlighting the role of 'regional and subregional arrangements and organizations' in PoA implementation, as well as the implications for the PoA of the 2030 Agenda for Sustainable Development (UNGA, 2016d, s. I). The ITI segment similarly provided for a consideration of all aspects of ITI implementation, but emphasized the subject discussed at MGE2: 'recent developments in small arms and light weapons technology and their implications for the International Tracing Instrument' (s. II). The discussion of international cooperation and assistance built on preceding PoA–ITI meeting agendas and discussions to highlight two issues:

- 'the provision of training, equipment and the transfer of technology'; and
- 'the adequacy, effectiveness and sustainability of assistance' for PoA and ITI implementation (s. III).

The BMS6 discussions—and resulting outcome—also included the topic 'Other issues and topics of relevance for the effective implementation of the Programme of Action and the International Tracing Instrument' (UNGA, 2016d, s. IV). This section, a feature of BMS outcomes since BMS3, comprises issues that do not enjoy the consensus support of the UN membership, either because some states believe they fall entirely outside the scope of the PoA and ITI, or because, in their view, they were not part of the meeting agenda. Like its BMS5 counterpart, the list of 'other issues' in the BMS6 outcome is short, containing only two items. To some extent this reflects the inclusion of a few new topics in the PoA framework—for example, that of sustainable development. It also reflects the efforts states have made in recent years to incorporate controversial issues in some form in the main, agreed part of the outcome document.

The next sections review the agreed contents of the BMS6 outcome—excluding 'Other issues'—in greater detail, beginning with the provisions that focus on the PoA.

PoA measures

National regulation

The PoA section of the BMS6 outcome begins by noting the importance of national regulatory frameworks—laws, regulations, and administrative procedures—'for the full and effective implementation of the Programme of Action' (UNGA, 2016d, para. 8), echoing the basic PoA commitment in this area (UNGA, 2001b, para. II.2). The BMS6 text complements this provision by emphasizing the importance of 'inter-agency coordination, and, where they exist, national action plans' to the same end (UNGA, 2016d, paras. 8, 100).[12]

BMS5 had made reference to another means of strengthening PoA implementation, specifically the use of 'standards and guidelines' for stockpile management and security (UNGA, 2014b, paras. 12, 17f). The BMS6 outcome makes a broader reference to the use of 'standardized implementation guidelines' for the implementation of the PoA as a whole (UNGA, 2016d, para. 32), while a second provision encourages states to take advantage of regional and sub-regional initiatives in developing and sharing 'best practices and standards' that support PoA implementation (para. 44). These references are generic, not specific, since some states continue to oppose specific mention of the International Small Arms Control Standards, developed by the UN's internal mechanism for coordinating action on small arms (UNCASA, n.d.). In any case, the idea that countries can usefully draw on existing international, regional, and sub-regional guidelines and standards when implementing the PoA (and ITI) has found firm footing in the PoA process.

Stockpile management and security

Two previous BMSs had dealt fairly extensively with the subject of stockpile management and security (small arms held by national security forces).[13] The BMS6 outcome also devotes considerable attention to the issue,[14] starting with the observation that 'the inadequate management of stockpiles of small arms and light weapons remains a concern' (UNGA, 2016d, para. 16). While some of the BMS6 provisions on stockpile management cover old ground, many offer significant value added. Under paragraph 38 of the BMS6 outcome, states undertake 'to continually assess national stockpiles for surpluses and to responsibly dispose of small arms and light weapons that no longer meet operational needs, preferably through destruction' (UNGA, 2016d). This is a somewhat clearer, less equivocal formulation of the commitment originally found in the PoA (see UNGA, 2001b, para. II.18), perhaps reflecting greater awareness of the diversion and safety risks posed by excess stockpiles.[15]

The BMS6 outcome also modestly innovates in relation to the PoA by sometimes referring to the 'life-cycle management' of small arms stockpiles (UNGA, 2016d, paras. 14, 102, 109). Like the BMS5 outcome, which first used the term within the PoA framework, it does not say exactly how life-cycle management differs from the 'standards and procedures' the PoA prescribes for the management and security of small arms stockpiles (UNGA, 2001b, para. II.17).[16] Yet it hints at a broader, more holistic approach to the management of such stockpiles with a reference in paragraph 102 to 'normative frameworks, structures and procedures, training, personnel management, financing and infrastructure' (UNGA, 2016d). The same paragraph emphasizes the importance of 'building sustainable capacity' for this purpose.[17]

The BMS6 outcome adds further value to text on stockpile management previously agreed within the PoA framework by emphasizing:

- the importance of stockpile management and security for the 'transportation, movement and transfer' of small arms within a country (UNGA, 2016d, para. 15);[18]
- synergies between stockpile management and weapons marking, record-keeping, and tracing (paras. 14, 18, 66, 92, 106); and
- the potential use of new technologies for enhanced stockpile management and security (para. 18).[19]

Combating illicit trafficking

Although not a central focus of the BMS6 agenda, the BMS6 outcome pays significant attention to the subject of illicit small arms trafficking. This includes a recap of the PoA's encouragement to states and the World Customs Organization (WCO) to cooperate with the International Criminal Police Organization (INTERPOL) 'in identifying and acting against groups and individuals involved in the illicit [small arms] trade' (UNGA, 2016d, para. 54),[20] as well as language developing PoA commitments in related areas. Paragraph 75, for example, highlights the value of exchanging information on illicit brokering,[21] while paragraphs 12 and 107 emphasize 'the importance of end-use certification' to the effective control of small arms transfers—extending the PoA's reference to 'authenticated end-user certificates' (UNGA, 2001b, para. II.12) to cover the broader process of assessing declared end users and end uses before authorizing small arms exports.[22]

Building on the PoA[23] and subsequent PoA meeting text,[24] the BMS6 outcome emphasizes the importance of border controls and cross-border cooperation to counter-trafficking efforts (UNGA, 2016d, paras. 33–35, 104). It also draws attention to developments in weapons trafficking of increasing concern, namely the use of the internet to traffic small arms, the illicit conversion of replica weapons into functional weapons, and the illicit reactivation of deactivated small arms (paras. 10, 31, 37, 72).

