

HANDBOOK

A Diplomat's Guide to the UN Small Arms Process

Sarah Parker and Marcus Wilson



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Frequently Used Acronyms

ASEAN	Association of Southeast Asian Nations
ATF	United States Bureau of Alcohol, Tobacco, Firearms and Explosives
ATGW	Anti-tank guided weapon
ATT	Arms Trade Treaty
AU	African Union
BMS	Biennial meeting of states
CARICOM	Caribbean Community and Common Market
DDR	Disarmament, demobilization, and reintegration
DVC	Delivery verification certificate
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
EUC	End-use(r) certificate
GA	United Nations General Assembly
GGE	Group of Governmental Experts
IANSA	International Action Network on Small Arms
IATG	International Ammunition Technical Guidelines
IIC	International import certificate
Interpol	International Criminal Police Organization
ITI	International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons ('International Tracing Instrument')
LAS	League of Arab States
MANPADS	Man-portable air defence system(s)
NGO	Non-governmental organization
NSA	Non-state actor

OAS	Organization of American States
OAU	Organization of African Unity
OCO	Oceania Customs Organisation
OEWG	Open-ended Working Group
OSCE	Organization for Security and Co-operation in Europe
PICP	Pacific Islands Chiefs of Police
PIF	Pacific Islands Forum
PoA	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')
PrepCom	Preparatory Committee
RECSA	Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States
RPG	Rocket-propelled grenade
SADC	South African Development Community
SALW	Small arms and light weapons
SEESAC	South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
SICA	Central American Integration System
UNIDIR	United Nations Institute for Disarmament Research
UNODA	United Nations Office for Disarmament Affairs
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
UXO	Unexploded ordnance

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Introduction

A Diplomat's Guide to the UN Small Arms Process is designed to assist and inform policy-makers who are new to the disarmament 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;
- a brief history of the small arms process;
- summaries of key issues, instruments, and measures; and
- an overview of the roles of various institutions.

For more information on each of the issues highlighted, please visit the Small Arms Survey website at www.smallarmssurvey.org.

PART 1

Definitions and Terminology



Small arms and light weapons

What are small arms and light weapons?

There is no universally accepted definition of a 'small arm' or of a 'light weapon'. Both categories include commercial firearms and military-style weapons. The term 'small arms' is often used to refer to both types of weapon, including in this Guide; in contrast, the term 'light weapons' excludes small arms.

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 5) expands the definition of small arms and light weapons to include:

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, 2005, para. 4; see Box 4).

This ensures the inclusion of craft firearms, which are home-made by local producers, and which may be overlooked when the 1997 definition is used.

What is the difference between 'military' and 'civilian' small arms?

Military small arms 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

Box 1

UN Panel definitions

Small arms: revolvers and self-loading pistols, rifles and carbines, assault rifles,¹ 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)

¹ 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).

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.

Military use of small arms is distinct from civilian use. Domestic legislation stipulates which arms are permitted for civilian possession and the conditions under which they may be used in individual states (UNGA, 1997a, para. 80(b)). Civilian small arms 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 or destruction, and occupational uses such as personal security or veterinary work. Each jurisdiction is entitled to apply its own legal definition of 'small arms' (often referred to in civilian law as 'firearms').

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

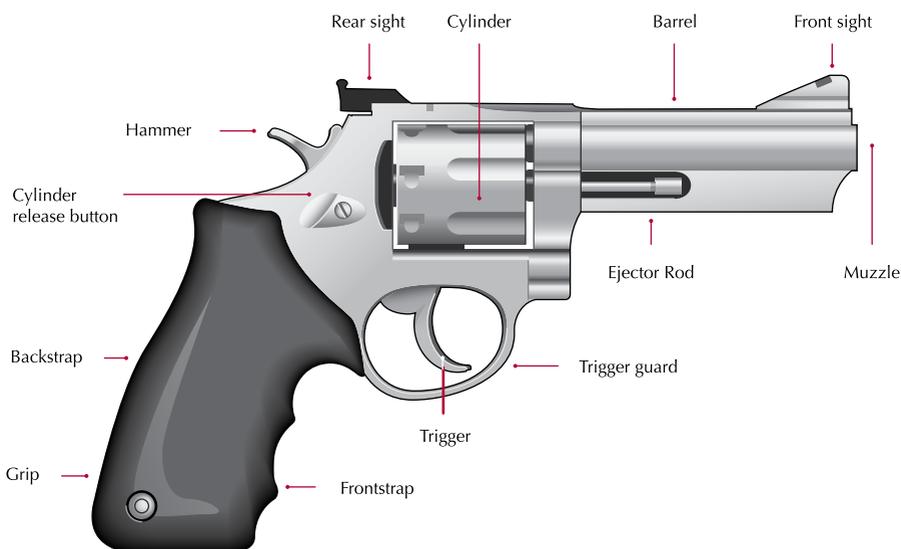


Figure 2 Parts of a handgun: semi-automatic pistol (Sig Sauer)



