

# HANDBOOK

## A Guide to the UN Small Arms Process

2016 Update

Sarah Parker with Marcus Wilson



Federal Foreign Office



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## About the Small Arms Survey

The Small Arms Survey is a global centre of excellence whose mandate is to generate impartial, evidence-based, and policy-relevant knowledge on all aspects of small arms and armed violence. It is the principal international source of expertise, information, and analysis on small arms and armed violence issues, and acts as a resource for governments, policy-makers, researchers, and civil society. It is located in Geneva, Switzerland, at the Graduate Institute of International and Development Studies.

Established in 1999, the Survey is supported by the Swiss Federal Department of Foreign Affairs and current or recent contributions from the Governments of Australia, Belgium, Denmark, Finland, France, Germany, the Netherlands, New Zealand, Norway, Sweden, the United Kingdom, and the United States, as well as from the European Union. The centre is grateful for past support received from the Governments of Canada and Spain, as well as from foundations and many bodies within the UN system.

The Survey has an international staff with expertise in security studies, political science, law, economics, development studies, sociology, and criminology, and collaborates with a network of researchers, partner institutions, non-governmental organizations, and governments in more than 50 countries.

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## Frequently Used Acronyms

<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ATF</b>	United States Bureau of Alcohol, Tobacco, Firearms and Explosives
<b>ATGW</b>	Anti-tank guided weapon
<b>ATT</b>	Arms Trade Treaty
<b>AU</b>	African Union
<b>BMS</b>	Biennial meeting of states
<b>CARICOM</b>	Caribbean Community and Common Market
<b>CASA</b>	Coordinating Action on Small Arms
<b>CD</b>	Conference on Disarmament
<b>CIFTA</b>	Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials
<b>CTBT</b>	Comprehensive Nuclear Test-Ban Treaty
<b>DDR</b>	Disarmament, demobilization, and reintegration
<b>DVC</b>	Delivery verification certificate
<b>EAPCCO</b>	Eastern Africa Police Chiefs Cooperation Organisation
<b>ECCAS</b>	Economic Community of Central African States
<b>ECOSOC</b>	United Nations Economic and Social Council
<b>ECOWAS</b>	Economic Community of West African States
<b>EU</b>	European Union
<b>EUC</b>	End-use(r) certificate
<b>GGE</b>	Group of Governmental Experts
<b>IANSA</b>	International Action Network on Small Arms
<b>IATG</b>	International Ammunition Technical Guidelines
<b>IIC</b>	International import certificate
<b>INTERPOL</b>	International Criminal Police Organization
<b>ISACS</b>	International Small Arms Control Standards
<b>ITI</b>	International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons ('International Tracing Instrument')

<b>LAS</b>	League of Arab States
<b>MANPADS</b>	Man-portable air defence system(s)
<b>MDG</b>	Millennium Development Goal
<b>NGO</b>	Non-governmental organization
<b>NSA</b>	Non-state actor
<b>OAS</b>	Organization of American States
<b>OAU</b>	Organization of African Unity
<b>OCO</b>	Oceania Customs Organisation
<b>OEWG</b>	Open-ended working group
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>PICP</b>	Pacific Islands Chiefs of Police
<b>PIF</b>	Pacific Islands Forum
<b>PoA</b>	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects ('Programme of Action' or 'PoA')
<b>PoA-ISS</b>	Programme of Action Implementation Support System
<b>PrepCom</b>	Preparatory Committee
<b>RECSA</b>	Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States
<b>RPG</b>	Rocket-propelled grenade (launcher)
<b>SADC</b>	South African Development Community
<b>SARPCCO</b>	Southern African Police Chiefs Cooperation Organisation
<b>SDG</b>	Sustainable Development Goal
<b>SEESAC</b>	South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
<b>SICA</b>	Central American Integration System
<b>UNGA</b>	United Nations General Assembly
<b>UNIDIR</b>	United Nations Institute for Disarmament Research
<b>UNODA</b>	United Nations Office for Disarmament Affairs
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UNTOC</b>	United Nations Convention against Transnational Organized Crime

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## Introduction

*A Guide to the UN Small Arms Process* is designed to assist and inform policy-makers who are new to the issue of small arms on the international agenda. While it is not meant to serve as a policy tool or as an exhaustive review of the small arms process, this concise manual includes:

- definitions and terminology;
- summaries of key issues, instruments, and measures; and
- an overview of the roles of various institutions.

The Guide will be regularly updated to reflect progress and changes in this area. Readers are invited to submit their comments and suggestions for the Guide to the Small Arms Survey at: [sas@smallarmssurvey.org](mailto:sas@smallarmssurvey.org).

For more information on each of the issues highlighted, please visit the Small Arms Survey website at [www.smallarmssurvey.org](http://www.smallarmssurvey.org).

## **PART 1**

# Definitions and Terminology



## Small arms, light weapons, and firearms

### *What are small arms and light weapons?*

There is no universally accepted definition of a ‘small arm’ or of a ‘light weapon’. The Small Arms Survey uses the term ‘small arms and light weapons’ to cover both military-style small arms and light weapons as well as commercial firearms (handguns and long guns). The term ‘small arms’ is often used to refer to both types of weapons, including in this Guide.

One of the most widely accepted definitions comes from the 1997 report of the United Nations Panel of Governmental Experts on Small Arms. In general terms, ‘small arms’ are designed for personal use and may be carried by one person; ‘light weapons’ are used by several persons or a crew and may be transported by two or more people, a pack animal, or a light vehicle (UNGA, 1997a, paras. 25, 27(a); see Box 1).

The International Tracing Instrument (see Part 2.3) provides the following definition of small arms and light weapons:

*any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas* (UNGA, 2005b, para. 4; see Box 7).

It then goes on to note that, broadly speaking, small arms are ‘weapons designed for individual use’ and light weapons are ‘weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person’ (UNGA, 2005b, para. 4). It subsequently repeats the list of examples provided in the 1997 UN Panel report.

#### **Box 1**

##### UN Panel definitions

**Small arms:** revolvers and self-loading pistols, rifles and carbines, assault rifles,<sup>1</sup> sub-machine guns, and light machine guns.

**Light weapons:** heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems and anti-aircraft missile systems, and mortars of less than 100 mm calibre.

Source: UNGA (1997a, para. 26)

<sup>1</sup> As noted in the *Small Arms Survey 2007*: ‘There is no clear distinction between rifles and assault rifles. All assault rifles have the capacity of fully automatic fire, but so do some rifles. In general, assault rifles tend to be shorter, lighter, and fire smaller ammunition, and are therefore more portable’ (Gimelli Sulashvili, 2007, p. 33, n. 1).

## What are firearms?

A legally binding definition of ‘firearm’ is contained in the Firearms Protocol (see Part 2.1), which provides:

*‘Firearm’ shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899 (UNGA, 2001c, art. 3(a)).*

## What is the difference between a small arm and a firearm?

The terms ‘small arm’ and ‘firearm’ are often used interchangeably. Generally speaking, the term ‘firearm’ is used in domestic settings and national laws governing the manufacture and transfer of such weapons, as well as civilian access to them; the term ‘small arm’ is more commonly used to refer to the weapon an individual may use and carry in a military context. In this Guide, the terms ‘small arm’ and ‘firearm’ are used interchangeably unless the context indicates otherwise.

While the definition of ‘firearm’ adopted by the Firearms Protocol covers all ‘small arms’, its coverage of ‘light weapons’ is limited in two ways. First, the weapon must have a barrel since the definition covers ‘portable *barrelled* weapons’ (emphasis added). This excludes light weapons that employ a tube or rail as opposed to a barrel, such as man-portable air defence systems (MANPADS). Second, the weapon must ‘expel’ the projectile—in contrast to the definition of ‘small arms and light weapons’ in the International Tracing Instrument, which covers any weapon that ‘expels or *launches*’ the projectile (emphasis added). This excludes those light weapons that use self-propelled projectiles, such as rockets or missiles. In these cases, the weapon does not ‘expel’ (drive out) the projectile as required by the definition. In essence, only light weapons that use cartridge-based ammunition qualify as ‘firearms’ under the Firearms Protocol definition (McDonald, 2005, p. 124).

## What is the difference between ‘military’ and ‘civilian’ arms?

Military small arms and light weapons are used by armed forces, including internal security forces, in self-protection or self-defence, in close or short-range

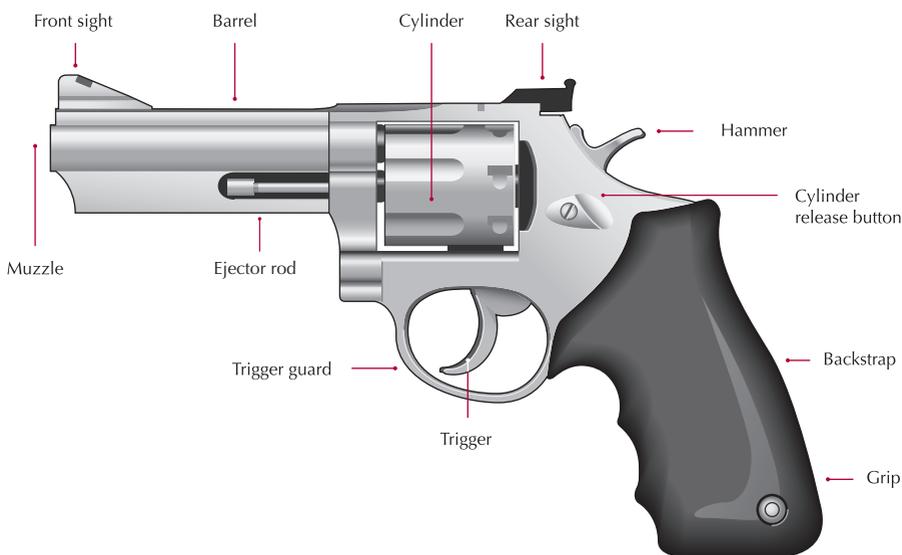
combat, in direct or indirect fire, and against tanks or aircraft at relatively short distances. Military small arms such as automatic rifles and carbines, sub-machine guns, and combat shotguns are designed to military specifications. Military light weapons include grenade launchers, rocket launchers, and heavy machine guns. Civilian possession of these types of weapon is generally prohibited, depending on the jurisdiction.

Domestic legislation stipulates which arms are permitted for civilian possession and the conditions under which the weapons may be used in individual states. Civilian small arms (often referred to in domestic law as ‘firearms’) fall under specific legal definitions of each jurisdiction and may be used for a range of legitimate purposes, such as hunting, sports and target shooting, personal protection, collection, pest control, and occupational uses such as personal security or veterinary work. Each state applies its own legal definition of small arms.

### *Main elements of selected small arms*

Figures 1–5 identify the main elements of handguns (revolvers and pistols) and long guns (pump-action shotguns, bolt-action rifles, and assault rifles).

**Figure 1** Parts of a handgun: revolver

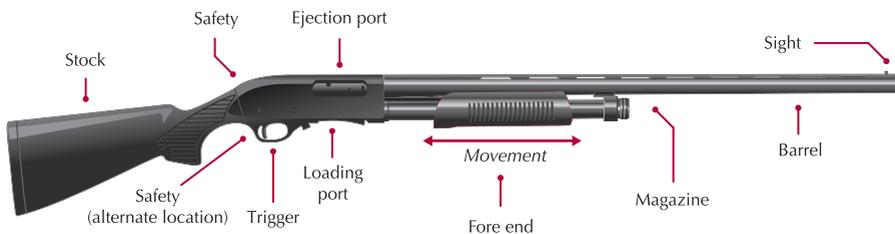


**Figure 2** Parts of a handgun: semi-automatic pistol (Sig Sauer)

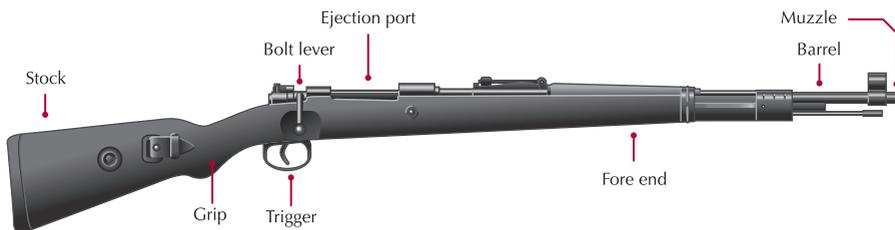


Note: These diagrams are indicative in nature only. For example, many semi-automatic pistols are striker-fired, rather than hammer-fired.

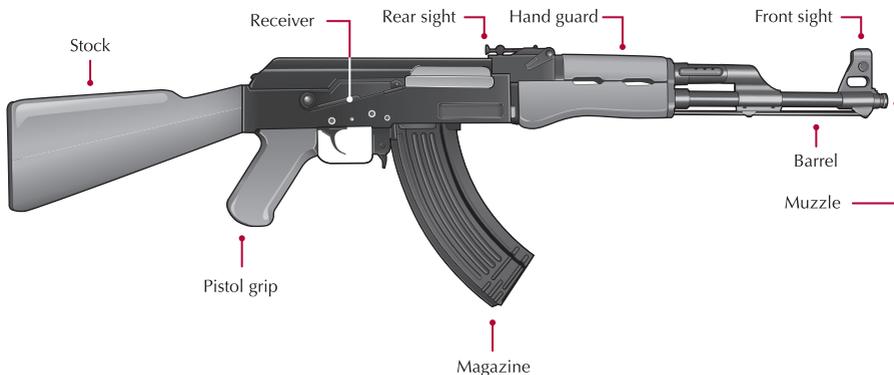
**Figure 3** Parts of a long gun: pump-action shotgun



**Figure 4** Parts of a long gun: bolt-action rifle (Mauser)



**Figure 5** Parts of a long gun: assault rifle (AK-47)



### *Selected light weapons*

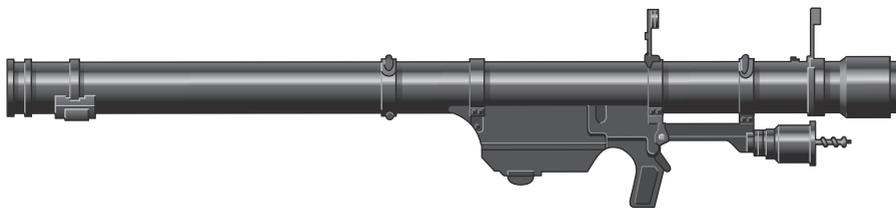
**Heavy machine guns** are capable of firing calibres ranging from 12.7 mm up to but not including 20 mm, the size of the smallest cannon munitions. They are man-portable but are typically mounted on vehicles or ground mounts as anti-personnel and anti-aircraft weapons. They are effective against personnel, light armoured vehicles, low- and slow-flying aircraft, and small boats (Berman and Leff, 2008, p. 21; see Figure 6).

**Figure 6** Heavy machine gun: Browning M2



**Man-portable air defence systems**, or MANPADS, are short-range surface-to-air missile systems intended for attacking and defending against low-flying aircraft. Some are crew-served (sometimes known as CREWPADS), but most are easily handled by a single individual and are shoulder-launched (Berman and Leff, 2008, p. 16; see Figure 7).

**Figure 7** MANPADS: SA-7



**Anti-tank guided weapons (ATGWs)** are small missile-launching systems. They differ from unguided rocket launchers, such as the RPG-7, in that their missiles are steered, or ‘guided’, to a target after launch (that is, during flight). ATGWs are traditionally designed to disable armoured vehicles, but over the last decade producers have been developing variants intended for use against other targets, such as hardened bunkers and buildings (Berman and Leff, 2012, p. 1; see Figure 8).

**Figure 8** Anti-tank guided weapon: Spike



**Mortars** are generally smooth-bored, indirect-fire support weapons that enable users to engage targets outside their line of sight, such as behind hills, while minimizing their exposure to direct enemy fire. The Small Arms Survey recognizes three types of mortars in the light weapons category: 'light' (up to and including 60 mm), 'medium' (61 mm to 82 mm), and 'heavy' (83 mm to 120 mm). With traditional ammunition, mortars can engage targets at distances ranging from less than 100 m from the firer's position to more than 7 km away (Berman and Leff, 2008, p. 26; see Figure 9).

**Figure 9** Light mortar: 60 mm



## *Life cycle of a firearm: selected intervention points*

Figure 10 provides a general overview of the life cycle of a firearm from the point of manufacture through to deactivation or destruction. The diagram highlights a small arm's main life stages and opportunities for regulation, as well as key actors who hold and use small arms. Firearms can enter or be diverted into the illicit market at multiple points in the life cycle. See the purple shaded area of Figure 10 for examples of points at which firearms enter the illicit market.

At the international level, states have committed themselves to regulating and controlling various stages in the life cycle of small arms through the adoption of measures relating to their manufacture, transfer, storage, use, and disposal (see Parts 2–4). Figure 10 indicates at which stages relevant international commitments exist (see the red boxes). The diagram points to commitments regarding the marking, record-keeping, and tracing of small arms and identifies the relevant provisions of international instruments.