Preventing diversion

Building on discussions dating back to MGE1 regarding PoA norms on stockpile management and the ITI,[25] the BMS6 outcome devotes significant space to the issue of small arms diversion—that is, the diversion of legal weapons to unauthorized end users and end uses. It first includes a relatively comprehensive statement of the problem. Paragraph 14 indicates that diversion can take the form of 'theft, loss and unauthorized re-export', while paragraph 37 specifies that the prevention of diversion is relevant not only to societies at peace, but also to those suffering or emerging from armed conflict.[26]

As for remedial action, in paragraph 107 states undertake 'to increase national capacity to take account of diversion risks when assessing applications for the authorization of exports of small arms and light weapons'. In preventing diversion, the BMS6 outcome also emphasizes the utility of exchanging information on 'physical stockpile management and security', 'permanent weapons deactivation', and traced weapons (UNGA, 2016d, paras. 37, 85). Expanding on a general reference to 'available tools' for information sharing in the BMS5 outcome (UNGA, 2014b, para. 27c), paragraph 89 of the BMS6 outcome makes specific reference to 'the use of web-based databases, such as those of INTERPOL'[27] in strengthening the exchange and use of information on the illicit small arms trade, 'as well as diversion to illicit markets'.

Terrorism

Following a series of terrorist attacks involving small arms in Africa, Western Europe, and the United States in 2015–16, the BMS6 outcome highlights the problem of terrorism. It recognizes the need to address the problem (UNGA, 2016d, para. 17), including at its source ('root causes'; para. 28). More specifically, UN member states link measures designed to curb diversion, such as stockpile management and permanent weapons deactivation, to counter-terrorism efforts (paras. 14, 37). They also undertake to coordinate national-level implementation of the PoA with related instruments, issues, and processes, including those concerning terrorism (para. 35), and to enhance cooperation with INTERPOL, the UN Office on Drugs and Crime (UNODC), and the UN's counter-terrorism mechanisms in combating terrorism (paras. 54, 62). They also note the importance of across-the-board PoA implementation in preventing 'the acquisition of small arms and light weapons by terrorists, thus reducing the potential impact of their attacks' (para. 30).

Crime

References to transnational organized crime in a PoA–ITI meeting outcome are nothing new, given the linkages between the implementation of the ITI (and PoA) and the UN Firearms Protocol (UNGA, 2001a)—acknowledged in paragraph 67 of the BMS6 outcome in relation to the ITI. The BMS6 text cites transnational organized crime as a concern in many of the paragraphs cited above relating to terrorism. Yet paragraph 35, in which states undertake to coordinate national-level implementation of the PoA with related instruments, issues, and processes, refers to 'organized crime' rather than 'transnational organized crime'. Underlining its application to national-level concerns as well as transnational ones, the same paragraph also refers to 'urban crime'.

Small arms control in conflict and post-conflict situations

Since the Second Review Conference, PoA–ITI meeting outcomes have put greater emphasis on the application of the PoA and ITI to conflict and post-conflict situations, including the use of the ITI for conflict tracing (see 'ITI measures' section, below). PoA measures with conflict and post-conflict applications that figure in the BMS6 outcome include stockpile management (UNGA, 2016d, para. 37) and the disarmament, demobilization, and reintegration (DDR) of ex-combatants (paras. 35, 56).

But the BMS6 outcome stresses the relevance of the PoA—and of small arms control—*generally* to conflict and post-conflict situations. Relevant contexts include UN peacekeeping missions (para. 55) and post-conflict reconstruction programmes, including peacebuilding (para. 56). The outcome specifically cites the need to assist states emerging from conflict in implementing the PoA (para. 57). The section of the outcome document on international cooperation and assistance repeats this theme, 'urg[ing] States in a position to do so to build sustainable capacity' for small arms 'identification, tracing and control' in conflict and post-conflict situations (para. 105).

Gender

In line with the Second Review Conference and BMS5 outcomes, and the broader UN agenda on women, peace, and security, the BMS6 text endorses 'the meaningful participation and representation of women in policymaking, planning and implementation processes related to the Programme of Action', citing the specific examples of 'their participation in national small arms commissions and in programmes relating to community safety and conflict prevention and resolution' (UNGA, 2016d, para. 59).[28]

The BMS6 outcome breaks new ground in the PoA process, however, by referring to the broader gender- and age-related aspects of the small arms problem ('women, men, girls and boys'; para. 58). States undertake 'to take account of the differing impacts of illicit small arms and light weapons' on these groups in small arms-related policies and programmes (para. 58), strengthening the latter through the collection of gender-disaggregated data and increased funding (paras. 60–61). Finally, paragraph 25 notes the 'implications' (adverse impacts) the illicit small arms trade has 'for the realization of several Sustainable Development Goals, including those relating to . . . gender equality'.

Ammunition: yes and no

During the negotiations on the BMS6 outcome document, several states made language proposals that included the terms 'ammunition', 'parts and components', and 'explosive material'—references that, as at past PoA meetings, other states firmly opposed. UN member states have been divided on the question of whether the PoA includes ammunition in its scope since the time of the instrument's adoption. In the absence of a definition of small arms and light weapons in the PoA, there is no correct answer to this question—although, as a practical matter, it is clear that, to be effective, control measures must extend not only to weapons, but also to their ammunition.

As it turns out, the BMS6 outcome follows the example of the BMS5 outcome by including references to risks ('accidental explosions', 'protecting the environment'; UNGA, 2016d, para. 14), investigative methods ('ballistics information and . . . databases'; para. 68),[29] and activities ('life-cycle management'; paras. 14, 102, 109) that are more relevant to ammunition than to weapons.

Most importantly, breaking with past precedent, the BMS6 outcome elects to bring the underlying disagreement about the application of the PoA to ammunition (and parts and components and explosive material) into the open. Paragraph 9 reads:

> States noted that some States apply relevant provisions of the Programme of Action to material additional to that mentioned in the International Tracing Instrument definition of small arms and light weapons, while recognizing that other States were of the view that such material was outside the scope of the Programme of Action (UNGA, 2016d).

In essence, in the absence of a definition of small arms and light weapons in the PoA, states recognize that they are free to limit their application of the instrument to the types of weapons contained in the ITI definition of small arms and light weapons—which clearly excludes ammunition from its scope—or to apply it not only to weapons, but also to such additional 'material' as ammunition, parts and components, and explosives.