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



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

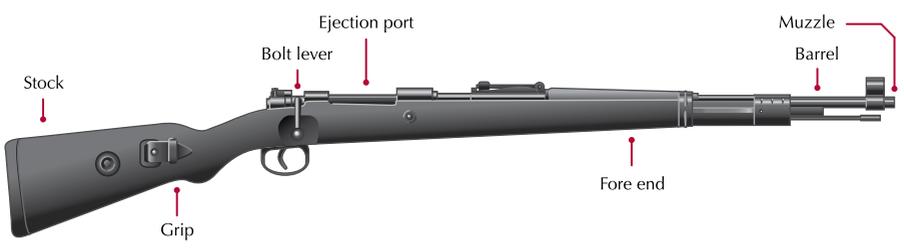
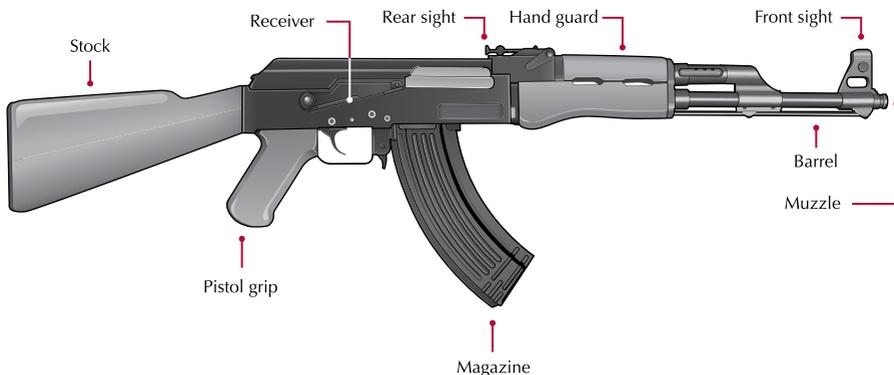


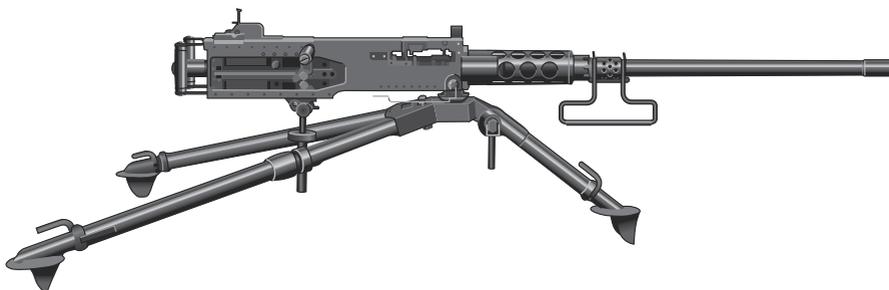
Figure 5 Parts of a long gun: assault rifle (AK-47)



Selected light weapons

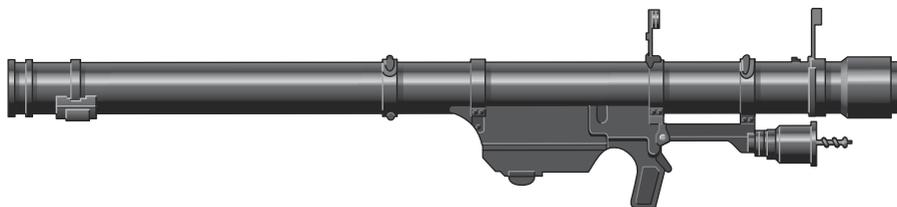
Heavy machine guns are capable of firing calibres ranging from 12.7 mm up to but not including 20 mm, the size of the smallest cannon munitions. They are man-portable but are typically mounted on vehicles or ground mounts as anti-personnel and anti-aircraft weapons. They are effective against personnel, 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 (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 mortar 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

What are the various stages in the life cycle of small arms? What are the intervention points for action and control?

Figure 10 provides a general overview of the life cycle of a firearm from the point of manufacture (or production) through to disposal 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.

At the international level, states have committed themselves both to regulating and controlling various stages in the life cycle of small arms (see Parts 3–9). Figure 10 indicates at which stages relevant international commitments exist (see the red boxes). For example, 'Manufacture' is highlighted in red because the UN Programme of Action, the International Tracing Instrument, and the Firearms Protocol all include measures states should take with respect to the manufacture of small arms. The diagram points to commitments regarding the marking, record-keeping, and tracing of small arms and identifies the relevant provisions of international instruments.

While firearms can enter the illicit market at multiple points in the life cycle, Figure 10 highlights such movement in selected stages only (see the shaded area).