## Ammunition

According to a 1999 report of the Group of Experts on the problem of ammunition and explosives, in the context of small arms:

*Ammunition refers to the complete round/cartridge or its components, including bullets or projectiles, cartridge cases, primers/caps and propellants that are used in any small arm or light weapon (UNGA, 1999b, para. 14; see Box 2).<sup>2</sup>*



### What is calibre?

Ammunition is defined in terms of calibre. The calibre measures the diameter of the gun's bore and is expressed in hundredths or thousandths of an inch (for instance, .22 or .357) or in millimetres (for example, 9 mm). Thus, the metric equivalent of a '.38' cartridge is a '9 mm' projectile. Cartridges with the same calibre can differ according to the length of the case (such as 7.62 × 39 mm, 7.62 × 51 mm, or 7.62 × 63 mm). One explanation for the large number of cartridge types currently in existence is that many countries used to set their own standards for their military weapons, such as the 7.5 mm French and .303 British round (Pézard, 2005, p. 11). Most weapons of .50 (12.7 mm) or greater calibre are designed explicitly for military use, with some exceptions, such as .50-calibre pistols and rifles (Pézard and Anders, 2006, p. 23).

<sup>2</sup> The Firearms Protocol provides an adapted version of this definition: "Ammunition" shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party' (UNGA, 2001c, art. 3(c)).

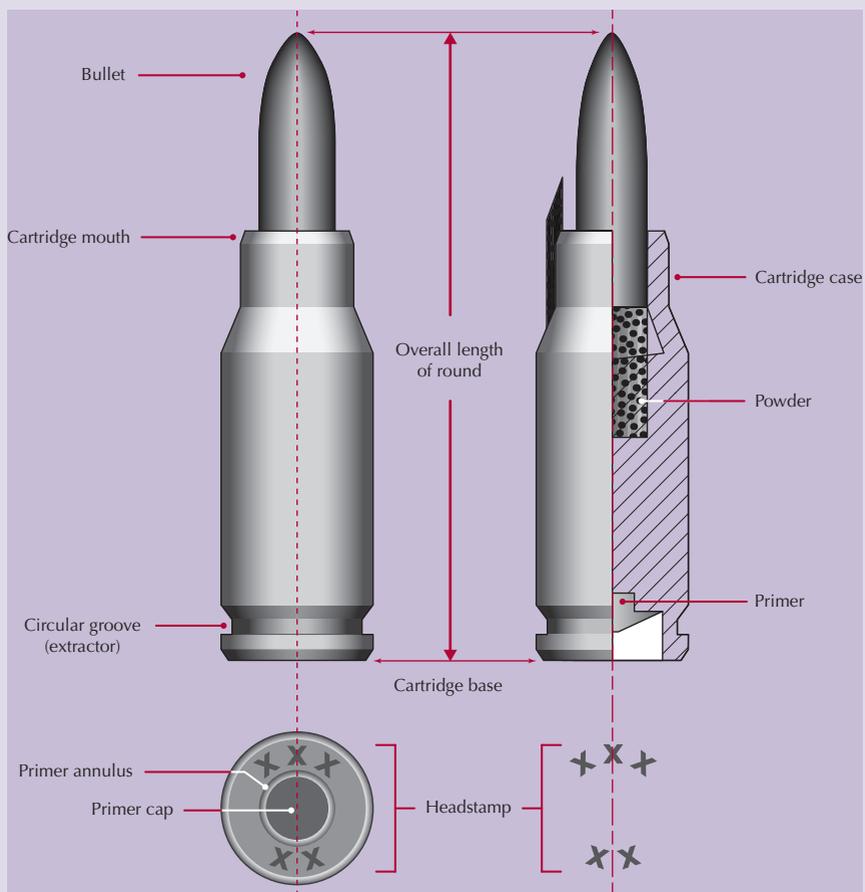


**Note** Ammunition is a consumable, rather than a durable, good. While small arms and light weapons may remain in circulation for decades, ammunition has a relatively short shelf life and users require stockpiles to be replenished frequently.

**Box 2** Components of a small-calibre cartridge

A cartridge is a complete round of ammunition, consisting of a projectile (bullet) and cartridge case (see Figure 11). The cartridge case contains the propellant and the primer (including the primer cap). Headstamps are applied to the base of most small-calibre cartridge cases; their text or symbols may identify the manufacturer, calibre, date, or a combination of any of these.

**Figure 11** Components of a small-calibre cartridge



Source: Bevan (2008, p. 3)

## Resources

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**PART 2**

International Instruments



International small arms control efforts have focused on parallel major issues, including the negative effects of arms proliferation and misuse, and transnational organized crime as major threats to stability and security. These efforts have generated several instruments and processes that have mutually influenced each other:

- Central among these is the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects—known as the **Programme of Action** or **PoA**—adopted by UN member states in 2001.
- Four years later, UN member states adopted a spin-off of the PoA, the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons—known as the **International Tracing Instrument**, or **ITI**.
- Another important instrument is the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition—known as the **Firearms Protocol**. Adopted by UN member states in 2001, the Firearms Protocol formed part of a separate process focusing on transnational law enforcement challenges.
- The final component in the suite of principal global instruments governing small arms control is the **Arms Trade Treaty (ATT)**, adopted by UN member states in April 2013.

The PoA and ITI emerged and were negotiated in the context of *arms control*, an issue that falls within the mandate of the First Committee of the General Assembly, which deals with disarmament and international security. The processes associated with the PoA and ITI—meetings of states and the collection of reports—is overseen by the UN Office for Disarmament Affairs (UNODA). The chief of UNODA’s Conventional Arms Branch served as the secretary-general of the conference to negotiate the ATT, which also emerged through the First Committee.

The Firearms Protocol, on the other hand, is one of three protocols to the UN Convention against Transnational Organized Crime (UNTOC) and forms part of a separate process focusing on transnational law enforcement challenges. Its elaboration took place in the context of efforts to address *transnational organized crime* under the auspices of the Economic and Social Council (ECOSOC) of the United Nations and its Commission on Crime Prevention and Criminal Justice;

the process associated with its implementation is overseen by the UN Office on Drugs and Crime (UNODC).

This part of the handbook provides an overview of these and other instruments that establish the framework for small arms control at the international level. It includes a summary of the history, purpose, themes, and main commitments of each instrument as well as a brief commentary on their relationships to each other. The instruments are discussed in chronological order.

## 2.1 The Firearms Protocol

### Background

UN member states adopted the UN Convention against Transnational Organized Crime in November 2000.<sup>3</sup> UNTOC was supplemented by three protocols that address trafficking in persons, the smuggling of migrants, and the illicit manufacture of and trafficking in firearms. The third of these—the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, known as the Firearms Protocol—was adopted on 31 May 2001 by General Assembly Resolution 55/255 and entered into force on 3 July 2005 (UNGA, 2001c). For states that have ratified or otherwise formally expressed their consent to be bound by it, the Firearms Protocol is legally binding.

### History

In the mid-1990s, the international community was simultaneously deliberating on the establishment of an international instrument on transnational organized crime and considering the issues of illicit firearms trafficking and the impact of firearms on crime. The 1995 report of the Ninth UN Congress on the Prevention of Crime and the Treatment of Offenders (‘the Ninth Congress’), for one, included a resolution calling upon states to promote adequate regulation of firearms (to protect public health and safety and diminish violent crime) and to take effective action against illicit trafficking in firearms; it also charged UN bodies and agencies

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3 UNTOC was adopted by General Assembly Resolution 55/25 in November 2000 (UNGA, 2000a); it entered into force on 29 September 2003.

with taking up the issue of firearms regulation more seriously (UNGA, 1995c, res. 9, paras. 7, 8, 11).

Furthermore, in 1995, ECOSOC asked the Secretary-General to initiate a study on firearms regulation to inform the consideration of measures to regulate firearms in order to prevent transnational illicit trafficking and suppress the use of firearms in criminal activities (ECOSOC, 1995, s. IV(A), paras. 7–8). The findings of the study were published in March 1997 (ECOSOC, 1997).

The decision to develop an international instrument on firearms within the context of a convention on transnational organized crime arose out of these initiatives. In its Resolution 1998/18, ECOSOC recommended that states elaborate an international instrument to combat the illicit manufacturing of and trafficking in firearms and decided that the dedicated Ad Hoc Committee considering the development of a convention on transnational organized crime should hold discussions on such an instrument (ECOSOC, 1998, paras. 4, 7).

Accordingly, negotiations on the Firearms Protocol began in Vienna in January 1999 at the first meeting of the Ad Hoc Committee, with Canada submitting a draft protocol against the illicit manufacturing of and trafficking in firearms, ammunition, and other related materials as one of three protocols attached to the draft convention under consideration (UNGA, 1998c).

### *Basis for the negotiations*

The Firearms Protocol was agreed just a few years after the Organization of American States had adopted the world's first regional instrument to combat the illicit trafficking in firearms and other commodities: the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials—known as CIFTA (OAS, 1997). It was agreed at the outset of the negotiations on the Firearms Protocol that CIFTA should serve as the basic template for a new global treaty to combat firearms trafficking. Indeed, the General Assembly specifically recommended that the Ad Hoc Committee take CIFTA into account during negotiations 'when appropriate and pertinent', along with other (unspecified) international instruments and ongoing initiatives (UNGA, 1999d, para. 2).

The use of CIFTA as a starting point for the Firearms Protocol was not without its difficulties. While CIFTA includes explosives in its scope, states were divided

on whether to do so in the Protocol, with Mexico, Spain, and Turkey calling for their inclusion, and the United States and much of the European Union against the proposal. Ultimately, the chair of the meeting distributed an opinion drafted by the UN Office of the Legal Counsel, which concluded that the mandate did not permit explosives in the text, partly because of an independent study of explosives mandated by UN General Assembly Resolution 54/127.<sup>4</sup> Despite objections that the resolution was not a sufficient substitute for including explosives in the Protocol, and calls to expand the Ad Hoc Committee's mandate, references to explosives were deleted from the text.

Nevertheless, much of CIFTA proved extremely useful for the Firearms Protocol negotiations and improvements were made with respect to clarity and specificity. For example, the provision on maintaining records in CIFTA requires records to be maintained 'for a reasonable time' (OAS, 1997, art. XI), while the Protocol requires a time period of 'not less than ten years' (UNGA, 2001c, art. 7).

### *Technical hurdles*

The negotiations struggled with many of the technical issues inherent in imposing legally binding obligations on commodities that are not considered contraband, in comparison to the 'pure' criminal activities addressed by UNTOC's two other protocols (smuggling of migrants and trafficking in persons). For example, during the final sessions, debate grew over how to address marking systems that were embedded with characters, symbols, and languages that were not legible to all investigators (such as Chinese symbols) and thus prevented successful tracing of these weapons. As a compromise, the negotiators drafted a provision that allowed the continued use of such markings, provided that states that use them also use 'a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture' (UNGA, 2001c, art. 8.1(a)). As a result, states that use symbols or non-Western alphabets in their unique markings can 'maintain' such a system, but they are not supposed to introduce such a marking

<sup>4</sup> In Resolution 54/127, the General Assembly requested that the Secretary-General convene an expert group of no more than 20 members, with equitable geographical representation, to prepare a study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes (UNGA, 1999d, para. 5).

system. In any case, they are to ensure that the country of manufacture is marked using a numeric or alphanumeric code.

The issue of how to mark firearms nearly derailed the Protocol negotiations, and deliberations over the marking provisions partly caused the delay in adopting the Firearms Protocol as compared to the other protocols.<sup>5</sup> Indeed, when it adopted UNTOC and the two protocols in November 2000, the UN General Assembly made note of the fact that the Ad Hoc Committee had not yet completed its work on the draft Firearms Protocol and requested that it finalize such work ‘as soon as possible’ (UNGA, 2000a, paras. 4–5).

### *A precedent is born*

During the 12th session of the Ad Hoc Committee in February 2001, the draft protocol on firearms was completed and, at its 239th meeting on 2 March 2001, the Committee approved the final text. The Protocol was adopted by General Assembly Resolution 55/255 on 31 May 2001 (UNGA, 2001c, para. 2).

Over a decade after the negotiations were completed, the Firearms Protocol continues to lag behind in terms of ratifications when compared to its sister protocols and UNTOC.<sup>6</sup> Nevertheless, the Protocol was a significant achievement in that it established illicit manufacturing of and trafficking in firearms as criminal offences. It further identifies tracing and law enforcement cooperation as the primary tools to assist investigators and prosecutors in combating these crimes. Moreover, it was the first legally binding global instrument on small arms.

 **Note** The Firearms Protocol was the first *legally binding global* instrument on small arms.

<sup>5</sup> The draft protocols on trafficking in persons and smuggling of migrants were adopted by the Ad Hoc Committee in October 2000, while the Firearms Protocol was adopted in March 2001 (see Box 3).

<sup>6</sup> As of April 2014, there were 179 states parties to UNTOC; 159 states parties to the Protocol on Trafficking in Persons; 138 states parties to the Protocol on Smuggling of Migrants; and 109 states parties to the Firearms Protocol. For current information, see UNODC (n.d.a).

**Box 3** Firearms Protocol timeline

<b>21–23 November 1994</b>	World Ministerial Conference on Organized Transnational Crime: the possibility of an international instrument on transnational organized crime is considered (UNGA, 1994).
<b>29 April–8 May 1995</b>	The Ninth Congress is held in Cairo, Egypt, resulting in a push for a convention against organized transnational crime and consideration of firearms regulation (UNGA, 1995c).
<b>24 July 1995</b>	ECOSOC asks the Secretary-General to initiate a study on firearms regulation (ECOSOC, 1995, s. IV(A), paras. 7–8).
<b>7 March 1997</b>	The UN international study on firearm regulation is published (ECOSOC, 1997).
<b>28 July 1998</b>	In Resolution 1998/18, ECOSOC recommends the elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition within the context of a UN convention against transnational organized crime (ECOSOC, 1998, paras. 4, 7).
<b>January 1999–July 2000</b>	The Ad Hoc Committee <sup>7</sup> holds ten sessions to draft a UN convention against transnational organized crime.
<b>28 July 2000</b>	The Ad Hoc Committee approves the draft United Nations Convention against Transnational Organized Crime at its tenth session (UNGA, 2000b, para. 15).
<b>29 October 2000</b>	The Ad Hoc Committee approves the draft protocols on trafficking in persons and smuggling of migrants at its 11th session (UNGA, 2001d, paras. 16, 27).
<b>15 November 2000</b>	In Resolution 55/25, the General Assembly approves the texts of UNTOC and two draft protocols (UNGA, 2000a, para. 2).
<b>12–15 December 2000</b>	UNTOC and the two draft protocols are opened for signature.
<b>2 March 2001</b>	The Ad Hoc Committee approves the draft Firearms Protocol at its 12th session (UNGA, 2001e, para. 32).
<b>31 May 2001</b>	In Resolution 55/255, the General Assembly adopts the Firearms Protocol and opens it for signature (UNGA, 2001c).
<b>29 September 2003</b>	UNTOC enters into force.
<b>3 July 2005</b>	The Firearms Protocol enters into force.

<sup>7</sup> The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established by the General Assembly in 1999, mainly to draft a comprehensive international convention against transnational organized crime (UNGA, 1998b, para. 10). The Ad Hoc Committee held 12 sessions, meeting for a total of 239 times.

## Purpose

The purpose of the Firearms Protocol is to:

*promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (UNGA, 2001c, art. 2).*

The purpose of the Firearms Protocol must be understood and read in conjunction with the purpose of UNTOC, which is ‘to promote cooperation to prevent and combat transnational organized crime more effectively’ (UNGA, 2000a, art. 1).

## Themes

At the heart of the Firearms Protocol is the need to prevent and control illicit activities commonly involving firearms that are associated with organized crime groups. The Protocol provides a framework for states parties to control and regulate legal arms and arms flows, prevent their diversion into the illicit market, and facilitate the investigation and prosecution of related offences. The instrument provides for a comprehensive system to control the manufacture, import, export, and transit of firearms, their parts and components, and ammunition. The central premise holds that strong controls allow increased transparency and enhance the ability of states to target illicit transactions.

## Main commitments

UNTOC provides a framework for law enforcement and judicial cooperation and includes mechanisms to support criminal investigations, such as mutual legal assistance and extradition. While UNTOC provides for basic measures to prevent and combat transnational organized crime, its protocols provide for measures to deal with specific crimes, and UNTOC must be read and applied in conjunction with its protocols. Parties to the Firearms Protocol undertake to adopt and implement the strongest possible legislation, consistent with their national legal systems, to prevent, investigate, and prosecute the offences stemming from the illicit manufacture of and trafficking in firearms.

Table 1 lists central commitments of the Firearms Protocol that states parties must fulfil.