While it is entirely conceivable that future PoA meetings will see the continuation of the divisive—and inconclusive—discussions of the PoA's scope, paragraph 9 of the BMS6 outcome offers the UN membership a way out of the ammunition imbroglio. Firstly, and most importantly, paragraph 9 points to an agreement to disagree on the question of the PoA's scope, thus allowing UN member states to move on to other issues. Secondly, by explicitly referring to the ITI, the paragraph arguably incorporates the ITI definition of small arms and light weapons into the PoA framework, clarifying what items states must *at a minimum* regulate when implementing the PoA.

A female member of the UN Mission in Liberia patrols the city of Buchanan, Liberia, April 2009. Source: Christopher Herwig/UN Photo

ITI measures

The PoA–ITI meeting outcomes that preceded BMS6 covered many of the basics of ITI implementation (weapons marking, record-keeping, and tracing).[30] The BMS6 text does not recap these provisions in any detail, although it does include a general commitment '[to] continue to mark, record and trace small arms and light weapons in accordance with the provisions of the [ITI]' (UNGA, 2016d, para. 77), together with an acknowledgement of the importance of 'strict national regulatory frameworks' to ITI implementation (para. 65).

The BMS6 text fails to reiterate the commitment states made in the ITI to 'designate one or more national points of contact to exchange information and act as a liaison on all matters relating to [ITI] implementation' (UNGA, 2005, para. 25).[31] UN member states were extremely slow to give effect to this commitment, with only 18 having provided the UN with the required information by mid-January 2011 (McDonald, 2011, p. 50). The Second Review Conference set a deadline of the Third Review Conference for the designation of points of contact (UNGA, 2012a, annexe II, para. 2f). The BMS5 outcome reiterated the commitment, but failed to mention the deadline (UNGA, 2014b, paras. 24, 27h). The BMS6 text mentions neither commitment nor deadline. Wilful neglect or deadline rendered moot? In fact, as of mid-January 2017, 126 UN member states had provided the UN Office for Disarmament Affairs with point of contact information for the ITI (UNODA, n.d.)—a huge improvement over the January 2011 total.

Despite these advances, the UN membership has mostly ignored its other major commitment for ITI-related information exchange, namely the provision of information on 'national marking practices related to markings used to indicate country of manufacture and/or country of import as applicable' (UNGA, 2005, para. 31b). This information is as important as that on national points of contact. A country that seeks to trace a small arm or light weapon must first, based on the weapon's markings, identify the country of manufacture or, where applicable, the country of last legal import—the starting point for its trace.

After noting that 'only a few States' have provided information on national marking practices in their national reports, the October 2016 report of the UN Secretary-General on small arms recommends 'that this information be collected within INTERPOL' (UNGA, 2016e, p. 9, Recommendation 3).[32] The report makes a similar suggestion for ITI point of contact information (p. 9, Recommendation 2).[33] States could in fact use the PoA's Third Review Conference to approve both recommendations, taking advantage of existing international mechanisms to give the ITI a stronger operational footing.

In general, the ITI section of the BMS6 outcome concentrates on issues that the UN membership has focused on since the time of MGE1 and the Second Review Conference. These include the accurate identification of a small arm or light weapon as a prerequisite for tracing (UNGA, 2016d, paras. 70, 73, 87, 105), as well as the tracing of small arms in conflict and post-conflict situations (paras. 74–75, 82–84, 105). Given their relevance to both the PoA and ITI, some of the newer issues, such as the exchange and use of tracing information and recent developments in small arms manufacturing, technology, and design, are discussed in the next section of this paper. The fact is that many of the measures taken to implement the ITI will reinforce the implementation of the PoA. The ITI section of the BMS6 outcome makes this point in relation to stockpile management and security (paras. 66, 106) and in relation to small arms control in general (paras. 64–65, 86, 88).

Strengthening PoA and ITI implementation: cross-cutting issues

The BMS6 outcome includes several types of measures that cut across the PoA and ITI sections of the document, serving to strengthen the implementation of both instruments.

Implementation synergies

Although it covers a relatively wide range of small arms-related issues, the PoA is part of a broader framework for conventional arms control that complements and expands on PoA norms.[34] For this reason, much of the BMS6 outcome highlights the 'linkages' (UNGA, 2016d, paras. 22, 67), 'complementarities' (para. 36), and 'synergies' (para. 45) that exist between the PoA and ITI, on the one hand, and related instruments, organizations, issues, and processes, on the other.[35]

Regarding related instruments, while the BMS6 text mentions the UN Firearms Protocol by name, noting the 'linkages between the implementation of the [ITI] and the Protocol' (para. 67), other related instruments—such as the ATT at the global level, and 'relevant' sub-regional and regional instruments—are not named (paras. 22, 35–36, 40).

The organizations and entities cited in the synergies provisions include, first and foremost, INTERPOL (paras. 54, 83, 87, 89), which is in fact mentioned in the text of the ITI itself,[36] but also WCO (para. 54)[37] and, within the UN system, the regional centres for peace and disarmament (paras. 44, 48), UN peacekeeping missions (para. 55), UN counter-terrorism mechanisms (para. 62), and UNODC (para. 62).[38]

As for 'related issues and processes', paragraph 35 of the outcome document cites:

- DDR;
- border controls;
- organized crime;
- terrorism;
- urban crime;
- 'relevant resolutions of the United Nations'; and
- 'related capacity-building initiatives'.[39]

Further, paragraph 62 of the document refers to the related issue of drug trafficking, while paragraph 59 promotes 'the meaningful participation and representation of women' in PoA-related processes, including 'programmes relating to community safety and conflict prevention and resolution'.

In practical terms, such synergies can involve:

- 'minimiz[ing] administrative reporting burdens' (para. 40);
- 'avoiding the duplication of efforts' in PoA implementation (para. 46);
- identifying 'areas of comparative advantage in assisting States in combating the illicit [small arms] trade' (para. 47); and
- coordinating the development of assistance proposals (para. 49).

Generally, the emphasis in the synergies provisions is on 'cooperation, coordination and information-sharing' (paras. 43, 46). The next section examines the latter theme in greater detail, given its prominence in the BMS6 outcome.