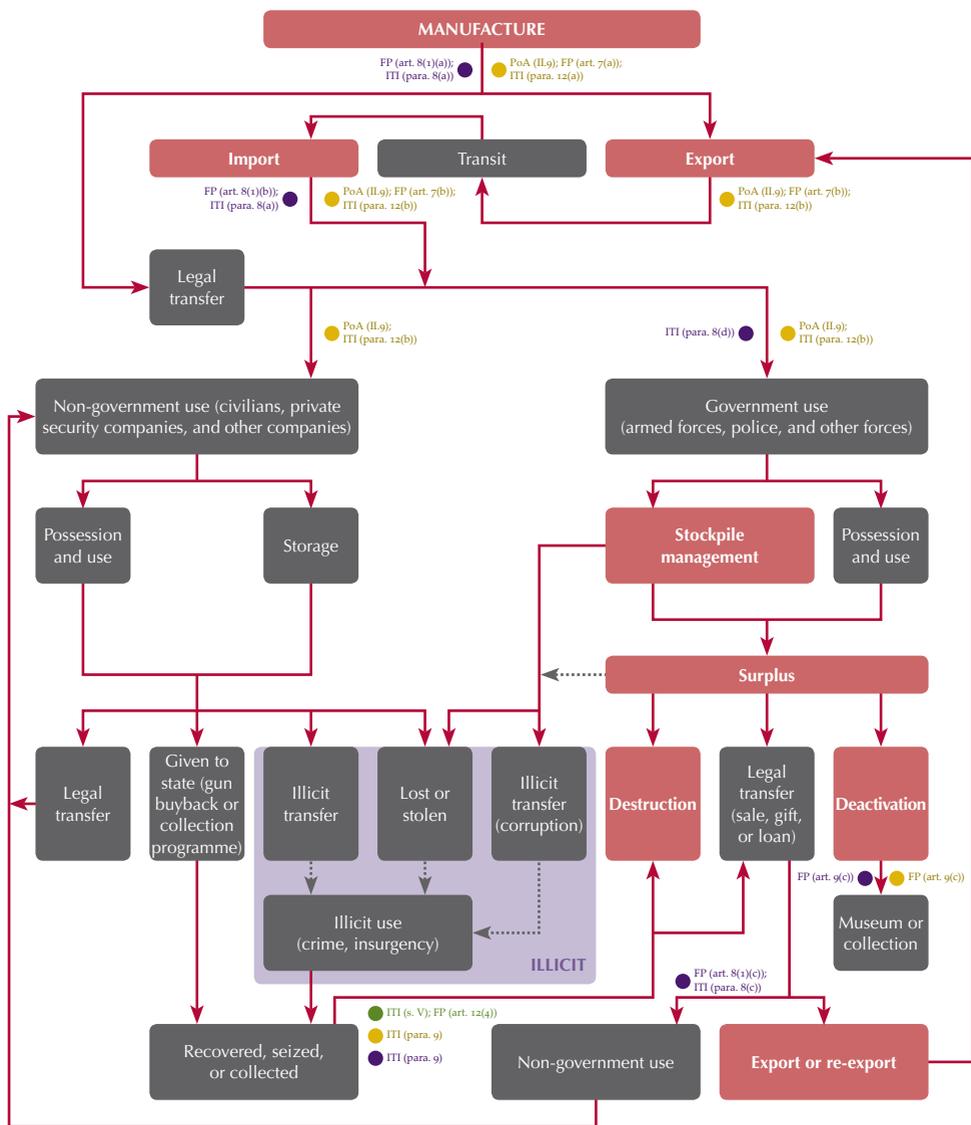
Ammunition

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).

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, a '.38' projectile is referred to as '9 mm' when using the metric system. Cartridges with the same calibre can differ according to the length of the case (such as 7.62 x 39 mm, 7.62 x 51 mm, or 7.62 x 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 (including the 7.5 mm French and .303 British round) (Pézar, 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 (Pézar and Anders, 2006, p. 23).

Figure 10 Life cycle of a firearm: selected intervention points



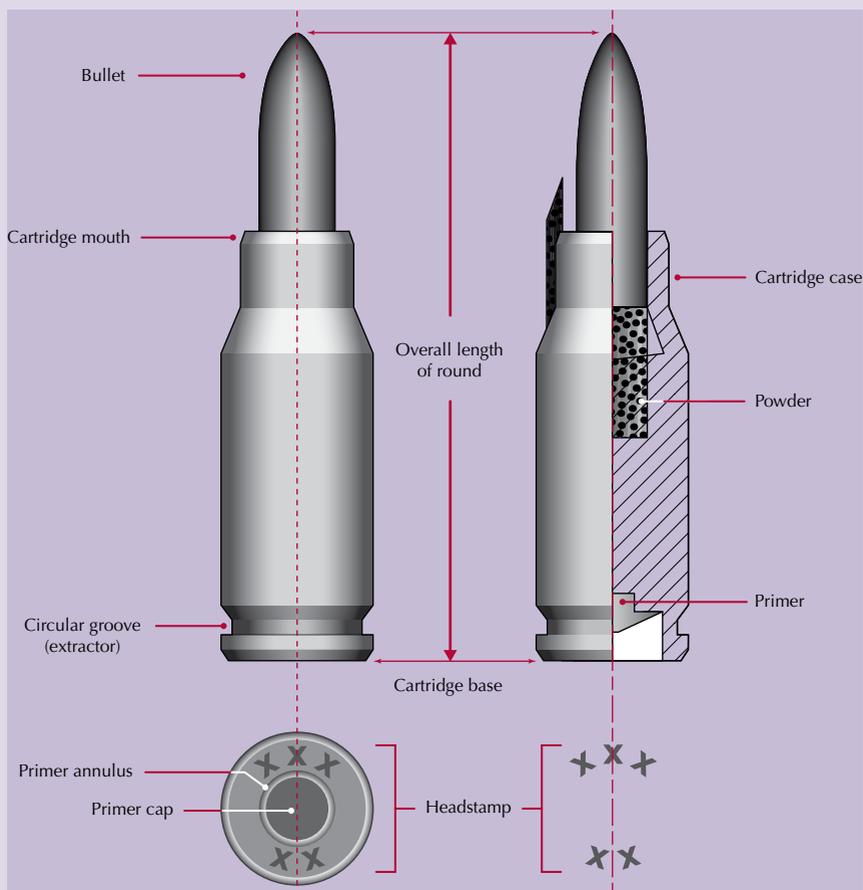
- Marking provisions
- Record-keeping provisions
- Tracing provisions
- ⋯ Illegal or illicit movement
- FP Firearms Protocol (see Part 3)
- ITI International Tracing Instrument (see Part 5)
- PoA Programme of Action (see Part 4)
- Stages at which relevant international commitments exist (FP, ITI, and PoA)

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). Most small-calibre cartridges are stamped with text or symbols—the 'headstamp'—which may identify the manufacturer, calibre, date, or a combination of any of these. The headstamp can be found on the base of the cartridge case.