**Table 1** Firearms Protocol provisions

Theme	Firearms Protocol article	Provision
Criminalization	5	Establish criminal offences for: illicit manufacturing; illicit trafficking; and falsifying or illicitly obliterating, removing, or altering firearm markings. The deliberate removal of markings is also categorized as a criminal offence (UNGA, 2001c, art. 5(1)(c)).
Confiscation, seizure, and disposal	6	Adopt measures that enable states to confiscate, seize, and destroy illicitly manufactured or trafficked firearms, their parts and components, and ammunition, unless some other means of disposal is officially authorized <i>and</i> the firearms have been marked and the methods of disposal of the firearms and ammunition have been recorded.
Record-keeping	7	To enable tracing activities, maintain firearms-related records for at least ten years (and, if appropriate and feasible, information on parts and components of firearms and ammunition). This information can include markings and details of transnational transfers, such as export licences granted.
Marking	8	<p>Ensure that firearms are marked as follows:</p> <ul style="list-style-type: none"> <li>■ <b>At the time of manufacture</b> firearms must be marked with (a) a unique marking providing the name of the manufacturer, the country or place of manufacture, and the serial number, or (b) an alternative marking using simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification of the country of manufacture.</li> </ul> <p> <b>Note</b> Article 8 of the Protocol allows countries to use ‘geometric’ as well as ‘alphanumeric’ symbols to mark their weapons. In the negotiations, China had pushed for the right to use geometric symbols, especially for purposes of identifying manufacturers. Many countries were extremely reluctant to concede to China on this issue. The exclusive use of alphanumeric markings would have ensured a high degree of transparency, enabling governments to trace weapons back to the manufacturer without the assistance of the original exporting government (McDonald, 2002, p. 240).</p> <ul style="list-style-type: none"> <li>■ <b>Imported firearms</b> must be marked so as to permit identification of the country of import and, whenever possible, the year of import, as well as a unique marking, if the firearm does not bear such a marking.</li> </ul> <p> <b>Note</b> There is no requirement to mark firearms that are imported into a country on a <i>temporary</i> basis.</p> <ul style="list-style-type: none"> <li>■ <b>At the time of transfer from government stockpiles to permanent civilian use</b> firearms must be marked in a way that permits identification of the transferring country. States parties must also encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.</li> </ul> <p> <b>What is the purpose of marking?</b></p> <p>If a firearm is recovered from a crime scene or in the course of illicit manufacturing or trafficking, its markings can be used by the investigating state to search its own records and as a basis for an international request for the tracing of that firearm.</p>

Theme	Firearm Protocol article	Provision
Deactivation of firearms	9	<p>If national law does not recognize a deactivated firearm as a ‘firearm’, take measures to prevent the illicit reactivation of firearms, including by: establishing relevant criminal offences (such as illicit reactivation or inadequate deactivation); ensuring that deactivation involves rendering all essential parts permanently inoperable and incapable of reactivation; and officially verifying that the firearm has been deactivated and that the firearm is marked in a way that confirms it has been deactivated.</p> <p> <b>Note</b> In their national laws regulating firearms, most states include a definition of a ‘firearm’. In some countries, the definition is drafted in such a way that it includes only <i>functioning</i> firearms—that is, those capable of expelling a projectile. This means, for example, that antique firearms or deactivated firearms that form part of a museum collection may not be covered by the legislation; consequently, there is no requirement to hold a licence for such firearms or to store them in a secure way. However, it may be possible to alter—or <i>reactivate</i>—such firearms so that they are capable of expelling a projectile.</p>
Export	10(1)	Establish or maintain an effective system of export licensing or authorization for the transfer of firearms, their parts and components, and ammunition.
	10(2)	Before issuing export licences or authorizations, verify that importing states have issued import licences or authorizations and transit states have given notice in writing that they have no objection to the transit.
	10(3)	Ensure that the export licence or authorization and accompanying documentation contain information on: place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components, and ammunition, and, if applicable, the countries of transit. The information contained in the import licence must be provided to the transit states in advance.
	10(5)	Ensure that licensing or authorization procedures are secure and that the authenticity of relevant documents can be verified or validated.
Import	10(1)	Establish or maintain a system of import licensing or authorization for the transfer of firearms, their parts and components, and ammunition.
	10(3)	Ensure that the import licence or authorization and accompanying documentation contain information on: place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components, and ammunition, and, if applicable, the countries of transit. The information contained in the import licence must be provided to the transit states in advance.
	10(4)	Upon request, inform the exporting state of the receipt of the dispatched shipment.
Transit	10(1)	Establish or maintain measures on international transit for the transfer of firearms, their parts and components, and ammunition.

Theme	Firearm Protocol article	Provision
Information exchange	12	Exchange relevant case-specific information and cooperate in tracing with other states parties, in line with their domestic legal and administrative systems; shared information can cover aspects such as known trafficking routes or organized criminal groups involved in trafficking.
Cooperation	13	Cooperate at the bilateral, regional, and international levels to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition.
Brokering	15	Consider establishing a system for regulating brokers that could include one or more of the following measures: registration of brokers operating within their territory; licensing or authorization of brokering; and disclosure of the names and locations of brokers involved in import and export licences or accompanying documents.  <div style="display: flex; align-items: center;">  <div style="margin-left: 5px;"> <p><b>Note</b> Brokering provisions are recommended rather than mandatory.</p> </div> </div>

## Scope

**State-to-state transfers.** The Protocol does *not* apply to state-to-state transactions (UNGA, 2001c, art. 4(2)). During the negotiations, states favouring the inclusion of such transfers argued that they were just as susceptible to diversion to the illicit market and should thus be subject to the same restrictions as commercial sales. States opposing their inclusion argued that it would broaden the scope of the Protocol too far and risk taking the negotiations into sensitive territory linked to national security concerns. The latter view prevailed (McDonald, 2002, p. 239).



### What is a state-to-state transfer?

State-to-state (or government-to-government) transfers involve the sale of small arms by the government of an exporting state to the government of an importing state for use by its defence or security forces. These arms may be procured from the surplus stockpiles of the exporting government; they may be produced by a state-owned company; or the exporting government may procure them on behalf of the importing government from a private arms-manufacturing company operating in the exporting state.



### What transfers are not state-to-state?

Private manufacturers in an exporting state engage in commercial sales when they sell their small arms to an entity in a foreign country. That entity could be a government or a firearms dealer in the importing state (Parker, 2009, p. 64). If a government transfers small arms to a private individual or company, it is carrying out a state-to-private-end-user transfer.

**Transfers to non-state actors.** The Protocol does not apply to ‘state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations’ (UNGA, 2001c, art. 4(2)). Negotiating states diverged sharply in their views on whether to apply the Protocol to transfers of firearms from states to non-state actors. They eventually agreed on compromise language in Article 4.2 that allows states parties to decide for themselves whether a specific transfer from the state to a non-state actor is covered by the Protocol (McDonald, 2002, pp. 239–40).

## The Firearms Protocol process

### *Conference of the Parties*

A Conference of the Parties to the Convention, established pursuant to Article 32 of UNTOC, promotes and reviews the implementation of the Convention and its protocols, including the Firearms Protocol. To date, the Conference has held seven regular sessions in Vienna—in 2004, 2005, 2006, 2008, 2010, 2012, and 2014; the next Conference is scheduled to take place on 17–21 October 2016.<sup>8</sup>

### *Secretariat*

The United Nations Office on Drugs and Crime is the Secretariat of the Conference of the Parties to UNTOC and its protocols. Pursuant to Article 33 of UNTOC, the Secretariat’s roles are to:

- assist the Conference of the Parties in carrying out its activities and support Conference sessions;
- upon request, assist states parties in providing information on their implementation;<sup>9</sup> and
- ensure the necessary coordination with the secretariats of relevant international and regional organizations.

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<sup>8</sup> Session reports are available at UNODC (n.d.c).

<sup>9</sup> A self-assessment software tool has been created to assist states parties in submitting information; see UNODC (n.d.d).

## *Working group on firearms*<sup>10</sup>

The Conference of the Parties to UNTOC established an open-ended intergovernmental working group on firearms in 2010 to advise and assist the Conference in the implementation of its mandate with regard to the Firearms Protocol (UN CTOC, 2010, res. 5/4, para. 8). The first four meetings of the working group on firearms took place in Vienna: the first was on 21–22 May 2012; the second on 26–28 May 2014; the third on 9 June 2015; and the fourth on 18–19 May 2016.

## Relationship to the PoA

The process of developing the Firearms Protocol ran parallel to the work leading to the UN small arms conference in July 2001. Indeed, the UN small arms conference opened a few weeks after the Protocol was adopted.

The drafters of the Firearms Protocol were determined to keep the instrument focused on crime prevention and law enforcement.<sup>11</sup> Many supporters wanted to steer the negotiations clear of issues that they considered arms control rather than crime control measures. They feared that a comprehensive agreement would be weaker and less enforceable. Towards the end of the negotiations, many countries looked to the upcoming UN small arms conference as a more suitable forum for discussion of the more sensitive issues. As a result, the Firearms Protocol is limited in scope and content.

In laying the groundwork for the UN small arms conference (see Part 2.2), the Group of Governmental Experts (GGE) appointed to develop the framework for the conference noted that the illicit trade in small arms and light weapons was closely linked to the excessive and destabilizing accumulation and transfer of such arms. The group argued that:

*the scope of the Conference should therefore not be limited to criminal breaches of existing arms legislation and export/import controls but consideration should be given to all relevant factors leading to the excessive and destabilizing accumulation of small arms and light weapons in the context of the illicit arms trade (UNGA, 1999a, para. 132).*

10 For a full list of working groups established by the Conference on other issues, see UNODC (n.d.e).

11 This was consistent with the Firearms Protocol drafters' use of CIFTA as their model (OAS, 1997; see 'History', above).

Since the Protocol already focused on combating and preventing illicit trafficking in small arms, calls for the UN small arms conference to do the same were significantly weakened.

Nevertheless, effective implementation and further development of the PoA and the Firearms Protocol have been closely linked. They feature many of the same measures, including ones that call on states to share information to facilitate identification of groups involved in trafficking and illicit manufacture, ensure arms are adequately marked and records kept, and establish effective licensing systems and transfer controls. At a more general level, there are intrinsic links between the issues of crime prevention, security, and disarmament that underpin both instruments (Greene, 2001).

## Resources

- UNODC (United Nations Office on Drugs and Crime). 2004a. *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*. <<http://www.un.org/disarmament/convarms/ATTPrepCom/Background%20documents/Legislative%20guide%20-%20E.pdf>>
- . 2011. 'Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.' <[http://www.unodc.org/documents/legal-tools/Model\\_Law\\_Firearms\\_Final.pdf](http://www.unodc.org/documents/legal-tools/Model_Law_Firearms_Final.pdf)>

## Quick reference

The text of UNTOC and its three protocols is available here:

<<http://www.unodc.org/unodc/en/treaties/CTOC/>>

The text of the Firearms Protocol is available here:

<[http://www.unodc.org/pdf/crime/a\\_res\\_55/255e.pdf](http://www.unodc.org/pdf/crime/a_res_55/255e.pdf)>

UNODC maintains a website providing information on the Firearms Protocol and firearms-related activities: <<http://www.unodc.org/unodc/en/firearms-protocol/introduction.html>>

The United Nations treaty collection maintains an updated list of states that have signed, ratified, accepted, approved, acceded to, and succeeded to the Firearms Protocol:

<[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-c&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&lang=en)>

## 2.2 The Programme of Action

### Background

The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects—known as the Programme of Action, or PoA—establishes a normative framework for small arms control and covers a broad spectrum of issue areas and activities.

Agreed to by all participants of a UN small arms conference held in July 2001, the PoA is a politically binding set of global commitments that provides UN member states with a mandate to develop and implement practical measures to curb the illicit trade in small arms and light weapons at the global, regional, and national levels.

### History

#### *The emergence of small arms on the international disarmament agenda*

The emergence of the problem of small arms and light weapons onto the international agenda must be seen in the context of the international environment of the early 1990s. Following the end of the cold war, the international community began to focus its attention on internal rather than inter-state conflicts, particularly through UN activities around the world.

One result was a growing awareness of the pervasiveness and role of small arms and light weapons in conflict. This shift is evidenced in the UN Secretary-General's 1995 *Supplement to an Agenda for Peace*, in which he explicitly draws attention to the need for 'micro-disarmament' efforts, meaning:

*practical disarmament in the context of the conflicts the United Nations is actually dealing with and of the weapons, most of them light weapons, that are actually killing people in the hundreds of thousands (UNGA, 1995a, para. 60).*

The initial task of defining the problems associated with small arms and light weapons fell to the UN Panel of Governmental Experts on Small Arms. The Panel addressed the following issues:

- the types of small arms and light weapons used in conflicts being dealt with by the United Nations;
- the nature and causes of the excessive and destabilizing accumulation and transfer of small arms and light weapons; and
- the ways and means to prevent and reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons (UNGA, 1995b, para. 1).

Among its recommendations, the Panel called for an ‘international conference on the illicit arms trade in all its aspects, based on the issues identified in the present report’ (UNGA, 1997a, para. 80(k)). In response, the UN General Assembly called for an examination of member states’ views on the Panel’s proposal and for a GGE to develop the framework of such a conference (UNGA, 1997b) and in 1998 announced its decision ‘to convene an international conference on the illicit trade in all its aspects’ (UNGA, 1998a, para. 1). The GGE met from May 1998 to August 1999, partly to develop the recommendations of the Panel and to make further recommendations in its 1999 report (UNGA, 1999a).


**Note**

Comprising representatives of European Union states, the United States, China, and key members of the Non-Aligned Movement, the GGE largely reflected the composition of the UN itself. Its debates in 1998–99 thus provided an accurate preview of the difficulties that would dominate the UN small arms conference two years later.

Several developments served to buttress efforts to convene an international conference. First, the successful conclusion of the Anti-personnel Mine Ban Convention in late 1997 gave rise to a new sense of what was possible in relation to multilateral action on conventional weapons. Second, regional organizations were increasingly active on small arms issues, with several having adopted regional instruments on the issue prior to the UN conference.<sup>12</sup> Third, new initiatives were

<sup>12</sup> Regional organizations produced a number of agreements, including the Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking (1998), the Organization for Security and Co-operation in Europe’s Document on Small Arms and Light Weapons (2000), the Organization of African Unity’s Bamako Declaration (2000), and the European Union’s Plan of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2000), building on its earlier Code of Conduct on Arms Exports (1998) and Joint Action on Small Arms (1998).

emerging largely out of concern about the relationship between illicit firearms and criminality.<sup>13</sup> Fourth, civil society organizations had begun to play a crucial role in getting the issue of small arms and light weapons on the international agenda; they were spearheading efforts to understand the small arms problem from the human rights, development, and humanitarian perspectives. With the formation of the International Action Network on Small Arms (IANSA) in the late 1990s, the emerging UN process gained a dedicated civil society interlocutor. Other civil society groups, including the World Forum on the Future of Sport Shooting Activities, also weighed in with their views, especially with respect to firearms marking.

### *Anticipating the UN small arms conference*

The idea of an international small arms conference was by no means uncontroversial. A fear that the outcome might somehow limit the ability to import weapons was of particular concern to some developing countries that lacked the capacity to manufacture arms; the United States was wary with respect to domestic issues, such as the question of civilian possession. Meanwhile, Canada and European Union members saw the conference as a chance to develop international norms in an area where few existed. In contrast, Australia, New Zealand, and South Africa held that the issue was not ripe for positive international action, arguing that the conference might distract from or even undermine positive steps that were already being taken at the national and regional levels.

This range of perspectives echoed the broad differences that had run through the deliberations of the Panel of Experts and the GGE with respect to the scope of any proposed action in relation to the ‘illicit trade’, including the degree to which the legal trade itself must be considered in the process. The GGE, for instance, had argued:

*The scope of the Conference should [ . . . ] not be limited to criminal breaches of existing arms legislation and export/import controls but consideration should be given to all relevant factors leading to the excessive and destabilizing accumulation of small arms and light weapons in the context of the illicit arms trade (UNGA, 1999a, para. 132; emphasis added).*

<sup>13</sup> These initiatives resulted in the 1997 CIFTA agreement and in the legally binding Firearms Protocol of 2001. See Part 2.1 for more details.

**Box 4** PoA timeline

<b>12 December 1995</b>	In Resolution 50/70B, the UN General Assembly asks the Secretary-General to prepare a report on small arms with the assistance of a panel of governmental experts (UNGA, 1995b).
<b>June 1996–August 1997</b>	The Panel of Experts completes its report, recommending that the UN consider holding ‘an international conference on the illicit arms trade in all its aspects, based on the issues identified in the present report’ (UNGA, 1997a, para. 80(k)).
<b>9 December 1997</b>	In Resolution 52/38J, the General Assembly asks the Secretary-General to seek the views of member states on convening a conference, and to prepare a second report on small arms with the assistance of a GGE (UNGA, 1997b).
<b>May 1998–August 1999</b>	The GGE produces a report addressing the objectives, scope, agenda, dates, and venue of the UN small arms conference (UNGA, 1999a).
<b>15 December 1999</b>	In Resolution 54/54V, the General Assembly launches the last stages of the UN small arms conference process (UNGA, 1999c).
<b>28 February–3 March 2000</b>	The first PrepCom is held.
<b>8–19 January 2001</b>	The second PrepCom is held.
<b>19–30 March 2001</b>	The third PrepCom begins negotiating the PoA.
<b>9 July 2001</b>	The UN small arms conference begins.
<b>21 July 2001</b>	Conference participants agree on a consensus PoA (UNGA, 2001a).
<b>24 December 2001</b>	The General Assembly welcomes the adoption of the PoA by consensus and calls upon states to implement it. It also decides to hold the first biennial meeting in 2003, and to convene the first conference to review implementation of the PoA no later than 2006 (UNGA, 2001b).

Source: Laurance (2002, p. 204)

Debate over how to identify the ‘relevant factors’ shaped the outcome of the UN small arms conference.

### *The UN small arms conference unfolds*

The UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held on 9–20 July 2001 in New York. It was preceded, in 2000 and 2001, by three meetings of the Preparatory Committee (PrepCom), which outlined the basic elements of a PoA (see Box 4).

By the time the UN small arms conference opened, parts of the provisional PoA seemed to enjoy consensus. A range of key issues remained contested, however, including:

- language on human rights and international humanitarian law violations resulting from the excessive accumulation of small arms and light weapons;
- links between the illicit trade and the legitimate rights of states to buy and sell weapons;
- civilian possession of firearms;
- the unauthorized transfer of firearms to non-state actors and broader issues of export controls;
- the extent of measures on marking and tracing and on brokering; and
- follow-up mechanisms such as review processes and national reporting.