Information exchange

The exchange of information allows states, multilateral organizations, and other stakeholders to identify small arms-related problems and draw on collective knowledge and experience in addressing them. The BMS6 text emphasizes the importance of sharing the following types of information:

- standards and practices used to combat the illicit small arms trade (UNGA, 2016d, paras. 20, 44);

French gendarmes from UNPOL examine a Kalashnikov-pattern rifle recovered from terrorists after an attack at the Radisson Blu hotel in Bamako, Mali, November 2015. Source: Sebastien Rieussec/AFP Photo

- 'best practices in physical stockpile management and security, as well as in permanent weapons deactivation' (para. 37);
- 'tracing information'/'tracing results' (paras. 75, 82, 85, 88);
- information on the illicit small arms trade, including diversion and illicit brokering (paras. 75, 84, 88–89); and
- 'information on assistance projects, including lessons learned and best practices' (para. 117).

In broad terms, the BMS6 outcome frames the purposes of such information exchange as those of combating the illicit small arms trade (paras. 75, 104) and supporting PoA implementation (para. 43). Yet it also cites several more specific objectives:

- preventing diversion (paras. 37, 85);
- identifying 'trends and patterns' in the illicit small arms trade (para. 88); and
- 'avoiding the duplication of efforts in implementing the [PoA]' (para. 46).

Much of the text on information exchange is process-oriented, with a focus on the improved coordination of sub-regional-, regional-, and global-level action (paras. 43–46, 50). But in this area the BMS6 text also:

- highlights the role of web-based databases, including those of INTERPOL,[40] in strengthening the exchange and use of information on the illicit small arms trade (para. 89);
- promotes the sharing of information, including tracing information, in con-

flict and post-conflict situations (paras. 75, 82, 84); and
- urges, where required, the building of capacity for enhanced information exchange (paras. 82, 104).

Synergies with the SDGs

With the adoption of the 2030 Agenda for Sustainable Development and accompanying SDGs in September 2015 (UNGA, 2015a), UN member states explicitly linked sustainable development to peace and security (Goal 16),[41] identifying illicit arms flows as one of the factors driving underdevelopment (Target 16.4).[42] BMS6—the first PoA meeting to follow the adoption of the 2030 Agenda—offered the UN membership an initial opportunity to assess the implications of the SDGs for the UN small arms process.

In the event, the BMS6 outcome acknowledges the development–security relationship in general terms (UNGA, 2016d, para. 24)[43] and through more specific references to the illicit small arms trade (para. 25) and PoA/ITI implementation (paras. 26, 99, 101), with the outcome document specifically underlining the importance of PoA and ITI implementation to the achievement of Goal 16 and Target 16.4 (para. 26).

The BMS6 text also makes several references to 'indicators' designed to measure progress made in achieving the SDGs. This includes an implicit reference to the global indicator for the weapons component of Target 16.4, Indicator 16.4.2, which at the time focused on the recording and tracing of seized small arms and light weapons (UNGA, 2016d, para. 108).[44]

The BMS6 outcome also encourages the development of national-level indicators, based on the PoA and ITI, in order to track progress made in curbing illicit arms flows in line with Target 16.4 (para. 27)[45]—and with the PoA and ITI. Indeed, since the aims of the PoA/ITI and Target 16.4 are entirely convergent, it is hardly surprising that the BMS6 outcome highlights the synergies between PoA/ITI reporting and data collection for 'relevant [SDG] indicators' (paras. 53, 76).[46]

The PoA itself refers to the relationship between sustainable development and illicit small arms,[47] yet, in practice, throughout most of its life, the UN small arms process has focused on arms control, showing little interest in distinct but related issues and processes.[48] Language in the BMS6 outcome linking sustainable development with security—and the implementation of the SDGs with PoA implementation—is therefore significant. The adoption of the SDGs by all UN member states[49] has allowed the UN small arms process to clearly and unanimously acknowledge the development–security relationship and, at least potentially, act to strengthen not only the PoA process, but also efforts to achieve the SDGs.

Reporting

National reports on PoA/ITI implementation, submitted in conjunction with BMSs and Review Conferences—every two years—are a critical source of information on the efforts of the UN membership to implement the PoA and ITI. As in previous PoA meeting outcome documents, language on PoA/ITI reporting features in the BMS6 text. It includes the observation 'that national reports can be used to identify assistance needs and match them with available resources and expertise' (UNGA, 2016d, para. 96),[50] as well as the (qualified)[51] commitment to submit such reports for the next PoA meeting, in this case the Third Review Conference (para. 39).

More noteworthy is the outcome document's emphasis on the measurement of progress in implementation, including through reporting (paras. 19, 42, 51). Under paragraph 42 the UN membership mandates the Secretariat, using national reports and other sources of information, 'to examine . . . implementation trends, challenges and opportunities relating to' the PoA and ITI. This analysis is framed as an input to the Third Review Conference, but the continuation of the exercise after the Review Conference is left open; the conference itself is to decide on 'appropriate follow-up' to the initial study (para. 42).

As seen elsewhere in the document, the BMS6 outcome also highlights potential

synergies between PoA/ITI reporting and reporting under other instruments, in particular the 2030 Agenda for Sustainable Development (UNGA, 2016d, paras. 40–41, 53, 76, 108).

New technologies

The use of new technologies in small arms design and manufacture, although not always that new,[52] became part of the UN small arms agenda only recently. MGE1 (2011) called attention to two issues:

- the difficulty of durably marking polymer-frame guns; and
- the challenges posed by modular weapons design to unique identification and tracing.

To these issues, MGE2 (2015) added two others:

- the 3D printing[53] of small arms and light weapons; and
- the opportunities offered by new technology for enhanced small arms control.[54]

Diplomatic discussions on these developments at the Second Review Conference (2012) and BMS5 (2014) did not result in agreed steps forward. The outcome of MGE2, a chair's summary, was not agreed by UN member states (Moldova, 2015); yet, even within this framework the question of how to meet the new challenges was mostly left pending. The MGE2 chair's summary contains many important observations, but relatively few policy recommendations.[55]

Like its predecessors, the BMS6 outcome notes that recent developments in small arms manufacturing, technology, and design have implications for the implementation of the PoA and ITI (UNGA, 2016d, paras. 6, 21, 71). In comparison with preceding PoA meetings, it puts greater emphasis on the fulfilment of existing commitments—especially those on small arms marking, record-keeping, and tracing—irrespective of such developments (paras. 69–70, 81). At the same time, paragraph 80 urges increased assistance 'to developing countries in order to bridge the technological divide between States, where it exists, in small arms and light weapons marking, record-keeping and tracing systems'.

The BMS6 outcome document mentions each of the four issues that have formed part of this agenda since MGE2: polymer frames (para. 69), modular weapons (para. 70), 3D printing (paras. 21, 69, 71, 81), and opportunities for strengthened small arms control (para.