Figure 11 Components of a small-calibre cartridge



Source: UNGA (1997a, para. 26)

Resources

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PART 2

History of the Small Arms Process



The emergence of small arms on the international 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. The end of the cold war was a relatively abrupt change. As a consequence, 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 Group of Governmental Experts (GGE) to develop the framework of such a conference (UNGA, 1997b). The GGE met from May 1998 to August 1999, partly to develop the recommendations of the Panel and make further recommendations. In 1998, the General Assembly announced the decision 'to convene an international conference on the illicit arms trade in all its aspects' (UNGA, 1998a, para. 1).

Note! Comprising representatives of European Union states, the United States, China, and key members of the Non-Aligned Movement, the GGE 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 international 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 the possible in relation to multilateral action on conventional weapons. Second, regional organizations were increasingly active on small arms issues.² Third, new initiatives were emerging largely out of concern about the relationship between illicit firearms and criminality.³ Fourth, civil society organizations had begun to play a crucial role in getting the issue of small arms and light weapons onto 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.

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

-
- 2 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).
 - 3 These initiatives resulted in the agreement of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (1997) and in the legally binding Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (2001), as one of three supplemental protocols to the United Nations Convention against Transnational Organized Crime (2000). See Part 3 for more details.

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 so-called '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).

Debate over how to identify the 'relevant factors' produced the very crux of the outcome of the UN small arms conference, the UN Programme of Action (PoA).⁴

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, which outlined the basic elements of a PoA (see Box 3).

By the time the UN small arms conference opened, large 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 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.

4 The full title is the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Box 3 Chronology of events

12 December 1995

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).

June 1996–August 1997

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)).

9 December 1997

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).

May 1998–August 1999

The GGE produces a report addressing the objectives, scope, agenda, dates, and venue of the UN small arms conference (UNGA, 1999a).

15 December 1999

In Resolution 54/54V, the General Assembly launches the last stages of the UN small arms conference process (UNGA, 1999c).

28 February–3 March 2000

The first Preparatory Committee (PrepCom) meeting is held (UNGA, 2000a).

6 October 2000

The chairman of the PrepCom produces an informal paper as a basis for a first draft of a PoA (dos Santos, 2000).

11 December 2000

The first draft of the PoA is completed and will serve as a basis for further drafts (UNGA, 2000b).

8–19 January 2001

At the second PrepCom, states submit views on the first draft of the PoA.

12 February 2001

The second draft of the PoA is distributed to states (UNGA, 2001a).

19–30 March 2001

The third session of the PrepCom begins negotiating the PoA.

9 July 2001

The UN small arms conference begins.

21 July 2001

Conference participants agree on a consensus PoA (UNGA, 2001b).

24 December 2001

The General Assembly welcomes the adoption by consensus of the PoA and calls upon states to implement it. It also decides to hold the first in a series of biennial meetings in 2003, and to convene the first conference to review implementation of the PoA no later than 2006 (UNGA, 2001c).

Source: Laurance (2002, p. 204)

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, 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. The United States was not the only government with serious reservations about the content and impact of the PoA.

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 'accumulated' weapons.

Attempts to establish a clear timeframe for 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 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 5) and asked states to consider ways to enhance cooperation in the control of illicit brokering.

The resulting Programme of Action was therefore considerably weaker than many had anticipated. In any case, it represented what could be achieved at the time.

Relevant factors

It may be helpful to keep the following additional factors in mind when reviewing or participating in the small arms process: 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 as an integral part of the steps outlined to curb the illicit trade in small arms and light weapons. The word appears only twice, both times in connection with titles of other UN documents.⁵ 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).

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).

The reluctance to confront the issue of ammunition also characterizes subsequent efforts to enhance marking and tracing processes, such as the International Tracing Instrument (ITI) (see Part 5).

5 The two UN documents are the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UNGA, 2001b, para. I.20) and the report of the Secretary-General entitled *Methods of Destruction of Small Arms, Light Weapons, Ammunition and Explosives* (UNSC, 2000).

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 issues. NGO participation was thus limited to one conference session, during which a range of NGOs were allowed to address the participants. 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 all of the 'soft' questions, such as human rights, development impacts, and humanitarian effects—and criminality was 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 Part 6).

Resources

- Borrie, John. 2006. 'Small Arms and the Geneva Forum: Disarmament as Humanitarian Action?' In John Borrie and Vanessa Martin Randin, eds. *Disarmament as Humanitarian Action: From Perspective to Practice*. Geneva: United Nations Institute for Disarmament Research, pp. 137–65.
- Carle, Christophe. 2006. 'Small Arms Ammunition: Light at the End of the Barrel?' *Disarmament Forum*, No. 1, pp. 49–54.
- 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.

PART 3

The Firearms Protocol



History

What is the Firearms Protocol?

In December 1998, the UN General Assembly established an open-ended, inter-governmental committee to draft a comprehensive international convention that would address the multiple dimensions of transnational organized crime (UNGA, 1998b, para. 10). This led to the adoption of the UN Convention against Transnational Organized Crime (UNTOC) in November 2000.⁶ UNTOC was supplemented by three protocols that address people trafficking, the smuggling of migrants, and the illicit manufacture and trafficking of 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 by General Assembly Resolution 55/255 of 31 May 2001 and entered into force on 3 July 2005 (UNGA, 2001d).

Note! The Firearms Protocol is the first—and, to date, the only—*legally binding* global instrument on small arms.