States set themselves the goal of achieving a consensus document at the UN small arms conference, a move that would inevitably lead to a narrowing and watering down of the PoA. That the negotiations would be difficult was signalled on the first day of the UN small arms conference, for example when the United States opened by laying down a number of ‘red lines’, indicating its refusal to accept provisions that would, among other things, constrain the legal trade and legal manufacturing of small arms and light weapons, prohibit civilian possession of small arms, or limit trade in small arms and light weapons solely to governments.

By the final day of the UN small arms conference, serious compromise was required by participating states. In the end, the United States succeeded in defeating the inclusion of language on civilian ownership and supplying non-state actors. China and a number of other states rejected any reference to human rights violations, with the result that no such language made it into the PoA. While many states had hoped to address the small arms issue as more than a narrowly defined arms control problem, the PoA largely confines non-arms control dimensions to its preamble. The Arab Group in particular showed opposition to references to the ‘excessive and destabilizing accumulation’ of small arms and light weapons, fearing possible implications for the legal trade; the term was thus confined to the preamble and did not appear in the measures section, where the term ‘illicit trade’ was used. Consequently, the PoA neither mentions nor alludes to the concept of restraint in the legal acquisition or export of such weapons.

Attempts to establish a clear timeframe for the review of PoA implementation were whittled down, as were proposals that would have allowed the review process to develop existing PoA measures and consider new ones. Further compromises were made on language in the follow-up provisions that would have mandated

negotiations towards legally binding instruments on marking and tracing and on brokering; instead, the PoA simply called for a UN study on the feasibility of a marking and tracing instrument (see Part 2.3) and asked states to consider ways to enhance cooperation in the control of illicit brokering (UNGA, 2001a, paras. IV(1)(c)–(d)).

The resulting PoA was therefore considerably weaker than many had anticipated, but the conference had succeeded in adopting the PoA by consensus.

### *Relevant factors*

In understanding the small arms process, it is helpful to consider the issue of ammunition, the role of civil society, and the suitability of the arms control approach to addressing the issue.

**Ammunition.** The PoA contains no specific reference to the issue of ammunition. The word appears only twice, both times in connection with titles of other UN documents.<sup>14</sup> In 1997, the Panel of Experts had acknowledged that '[a]mmunition and explosives form an integral part of the small arms and light weapons used in conflicts' and recommended that the UN prepare a study on 'all aspects of the problem of ammunition and explosives' (1997a, paras. 29, 80(m)). Yet the association of ammunition with 'explosives' obscured the intrinsic connection between small arms and their ammunition, and thus 'contributed to relegating consideration of ammunition to a somewhat peripheral rank in [small arms and light weapons] discussions and negotiations' (Carle, 2006, p. 50).<sup>15</sup>

The reluctance to confront the issue of ammunition also characterized subsequent efforts to develop multilateral marking and tracing commitments, such as the International Tracing Instrument (see Part 2.3).

14 The two UN documents are the Firearms Protocol (UNGA, 2001c) and the report of the Secretary-General entitled *Methods of Destruction of Small Arms, Light Weapons, Ammunition and Explosives* (UNSC, 2000).

15 Tasked with developing the concept for the 2001 UN small arms conference, the GGE did take note of a UN ammunition study and recommended that ammunition be considered (UNGA, 1999a, para. 130). The GGE did not make any reference to explosives, thereby offering 'some implicit admission that while ammunition and [small arms and light weapons] formed a natural pair, ammunition and explosives did not' and acknowledging that 'there would be even greater resistance to dealing with illicit cartridges and bullets than with uncontrolled [small arms and light weapons]' (Carle, 2006, p. 50).

**Civil society.** While civil society played an important role in bringing the small arms problem to the international agenda, two factors limited its involvement during the UN small arms conference:

- The first relates to access and the level of participation of non-governmental organizations (NGOs). Some states perceived NGOs as important sources of information, and several had NGO representatives on their delegations; in contrast, others wished to restrict NGO access for fear they would highlight human rights and other issues. NGO participation was thus limited to one conference session, during which a range of NGOs were allowed to address the plenary. Yet NGOs also provided a range of informal contributions to the UN small arms conference, such as IANSA's daily report on the proceedings.
- The second factor is more fundamental. Unlike during the landmines process, the 'voice' of civil society on the small arms issue was, and remains, a divided one. Throughout the preparatory process and during the UN small arms conference itself, two distinct NGO communities were at work. One was a broad coalition of groups working to control the proliferation of small arms and their effects, brought together under the umbrella of IANSA; the second group represented the gun rights community, which saw the UN small arms conference as a threat to the rights of gun owners and sports shooters.

**Arms control vs. other approaches.** Although the issue of small arms and light weapons gained prominence based on a desire to reduce the effects of armed violence on individuals, communities, and societies, resulting control efforts were subsumed into the framework of arms control and disarmament—rather than human rights and development. This framing eventually pushed out the 'soft' questions, such as human rights, development impacts, and humanitarian effects—and criminality was largely being dealt with elsewhere.

The fact that the focus in the late 1990s was on the instrument of violence rather than on the violence itself probably made the arms control approach inevitable. With time, the emerging focus on demand factors and on causal factors of armed violence may usher in more holistic approaches to addressing the problems posed by small arms (see Parts 2.4 and 2.5).

## Purpose

The PoA aims to reduce the human suffering caused by the illicit trade in small arms, largely by addressing the manufacture, transfer, and storage of small arms, as well as their excessive accumulation, which has wide-ranging humanitarian and socio-economic consequences.

As its title suggests, the PoA seeks to prevent, combat, and eradicate the illicit trade in small arms and light weapons in all its aspects by:

- (a) strengthening or developing agreed norms and measures at the global, regional, and national levels to address the illicit trade;
- (b) developing and implementing agreed international measures to address illicit manufacturing and trafficking;
- (c) emphasizing post-conflict situations and regions facing urgent problems with respect to excessive and destabilizing accumulations of small arms and light weapons;
- (d) mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing and to raise awareness of the interrelated problems associated with these activities; and
- (e) promoting responsible action by states to prevent illicit transfers (UNGA, 2001a, para. I.22).

## Themes

Through a series of specific provisions, the PoA places the primary responsibility for curbing the illicit trade in small arms on governments. These provisions concern issues such as national controls on production and transfers; criminal offences; marking, record-keeping, and tracing; stockpile management; surplus disposal; brokering controls; disarmament, demobilization, and reintegration (DDR); public awareness programmes; and international cooperation and assistance.

## Main commitments

As shown in Table 2, the PoA calls on states to establish or strengthen various measures to tackle the illicit trade in small arms and light weapons.

**Table 2** PoA provisions

Theme	PoA section	Provision
National coordination agency	II.4	Establish or designate national coordination agencies responsible for policy guidance, research, and monitoring efforts.
National point of contact	II.5	Establish or designate a national point of contact to act as a liaison between states.
Manufacture	II.2	Put in place adequate laws, regulations, and administrative procedures to exercise effective control over the production of small arms and light weapons.
	II.3	Establish illegal manufacture as a criminal offence.
	II.6	Identify and take legal action against persons involved in illegal manufacture.
Marking	II.7	Apply appropriate and reliable marking—identifying country of manufacture, manufacturer, and serial number—on each small arm and light weapon as an integral part of the production process.
	II.8	Adopt measures to prevent the manufacture, stockpiling, transfer, and possession of unmarked or inadequately marked small arms and light weapons.
Record-keeping	II.9	Ensure comprehensive and accurate records on manufacture, holding, and transfer of small arms and light weapons and ensure that they are kept for as long as possible.
	II.16	Ensure that confiscated, seized, and collected weapons are marked and registered, if they are not destroyed.
Cooperation in tracing	II.10	Ensure effective measures for tracing weapons held and issued by the state.
Export	II.2, II.12	Put in place adequate laws, regulations, and administrative procedures to exercise effective control over the export, import, transit, and retransfer of small arms and light weapons.
	II.11	Assess export applications according to strict national regulations and procedures that are consistent with international law and that take into account the risk of diversion.
	II.11	Establish an effective system of export and import licensing or authorization as well as measures on international transit.
	II.12	Ensure the use of authenticated end-user certificates and establish effective legal and enforcement measures.
Import	II.2, II.12	Put in place adequate laws, regulations, and administrative procedures to exercise effective control over the export, import, transit, and retransfer of small arms and light weapons.
	II.11	Establish an effective system of export and import licensing or authorization as well as measures on international transit.
	II.12	Ensure the use of authenticated end-user certificates and establish effective legal and enforcement measures.
Transit	II.2, II.12	Put in place adequate laws, regulations, and administrative procedures to exercise effective control over the export, import, transit, and retransfer of small arms and light weapons.
	II.11	Establish an effective system of export and import licensing or authorization as well as measures on international transit.

Theme	PoA section	Provision
Retransfer	II.2, II.12	Put in place adequate laws, regulations, and administrative procedures to exercise effective control over the export, import, transit, and retransfer of small arms and light weapons.
	II.11	Assess export applications according to strict national regulations and procedures that are consistent with international law and that take into account the risk of diversion.
	II.11	Establish an effective system of export and import licensing authorization as well as measures on international transit.
	II.12	Ensure the use of authenticated end-user certificates and establish effective legal and enforcement measures.
	II.13	Notify the original exporting states before the retransfer of weapons, in accordance with bilateral agreements.
General	II.3	Establish illegal trade as a criminal offence.
	II.6	Identify and take legal action against persons involved in illegal trade or transfers.
	II.15	Take appropriate measures, including legal and administrative measures, against activities that violate arms embargoes.
Brokering	II.14	Develop legislation and administrative procedures on brokering, including on the registration of brokers and the licensing or authorization of brokering transactions, and appropriate penalties for illicit brokering.
	II.6	Identify and take legal action against persons involved in illegal financing for acquisition.
Collection, seizure, and disposal	II.16	Destroy confiscated, seized, and collected small arms and light weapons, unless another use has been officially authorized.
Stockpile management and security	II.17	Ensure the establishment of adequate and detailed standards and procedures for the management and security of stockpiles held by any authorized body.
	II.3	Establish illicit stockpiling as a criminal offence.
Surplus identification and disposal	II.18	Perform regular reviews of stockpiles held by armed forces, police, and other authorized bodies to identify surplus.
		 <b>What is surplus?</b> Surplus is the quantity of arms that exceeds the requirements of state defence and security forces. It is up to national governments to determine how to identify or calculate surplus stockpiles, there being no international definition of surplus. <sup>16</sup>
	II.18	Ensure that declared surplus stockpiles are clearly identified and disposed of, preferably through destruction, and ensure adequate safeguarding until disposal.
	II.19	Take into account the Secretary-General's report on destruction methods (UNSC, 2000).

<sup>16</sup> Although there is no standard definition, some instruments—such as the Organization for Security and Co-operation in Europe's Document on Small Arms and Light Weapons—outline indicators for identifying surplus (OSCE, 2000, s. IV(A)).

Theme	PoA section	Provision
Public awareness	II.20	Develop and implement public awareness and confidence-building programmes, in cooperation with civil society.
DDR and children	II.21	Develop and implement effective DDR programmes.
	II.21	If a method other than destruction is officially authorized, ensure that small arms and light weapons are marked and the alternate form of disposal is recorded.
	II.21	Include specific provisions for DDR programmes in peace agreements.
	II.22	Address special needs of children affected by armed conflict.
Transparency	II.23	Make public relevant national laws, regulations, and procedures.
	II.23	Submit to regional and international organizations information on small arms and light weapons confiscated or destroyed and other relevant information (such as illicit trade routes and techniques of acquisition).
Other (possession, stockpiling, and trade)	II.3	Establish the illegal possession, stockpiling, and trade of small arms and light weapons as criminal offences.
	II.6	Identify groups and individuals engaged in the illegal possession, stockpiling, and trade of small arms and light weapons.
Regional measures	II.25	Encourage, conclude, ratify, or fully implement relevant legally binding instruments aimed at addressing the illicit trade.
	II.26	Encourage the establishment and strengthening of moratoria on the transfer and manufacture of small arms and light weapons in affected regions.
	II.27	Establish trans-border cooperation and information sharing between law enforcement and customs control agencies.
	II.29	Promote safe and effective stockpile management, support DDR programmes, and encourage measures to enhance transparency.
Global measures	II.32	Cooperate with the UN to ensure effective implementation of arms embargoes.
	II.34	Encourage DDR and weapons disposal programmes.
	II.36	Strengthen states' abilities to cooperate in identifying and tracing small arms and light weapons.
	II.37	Encourage cooperation with the International Criminal Police Organization (INTERPOL).
	II.39	Develop a common understanding of the scope and issues of illicit brokering.
	II.40	Encourage cooperation with relevant regional and international organizations and civil society, including NGOs.
International cooperation and assistance	III	Undertake to cooperate and coordinate efforts to combat the illicit trade in small arms, and to offer financial and technical assistance, if in a position to do so, to support the effective implementation of the PoA.

## The PoA process

The PoA calls on states to:

- submit **national reports** on their implementation of the PoA on a *voluntary* basis, which states tend to do every two years, to coincide with each biennial meeting of states (BMS);
- convene **biennial meetings** to consider national, regional, and global implementation of the PoA; and
- convene a **review conference** by 2006 to evaluate progress made in the implementation of the PoA. The first such conference was held in 2006 in accordance with the PoA (UNGA, 2001a, part IV). UN member states agreed to convene a second review conference in 2012 through General Assembly Resolution 63/72 (UNGA, 2008e, para. 14). A third is scheduled for 2018 (see Box 5).



### Note

While the PoA itself makes provisions for a five-year cycle (with the first biennial meeting in 2003, the second in 2005, and the first review conference in 2006), states have since agreed to follow a six-year cycle. The need for this change was recognized by states during the fourth Biennial Meeting of States (BMS4), as reflected in its outcome document (UNGA, 2010, para. 44). The schedule of meetings for the six-year cycle from 2012 to 2018 was determined during the Second Review Conference in 2012 (see Box 5).

### Box 5 Schedule of PoA meetings, 2012–18

- 2014** BMS5 (one week)
- 2015** Open-ended meeting of governmental experts (one week)
- 2016** BMS6 (one week)
- 2018** Third Review Conference (two weeks, preceded by a one-week PrepCom)

Source: UNGA (2012a, annexe III, paras. 1–2)

## Evolution of the PoA and its relationship to other instruments

While many of the PoA provisions are crafted in fairly general language, benchmarks for assessing PoA implementation efforts are evolving. Since the Programme's adoption in 2001, its provisions have been supplemented and expanded through the following:

- the International Tracing Instrument, or ITI (UNGA, 2005b);
- the report of the Group of Governmental Experts on Brokering (UNGA, 2007a);
- the outcome documents of BMS3, BMS4, and BMS5 (UNGA, 2008a; 2010; 2014);
- the chairs' summaries of the two Open-ended Meetings of Governmental Experts, the first in 2011 and the second in 2015; and
- the outcome document of the Second Review Conference (UNGA, 2012a; see Figure 12).

There are areas of overlap between the PoA and the Firearms Protocol; the provisions of the Arms Trade Treaty also supplement and expand on PoA provisions that relate to international transfer controls (export, import, transit, and retransfer) and brokering (see Parts 2.1 and 2.6). States parties to these instruments should be attentive to parallel commitments that exist. In addition, recent regional agreements contribute to commitments in this area. Accordingly, the PoA should not be read—or implemented—as a stand-alone text.

**Figure 12** Evolution of PoA themes



## Resources

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- Laurance, Ed. 2002. 'Reaching Consensus in New York: The UN 2001 Small Arms Conference.' In *Small Arms Survey. Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press, pp. 203–33.
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## Quick reference

The text of the PoA is available here:

<<http://www.poa-iss.org/poa/poahtml.aspx>>

UNODA's Programme of Action Implementation Support System (PoA-ISS) is an online resource that provides information on the PoA process:

<<http://www.poa-iss.org/poa/poa.aspx>>

## 2.3 The International Tracing Instrument

### Background

The International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons—known as the International Tracing Instrument, or ITI—is a politically binding instrument adopted by UN member states in 2005. The ITI grew out of efforts to promote the development of international marking, record-keeping, and tracing measures.

### History<sup>17</sup>

#### *Attention to the tracing issue*

The marking and tracing of small arms received heightened international attention in the late 1990s, with the recommendation of the UN Panel of Experts for a

<sup>17</sup> This section draws on the overview of the ITI negotiations in McDonald (2006).

study on marking and the adoption of standards for marking, record-keeping, and tracing by the Organization of American States (UNGA, 1997a, para. 80(l)(i); OAS, 1997). France and Switzerland launched their own initiative in this area in 2000 (France and Switzerland, 2000; 2001a; 2001b). This initiative and inputs from civil society groups, both pro-control and pro-gun, fed into preparations for the 2001 UN small arms conference (see Part 2.2). The PoA, agreed at the conference, recommended in its follow-up section that the UN study ‘the feasibility of developing’ an international tracing instrument (UNGA, 2001a, s. IV.1.c). This was a compromise that fell well short of the prompt commencement of negotiations on an international instrument, in particular a treaty, that many states at the conference had advocated.

The Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons was established to conduct the feasibility study recommended by the PoA. The GGE held three meetings between July 2002 and June 2003, and issued its report in July 2003 (UNGA, 2003a). In its report, the GGE concluded that it was both ‘desirable’ and ‘feasible’ to develop an international tracing instrument and recommended that the General Assembly take a decision to negotiate such an instrument within the UN framework.

Pursuant to the GGE’s recommendation, the UN General Assembly had established an open-ended working group (OEWG) ‘to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons’ (UNGA, 2003b, para. 8). The OEWG negotiated over the course of three two-week sessions (see Box 6), reaching consensus agreement on a draft text at the end of its third and final session (17 June 2005). The UN General Assembly then adopted the instrument on 8 December 2005, rendering it applicable to all UN member states.