18). It also echoes the call—made in the BMS5 outcome, for example[56]—for enhanced dialogue with the small arms industry on issues such as 'effective marking' (UNGA, 2016d, para. 79). But, once again, the BMS6 outcome is long on general acknowledgements of a problem, short on specific policy prescriptions. As before, the BMS6 outcome basically kicks the can down the road, putting the issue of new technologies on the agenda of the Third Review Conference (paras. 63, 90).

International assistance

Section III of the BMS6 outcome aims at building capacity for PoA and ITI implementation through the provision of international assistance, an issue that is also addressed in the PoA and ITI sections of the outcome (UNGA, 2016d, ss. I–II).[57] Although section III refers to both 'international cooperation' and 'assistance' in its title, its focus is on assistance that supports PoA and ITI implementation,[58] revisiting and developing specific themes found in the outcomes of the Second Review Conference and BMS5.[59]

Training, equipment, and technology transfer

As reflected in the BMS6 agenda and section III.A of the outcome document, the first of these themes is 'the provision of training, equipment and the transfer of technology' (UNGA, 2016a; 2016d). Regarding training, the BMS6 text emphasizes its importance in building sustainable capacity for small arms control, including in conflict and post-conflict situations (paras. 91–92, 102, 105). Likewise, it notes the need to ensure that 'cooperation and assistance programmes . . . provide for . . . the establishment of personnel career structures that retain, sustain and strengthen knowledge and skills in recipient States' (para. 91). And it links training to the provision of technology and equipment, including related 'maintenance capacity', that are essential to effective PoA and ITI implementation (para. 111).

In a similar vein, the BMS6 text stresses 'the importance of the transfer of technology and equipment' in responding to assistance needs (para. 93).[60] In certain cases, such as cooperation in combating the illicit cross-border trade, as

A view of the General Assembly Hall during the UN summit for the adoption of the 2030 Agenda for Sustainable Development.
Source: Loey Felipe/UN Photo

well as the life-cycle management of small arms stockpiles, capacity building depends on 'the provision of related equipment' (paras. 104, 109). The outcome document further emphasizes the need to provide not only the necessary equipment, but also the capacity to maintain it (paras. 92–93, 109, 111). Paragraph 110 spells out the need for transferred technology and equipment to be sustainable, as well as suitable[61]—echoing what is arguably the key message in the BMS6 international assistance section.

The adequacy, effectiveness, and sustainability of assistance

The second BMS6 theme relating to international assistance concerns its 'adequacy, effectiveness and sustainability' (UNGA, 2016a; 2016d, s. III.B). As expressed in the BMS6 outcome, the aim is to ensure the sustainability of both inputs ('continued and sustainable financial and technical assistance') and outputs ('sustainable outcomes and impacts') (paras. 91, 101). Sustainability can be strengthened by prioritizing it in programme design and implementation (paras. 91, 97)

and by ensuring the national ownership of assistance programmes, including through the use of developing-country expertise and the provision of resources by the recipient country (paras. 91, 95, 113–14).

The BMS6 text encourages—and sometimes 'urge[s]'—the building of sustainable capacity for:

- the life-cycle management of small arms stockpiles (paras. 102, 109);[62]
- 'enhanced information exchange and cooperation for the purpose of combating the illicit cross-border trade' (para. 104);
- 'the identification, tracing and control of small arms and light weapons in conflict and post-conflict situations' (para. 105); and
- reporting on 'small arms and light weapons that have been seized and which have been recorded and traced' (para. 108).[63]

While much of section III of the BMS6 outcome aims at ensuring the sustainability of international assistance,[64] the document also highlights opportunities for enhancing its effectiveness, for exam-

ple by avoiding duplication and maximizing synergies when designing assistance programmes, and by strengthening the measurability of assistance frameworks (paras. 103, 116).

Assistance synergies and follow-up

Along with other parts of the BMS6 outcome, the international assistance section stresses potential synergies in the development, implementation, and assessment of assistance projects (UNGA, 2016d, paras. 35, 49, 99, 103, 106, 112, 117). These exist in relation to the SDGs (para. 99), between the PoA and ITI (para. 106), among donors, between donors and recipients, and across different branches of government (para. 112).

The BMS6 assistance text also features several provisions on follow-up. Next steps include updates to existing UN reports for the Third Review Conference (paras. 119a–b).[65] The BMS6 outcome also puts the two principal themes considered at BMS6 in relation to international assistance, discussed above, on the agenda of the Third Review Conference (para. 120).

Taking the measure of the meeting

What result?

The preceding sections have already answered the question of whether BMS6 adds anything to the growing list of PoA meeting outcomes—and to the UN small arms framework more generally. In the event, the BMS6 text further develops elements of practical PoA and ITI implementation that featured in earlier PoA meeting outcomes, including the application of the PoA and ITI to the prevention of small arms diversion, the fight against terrorism, and the promotion of security during and after armed conflict. The BMS6 text also does more than its predecessors to draw connections between the UN small arms instruments and related instruments, organizations, issues, and processes—stressing opportunities for strengthened implementation through improved cooperation, coordination, and information exchange. At the same time, the BMS6 outcome breaks fresh ground by connecting the UN small arms process with the SDGs, and by highlighting the importance of new forms of small arms trafficking and of gender.

More specifically, sources of value added in the BMS6 outcome include:

- the encouragement of the use and development of multilateral guide-

lines and standards for PoA and ITI implementation (UNGA, 2016d, paras. 32, 44);