Purpose

What are the objectives of the Firearms Protocol?

The Firearms Protocol seeks to address the harmful effects of illicit manufacture and trafficking in firearms. The purpose of the 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, 2001d, art. 2).

Themes

What themes or aspects of small arms control are addressed?

At the heart of the Firearms Protocol is the need to control the cross-border movement of firearms, their parts and components, and ammunition, and to criminalize activities that do not conform to the Protocol's requirements. The instrument provides for a comprehensive system to control the manufacture, import, export,

6 UNTOC was adopted by General Assembly Resolution 55/25 in November 2000 and entered into force on 29 September 2003 (UNGA, 2000c).

and transit of firearms and related items. The central premise holds that strong controls allow increased transparency and enhance the ability of states to target illicit transactions.

Main commitments

What must states do?

The Firearms Protocol uses two approaches to achieve its aims: 1) a system of government authorizations, and 2) a system of marking and tracing. Table 1 lists central commitments of the Firearms Protocol that states must fulfil.

Scope

State-to-state transfers (art. 4.2). The Protocol does *not* apply to state-to-state transactions. During the negotiations, states *for* the inclusion of such transfers argued that they are just as susceptible to diversion to the illicit market and should thus be subject to the same restrictions as commercial sales. States *against* 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. This 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 (art. 4.2). 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, 2001d, 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. The compromise language eventually agreed was:

Table 1 Provisions of the Firearms Protocol

Theme	Firearm Protocol article	Provision
Criminalization	5	States must 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 (art. 5(1)(c)).
Confiscation, seizure, and disposal	6	States must adopt measures that enable them 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	States must maintain records, for no fewer than ten years, of information relating to firearms (and, if appropriate and feasible, their parts and components and ammunition) that enables them to be traced. This information can include markings and details of transnational transfers, such as export licences granted.
Marking	8	<p>States must ensure that firearms are marked as follows:</p> <ul style="list-style-type: none"> ■ At the time of manufacture 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. <p>Note! 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, however, 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"> ■ Imported firearms 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. <p>Note! There is no requirement to mark firearms that are imported into a country on a temporary basis.</p> <ul style="list-style-type: none"> ■ At the time of transfer from government stockpiles to permanent civilian use 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. <p>What is the purpose of marking? 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 (see Box 4).</p>

Deactivation of firearms	9	<p>States parties that do not recognize a deactivated firearm as a 'firearm' under their national law must 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>Note! In their national laws regulating firearms, most states include a definition of a 'firearm'. In some countries, it 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, so there is no requirement to hold a licence for them or store them in a secure way. However, it may be possible to alter—or <i>reactivate</i>—such firearms so that they <i>are</i> capable of expelling a projectile.</p>
Import, export, transit licensing, and authorization	10	<p>States must establish a system of export and import licensing or authorization, as well as measures on international transit, to ensure that firearms and related items are not imported, exported, or transited without the awareness and consent of all states involved.</p>
Brokering	15	<p>States are encouraged to regulate brokers by establishing a system that requires 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 on import and export licences or accompanying documents.</p> <p>Note! Brokering provisions are recommended rather than being mandatory.</p>

This language, consistent with the US refusal in other forums to accept a ban on transfers to non-state actors, will in effect allow 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).

Relationship to the PoA

How does the Firearms Protocol relate to the PoA? How did each process shape the other's outcome?

The process to develop 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 language narrowly focused on a crime and law-enforcement approach.⁷ Many supporters

⁷ The Firearms Protocol drafters used the Organization of American States' 1997 convention against illicit firearms trafficking as their model (OAS, 1997).

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, the GGE 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).

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).

Although the Protocol seems closely related to and supportive of the PoA, collaboration involving the two is limited in practice. One explanation for this is that they have emerged from two different 'cultures'—the Protocol from concerns about gun crime, the PoA from overly narrow concepts of the 'illicit trade'. This gap may narrow as the two instruments become more mutually supportive and as the international community shifts more of its attention to armed violence issues (see Part 6).

Resources

- UNODC (United Nations Office on Drugs and Crime). 2004. *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*. Vienna: UNODC, pp. 71–82. <<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.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>
- . n.d.a. 'Signatories to the United Nations Convention against Transnational Crime and its Protocols.' <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&lang=en>
- . n.d.b. 'United Nations Convention against Transnational Organized Crime and the Protocols Thereto.' <<http://www.unodc.org/unodc/en/treaties/CTOC/>>

Quick reference

UNODA maintains a list of states that have 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>

PART 4

The Programme of Action



Purpose and nature

What is the Programme of Action? What are its objectives?

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, it is a non-binding global commitment 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.⁸

Themes

What themes or aspects of small arms control are addressed?

The PoA aims to reduce the human suffering caused by illicit trade in small arms, largely by addressing the illicit manufacture, transfer, and circulation of small arms, as well as their excessive accumulation, which has wide-ranging humanitarian and socio-economic consequences. It highlights the links between the illicit trade and the undermining of international humanitarian law, impediments to humanitarian assistance, and the fuelling of organized crime, drug trafficking, and terrorism; moreover, it specifically recognizes related impacts on women, children, and the elderly.

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, tracing, and record-keeping; stockpile management; surplus disposal; brokering controls; disarmament, demobilization, and reintegration (DDR); and public awareness programmes.

Main commitments

What are the commitments under the PoA? What must states do?

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.

⁸ For a discussion of the period leading up to the signing of the PoA, see Part 2.