### *Contentious hurdles*

While the GGE unanimously concluded that it was both ‘desirable’ and ‘feasible’ to develop an international tracing instrument, it left two important issues unresolved: whether the instrument was to be legally or politically binding in character (UNGA, 2003a, paras. 96–98) and whether to include ammunition and explosives within the scope of the exercise. As a consequence, the General Assembly did not specify whether ammunition or explosives were to be discussed when

determining the OEWG's negotiating mandate. Nor did it decide whether the instrument would be legally or politically binding, leaving this matter for the negotiations (UNGA, 2003b, para. 5).

**Instrument character.** The ITI negotiations were almost derailed by the question of instrument character. Since there was strong support but no consensus on the adoption of a legally binding instrument, UN member states ultimately settled for a politically binding instrument. This approach preserved both the contents of the text that had been negotiated by the OEWG and the practice of reaching UN small arms decisions by consensus.

**Ammunition.** Like the GGE before it, the OEWG also had difficulty handling the issue of ammunition. Most delegations either supported the inclusion of ammunition in the scope of the instrument (with the European Union leading the charge) or opposed its inclusion (with the United States being the most vocal opponent). Many states that opposed the inclusion argued that the large volume of ammunition that is traded at the international level would make the implementation of relevant standards costly and that it would not be feasible to, for example, mark each round of small arms ammunition with a unique identifying code or serial number (Saferworld, 2011, p. 7). They also argued that, since ammunition had not been clearly included in the OEWG's mandate, it could not form part of the discussions. The states that supported the inclusion argued that the term 'small arms and light weapons' implicitly covered ammunition. Ultimately, the result of the debate was that ammunition was omitted from the scope of the ITI.

States did agree, however, to include a recommendation in the OEWG report 'that the issue of small arms and light weapons ammunition be addressed in a comprehensive manner as part of a separate [UN] process' (UNGA, 2005a, para. 27). This led to the collection of views among UN member states on the problem as well as the establishment of a GGE in 2008 to consider further steps to enhance cooperation with regard to the issue of surplus conventional ammunition stockpiles (UNGA, 2006a, para. 7). The Group recommended the development of appropriate technical guidelines, which would be available for states to use on a voluntary basis (UNGA, 2008f, para. 72). This, in turn, led to the development of the International Ammunition Technical Guidelines, which articulate standards for the management of national ammunition stockpiles (see Part 3).

**Box 6** ITI timeline

<b>1997</b>	The UN Panel of Experts recommends a study on marking.
<b>2000</b>	A Franco-Swiss initiative promotes the development of new measures for marking and tracing.
<b>2001</b>	The PoA is adopted. It includes a recommendation for a UN study on the feasibility of developing an international tracing instrument.
<b>July 2002–June 2003</b>	The GGE on tracing meets to consider the feasibility of developing an international tracing instrument. The GGE report concludes it is desirable and feasible.
<b>December 2003</b>	The UN General Assembly establishes an OEWG to negotiate an international tracing instrument.
<b>June 2004–June 2005</b>	The OEWG holds three substantive sessions.
<b>17 June 2005</b>	The OEWG adopts the ITI text.
<b>8 December 2005</b>	The UN General Assembly adopts the ITI.

## Purpose

The purpose of the ITI is to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons (UNGA, 2005b, para. 1). It also seeks to promote and facilitate international cooperation and assistance in marking and tracing and to complement and enhance the effectiveness of existing agreements to address the illicit trade in small arms—notably the PoA (UNGA, 2005b, para. 2).

## Themes

The ITI addresses four main themes to assist with the tracing of illicit small arms and light weapons:

- marking;
- record-keeping;
- cooperation in tracing, including subsections on tracing requests and responses to tracing requests; and
- implementation, which includes provisions on international cooperation and cooperation with the UN and INTERPOL.

**Note**

Unlike the PoA, the ITI provides definitions of key terms such as ‘small arms’ and ‘light weapons’ (see Box 7).

### Box 7 Definitions in the ITI

For the purposes of this instrument, ‘small arms and light weapons’ will mean any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899:

- (a) ‘Small arms’ are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;
- (b) ‘Light weapons’ are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.

For the purposes of this instrument, ‘tracing’ is the systematic tracking of illicit small arms and light weapons found or seized on the territory of a State from the point of manufacture or the point of importation through the lines of supply to the point at which they became illicit.

Source: reproduced from UNGA (2005b, paras. 4–5)

## Main commitments

Table 3 lists the main provisions of the ITI regarding marking, record-keeping, tracing, and implementation.

## The ITI process

The ITI stipulates that states:

- submit **national reports** on their ITI implementation every two years (to coincide with biennial meetings);



**Note** A state’s report on ITI implementation may form part of its national report on PoA implementation.

- meet at **biennial meetings** convened within the framework of relevant PoA meetings, such that the ITI and PoA biennial meetings are held together (unless there is no PoA BMS, in which case an ITI BMS is to be held independently); and
- review the implementation and development of the ITI at **review conferences** within the framework of PoA review conferences (UNGA, 2005b, part VII).

**Table 3** ITI provisions

Theme	ITI paragraphs	Provisions
Marking	7, 8, 10	Ensure that marks are on an exposed surface, conspicuous without technical aids or tools, easily recognizable, readable, durable, and, as far as technically possible, recoverable, and ensure that essential or structural components of weapons have unique markings.
	8(a)	Require either (a) a unique marking that provides the name of the manufacturer, the country of manufacture, and the serial number, or (b) an alternative marking using simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification of the country of manufacture, and, whenever possible, mark additional information such as the year of manufacture, weapon type/model, and calibre.
	8(b)	Require, to the extent possible, simple marking on each imported arm, permitting identification of the country of import and, where possible, the year of import, and also require a unique marking, if the small arm or light weapon does not already bear such a marking.   <b>Note</b> Unique markings do not need to be applied to arms that are temporary imports or permanent imports to be housed in museums.
	8(c)	Ensure that arms transferred from government stockpiles to permanent civilian use are marked in a way that permits identification of the country from whose stockpiles the transfer is made, if it does not already bear such a marking.
	8(d)	Ensure that state-held arms are duly marked.
	8(e)	Encourage manufacturers to develop measures against the removal or alteration of markings.
	9	Ensure that all illicit arms that are found or seized are uniquely marked and recorded, or destroyed, as soon as possible, and that they are securely stored pending disposal.
Record-keeping	12	Keep records of all weapons marked on national territory indefinitely or for a stipulated minimum (see below).
	12(a)	Keep manufacturing records for at least 30 years.
	12(b)	Keep records of transfers and all other records for at least 20 years.
	13	Require companies that are going out of business to forward their records to the state.
Cooperation in tracing	14–23	Ensure the implementation of tracing systems capable of undertaking traces and responding to tracing requests.   <b>Note</b> Exact tracing systems are left to states, but the ITI contains a list of information required for tracing requests and protocols to be used when responding to such requests.

Theme	ITI paragraphs	Provisions
Implementation	24	Establish the laws, regulations, and administrative procedures required to implement the ITI, as needed.
	25	Designate one or more national points of contact to act as liaison(s) on all matters relating to the ITI.
	27–28	Provide international cooperation and technical, financial, and other assistance.
	33–35	Cooperate with INTERPOL.

 **Note** An Open-ended Meeting of Governmental Experts, held from 9 to 13 May 2011, brought together experts on marking, record-keeping, and tracing to discuss challenges and opportunities relating to the ITI. This was the first meeting of its kind in the PoA process. ITI topics also dominated the second such meeting held from 1 to 5 June 2015.

## Evolution of the ITI and its relationship to other instruments

As with the PoA (see Part 2.2), benchmarks for assessing and monitoring ITI implementation efforts are evolving. Since it was adopted in 2005, the ITI provisions have been supplemented with the following texts, all of which include commitments and recommendations specific to the ITI:

- the outcome documents of BMS3, BMS4, and and BMS5 (UNGA, 2008a; 2010);
- the chairs' summaries of the first and second Open-ended Meetings of Governmental Experts, held in 2011 and 2015, respectively (UNGA, 2011; 2015a);
- the outcome document of the Second Review Conference (UNGA, 2012a).<sup>18</sup>

The opening paragraph of the ITI's preamble highlights the PoA's commitment to strengthening cooperation in identifying and tracing illicit small arms and light weapons, and the fifth paragraph draws attention to its complementary relationship with the Firearms Protocol.

The PoA itself launched the process that led to the ITI's eventual adoption (UNGA, 2001a, part IV.1.c). Like the PoA, the ITI is a politically binding agreement designed to address elements of the illicit trade in small arms and light weapons. In contrast to the PoA, however, the ITI focuses on a specific set of control measures,

<sup>18</sup> For example, the outcome document expands on the ITI's brief mention of its application to conflict situations, with UN member states undertaking to cooperate with UN bodies, organs, and missions in tracing weapons collected in conflict or post-conflict settings (UNGA, 2012a, annex II, para. (A)(2)(e)).

namely marking, record-keeping, and tracing. The PoA and Firearms Protocol contain a number of measures relevant to marking, record-keeping, and tracing, but they do not cover these issues with the same level of detail as the ITI, especially with respect to tracing cooperation. As noted above, the ITI stipulates that follow-up meetings are to be held simultaneously with those of the PoA, although an ITI BMS could be held independently of the PoA if, for some reason, a PoA BMS is not held. In practice, PoA and ITI meetings have been held simultaneously with the exception of the Open-ended Meeting of Governmental Experts of May 2011, a PoA meeting that decided to examine ITI implementation challenges and opportunities.

## Resources

- Bevan, James and Glenn McDonald. 2012. *Weapons Tracing and Peace Support Operations: Theory or Practice?* Issue Brief No. 4. Geneva: Small Arms Survey.
- McDonald, Glenn. 2006. 'Connecting the Dots: The International Tracing Instrument.' In *Small Arms Survey. Small Arms Survey 2006: Unfinished Business*. Oxford: Oxford University Press, pp. 94–117.
- . 2012. *Precedent in the Making: The UN Meeting of Governmental Experts*. Issue Brief No. 5. Geneva: Small Arms Survey.
- Persi Paoli, Giacomo. 2009. *Comparative Analysis of Post-Manufacture Marking Instruments and Practices for Small Arms and Light Weapons*. Geneva: United Nations Institute for Disarmament Research.
- . 2010. *The Method behind the Mark: A Review of Firearm Marking Technologies*. Issue Brief No. 1. Geneva: Small Arms Survey.

## Quick reference

The text of the ITI is available here:

<[http://www.poa-iss.org/InternationalTracing/ITI\\_English.pdf](http://www.poa-iss.org/InternationalTracing/ITI_English.pdf)>

Background documents are available here:

<<http://www.poa-iss.org/InternationalTracing/InternationalTracing.asp>>

## 2.4 The Geneva Declaration

### Background

The Geneva Declaration on Armed Violence and Development, initially adopted by 42 states on 7 June 2006 during a ministerial summit in Geneva, was a diplomatic initiative aimed at addressing the interrelations between armed violence and development. It was designed to support states and civil society actors in achieving measurable reductions in armed violence in conflict and non-conflict settings by 2015. More than 100 countries had adopted the Declaration by 2015.

Under the Declaration, signatories agreed to strengthen their efforts to integrate armed violence reduction and conflict prevention programmes into national, regional, and multilateral development frameworks and strategies. They pledged to work on practical and other measures to promote conflict prevention and stem the proliferation, illegal trafficking, and misuse of small arms and light weapons by fully implementing existing instruments, including the PoA (Geneva Declaration Secretariat, 2006).



### *What is armed violence?*

The Organisation for Economic Co-operation and Development defines armed violence as: the use or threatened use of weapons to inflict injury, death or psycho-social harm (OECD, 2011, p. ii). This working definition covers armed violence perpetrated in both conflict and non-conflict settings.

Adoption of the Declaration reflected growing awareness among policy-makers that armed violence was undermining development and aid effectiveness and hindering the achievement of the UN Millennium Development Goals (MDGs), which were to be attained in 2015 as well.

## **Process**

A Core Group of 15 signatory states and affiliated organizations was responsible for steering the process and guiding the implementation of the Geneva Declaration. Regular high-level diplomatic regional meetings and ministerial review conferences took place to assess related progress. In total, there were two ministerial review conferences, which took place in 2008 and 2011, and a series of five regional review conferences, held in 2014 (Geneva Declaration Secretariat, 2014a). One of the aims of the regional review conferences was to ‘gather support for the meaningful integration of armed violence reduction in national and international development processes, including the post-2015 development agenda’ (Geneva Declaration Secretariat, 2014a). Associated activities took place in anticipation of the expiration of the MDGs, the adoption of the Sustainable Development Goals (SDGs)—which occurred in September 2015—and the integration of the Geneva Declaration process into the new 2030 Agenda for Sustainable Development (see Part 2.5).

With the adoption of the SDGs by UN member states, and particularly the inclusion of Goal 16 (see Part 2.5), a key goal of the Geneva Declaration—namely ‘achieving measurable reductions in the global burden of armed violence’—has been integrated into the global development framework. As noted by the Geneva Declaration Secretariat: ‘The political process for the inclusion of violence reduction and prevention into development can now make way for a concerted effort to address the new challenges of implementation and measuring progress of Goal 16’ (Geneva Declaration Secretariat, 2015b). For this reason, the Geneva Declaration-led political process was no longer deemed necessary.

 **Note** The Geneva Declaration Secretariat produced three editions of the *Global Burden of Armed Violence*, released in 2008, 2011, and 2015. These volumes provide information and data on the wide-ranging costs and impacts of armed conflict and crime on development and offer researchers and policy-makers new tools for studying and tackling different forms of violence.

## Relationship to other instruments

The focus of the PoA is on the illicit trade in small arms and light weapons, while the Firearms Protocol approaches the issue from a crime and law enforcement perspective. In contrast, the Geneva Declaration was borne of a desire to redirect the focus of the small arms process away from supply issues and towards factors linked to the demand for weapons, the causes of armed violence, and development and security concerns.

## Resources

- Geneva Declaration Secretariat. 2008. *Global Burden of Armed Violence*. Geneva: Geneva Declaration Secretariat. <<http://www.genevadeclaration.org/>>
- . 2011. *Global Burden of Armed Violence 2011: Lethal Encounters*. Geneva: Geneva Declaration Secretariat.
  - . 2015a. *Global Burden of Armed Violence 2015: Every Body Counts*. Geneva: Geneva Declaration Secretariat.
  - . 2015b. ‘News: Building Peaceful and Inclusive Societies as Part of the 2030 Development Agenda.’ <<http://www.genevadeclaration.org/news/news-2015.html>>

## Quick reference

The text of the Geneva Declaration is available here:

<<http://www.genevadeclaration.org/fileadmin/docs/GD-Declaration-091020-EN.pdf>>

A list of states that had adhered to the Geneva Declaration is available here:

<<http://www.genevadeclaration.org/the-geneva-declaration/who-has-signed-it.html>>

## 2.5 The Sustainable Development Goals

### Background

With the expiration of the MDGs in 2015, UN member states turned their attention to the new development framework—the ‘post-2015’ agenda—and, in September 2015, adopted Transforming Our World: The 2030 Agenda for Sustainable Development. This Agenda establishes 17 Sustainable Development Goals (SDGs) and 169 targets aimed at achieving sustainable development in its three dimensions—economic, social, and environmental—by 2030. Through the Agenda, UN member states have agreed to ‘build upon the achievements of the Millennium Development Goals and seek to address their unfinished business’ (UNGA, 2015b, para. 2).

### Process

The SDGs are accompanied by a framework of global indicators that will provide a picture of the progress made by UN member states in the implementation of the 2030 Agenda. The United Nations Statistical Commission adopted the indicators framework in March 2016 (UNDESA, 2016). The central UN platform for the follow-up and review of the 2030 Agenda is the High-level Political Forum on Sustainable Development.

### Small arms-related commitments

Under Goal 16 of the SDGs, UN member states have agreed to promote peaceful and inclusive societies, provide access to justice for all, and build effective and accountable institutions (see Box 8). Goal 16 includes 12 targets ranging from reducing violent deaths (16.1) to reducing corruption and bribery (16.5). Importantly,

#### **Box 8** SDG Goal 16

**Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels**

16.1 significantly reduce all forms of violence and related death rates everywhere

[...]

16.4 by 2030 significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organized crime (UNGA, 2015a).

from the small arms perspective, UN member states have agreed on Target 16.4, which entails the aim to significantly reduce illicit arms flows by 2030. The inclusion of Target 16.4 reflects the widespread acceptance of arms control as a crucial factor for security, development, and justice (Alvazzi del Frate and De Martino, 2016).

The global indicator for measuring arms-related matters adopted at the 47th meeting of the Statistical Commission in March 2016 was:

*16.4.2 Percentage of seized small arms and light weapons that are recorded and traced, in accordance with international standards and legal instruments (UNSD, 2016, annexe III).*

While the global indicator focuses on seizures, national-level indicators should provide complementary information and focus on means to prevent the diversion of legal arms into illicit markets. This data should enhance awareness and understanding of how the fight against the illicit arms trade evolves (Alvazzi del Frate and De Martino, 2016).