- the unqualified commitment 'to continually assess national stockpiles for surpluses' (para. 38);
- increased emphasis on a more holistic (life-cycle) approach to the management of small arms stockpiles (paras. 14, 102, 109);
- the identification of important synergies between stockpile management; weapons marking, record-keeping, and tracing; and small arms control generally (paras. 14, 18, 64, 66, 92, 106);
- the extension of the PoA reference to 'authenticated end-user certificates' (UNGA, 2001b, para. II.12) to cover the broader process of assessing declared end users and end uses before authorizing the export of small arms ('end-use certification') (UNGA, 2016d, paras. 12, 107);
- a new focus on recent developments in weapons trafficking, including the use of the internet, the illicit conversion of replica small arms into functional small arms, and the illicit reactivation of deactivated small arms (paras. 10, 31, 37, 72);
- the enumeration of practical steps for the sharing of information on diversion and diversion risks (paras. 37, 85, 89);
- the application of the PoA to counter-terrorism efforts, in particular measures designed to curb diversion and international cooperation on illicit small arms (paras. 14, 37, 54, 62);
- increased emphasis on the relevance of the PoA, ITI, and small arms control generally to conflict and post-conflict situations (paras. 37, 55–57, 74–75, 82–84, 105);
- recognition of the gender component of small arms problems and solutions (paras. 25, 58–61);
- increased attention to the synergies between the UN small arms instruments and related instruments, organizations, issues, and processes, with specific emphasis on cooperation, coordination, and information sharing (see 'Implementation synergies' and 'Information exchange' sections, above);
- the acknowledgement of synergies between PoA–ITI implementation and the achievement of SDG 16 and SDG Target 16.4, including in relation to reporting, data collection, and national-level indicators of progress made in implementation (see 'Synergies with the SDGs' section, above);
- greater attention to the use of national PoA/ITI reports and other sources of

information to measure progress made in PoA and ITI implementation (UNGA, 2016d, paras. 19, 42, 51); and

- the further development of themes relating to international assistance found in preceding PoA meeting outcomes, with particular emphasis on ensuring the sustainability of international assistance (inputs and outputs/outcomes/impacts) (see 'International assistance' section, above).

Inevitably, BMS6 had its share of difficulties. Issues such as the application of the PoA to ammunition and potential synergies with the ATT remained politically fraught. Nor was the meeting able to come to grips in a meaningful way with the new challenges now confronting small arms control efforts, whether relating to means and methods of production (polymer-frame marking, modular weapons, 3D printing) or to modes of trafficking (the use of the internet, and illicit conversion and reactivation). Yet, despite these limitations, BMS6 has clearly strengthened the UN framework for small arms control and fulfilled what many saw as its primary task, namely to prepare 'the ground for a substantive, forward-looking' Third Review Conference (UNGA, 2016d, para. 7).

The road to the Third Review Conference

BMS6 has given the Third Review Conference several specific mandates, beginning with the consideration of the 'implications . . . of recent developments in small arms and light weapons manufacturing, technology and design' for PoA and ITI implementation (UNGA, 2016d, paras. 63, 90). As noted earlier, this issue has figured in PoA discussions since 2011 (MGE1), but the UN membership has yet to indicate how it will respond to these challenges. This will be one important marker of the success of the Third Review Conference—the extent to which it elaborates specific solutions to developments such as polymer gun frames (marking), modular weapons (marking, record-keeping, and tracing), and 3D-printed small arms (control).

The BMS6 outcome also puts the question of national reporting on the agenda of the Third Review Conference—not only the submission of national reports on PoA (and ITI) implementation in time for the Third Review Conference (para. 39),[66] but also 'appropriate follow-up' to the examination of 'implementation trends, challenges and opportunities' that the UN Secretariat is to present to the conference, based on national reports and other sources of information (para. 42).

Finally, as mentioned above, the BMS6 text calls for an update of existing UN reports on international assistance and puts the two principal themes considered at BMS6 in relation to assistance on the agenda of the Third Review Conference (paras. 119a–b, 120).[67]

Beyond these specific mandates, the Third Review Conference can look to the BMS6 outcome for a range of subjects that could be further developed and operationalized. They include:

- the life-cycle management of small arms stockpiles (see UNGA, 2016d, paras. 14, 102, 109);
- addressing new types of illicit trafficking, including those involving the internet or the illicit conversion/reactivation of replica/deactivated small arms (see paras. 10, 31, 37, 72);
- the counter-terrorism applications of the PoA and ITI (see paras. 14, 17, 28, 30, 35, 37, 54, 62);
- the conflict/post-conflict applications of the PoA and ITI (see paras. 37, 55–57, 74–75, 82–84, 105);
- the gender component of small arms problems and solutions (paras. 25, 58–61);
- synergies between the UN small arms instruments and other instruments, organizations, issues, and processes (see 'Implementation synergies' and 'Information exchange' sections, above);
- synergies between PoA–ITI implementation and the SDGs (see 'Synergies with the SDGs' section, above);
- the measurement of progress made in PoA and ITI implementation (see UNGA, 2016d, paras. 19, 42, 51);
- international assistance, in particular the sustainability of assistance (see 'International assistance' section, above); and
- international cooperation, including cooperation with INTERPOL, the WCO, relevant UN bodies, and regional and sub-regional organizations (see 'Implementation synergies' and 'Information exchange' sections, above).

While many of the topics outlined above originated in the discussions—and agreed outcomes—of the Second Review Conference and BMS5, the latter meetings also provide the Third Review Conference with several independent inputs. These include the subject of stockpile management and security in general, discussed in some depth at BMS5, as well as the exchange and use of tracing information.[68] In addition, the Third Review Conference will need to determine what types of meetings will be held during the period leading from the Third to the Fourth Review Conference and when—whether

the schedule of two BMSs and one MGE agreed at the Second Review Conference for 2012–18 or something different.

As noted earlier, at the Third Review Conference UN member states will also have before them the UN Secretary-General's recommendation that INTERPOL collect information regarding national points of contact and national marking practices that UN member states have committed to provide under the ITI.[69]

Finally, the Third Review Conference may need to wrestle with one or more of the politically sensitive issues that featured most recently at BMS6. As argued earlier, based on paragraph 9 of the BMS6 outcome, the UN membership could agree to disagree on the question of the PoA's application to ammunition and move on to other issues—or not.

The ATT is another source of potential controversy at the Third Review Conference. Political tensions notwithstanding, the ATT and PoA complement each other. The ATT translates the PoA's general commitments on export control into more specific, legally binding form. At the same time, the PoA (and ITI) add value to the ATT in areas where the latter is relatively weak, such as end-user certification (the prevention of diversion), the regulation of import and transit, and record-keeping.[70] A recognition of this relationship within the UN small arms framework could help countries that are, or plan to become, ATT States Parties implement the ATT and PoA in a coordinated manner— streamlining changes to national norms and systems, spurring the adoption of the most effective standards, and mobilizing international support for such efforts.

Conclusion

The PoA meetings that have been held during the current 2012–18 cycle, in particular BMS6, provide the Third Review Conference with a solid platform for the next phase of global activity on small arms. The conference faces two main tasks.