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 the 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.
International transfers	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.3	Establish illegal trade as a criminal offence.
	II.6	Identify and take legal action against persons involved in illegal trade or transfers.
	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.
	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.
		What is surplus? 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.
	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).
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 and stockpiling of and trade in small arms and light weapons as criminal offenses.
	II.6	Identify groups and individuals engaged in 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.
	III	Offer financial and technical assistance, if in a position to do so, to support the effective implementation of the PoA.

The PoA process

What follow-up is contemplated?

States are encouraged to:

- submit **national reports** on their implementation of the PoA on a *voluntary* basis every two years (to coincide with biennial meetings);
- hold **biennial meetings** to consider national, regional, and global implementation of the PoA; and
- convene a **review conference** every six years to evaluate progress made in the implementation of the PoA. The first such conference was held in 2006 in accordance with the PoA (UNGA, 2001b, part IV).

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, in which every third biennial meeting is synchronized with the next review conference. The need for this change was recognized by states during the 4th Biennial Meeting of States (BMS4), as reflected in its outcome document (UNGA, 2010, para. 44).

Evolution of the PoA

While many of the PoA provisions are crafted in fairly general language, benchmarks for assessing PoA implementation efforts are evolving. Since it was adopted in 2001, the PoA provisions have been supplemented and expanded through the following:

- the International Tracing Instrument, or ITI (UNGA, 2005);
- the Group of Governmental Experts on Brokering (UNGA, 2007a);
- the outcome documents of the Third and Fourth Biennial Meetings of States (UNGA, 2008a, 2010); and

Figure 12 Evolution of PoA themes

- the chair's summary of the Meeting of Governmental Experts in 2011 (UNGA, 2011; see Figure 11).

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. If the Arms Trade Treaty includes small arms and light weapons, it could also supplement and expand on PoA provisions that relate to international transfer controls (export, import, transit, and retransfer) and brokering (see Part 7).

Resources

- United Nations. n.d.a. 'Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.' <<http://www.poa-iss.org/poa/poahtml.aspx>>
- , n.d.b. 'Programme of Action Implementation Support System: PoA-ISS.' <<http://www.poa-iss.org/poa/poa.aspx>>

PART 5

The International Tracing Instrument



History

What is the ITI? What are its aims and objectives?

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—grew out of efforts to promote the development of international marking and tracing measures.

The 2001 UN small arms conference called for the establishment of a Group of Governmental Experts to discuss the feasibility of a tracing instrument. The GGE reported in July 2003 that it was desirable and feasible to develop an international tracing instrument (UNGA, 2003a, para. 98).

By the end of that year, the General Assembly had established an Open-Ended Working Group to begin negotiations for an ITI on small arms and light weapons (UNGA, 2003b, para. 8).

Two years later, in December 2005, the General Assembly adopted the ITI, designed to enable states to identify and trace illicit small arms and light weapons, and to promote and facilitate international cooperation and assistance in marking and tracing. The ITI was to consolidate and reinforce existing bilateral, regional, and international agreements on marking and record-keeping. In terms of tracing cooperation, it went beyond existing norms.

Themes

What themes or aspects of small arms control are addressed?

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 Interpol.

Note! Unlike the PoA, the ITI provides definitions of key terms such as ‘small arms’ and ‘light weapons’ (see Box 4).

Box 4 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.

Reproduced from UNGA (2005, paras. 4–5)

The choice of specific implementation methods for the three main themes—marking, record-keeping, and tracing—is left to states, but the ITI provides recommended minimum standards for each, as well as approaches to implementation, cooperation, and assistance.

Main commitments

What must states do?

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

The ITI Process

What follow-up is contemplated?

The ITI stipulates that states:

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

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. <div style="border-left: 2px solid black; border-right: 2px solid black; padding: 0 10px;"> <p>Note! Unique markings do not need to be applied to arms that are temporary imports or permanent imports to be housed in museums.</p> </div>
	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.
	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.
	8(e)	Encourage manufacturers to develop measures against the removal or alteration of markings.
Record-keeping	12	Keep records of all weapons marked on national territory indefinitely or as long as possible.
	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. <div style="border-left: 2px solid black; border-right: 2px solid black; padding: 0 10px;"> <p>Note! 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.</p> </div>
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, or other assistance.
	33–35	Cooperate with Interpol.

Note! A state's report on implementation of the ITI may form part of its national report on implementation of the PoA.

- meet at **biennial meetings** convened within the framework of relevant PoA meetings, such that the ITI and the PoA biennial meetings are held together; and
- review the implementation and the future development of the ITI at **review conferences** within the framework of PoA review conferences (UNGA, 2005, part VII).

Note! An Open-ended Meeting of Governmental Experts, held from 9 to 13 May 2011, brought together experts on marking, record-keeping, and cooperation on tracing of small arms to discuss challenges and opportunities relating to the ITI. This was the first meeting of its kind.

Relationship to the PoA and the Firearms Protocol

How does the ITI relate to the PoA?

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 states its complementary relationship with the Firearms Protocol.

The ITI and the PoA were both spawned from the UN small arms conference in 2001. Like the PoA, the ITI is a politically binding agreement designed to address elements of the illicit trade in small arms and light weapons. The PoA and Firearms Protocol contain a number of measures relevant to marking, tracing, and record-keeping, but they do not set out comprehensive tracing standards. The ITI fills this gap.

As noted above, follow-up meetings for both the PoA and the ITI are held simultaneously.

Resources

United Nations General Assembly. 2005. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons ('International Tracing Instrument'). A/60/88 of 27 June (annex).