## Relationship to other instruments

As was the case in the Geneva Declaration (see Part 2.4), the focus of the arms-related targets in the SDGs is on the demand for weapons, the causes of armed violence, and development and security concerns. The inclusion of ‘illicit arms flows’ in Target 16.4 represents a clear and important link between Agenda 2030 and the other international instruments on small arms and light weapons—such as the Firearms Protocol (see Part 2.1), the PoA (see Part 2.2), the International Tracing Instrument (see Part 2.3), and the ATT (see Part 2.6)—all of which aim to reduce illicit arms flows. In addition, the language of indicator 16.4.2—which is focused on the recording and tracing of seized small arms and light weapons ‘in accordance with international standards and legal instruments’—underlines the direct relevance of international instruments on small arms and light weapons to the implementation of Agenda 2030; the Firearms Protocol and the International Tracing Instrument are particularly relevant in this context (see Part 2.3).

## Resources

Alvazzi del Frate, Anna and Luigi De Martino. 2016. *A New Development Agenda: Bridging the Development–Security Divide*. Research Note 58. Geneva: Small Arms Survey. June.

United Nations General Assembly. 2015b. Resolution 70/01, adopted 25 September. A/ RES/70/01 of 21 October 2015. <[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)>

United Nations Statistics Division. 2016. Report on the Forty-seventh Session. Economic and Social Council Official Records 2016 Supplement No. 4. E/2016/24–E/CN.3/2016/34. <<http://unstats.un.org/unsd/statcom/47th-session/documents/Draft-report-on-the-47th-session-of-the-statistical-commission-Rev1-E.pdf>>

## Quick reference

The text of the 2030 Agenda for Sustainable Development is available here:

<[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)>

Information regarding the ongoing work of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators, tasked with developing the indicators, is available here:

<<http://unstats.un.org/sdgs/iaeg-sdgs>>

Updates on the SDGs are available on this UN website:

<<https://sustainabledevelopment.un.org/post2015/transformingourworld>>

## 2.6 The Arms Trade Treaty

### Background

The Arms Trade Treaty is a multilateral instrument that regulates the international transfer of conventional arms, including small arms and light weapons. The ATT was adopted on 2 April 2013 by General Assembly Resolution 67/234 B and entered into force on 24 December 2014 (UNGA, 2013a, para. 1; UNTC, n.d.).

 **Note** The ATT entered into force on 24 December 2014 (UNTC, n.d.), 90 days after the 50th state deposited an instrument of ratification, acceptance, or approval with the Secretary-General (UNGA, 2013b, art. 22(1)). Accordingly, the ATT is now legally binding on states that have ratified or otherwise formally expressed their consent to be bound by it.

### History

The campaign for an international arms trade treaty can be traced back to the mid-1990s, when a group of Nobel Peace Prize laureates voiced concern over the destructive effects of the unregulated arms trade and called for an international agreement to prevent irresponsible arms transfers (Nobel Peace Prize Laureates, 1997; see Box 9).

In 2003, the cause was joined by Control Arms, a non-governmental coalition that comprised Amnesty International, IANSA, and Oxfam, which led the civil

society campaign calling for a global, legally binding agreement to ease the suffering caused by irresponsible transfers of conventional weapons and ammunition. Support for the initiative began to grow at the UN as states such as the United Kingdom spearheaded discussions on a possible treaty.

The General Assembly adopted the first ATT resolution in December 2006, calling for states' views on the feasibility, scope, and draft parameters for a legally binding instrument establishing common international standards on arms transfers (UNGA, 2006b). The Secretary-General compiled these views in a report that informed a GGE<sup>19</sup> that was to examine the feasibility of such a treaty and produce a report (UNGA, 2006b, para. 2; 2007b–f; 2008d).

With the second ATT resolution, passed in December 2008, the General Assembly established an open-ended working group to meet for up to six sessions to further consider elements raised in the GGE report for inclusion in an eventual treaty (UNGA, 2008b). One year later, the third ATT resolution endorsed the OEWG's report, set aside four consecutive weeks to convene a United Nations conference on the ATT in 2012, and converted the remaining sessions of the OEWG into PrepComs for the 2012 conference (UNGA, 2009a).

When this conference failed to adopt an ATT by consensus, a further final conference was scheduled and held in March 2013 (UNGA, 2012b, para. 2). This final conference also failed to achieve consensus on a text as a result of blocking by Iran, North Korea, and Syria. However, the final draft text that was presented to UN member states for adoption during the conference was put to the General Assembly for adoption by a vote a few days after the end of the March conference. On 2 April 2013, the ATT was adopted by an overwhelming majority vote in the General Assembly and was opened for signature on 3 June 2013 (UNGA, 2013b, paras. 1, 3).

 **Note** While the official UN voting record indicates that on 2 April 2013, 154 UN member states voted in favour of the resolution to adopt the ATT, with 3 votes against and 23 abstentions, the final vote was in fact 156 in favour, 3 against, and 22 abstentions. Angola changed its vote from an abstention to 'yes' and Cape Verde, which was not present at the vote on 2 April, subsequently registered a 'yes' vote.

<sup>19</sup> The GGE comprised 28 experts from Algeria, Argentina, Australia, Brazil, China, Colombia, Costa Rica, Cuba, Egypt, Finland, France, Germany, India, Indonesia, Italy, Japan, Kenya, Mexico, Nigeria, Pakistan, Romania, the Russian Federation, South Africa, Spain, Switzerland, Ukraine, the United Kingdom, and the United States.

**Box 9** ATT timeline

<b>May 1997</b>	Nobel Peace Prize Laureates, led by Oscar Arias and supported by NGOs, write the International Code of Conduct on Arms Transfers, the seed of the ATT movement.
<b>2003</b>	Control Arms joins the cause for a global, legally binding agreement.
<b>6 December 2006</b>	In its first ATT resolution (A/RES/61/89), entitled 'Towards an Arms Trade Treaty: Establishing Common International Standards for the Import, Export and Transfer of Conventional Arms', the UN General Assembly calls for states' views on the feasibility, scope, and draft parameters for a legally binding instrument and establishes a GGE to examine the same for a treaty.
<b>17 August 2007</b>	The UN Secretary-General issues <i>Towards an Arms Trade Treaty: Establishing Common International Standards for the Import, Export and Transfer of Conventional Arms (A/62/278)</i> , a compilation of the views of 94 <sup>20</sup> states in response to Resolution 61/89.
<b>11–15 February, 12–16 May, 28 July–8 August 2008</b>	The GGE convenes over three sessions to examine the feasibility, scope, and draft parameters of the treaty.
<b>26 August 2008</b>	The GGE issues its report examining the feasibility, scope, and draft parameters for a treaty (UNGA, 2008c).
<b>24 December 2008</b>	In its second ATT resolution (A/RES/63/240), the UN General Assembly establishes an OEWG to further consider the recommendations of the Secretary-General's report.
<b>2–6 March 2009</b>	The OEWG convenes its first substantive session.
<b>July 2009</b>	The OEWG convenes its second substantive session on 13–17 July and submits its report on 20 July (UNGA, 2009c).
<b>2 December 2009</b>	In its third ATT resolution (A/RES/64/48), the UN General Assembly endorses the OEWG report and decides to convene a UN Conference on the ATT for four weeks in 2012 (UNGA, 2009a). The remaining scheduled OEWG sessions are changed to PrepCom meetings.
<b>12–23 July 2010</b>	The first ATT PrepCom begins discussions on the possible structure, contents, principles, parameters, implementation, application, and scope of an arms trade treaty.
<b>28 February–3 March 2011</b>	The second ATT PrepCom meets.
<b>11–15 July 2011</b>	The third ATT PrepCom meets.
<b>13–17 February 2012</b>	The fourth ATT PrepCom meets.
<b>2–27 July 2012</b>	The UN Conference on the ATT convenes in New York but fails to reach consensus on the draft treaty.
<b>24 December 2012</b>	In its fourth ATT resolution (A/RES/67/234), the UN General Assembly agrees to convene the Final United Nations Conference on the ATT using the draft text A/CONF.271/CRP.1 as a basis for future negotiations (UNGA, 2012b).

<sup>20</sup> A further six states submitted their views after the publication of the Secretary-General's report.

**Box 9** ATT timeline cont.

<b>18–28 March 2013</b>	The Final United Nations Conference on the ATT convenes in New York but fails to reach consensus on the draft text A/CONF.271/CRP.1; the text is presented to the General Assembly as an annex to Resolution A/67/L.58.
<b>2 April 2013</b>	The General Assembly adopts the ATT with 154 votes in favour, 3 votes against, and 23 abstentions.
<b>3 June 2013</b>	The ATT opens for signature.
<b>24 December 2014</b>	The ATT enters into force.

## Purpose

The ATT establishes legally binding commitments governing the international trade—comprising the export, import, transit, transshipment, and brokering—of conventional arms, including small arms and light weapons. Article 1 sets out the ‘object and purpose’ of the ATT:

The object of the Treaty is to:

- Establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms;
- Prevent and eradicate the illicit trade in conventional arms and prevent their diversion;

for the purpose of:

- Contributing to international and regional peace, security and stability;
- Reducing human suffering;
- Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties (UNGA, 2013b, art. 1).

## Themes

Central to the ATT is the need to control the international transfer of arms, particularly the export of arms, to avoid misuse and diversion.

## Scope

**Conventional arms.** The ATT provisions apply to the following categories of conventional arms:

1. battle tanks;
2. armoured combat vehicles;
3. large-calibre artillery systems;
4. combat aircraft;
5. attack helicopters;
6. warships;
7. missiles and missile launchers; and
8. small arms and light weapons (UNGA, 2013b, art. 2(1)).

 **Note** The categories of arms covered by the ATT include the seven categories of the UN Register of Conventional Arms (see Part 3) as well as small arms and light weapons, which do not form an official category of the UN Register although states are invited to report on them. For this reason, the list of conventional arms included in the ATT is often referred to as the ‘7 plus 1’ formula, referring to the seven categories of the UN Register plus small arms and light weapons.

Some of the ATT provisions also apply to ammunition/munitions and parts and components (UNGA, 2013b, arts. 3, 4; see Table 4).

 **Note** Not all of the ATT provisions apply to ammunition/munitions and parts and components.

**Transactions and activities.** The ATT includes provisions governing the ‘international trade’, referred to as ‘transfer’ of arms and defined to consist of the following activities: export, import, transit, transshipment, and brokering (UNGA, 2013b, art. 2(2)).



#### *What is not included in the ATT definition of ‘transfer’?*

During the ATT negotiations, some states wanted to include a reference to ‘leases’, ‘gifts’, and ‘loans’ to cover transactions that do not involve financial consideration or payment under the definition of ‘transfer’. Ultimately, an explicit reference to these types of transactions was not included and, accordingly, it is not settled whether the application of ‘import’ and ‘export’ is restricted to sales or leases (an exchange of arms in return for money) or also covers gifts and free loans (Casey-Maslen, Giacca, and Vestner, 2013, p. 20).

## Main commitments

Table 4 lists the main provisions of the ATT regarding the control of international transfers and implementation.

**Table 4** ATT provisions

Theme	ATT articles	Provisions
Ammunition/ munitions	3	Establish and maintain national control systems to regulate export of conventional ammunition/munitions.
Parts and components	4	Establish and maintain national control systems to regulate export of parts and components that provide the capability to assemble conventional weapons covered under the Treaty.
General implementation	5(2)	Establish a national control system in order to implement the Treaty.
	5(2), 5(4)	Establish a national control list and provide it to the ATT Secretariat.
	5(5)	Designate competent national authorities in order to have an effective and transparent national control system.
	5(6)	Designate one or more national points of contact and notify the ATT Secretariat.
Prohibitions	6(1)	Refrain from authorizing transfers of conventional arms, ammunition, or parts and components that would violate UN Security Council and UN Charter obligations, in particular arms embargoes.
	6(2)	Refrain from authorizing transfers of conventional arms, ammunition, or parts and components that would violate obligations under international agreements to which the state in question is a party.
	6(3)	Refrain from authorizing any transfer of conventional arms, ammunition, or parts and components that would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions, attacks directed against civilians, or other war crimes.
Export and export assessment	7(1)	Prior to authorization of export of conventional arms, ammunition, or parts and components, assess the potential that the items: would contribute to or undermine peace and security, or that they could be used to breach international humanitarian and human rights law or international conventions or protocols relating to terrorism or transnational organized crime.
	7(2)	Consider whether there are measures that could be taken to mitigate risks identified in 7(1).
	7(3)	Refrain from authorizing the export of conventional arms, ammunition, or parts and components if the assessment determines that there is an overriding risk of any negative consequences in 7(1).
	7(4)	Take into account the risk of the conventional arms, ammunition, or parts and components being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.
	7(5)	Ensure all authorizations for export are detailed and issued prior to export.
	7(6)	Make available all information about the authorization, upon request, to the importing, transit, and transshipment states parties.
	7(7)	Consider reassessing the authorization if new relevant information becomes available after authorization.
Import	8(1)	If importing, ensure that relevant information is provided, upon request, pursuant to national law, to assist the exporting state party, such as end-use or end-user documentation.
	8(2)	If importing conventional arms, take measures to regulate, where necessary, imports under state jurisdiction, such as import systems.
	8(3)	If importing, may request information from the exporting state concerning export authorizations.

Theme	ATT articles	Provisions
Transit or transshipment	9	Take appropriate measures to regulate, where necessary and feasible, the transit or transshipment of conventional arms through its territory.
Brokering	10	Take measures, pursuant to national laws, to regulate brokering for conventional arms taking place within state jurisdiction, such as registration or brokering authorizations.
Diversion	11(1)	Take measures to prevent diversion of conventional arms.
	11(2)	If exporting, seek to prevent diversion of conventional arms through a national control system (Article 5(2)) by assessing the risk of diversion.
	11(3)	Cooperate and exchange information, pursuant to national laws, where appropriate and feasible, in order to mitigate the risk of diversion of conventional arms.
	11(4)	If diversion of conventional arms is detected, take appropriate measures, pursuant to national laws and in accordance with international law, to address the diversion, such as by alerting potentially affected states parties, examining diverted shipments, and working with law enforcement officials.
	11(5), 11(6)	Consider sharing relevant information on effective measures to address diversion of conventional arms, such as reporting through the ATT Secretariat.
Record-keeping	12(1), 12(4)	Maintain records, pursuant to national laws and regulations, of export authorizations or actual exports pertaining to conventional arms. Keep records for a minimum of ten years.
	12(2), 12(4)	Consider maintaining records of imports, transit, and transshipment of conventional arms. Keep records for a minimum of ten years.
Reporting	13(1)	Within the first year of entry into force of the Treaty for the state, report to the ATT Secretariat on measures undertaken to implement the Treaty.
	13(2)	Consider reporting to other states parties, through the ATT Secretariat, on effective measures taken to address diversion of conventional arms.
	13(3)	Submit annual reports to the ATT Secretariat concerning authorized or actual exports and imports of conventional arms.
Enforcement	14	Take appropriate measures to enforce national laws and regulations that implement the provisions of the Treaty.
International cooperation	15(1)	Cooperate with states parties to implement the Treaty effectively.
	15(2), 15(3), 15(4)	Consider facilitating international cooperation, consultation, and assistance, including information exchange, on matters of mutual interest regarding implementation.
	15(5)	If jointly agreed, assist other states in investigations, prosecutions, and judicial proceedings regarding violations of national measures established pursuant to the Treaty.
	15(6)	Consider cooperating to prevent the transfer of conventional arms from becoming subject to corrupt practices.
	15(7)	Consider exchanging information on lessons learnt in relation to the Treaty.
International assistance	16(1), 16(2)	Consider requesting, offering, or receiving assistance for implementing the Treaty. Assistance may include: legal or legislative assistance, stockpile management, DDR programmes, model legislation, and effective practices. Assistance may be provided through states, the UN, or international, regional, sub-regional, or national organizations.
	16(3)	Together with other states parties, establish a voluntary trust to assist those requiring assistance to implement the Treaty. Consider contributing resources to the fund.

## The ATT process

### *Conference of States Parties*

A Conference of States Parties (CSP) to the ATT, established pursuant to Article 17 of the Treaty, reviews ATT implementation and considers budgetary issues, amendments, issues of interpretation, the establishment of subsidiary bodies, and other relevant matters. The First CSP was held in Cancún, Mexico, from 24 to 27 August 2015. The Second CSP is scheduled to take place in Geneva, Switzerland, from 22 to 26 August 2016.

 **Note** The CSP is not required to meet annually. Although the first CSP had to be held no later than one year following entry into force of the Treaty (UNGA, 2013b, art. 17(1)), the ATT stipulates that, thereafter, it is up to the CSP to decide when to convene.

### *Secretariat*

An ATT Secretariat has been established in Geneva, Switzerland, to assist states parties in effective implementation (UNGA, 2013b, art. 18(1)). Pursuant to Article 18 of the ATT, the Secretariat's roles are to:

- receive, make available, and distribute reports;
- maintain a list of national points of contact;
- facilitate the matching of offers of and requests for assistance with implementation and promote international cooperation;
- facilitate the work of the CSP; and
- other duties as determined by the CSP.

### *Reporting*

The ATT stipulates that:

- states parties shall submit an initial report to the ATT Secretariat within the first year after entry into force for that state, providing details of measures undertaken to implement the Treaty (art. 13(1));
- states parties are encouraged to report on and submit information on measures taken that have proved effective in addressing diversion (arts. 11(6), 13(2)); and
- states parties shall submit annual reports (by 31 May) on authorized or actual exports and imports of conventional arms. Such reports may contain the

same information submitted to the UN Register of Conventional Arms (see Part 3) and may exclude commercially sensitive or national security information (art. 13(3)).



**Note** States parties are encouraged, but not required, to submit annual reports on exports or imports of ammunition or parts and components.