The first is to further strengthen the implementation of UN small arms norms. Despite the PoA's importance as a catalyst for action, many of its commitments are vague, offering little guidance as to what, exactly, states need to do to achieve specified ends (see McDonald, 2011, p. 56). The BMS6 outcome's encouragement to use and develop multilateral guidelines and standards for PoA–ITI implementation is one solution to the PoA's lack of operational specificity. Another is to incorporate the necessary guidance in agreed meeting outcomes, as BMS6 and its predecessors have begun to do. The Third Review Conference can do more to operationalize PoA and ITI norms in the

areas mentioned earlier in the paper, such as counter-terrorism, small arms control in conflict and post-conflict situations, and the prevention of diversion throughout the small arm/light weapon life cycle.

International cooperation and assistance will also be central to strengthened PoA–ITI implementation. To this end, recent PoA meeting outcomes have underlined the need 'to ensure the adequacy, effectiveness and sustainability of assistance' (UNGA, 2016d, s. III.B title). International cooperation on small arms can be developed further. Effective implementation will also depend on the extent to which gender- and age-related considerations are taken into account in small arms-related policies and programmes.

At the same time, strengthened PoA and ITI implementation involves recognizing and taking advantage of synergies between different types of control measures (stockpile management and record-keeping, for example) and between the UN small arms instruments and related instruments, organizations, issues, and processes, including the SDGs.

With their focus on measurement,[71] the SDGs could help the UN small arms process address its long-standing measurement gap, which, among other things, means that PoA review conferences cannot really 'review progress made in the implementation' of the PoA and ITI in accordance with the original PoA mandate (UNGA, 2001b, para. IV.1.a). As emphasized in the BMS6 outcome, achieving a significant reduction in illicit arms flows by 2030, in line with Target 16.4, will depend on 'the full and effective implementation' of the PoA and ITI (UNGA, 2015a; 2016d, para. 26). In other words, if states are to track progress made in implementing Target 16.4, they will need to measure the pace—and impact—of PoA and ITI implementation.[72]

The second main task for the Third Review Conference is to ensure that the UN small arms framework remains relevant in the face of new security challenges— and opportunities. This means addressing recent developments in small arms manufacturing, technology, and design that complicate weapons tracing and control. It also requires closing the regulatory gaps that new modes of small arms trafficking now exploit.

Finally, ensuring the UN framework's continued relevance will mean making common cause with new instruments and processes, such as the ATT and SDGs— coordinating implementation in order to maximize peace and security gains at the lowest possible cost. Clearly, this will be a key imperative for the Third Review Conference—to look outside the confines of the UN small arms process, as drawn to date, in order to meet new challenges and find new energy and inspiration. ●

List of abbreviations

ATT
Arms Trade Treaty

BMS
Biennial Meeting of States 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

DDR
Disarmament, demobilization, and reintegration

INTERPOL
International Criminal Police Organization

ITI
International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

MGE
Open-ended Meeting of Governmental Experts

PoA
Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Review Conference
United Nations Conference to Review Progress Made in 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

SDG
Sustainable Development Goal

UNODC
UN Office on Drugs and Crime

WCO
World Customs Organization

Notes

1   Full title: Sixth Biennial Meeting of States 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.

2   Full title: Third United Nations Conference to Review Progress Made in 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.

3   See UNGA (2001b, para. IV.1.b; 2012a, annexe I, para. III.1; 2012b, para. 5). This mandate was 'recall[ed]' in UNGA (2015b, para. 6).

4   Political representatives of UN member states are the main participants in BMSs and review conferences. These meetings set priorities for PoA and ITI implementation (BMSs and review conferences) and development (review conferences). Open-ended meetings of governmental experts are, as the name indicates, expert led and focused on the exchange of information concerning 'implementation challenges and opportunities' rather than the negotiation of agreed meeting text (UNGA, 2008b, para. 13).

5   For an overview of PoA-related developments, specifically since BMS5 (2014), see UNGA (2016e, paras. 20–28).

6 Ambassador Rattray convened a total of eight informal consultations in advance of BMS6: seven at UN headquarters in New York and one at the UN Office at Geneva.

7 See also Čekuolis (2008) for a presentation of the working method developed for use at BMS3 and applied, with minor modifications, to subsequent BMSs and other PoA meetings.

8 See also Jamaica (2016f; 2016h).

9 The working papers can be accessed at UNODA (n.d. [2016]).

10 'Draft 4' was also issued as a UN document in all of the UN's six official languages (Jamaica, 2016j).

11 As indicated earlier, this was decided at an early stage. See Jamaica (2015a; 2015b; 2016a).

12 The PoA broaches the subject of inter-agency coordination in somewhat narrower terms (UNGA, 2001b, para. II.4). It was not until MGE1 and the Second Review Conference (2011 and 2012, respectively) that states began to emphasize the issue, especially in relation to the ITI. See McDonald (2012, pp. 7–9; 2013, p. 172). The PoA does not mention national action plans. At MGE1 states that had developed such plans stressed their value to the coordination across government of ITI implementation. See McDonald (2012, pp. 8–9). The outcome document of the Second Review Conference followed up with several explicit references to national action plans. See McDonald (2013, pp. 169–70); UNGA (2012a, annexe I, paras. I.7, II.2.l, II.3.c).

13 See UNGA (2008a; 2014b).

14 See UNGA (2016d, paras. 13–16, 18, 37–38, 66, 92, 102, 106, 109).

15 See, for example, UNGA (2016d, para. 14).

16 See also McDonald (2015, p. 4).

17 See also UNGA (2016d, paras. 92, 109).

18 The PoA mentions the need to manage and secure small arms 'transported by operational units or authorized personnel' (UNGA, 2001b, para. II.17).

19 See also UNGA (2016d, para. 63).

20 Compare UNGA (2001b, para. II.37). The reference in paragraph 54 of the BMS6 outcome to 'illegal armed groups, terrorists and other unauthorized recipients' reproduces language in the BMS5 outcome (UNGA, 2014b).

21 See also UNGA (2016d, para. 11).

22 Proposals for broader references to 'end-user certification' were made during the PoA's First Review Conference, but, given the failure of the meeting to agree on a substantive outcome, were not taken up. See McDonald, Hasan, and Stevenson (2007, p. 123).