United Nations Programme of Action Implementation Support System. n.d. 'International Tracing Instrument.'

Quick reference

The text of the ITI is available here:

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

Background documents are available here:

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

PART 6

The Geneva Declaration



History

What is the Geneva Declaration? What is its political context?

The Geneva Declaration on Armed Violence and Development is a diplomatic initiative aimed at addressing the interrelations between armed violence and development. It supports states and civil society actors in achieving measurable reductions in armed violence in conflict and non-conflict settings by 2015.

The Geneva Declaration was first adopted by 42 states on 7 June 2006 during a ministerial summit in Geneva. To date, it is the strongest political statement that addresses the impact of armed violence within a development context. The summit reflected a common will among representatives of the donor community and countries directly affected by armed violence to reduce political and criminal armed violence in order to enhance sustainable development at the global, regional, and national levels.

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 pledge to work on practical and other measures that 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, n.d.a).

What is armed violence? The Geneva Declaration defines armed violence as:

the intentional use of illegitimate force (actual or threatened) with arms or explosives against a person, group, community, or state, that undermines people-centred security and/or sustainable development' (Geneva Declaration Secretariat, 2008, p. 2).

This working definition covers armed violence perpetrated in both conflict and non-conflict settings.

Policy-makers have become increasingly aware that armed violence undermines development and aid effectiveness and hinders the achievement of the UN Millennium Development Goals. In the outcome document of the Millennium +5 World Summit of 2005, heads of state acknowledge that development, peace, security, and human rights are interlinked and mutually reinforcing. In a 2009 report, the UN Secretary-General recognizes that armed violence undermines development and constitutes an impediment to the achievement of the Millennium Development Goals (Geneva Declaration Secretariat, n.d.d; UNGA, 2009b).

Purpose

How does it work? Who signed it?

More than 100 countries have adopted the Geneva Declaration. A Core Group of 14 signatory states and affiliated organizations is responsible for steering the process and guiding the implementation of the Geneva Declaration. Regular high-level diplomatic regional meetings and ministerial review conferences take place to assess progress concerning the process and implementation of the Geneva Declaration; the first two ministerial review conferences took place in 2008 and 2011 and the next one has been scheduled for 2014 (Geneva Declaration Secretariat, n.d.c).

The implementation framework of the Geneva Declaration calls for action focused on three pillars, as shown in Table 4.

Note! The Geneva Declaration Secretariat has produced two editions of the *Global Burden of Armed Violence*, released in 2008 and 2011. These volumes provide information and data on the wide-ranging costs and impact of armed conflict and crime on development and offer researchers and policy-makers new tools for studying and tackling different forms of violence. The 2011 edition, for instance, draws on comprehensive country-level data on conflict-related and criminal violence to estimate that at least 526,000 people die violently every year, more than three-quarters of them in non-conflict settings. It also highlights that one-quarter of all violent deaths occur in just 14 countries, seven of which are in the Americas (Geneva Declaration Secretariat, n.d.e).

Main commitments

What have signatories agreed to do?

In order to achieve measurable reductions in armed violence and tangible improvements in development by 2015, states have agreed to:

- monitor and measure the scope, scale, and distribution of armed violence;
- integrate armed violence prevention and reduction objectives and activities into development and security plans and programmes;
- advance development strategies and institutional capacities that target the key risk factors that give rise to armed violence;
- implement existing agreements to address the supply of, and demand for, and illicit trafficking of small arms, light weapons, and ammunition;
- recognize and ensure the rights of victims of armed violence;
- increase the effectiveness of financial, technical, and human resources and assistance;
- support collaborative mechanisms, partnerships, and initiatives;

- nominate a national point of contact on the Geneva Declaration; and
- strengthen efforts to share knowledge, experiences, and good practice on armed violence reduction programming (Geneva Declaration Secretariat, 2011).

Table 4 The three pillars of the Geneva Declaration

Advocacy	Measurability	Programming
Raising global awareness about the negative impact of armed violence on development and the achievability of the Millennium Development Goals.	Measuring and monitoring armed violence to improve understanding of its impact on development, including through national assessments at the country level and use of the <i>Global Burden of Armed Violence</i> as a tool for global monitoring.	Programming informed by the collection and sharing of knowledge and experiences on effective armed violence reduction interventions.

Source: Geneva Declaration Secretariat (n.d.c)

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. 2006. Geneva Declaration on Armed Violence and Development. Geneva, 7 June. <<http://www.genevadeclaration.org/fileadmin/docs/GD-Declaration-091020-EN.pdf>>
- . 2008. *Global Burden of Armed Violence*. Geneva: Small Arms Survey.
- . 2011. *2nd Ministerial Review Conference on the Geneva Declaration on Armed Violence and Development: Outcome Document*. <<http://www.genevadeclaration.org/fileadmin/docs/GD-MRC2/GD-2ndMRC-Outcome-Document.pdf>>
- . n.d.a. 'What is the Declaration?' <<http://www.genevadeclaration.org/the-geneva-declaration/what-is-the-declaration.html>>
- . n.d.b. 'Who Has Signed It?' <<http://www.genevadeclaration.org/the-geneva-declaration/who-has-signed-it.html>>
- . n.d.c. 'How Does It Work?' <<http://www.genevadeclaration.org/the-geneva-declaration/how-does-it-work.html>>
- . n.d.e. 'Global Burden of Armed Violence 2011.' <<http://www.genevadeclaration.org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2011.html>>

United Nations General Assembly (UNGA). 2009b. *Promoting Development through the Reduction and Prevention of Armed Violence: Report of the Secretary-General*. A/64/228 of 5 August.