## Relationship to other instruments

The ATT makes a significant contribution to the existing framework governing international transfers of small arms. By establishing detailed arms export licensing criteria, for example, the ATT complements and enhances the relevant commitments under the PoA, which is less prescriptive than the ATT in this regard (UNGA, 2001a, para. II.11). It also surpasses the Firearms Protocol, which does not mention a requirement to apply licensing criteria, although it does require states parties to establish an export licensing system (UNGA, 2001c, art. 10(1)). Furthermore, in contrast to the PoA, the ATT establishes *legally* binding commitments in this regard and expressly covers ammunition and parts and components.

With respect to regulating the import and transit of small arms, however, the ATT's provisions are arguably weaker. While the PoA and the Firearms Protocol (which covers ammunition and parts and components) require states to establish a system of import licensing or authorization, the ATT contains a qualified obligation for states parties to 'take measures to regulate' imports 'where necessary' (UNGA, 2013b, art. 8(2)). Similarly, with respect to transit, while the PoA and the Firearms Protocol require states to establish measures on transit (UNGA, 2001a, paras. 2, 11, 12; 2001c, art. 10(1)), the ATT includes a qualified commitment whereby states parties will take 'appropriate' measures to regulate the transit and transshipment of arms 'where necessary and feasible' (UNGA, 2013b, art. 9). In addition, the ATT provisions with respect to import and transit do not apply to transfers of ammunition or parts and components, while those in the Firearms Protocol do.

Finally, the ATT requires states parties to keep records for 'a minimum of ten years' (UNGA, 2013b, art. 12(4)). Meanwhile, the ITI stipulates that states should keep records indefinitely but—in the case of transfers—at least 20 years (UNGA, 2005b, para. 12).

In summary, while the ATT enhances some existing national commitments and clarifies certain ambiguities in the existing control system, it also introduces inconsistencies.<sup>21</sup>

## Resources

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## Quick reference

The full text of the Treaty, including amendments and corrections to translations, as well as an updated list of states that have signed, ratified, accepted, approved, and acceded to the ATT, is available at: <[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&lang=en)>

<sup>21</sup> For a detailed comparative overview, see Parker (2013b).

The website of the ATT Secretariat is:

<<http://www.thearmstradetreaty.org/index.php/en/the-arms-trade-treaty>>

UNODA provides information on the ATT negotiations and process:

<<http://www.un.org/disarmament/ATT/>>

The list of states that voted for, voted against, and abstained from voting on the General Assembly resolution to adopt an ATT is available at:

<<http://www.un.org/News/Press/docs/2013/ga11354.doc.htm>>

## **PART 3**

### Other UN Processes



## Security Council engagement

Under Chapter VII of the UN Charter, the Security Council can take enforcement measures to maintain or restore international peace and security. The use of sanctions is intended to apply pressure on a state or entity to comply with the objectives set by the Security Council without resorting to the use of force. In addition to financial and diplomatic restrictions, the range of sanctions has included comprehensive economic and trade sanctions as well as more targeted measures, such as arms embargoes and travel bans.

Arms embargoes aim to halt the flow of weapons and the provision of training and related services to targeted governments or factions. They are often accompanied by transport-related sanctions, including air and naval blockades, designed to reduce the cross-border movement of weapons. Arms embargoes, while sometimes stand-alone measures, often form part of a broader sanctions regime that places restrictions on trade, the movement of funds, travel, and diplomatic representation.

Since small arms are often the weapons of primary concern in embargoed zones, the link between UN arms embargoes and the UN small arms process is strong. Indeed, the PoA calls on states to ensure the effective implementation of UN arms embargoes (UNGA, 2001a, para. 32).

In addition, the Security Council holds regular meetings relating to small arms. It adopted its first thematic resolution on small arms in 2013—Resolution 2117—calling for full compliance with arms embargoes; noting the role of peacekeeping operations in monitoring arms embargoes and supporting national implementation of global and regional small arms commitments; and encouraging women’s full and meaningful participation in efforts to combat the illicit small arms trade (UNSC, 2013b). In adopting Resolution 2220 in 2015, the Security Council reiterated many of the elements of the first resolution. This second thematic resolution on small arms also highlighted the need for better data collection in assessing the impact of the illicit small arms trade on women and children; the prevention of terrorist access to small arms and light weapons; and support to the Arms Trade Treaty (UNSC, 2015b).

## General Assembly resolutions

General Assembly resolutions are formal expressions of the opinion or will of UN member states. They have been used throughout the international small arms and disarmament processes to initiate key conferences and meetings (see Part 2).

Every year during the First Committee—the Disarmament and International Security Committee, which deals with disarmament and related international security questions—the General Assembly adopts a resolution titled ‘The Illicit Trade in Small Arms and Light Weapons in All Its Aspects’. This resolution is referred to as the ‘omnibus’ resolution.

## The Secretary-General’s reports

In June 2007, the president of the Security Council requested that the UN Secretary-General submit a biennial report to the Security Council on small arms, including analysis, observations, and recommendations on the implementation of the PoA (UNSC, 2007). So far, reports were submitted in April 2008, April 2011, August 2013, and April 2015.<sup>22</sup>

The 2008 report indicates that the issue of small arms cannot be tackled with arms control measures alone—and that it must be addressed as part of a broader effort to arrive at security, crime, human rights, health, and development policy solutions (UNSC, 2008).

In his 2011 report, the Secretary-General reviews trade and brokering, marking, record-keeping, and tracing of weapons, stockpile management, armed violence, and the use and misuse of small arms, with special attention paid to the trade, storage, and tracing of *ammunition* (UNSC, 2011).

In his 2013 report, the Secretary-General considers current and emerging concerns regarding the impact of illicit small arms on peace and security around the world, particularly with respect to Africa, the protection of civilians in armed conflict, and sexual violence in conflict. The report also provides information on measures taken to address the challenge of illicit small arms, including an assessment of efforts to address this issue through UN peacekeeping, political, and peace-building missions (UNSC, 2013a).

The Secretary-General’s 2015 report examines ways of addressing the risk of misuse, diversion, and illicit circulation of arms and ammunition, focusing on governments’ responsibility to ensure the proper use and storage of small arms as well as adequate legislation and procedures for the tracing and destruction of weapons. It also looks at addressing the illicit circulation of arms and ammunition, including

<sup>22</sup> While previous reports on small arms were prepared by the Secretary-General, they were not necessarily specific to the PoA. A list of previous reports is available at UN (n.d.e).

through arms embargo monitoring, peacekeeping activities, security sector reform, disarmament, demobilization, and reintegration programmes, and the strengthening of the rule of law (UNSC, 2015a).

## The Advisory Board on Disarmament Matters

Established in 1978, the Advisory Board on Disarmament Matters advises the Secretary-General on disarmament issues, including research conducted under the auspices of the UN. The Board meets twice per year, alternating between New York and Geneva, and adopts its agenda based on its own recommendations and requests from the Secretary-General for advice on specific disarmament issues. The Board also serves as the Board of Trustees of the UN Institute for Disarmament Research, whose work it reviews (UNODA, n.d.a).

## The UN Register of Conventional Arms

The UN Register was established in 1991 to increase transparency in arms transfers and to monitor excessive or destabilizing accumulations of arms. Member states are asked to submit annual reports on their imports and exports of conventional arms based on an agreed template. Since its inception, the Register has received reports from more than 170 states.

The Register covers seven categories of conventional weapons:

- battle tanks;
- armoured combat vehicles;
- large-calibre artillery systems;
- combat aircraft;
- attack helicopters;
- warships; and
- missiles and missile launchers.

States have agreed to work on expanding the Register's scope through a dedicated GGE, which convenes every three years and reports to the General Assembly, which may then implement the GGE's recommendations in a resolution.

The first revision of the Register's scope occurred in 2003, when the large-calibre artillery and missile and launcher categories were broadened to encompass the common 81 mm and 82 mm mortars and MANPADS. Officially, small arms

remain outside the Register's scope, but a system of voluntary information sharing on all military small arms and light weapons (termed 'additional background information') has been included in UN Register reporting since 2004. According to the UN, most states now include small arms categories in their annual reporting (UN, n.d.b).

 **Note** In discussions on the scope of an ATT, participants may hear references to the formula '7 plus 1'. This term relates to the seven categories of the UN Register *plus* small arms and light weapons, which do not form an official category although states are invited to report on them. The formula '7 plus 1 plus 1' refers to the seven categories of the UN Register *plus* small arms and light weapons *and* ammunition.

## The Conference on Disarmament

The Conference on Disarmament (CD) was established in 1979 as the forum for multilateral negotiations on disarmament. It has gradually expanded from 40 to 65 members and members are grouped into four regional groups (see Table 5). Other UN member states are able to take part in its work as observers.

The CD meets annually for 24 weeks, divided into three sessions of 10, 7, and 7 weeks. The CD is presided by its members on a rotating basis and six presidents are appointed every year for a period of four weeks each. Meetings are held at the Palais des Nations in Geneva and the CD conducts its work by consensus. The CD adopts its own rules of procedure and its own agenda; it reports to the General Assembly annually, or more frequently, as appropriate.

**Table 5** Regional groupings of CD members

Regional group	Countries
Western Group	Argentina, Australia, Austria, Belgium, Canada, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Slovakia, South Korea, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States
Group of 21	Algeria, Bangladesh, Brazil, Cameroon, Chile, Colombia, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Kenya, Malaysia, Mexico, Mongolia, Morocco, Myanmar, Nigeria, North Korea, Pakistan, Peru, Senegal, South Africa, Sri Lanka, Syria, Tunisia, Venezuela, Vietnam, Zimbabwe
Eastern European Group	Belarus, Bulgaria, Kazakhstan, Romania, Russian Federation, Ukraine
Group of One	China

The CD has negotiated multilateral disarmament agreements such as the Biological<sup>23</sup> and Chemical<sup>24</sup> Weapons Conventions and the Comprehensive Nuclear Test-Ban Treaty (CTBT).<sup>25</sup> Since the conclusion CTBT negotiations in August 1996, however, the CD has remained deadlocked. It has not been able to reach consensus on a work programme and thus to commence substantive deliberations, except in 1998 and 2009.

## The Disarmament Commission

The Disarmament Commission was created in 1952 as a mechanism under the Security Council. In 1978, it was revamped as a subsidiary organ of the General Assembly, composed of all UN member states. The Commission is a deliberative body that considers and makes recommendations on various disarmament issues; it reports annually to the General Assembly, which has endorsed a number of its consensus principles, guidelines, and recommendations.

## International Ammunition Technical Guidelines

In 2008, a GGE reported to the General Assembly on problems arising from the accumulation of surplus ammunition stockpiles. It highlighted that effective stockpile management required a broad approach, including categorizing and accounting systems, safe handling and storage practices, and physical security, surveillance, and testing procedures.

Central to the GGE's recommendations was the development of UN technical guidelines for the management of ammunition stockpiles, now known as Inter-

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23 The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, commonly known as the Biological Weapons Convention (BWC) or Biological and Toxin Weapons Convention (BTWC), opened for signature in 1972 and entered into force in 1975.

24 The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) is usually referred to as the Convention on Certain Conventional Weapons. It is also known as the Inhumane Weapons Convention. The original Convention with three annexed protocols was adopted on 10 October 1980, opened for signature for one year from 10 April 1981, and entered into force on 2 December 1983. Subsequent protocols and amendments have been adopted.

25 The CTBT was negotiated in the CD between 1994 and 1996. Consensus could not be achieved and so the treaty was introduced directly to the UN General Assembly, where it was adopted on 10 September 1996. It opened for signature on 24 September 1996 but has not yet entered into force.

national Ammunition Technical Guidelines (IATG). The IATG were developed by a panel of governmental experts with the support of international, governmental, and non-governmental organizations.

The IATG were designed as a frame of reference to assist states in establishing national standards and standing operating procedures. By providing guidance on improving safety, security, and efficiency in ammunition stockpile management, they explain how conventional ammunition stockpile management requirements may be met (UN, n.d.c).

The IATG are shaped by four guiding principles:

- the right of governments to apply national standards to national stockpiles;
- the need to protect those most at risk (such as local civilians and explosives workers) from undesirable explosive events;
- the requirement to build a national capacity to develop, maintain, and apply appropriate standards for stockpile management; and
- the need to maintain consistency and compliance with other international norms, conventions, and agreements (UNODA, 2011, p. 3).

The IATG are regularly reviewed and adapted to reflect developments in ammunition stockpile management norms and to incorporate amendments to appropriate international regulations (UN, n.d.c).

## International Small Arms Control Standards

In collaboration with partners worldwide, the United Nations has elaborated International Small Arms Control Standards (ISACS) to streamline policy-making, programming, and practice on small arms and light weapons control across the more than 20 UN entities that make up the Coordinating Action on Small Arms, or CASA, mechanism.

ISACS are designed to assist UN entities working on small arms issues to deliver, upon request, consistent advice and support to UN member states on putting in place and maintaining effective controls over small arms and light weapons.

The standards were developed within the framework of existing global agreements on small arms and light weapons control (see Part 2). They build on practices elaborated at the regional and sub-regional levels.

## Resources

### Quick reference

#### Security Council engagement

A list of UN—and other—past and current arms embargoes is available from the Arms Embargoes

Database of the Stockholm International Peace Research Institute at:

<<http://www.sipri.org/databases/embargoes>>

A full listing of Security Council small arms-related meetings is available at:

<<http://www.poa-iss.org/poa/sc.aspx>>

#### General Assembly resolutions

General Assembly resolutions are available at:

<<http://www.un.org/documents/resga.htm>>

#### The Secretary-General's reports

The PoA–ISS site hosts the following reports on small arms by the Secretary-General:

2008: <<http://www.poa-iss.org/DocsUpcomingEvents/S-2008-258.pdf>>

2011: <<http://www.poa-iss.org/Poa/S-2011-255-smallarms-en.pdf>>

2013: <<http://www.poa-iss.org/Poa/S-2013-503-E.pdf>>

#### The Advisory Board on Disarmament Matters

Information on the Advisory Board on Disarmament Matters is available at:

<<http://www.un.org/disarmament/HomePage/AdvisoryBoard/AdvisoryBoard.shtml>>

#### The UN Register of Conventional Arms

Background information on the UN Register is available at:

<<http://www.un.org/disarmament/convarms/Register/>>

Data and records pertaining to the UN Register are available at:

<<http://www.un-register.org/HeavyWeapons/Index.aspx>>

#### The Conference on Disarmament

Information on the Conference on Disarmament, including its history and upcoming meetings, is available at:

<[http://www.unog.ch/80256EE600585943/\(httpPages\)/2D415EE455FAE07C12571800055232B?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/2D415EE455FAE07C12571800055232B?OpenDocument)>

#### The Disarmament Commission

Information on the Disarmament Commission is available at:

<<http://www.un.org/disarmament/HomePage/DisarmamentCommission/UNDiscom.shtml>>

#### International Ammunition Technical Guidelines

Information on the IATG is available at:

<<http://www.un.org/disarmament/convarms/Ammunition/IATG/>>

#### International Small Arms Control Standards

ISACS are available at:

<<http://www.smallarmsstandards.org>>

#### UN disarmament-related activities

UNODA hosts information on all matters related to disarmament at:

<<http://www.un.org/disarmament/>>

## **PART 4**

# Multilateral and Regional Instruments, Tools, and Organizations



In the mid-1990s, multilateral and regional organizations began to examine domestic small arms policies and placed the issue of small arms proliferation and misuse on national and regional agendas. A number of regional initiatives, organizations, and instruments subsequently emerged and paved the way for the 2001 UN small arms conference; others have since complemented the PoA, Firearms Protocol, and ITI.

## The Wassenaar Arrangement

The Wassenaar Arrangement was established in the wake of the cold war to replace the Coordinating Committee for Multilateral Export Controls, or COCOM. At a high-level meeting in Wassenaar, the Netherlands, in December 1995, the Arrangement was established to promote greater transparency and responsibility in transfers of conventional arms and dual-use goods and technologies.

Through their national policies, the 41 participating states seek to ensure that transfers of arms do not contribute to destabilizing accumulations. The decision whether to deny a transfer lies solely with each participating state and is taken in accordance with national legislation; however, the states have agreed on a set of criteria to be applied when deciding whether to export weapons, including the *Best Practice Guidelines for Exports of Small Arms and Light Weapons* (WA, 1998; 2002).

Wassenaar Arrangement signatories have agreed to report on all transfers and denials of listed items. These items include 22 that are designed for military use, such as:

- small arms and light weapons and related ammunition;
- tanks and other military armed vehicles;
- combat vessels (surface or underwater); and
- armoured and protective equipment.

The Arrangement also includes nine categories and two annexes of dual-use goods and technologies. Exchanged information is confidential and intended as an intergovernmental transparency device among participating states (WA, n.d.a).

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26 A list of the participating states of the Wassenaar Arrangement is available at WA (n.d.a).

## Regional instruments and organizations

Table 6 provides an overview of some of the main regional organizations and instruments relevant to small arms control. Instruments that are legally binding are highlighted in red.<sup>27</sup>

**Table 6** Selected regional instruments and organizations addressing small arms control

Region	Scope	Regional organization	Year	Instrument
Americas	Regional	Organization of American States	1997	Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA) (in force since 1998)
			1999	Inter-American Convention on Transparency in Conventional Weapons Acquisitions (in force since 2002)
			2003	Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition (updated)
			2003	Amendments to the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition—Broker Regulations
			2005	Guidelines on Controls and Security of MANPADS
			2007	Model Legislation on the Marking and Tracing of Firearms
			2008	Proposed Model Legislation and Commentaries for Strengthening Controls at Export Points for Firearms, Ammunition, Explosives and Other Related Materials
			2008	Draft Model Legislation and Commentaries on Legislative Measures to Establish Criminal Offenses in Relation to the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials
	Sub-regional	Andean Community of Nations	2002	Andean Chart for Peace and Security and Limitation and Control of the Expenditure on Foreign Defense (Lima Commitment)
			2003	Andean Community Decision 552: Andean Plan to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (adopted 2003)
		Caribbean Community and Common Market (CARICOM)	2011	Declaration on Small Arms and Light Weapons

<sup>27</sup> For a comprehensive list of all relevant regional instruments and organizations, see Berman and Maze (2016).