23 See UNGA (2001b, para. II.27).

24 See, for example, UNGA (2012a, annexe I, s. I, paras. 12–13, s. II, paras. 2c, 3e; 2014b, paras. 33, 38k).

25 See McDonald (2015, p. 6).

26 In part, BMS6 language on the diversion repeats BMS5 references to the diversion of small arms and light weapons 'to the illicit trade, illegal armed groups, terrorists and other unauthorized recipients' (UNGA, 2014b, paras. 6, 11, 13, 17a, 18, 27a–c), changing the BMS5 reference to 'the illicit trade' to 'illicit markets' (UNGA, 2016d, paras. 14, 37). The BMS6 outcome also uses the term 'illicit markets' on its own in three other provisions relating to diversion (paras. 16, 85, 89).

27 The provision mentions two databases, namely INTERPOL (n.d.a; n.d.b).

28 Regarding the Second Review Conference and BMS5 outcomes, see UNGA (2012a, annexe I, paras. I.14, II.2.i; 2014b, paras. 10, 17d, 31).

29 See also para. 89, which refers to the INTERPOL Ballistic Information Network (INTERPOL, n.d.b).

30 See UNGA (2008a; 2010).

31 See also UNGA (2005, paras. 31–32).

32 While the report cites three different INTERPOL information systems for firearms, logically information on national marking practices would be located in the INTERPOL Firearms Reference Table, which, based on the Canadian Firearms Reference Table, provides detailed information on a wide range of firearm models, including firearm markings, thus allowing a weapon to be uniquely identified and traced (INTERPOL, n.d.c).

33 In this case, the report refers both to the INTERPOL national contact network ('national central bureaus') and to the Online Directory of Competent National Authorities established for the UN Convention against Transnational Organized Crime, including its Firearms Protocol (UNGA, 2001a; 2016e, p. 9, Recommendation 2; UNODC, n.d.).

34 For more on the global framework, see Parker with Wilson (2016).

35 See the 'ITI measures' section, above, on the question of synergies between the implementation of the ITI and PoA.

36 See UNGA (2005, paras. 33–35).

37 WCO activities on small arms trafficking are summarized in WCO (n.d.).

38 Regarding the UN, see also UNGA (2016d, paras. 35, 82, 84).

39 See the preceding sections of the Briefing Paper regarding BMS6 provisions on DDR, border controls, crime, and terrorism. '[R]elevant resolutions of the United Nations' refers, among other things, to the UN's women, peace, and security agenda (see the 'PoA measures', 'Gender' subsection, above) and small arms control, including tracing, in conflict and post-conflict situations (see the 'PoA measures' and 'ITI measures' sections, above).

40 See INTERPOL (n.d.a; n.d.b).

41 See also UNGA (2015a, para. 35).

42 Under SDG Target 16.4, UN member states resolve, 'by 2030, [to] significantly reduce illicit . . . arms flows' (UNGA, 2015a).

43 This paragraph repeats paragraph 35 of the 2030 Agenda (UNGA, 2015a).

44 See McDonald and De Martino (2016) for the language of Indicator 16.4.2 at the time of BMS6. The UN General Assembly adopted a slightly modified version of the indicator a year later, in July 2017. See UNGA (2017).

45 Under the 2030 Agenda, states are to develop national-level indicators in order to complement global indicators, such as Indicator 16.4.2, in assessing progress made in the implementation of the SDGs and targets (UNGA, 2015a, para. 75). See also De Martino and Atwood (2015, pp. 2–3).

46 On PoA–SDG reporting synergies, see also UNGA (2016d, paras. 40–41).

47 See UNGA (2001b, paras. I.2–3, I.15, III.17).

48 The relationship between development and small arms was among the controversial issues that doomed the PoA's First Review Conference in 2006. See McDonald, Hasan, and Stevenson (2007, p. 125).

49 See UN (2015).

50 Compare UNGA (2008a, paras. 3, 7d, 7i, 27f).

51 In line with the PoA, paragraph 39 refers to the 'voluntary' nature of PoA reporting (UNGA, 2016d). See UNGA (2001b, para. II.33). No such reservation exists in the ITI, however, which declares that 'States will report on a biennial basis . . . on their implementation of this instrument' (UNGA, 2005, para. 36).

52 See King and McDonald (2015).

53 Also known as 'additive manufacturing'. See Jenzen-Jones (2015).

54 For more on each of these issues, see King and McDonald (2015); UNGA (2014a; 2016e).

55 See Moldova (2015, s. F). The summary, based on the MGE2 discussions, presents options for such things as the durable marking of polymer-frame weapons (see para. 51). Yet, on this point and others, the conclusion is often that 'further guidance' on the matter is needed (para. 51).

56 See UNGA (2014b, para. 47).

57 Regarding sections I and II, see UNGA (2016d, paras. 35, 49, 57, 60–61, 68, 78, 80, 82–83).

58 See the 'PoA measures', 'ITI measures', and 'Strengthening PoA and ITI implementation: cross-cutting issues' sections, above, regarding the provisions of the BMS6 outcome that relate to international cooperation.

59 With respect to the Second Review Conference, see UNGA (2012a, annexe I, para. II.5.e; annexe II, paras. 3c, 3i). With respect to BMS5, see UNGA (2014b, paras. 28–29, 36–37, 38a–d, 38.n.i).

60 See also UNGA (2016d, paras. 92, 111).

61 See also UNGA (2016d, paras. 104, 109).

62 See also UNGA (2016d, para. 92).

63 This provision mirrors the language of SDG Indicator 16.4.2 as then formulated. For more information, see McDonald and De Martino (2016).

64 See UNGA (2016d, paras. 91–93, 95, 97, 101–2, 104–5, 108–11, 113–14).

65 Relevant UN reports include UNGA (2016e, s. IV).

66 The UN Secretariat has set 12 February 2018 as the deadline for the submission of national reports in advance of the Third Review Conference (UNODA, n.d. [2017]).

67 As discussed earlier, these themes are: 'the provision of training, equipment and the transfer of technology, as well as ways to ensure the adequacy, effectiveness and sustainability of assistance for the implementation of the Programme of Action and the International Tracing Instrument, including financial and technical assistance' (UNGA, 2016d, para. 120).

68 See McDonald (2015, pp. 4–6).

69 See 'ITI measures' section, above; UNGA (2016e, p. 9, Recommendations 2–3).

70 See Parker with Wilson (2016, pp. 72–73).

71 See UNGA (2015a, paras. 47–48, 75).

72 See McDonald and De Martino (2016).

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