Region	Scope	Regional organization	Year	Instrument
Americas (continued)	Sub-regional	Central American Integration System (SICA)	2005	Code of Conduct of Central American States on the Transfer of Arms, Ammunition, Explosives and Other Related Materiel (SICA Code of Conduct)
		Inter-American Drug Abuse Control Commission (CICAD)	1998	Model Regulations
		Southern Common Market (MERCOSUR)	1998	Common Market Council Decision No. 7/98: Joint Register Mechanism of Consumers and Sellers of Firearms, Ammunition, Explosives, and Other Related Materials
			1998	Southern Cone Presidential Declaration on Combating the Illicit Manufacture and Trafficking in Firearms, Ammunition and Related Materials
			2004	Common Market Council Decision No. 15/04: Memorandum of Understanding for Information Exchange on the Manufacture and the Illicit Traffic of Firearms, Ammunition, Explosives and Other Related Materials
Africa	Regional	African Union (formerly the Organization of African Unity)	2000	Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons
	Sub-regional	Eastern Africa Police Chiefs Cooperation Organisation (EAPCCO)		n/a
		Economic Community of Central African States (ECCAS)	2010	Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition, Parts and Components that Can Be Used for Their Manufacture, Repair or Assembly (also known as the Kinshasa Convention) (not yet in force)
		Economic Community of West African States (ECOWAS)	1998	Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa (ECOWAS Moratorium) (renewed in 2001, 2004)
			2006	ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials (in force since 2009)
		Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA) (formerly the Nairobi Secretariat)	2000	Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa
			2004	Nairobi Protocol for the Prevention, Control, and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (in force since 2006)
		Southern African Development Community (SADC)	2001	Protocol on the Control of Firearms, Ammunition and Other Related Materials in the SADC Region (SADC Protocol) (in force since 2004)
		Southern African Police Chiefs Cooperation Organisation (SARPCCO)		n/a

Region	Scope	Regional organization	Year	Instrument
Asia	Regional	Association of Southeast Asian Nations (ASEAN)	1999	ASEAN Plan of Action to Combat Transnational Crime
			2002	ASEAN Work Programme to Implement the 1999 Plan of Action
Europe	Regional	European Union (EU)	1991	Council Directive of 18 June 1991 on control of the acquisition and possession of weapons (91/477/EEC) (updated and amended in 2008 by Directive 2008/51/EC of the European Parliament and of the Council)
			1998	EU Code of Conduct on Arms Exports
			1998	Joint Action on the EU Contribution to Combating the Destabilising Accumulation and Spread of Small Arms and Light Weapons (repealed and replaced in 2002, with ammunition included in the scope)
			1999	EU Development Council Resolution on Small Arms
			2000	EU Plan of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
			2003	EU Common Position 2003/468/CFSP on the Control of Arms Brokering (in force since 2003)
			2005	EU Strategy to Combat Illicit Accumulation and Trafficking of Small Arms and Light Weapons and Their Ammunition
			2008	EU Council Common Position 2008/944/CFSP Defining Common Rules Governing Control of Exports of Military Technology and Equipment (updated and replaced 1998 Code of Conduct; in force since 2008)
			2010	EU Council Decision 2010/765/CFSP on EU Action to Counter the Illicit Trade of Small Arms and Light Weapons by Air
			Euro-Atlantic	Sub-regional
South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC)		n/a		
Stability Pact for South Eastern Europe		n/a		
Euro-Atlantic	Regional	North Atlantic Treaty Organization (NATO) —Euro-Atlantic Partnership Council (EAPC) —Partnership for Peace (PfP)	2009	EAPC Workshop on Combating Illicit Brokering in Small Arms and Light Weapons

Region	Scope	Regional organization	Year	Instrument
Euro-Atlantic (continued)	Regional	Organization for Security and Co-operation in Europe (OSCE) <sup>28</sup>	2000	OSCE Document on Small Arms and Light Weapons
			2003	OSCE Document on Stockpiles of Conventional Ammunition
			2003	OSCE Handbook of Best Practices on Small Arms and Light Weapons
			2004	OSCE Principles for Export Controls of MANPADS
			2004	OSCE Principles on the Control of Brokering in Small Arms and Light Weapons
			2004	OSCE Standard Elements of End-user Certificates and Verification Procedures for Small Arms and Light Weapons Exports
			2006	FSC Decision 7/06 Combatting the Illicit Trafficking of Small Arms and Light Weapons by Air
			2008	OSCE Handbook of Best Practices on Conventional Ammunition
			2010	Plan of Action on Small Arms and Light Weapons
Middle East and Northern Africa	Regional	League of Arab States (LAS)	2002	LAS Arab Model Law on Weapons, Ammunition, Explosives and Hazardous Material
			2004	LAS Resolution 6447: Arab Coordination for Combating the Illicit Trade in Small Arms and Light Weapons
			2006	LAS Resolution 6625: Arab Coordination for Combating the Illicit Trade in Small Arms and Light Weapons
Pacific	Regional	Oceania Customs Organisation (OCO)		n/a
		Pacific Islands Chiefs of Police (PICP) (formerly the South Pacific Chiefs of Police Conference (SPCPC))		n/a
		Pacific Islands Forum (PIF)	1992	Declaration by the South Pacific Forum on Law Enforcement Cooperation (Honiara Declaration)
			2000	Nadi Framework
			2003	Weapons Control Bill (updated in 2010)
			2009	Cairns Communiqué
Multilateral		Wassenaar Arrangement on Export Control for Conventional Arms and Dual-Use Goods and Technologies <sup>29</sup>	1996	Initial Elements (amended in 2001)
			2002	Best Practice Guidelines for Exports of Small Arms and Light Weapons (amended in 2007)
			2003	Elements for Export Controls of MANPADS (amended in 2007)

28 A complete list of relevant documents is available at OSCE (n.d.).

29 A complete list of relevant documents is available at WA (n.d.b).

Region	Scope	Regional organization	Year	Instrument
Multilateral (continued)			2003	Elements for Effective Legislation on Arms Brokering
			2007	Best Practices to Prevent Destabilising Transfers of Small Arms and Light Weapons through Air Transport
			2011	Best Practice Guidelines on Subsequent Transfer (Re-export) Controls for Conventional Weapons Systems contained in Appendix 3 to the Wassenaar Arrangement Initial Elements
			2011	Elements for Controlling Transportation of Conventional Arms between Third Countries

## Relationships among organizations

Regional initiatives have generally responded to regional needs while seeking to complement established international instruments. Many identify their relationships to the Firearms Protocol, ITI, or PoA through preambular language; others continue to declare their support for certain international instruments or processes, such as ASEAN and the Pacific Islands Forum. At the same time, the PoA and other international processes are responsive to—and, to some extent, seek to explore—synergies with regional small arms processes.

Many regional instruments address the same issues, such as the illicit trade, transfer, and possession of small arms and light weapons; marking, tracing, and record-keeping; harmonizing national legislation; securing stockpiles and destroying surplus stockpiles; implementing amnesty and weapon collection programmes; establishing national points of contact and national coordination agencies; and encouraging assistance and cooperation.

## Resources

Berman, Eric G. and Kerry Maze. 2016. *Regional Organizations and the UN Programme of Action on Small Arms (PoA)*. Handbook. Geneva: Small Arms Survey.

## Quick reference

UNODA hosts a website with links to relevant regional organizations as part of its PoA-ISS:  
<http://www.poa-iss.org/RegionalOrganizations/RegionalOrganizations.aspx>



# Glossary



## Glossary<sup>30</sup>

**assault rifle:** a rifle that is usually capable of single-shot, semi-automatic, or fully automatic fire. It is a military-style small arm, predominantly used as an infantry weapon, and not generally recognized as suitable for or readily adaptable to sporting or hunting purposes.

**automatic firearm:** fully automatic weapons continue to fire ammunition for as long as the trigger is depressed and ammunition remains in the weapon or feeder. Automatic weapons are sometimes referred to as ‘machine guns’ (DeFrancesco et al., 2000, p. 1).

**broker:** ‘a person or entity acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of small arms and light weapons in return for some form of benefit, whether financial or otherwise’ (UNGA, 2007a, para. 8). Parties to an arms deal include buyers, sellers, transporters, financiers, and insurers.



### Note

While the terms ‘broker’ and ‘dealer’ may not have distinct definitions, they are usually differentiated in the small arms field. ‘Dealer’ is used in a domestic context—and in national law—to refer to a person who trades in or distributes firearms within a state or who is a retailer selling weapons on the domestic market. In contrast, a ‘broker’ may arrange the sale of weapons, their transport, or financing either domestically or internationally, but that broker does not necessarily take physical possession of the arms.

**calibre:** a measure of the diameter of a gun’s bore (the inside of the barrel) or of the projectile (bullet or cartridge) it fires, expressed in hundredths or thousandths of an inch (as in .22 or .357) or in millimetres (as in 9 mm).

**carbine:** a short-barrelled variation of the standard rifle.

**cartridge:** a single unit or ‘round’ of ammunition consisting of the case, primer, propellant, powder, and one or more projectiles (bullets) (King, 2010, p. 25).

**commercial sale (as a form of export):** the sale by a company that manufactures small arms in an exporting state to an entity in another country. That entity could be another government or a firearms dealer in the importing state (Parker, 2009, p. 65). *See also* **government-to-government sale**.

**consignee (or ‘foreign consignee’):** the first recipient of exported materiel. The goods may remain with the consignee (who would thus be the end user) or they may be forwarded on to the end user. Several intermediate consignees may be involved in effecting delivery. The **end user** is the ultimate consignee (Parker, 2009, p. 64). *See also* **end user**.

**craft production:** weapons and ammunition that are fabricated largely by hand in relatively small quantities. These include artisanal and home-made weapons.

**deactivation:** the process of rendering a firearm permanently inoperable so that it can no longer discharge a projectile.

<sup>30</sup> Many of the terms in this glossary are drawn from SAAMI (n.d.).

**delivery verification certificate (DVC):** a document issued to the exporter by the customs authorities of the importing state, confirming that the controlled goods have been delivered or have arrived in the importing state; it serves as proof of delivery. A DVC is often requested along with international import certificates for exports of small arms to a foreign commercial importer (Parker, 2009, p. 64). *See also* **end-use certificate** and **international import certificate**.

**diversion:** a shift that causes weapons to enter the illicit sphere or to fall into the hands of an unauthorized user, for example by being stolen from state stockpiles, transferred through an illegal private sale, or, in the context of international transfers, transferred to unauthorized recipients or used in violation of commitments made by the end user prior to export.

**end use:** the intended use of the weapons being transferred. Normally the export licence application or associated documentation indicates how the end user intends to use the items being exported (Parker, 2009, p. 64).

**end user (or 'ultimate consignee'):** the person or entity in the importing state that ultimately receives and uses the exported items, such as armed forces or internal security forces (Parker, 2009, p. 64).

**end-use(r) certificate (EUC):** a document provided by the end user in the importing country. While practice varies, an EUC generally contains details of the goods being exported, their value and quantity, and names of the parties involved in the transaction, notably the end user. It may also specify the end use of the goods and contain an undertaking on the part of the end user not to re-export the goods without the approval of or notification to the exporting state. A person who applies for a licence to export arms will usually be required to provide an EUC to the national export authorities as part of the export licence application process. The certificate may include restrictions on the retransfer of the items covered by the EUC; for example, the country importing the arms may not be allowed to re-export them without the permission of the state that originally manufactured and exported them. EUCs are often required when arms are being exported to a foreign state entity, such as the police. *See also* **international import certificate**.

**export:** the physical movement of materiel from the exporting country to the importing country. Exports may be *permanent* (such as arms sold to the government of an importing state for use by its defence force) or *temporary* (such as when the army takes small arms on a temporary peacekeeping assignment or when individuals take their firearms on a hunting expedition in a foreign country).

**exporting country (or 'country of origin'):** the country from which the arms are exported and that is responsible for authorizing the export (granting the export licence) (Parker, 2009, p. 64).

**firearm:** 'any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive' (UNGA, 2001c, art. 3(a)). *See also* **small arm**.

**foreign intermediate party:** an individual or entity involved in an arms transfer transaction, such as a freight forwarder, customs broker, agent or representative, or arms broker (Parker, 2009, p. 64).

**government-to-government sale:** the sale of small arms by the government of the exporting state to the government of the importing state for use by the latter's defence or police forces. These arms may be procured from surplus stockpiles of the exporting government; they may be produced by a state-owned company; or the exporting government may procure them on behalf of the importing government from a private arms-manufacturing company operating in the exporting state (Parker, 2009, p. 65).

**heavy machine gun:** a fully automatic light weapon with a calibre of 12.7 mm up to but not including 20 mm.

**import:** the physical movement of goods into the importing country from the exporting country. Imports may be *permanent* or *temporary* (*see* **export**).

**importing country (or 'recipient country' or 'country of destination')**: the country where the end user is located (Parker, 2009, p. 64).

**international import certificate (IIC) (or 'import licence')**: a document issued by the government of the importing state, confirming that the government is aware of, and does not object to, the proposed import of the weapons. IICs are usually required when weapons are being exported to a *non*-state entity, such as a commercial enterprise. Privately issued EUCs (sometimes referred to as 'end-use statements') are signed and stamped by the commercial entity purchasing the arms, and any retransfer restrictions contained in the IIC apply to the commercial importer, not the government of the importing state (Parker, 2009, p. 64). *See also* **end-use(r) certificate**.

**light weapon**: a weapon designed for use by several persons serving as a crew; it may be transported by two or more people, a pack animal, or a light vehicle. Weapon types include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems, and mortars of less than 100 mm calibre (UNGA, 1997a, paras. 25–27). Note that in contrast to the UN definition, the Small Arms Survey includes mortars up to 120 mm in the light weapons category.

**long gun**: a small arm that is designed to be fired while rested against a shoulder, in contrast to a handgun.

**man-portable air defence system (MANPADS)**: a shoulder-launched, surface-to-air missile used to fire at low-flying aircraft.

**marking**: the act of permanently stamping or imprinting a small arm, light weapon, or their parts and components, with at least one unique identifying mark, typically a serial number, although additional marks may reveal the manufacturer's name, the model, and date and/or country of manufacture. Marking facilitates the tracing of a weapon as it provides information on the weapon's origin and history.

**mortar**: a muzzle-loaded, smooth-bored, indirect-fire support weapon that enables users to engage targets outside their line of sight.

**post-delivery controls**: checks carried out by the exporting state to verify compliance with end-use conditions, such as the condition that no re-export should take place without prior notification to the country of origin.

**record-keeping**: the act of maintaining unique (item-specific) information on the manufacture, sale, transfer, possession, and destruction of small arms and light weapons and their ammunition.

**re-export**: the export of goods that have been imported from another country (the country of origin or original exporting state). In some jurisdictions, goods in transit are considered re-exports (or exports) when they leave the territory of the transit state. In some cases the original exporting state may have placed restrictions on the importing state's ability to re-export the weapons, such as by requiring the importing state to notify the original exporting state that it is re-exporting the weapons or to obtain permission to re-export. *See also* **retransfer**.

**registration**: the act of recording information about the owner of a weapon in an official database, known as a registry.

**retransfer**: the sale or transfer of weapons that were originally imported from another state to a different end user *within* or *outside* the importing state; the latter case is also known as **re-export**.

**rifle**: a long-barrelled firearm that expulses projectiles through a grooved or 'rifled' barrel and that is designed to be fired from the shoulder. Rifles are a common type of civilian and military small arm.

**self-loading or semi-automatic pistol**: a handgun that automatically loads a cartridge into its chamber once a round is fired. Unlike with a fully automatic firearm, the trigger must be depressed each time a round is fired.

**small arm:** 'any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive' (UNGA, 2005b, para II.4) and that is designed to be carried and used by one person. Examples of small arms are: revolvers and pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns (UNGA, 1997a, paras. 25–27).

**surplus:** the quantity of arms that exceeds the requirements of state defence and security forces. It is up to national governments to determine how to identify and calculate surplus stockpiles, and there is no international definition of surplus. Some states include obsolete weapons (sometimes defined as weapons that are unserviceable) in their definition and calculation of 'surplus', while others treat obsolete weapons as a separate category.

**tracing:** the process of using a serial number and other identifying information of an arm to track its movement from its source (the manufacturer or importer) through the chain of distribution (wholesale, retail, transfer) to the individual or body that procured it (ATF, 1997, p. 25).

**transfer:** the physical movement of materiel from one state to another or within a country (Parker, 2009, p. 64).

**transshipment:** the shipping of materiel to an intermediate destination prior to delivery to the end user. It involves a change in the mode of transport (Parker, 2009, p. 64). *See also* **transit**.

**transit:** the movement of materiel from the exporting state to the importing state through the territory of a transit state. In contrast to transshipment, there is no change in the mode of transport. The transit state may deem the weapons 'exports' or 're-exports' when they leave its territory (Parker, 2009, p. 64). *See also* **transshipment**.



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