Quick reference

The Geneva Declaration Secretariat maintains a list of states that have signed the Geneva Declaration:
<<http://www.genevadeclaration.org/the-geneva-declaration/who-has-signed-it.html>>

PART 7

The Arms Trade Treaty



Note! At this writing, the July 2012 United Nations Conference on the Arms Trade Treaty (ATT) ended without agreement on a treaty. As a result, information in this section serves only as background to the process and will be updated pending further action.

Steps towards negotiations

The campaign for an international arms trade treaty can be traced back to 1995, 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).

In 2003, the cause was joined by Control Arms, a non-governmental coalition that comprises 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, 2006). The Secretary-General compiled these views in a report that informed a new GGE⁹ that was to examine the feasibility of such a treaty and produce a report (UNGA, 2006, 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 Open-ended Working Group's report and set aside four consecutive weeks to convene a United Nations conference on the ATT in 2012 (UNGA, 2009a).

Potential purpose and themes

The GGE report finds that the feasibility of an ATT is dependent on four main factors:

9 The GGE comprised 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.

- its scope and parameters, seen as interrelated and requiring open, transparent, inclusive, and universal discussions;
- clear definitions of fundamental goals and objectives;
- respect for state sovereignty; and
- objective and agreed global criteria that reflect the responsibilities of exporters and importers (UNGA, 2008c).

Discussions on the scope of the treaty concern the categories of weapons included, the activities and transactions governed, and the need to address the illicit trade. Negotiations on parameters revolve around the applicability of states' existing legal obligations, necessary requirements for authorized transfers, and the promotion of multilateral exchanges between states. Due to the complexities inherent in discussions on arms transfers, the GGE agreed that further step-by-step, open and transparent consideration within the UN was required.

The report of the Open-Ended Working Group towards an ATT allowed for constructive, in-depth, and extensive discussion on the objectives, goals, scope, parameters, and other aspects for their inclusion in a possible treaty.

The aim of the four sessions of the Preparatory Committee in 2010 and 2011 was to make recommendations to the UN Conference on the Arms Trade Treaty on the elements of an ATT, based on the views and recommendations expressed by states, the report of the GGE, and the report of the Open-Ended Working Group (UNGA, 2009a, para. 7). During the final Preparatory Committee meeting, on 14 July 2011, the chair produced a non-paper designed to reflect views expressed during the Preparatory Committee meetings and to serve as one of the background documents for the ATT conference (UNGA, 2012). The chair's non-paper suggests that an ATT should:

- promote goals and objectives of the UN Charter;
- establish the highest possible common international standards for the import, export, and transfer of conventional arms;
- prevent, combat, and eradicate the illicit transfer, production, and brokering of conventional arms and their diversion into the illicit market;
- contribute to international and regional peace, security, and stability by preventing transfers that contribute to human suffering, serious violations of human rights and international humanitarian law, violations of UN sanctions, armed conflict, displacement of people, organized crime, and terrorist acts;

- promote transparency and accountability; and
- be universal in its application (UNGA, 2012, s. III).

Relationship to other instruments

A legally binding and strong ATT could complement the Firearms Protocol, ITI, and PoA by providing clear international norms on arms export licensing; international transfer, brokering, marking, record-keeping and tracing practices; reporting; and post-shipment follow-up.

The Firearms Protocol and the ITI require minimum standards for record-keeping of imported or exported small arms and light weapons; the PoA calls on states to implement adequate laws, regulations, and administrative procedures over export, import, transit or retransfer, record-keeping, and brokering. All of these aspects may be included in a comprehensive ATT.

The ATT could help to create benchmarks for future small arms instruments, clarify some ITI and PoA ambiguities, and enhance national commitments.

Resources

Quick reference

UNODA provides information on the ATT negotiations:

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

PART 8

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. The range of sanctions has included comprehensive economic and trade sanctions, more targeted measures, such as arms embargoes, and travel bans, as well as financial and diplomatic restrictions.

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 by placing 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, 2001b, para. 32).

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 (SIPRI, n.d.).

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. Examples include the following:

- Resolution 55/25 of 2000, which adopted the UN Convention against Transnational Organized Crime and, with it, the Firearms Protocol (UNGA, 2000c);
- Resolution 54/54V of 1999, which called for the 2001 conference on the illicit trade in small arms and light weapons (UNGA, 1999c, para. 1); and
- Resolution 61/89 of 2006, which began to pave the path towards an ATT (UNGA, 2006).

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. To date, two reports have been submitted, one in April 2008 and the other in April 2011.

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 focused on 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).

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 on 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 weapon:

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

States 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 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.c).

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 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.

The 41 participating states¹⁰ seek, through their national policies, 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 agree to report all transfers and denials of listed items. These items include 22 that are designed for military use, including:

- 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.).

The Conference on Disarmament

The Conference on Disarmament was established in 1979 as the forum for multi-lateral negotiations on disarmament. Although its terms of reference include all multilateral arms control and disarmament problems, it is primarily focused on nuclear disarmament issues.

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;

10 Members of the Wassenaar Agreement are Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States (WA, n.d.).

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 the 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 International 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 stockpile management requirements may be met (UN, n.d.d).

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 from undesirable explosive events (e.g. local civilians and explosives workers);
- 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.d).

PART 9

Regional Instruments, Tools, and Organizations



What is happening at the regional level?

In the 1990s, regional organizations began to examine domestic small arms policies and putting 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 Firearms Protocol, ITI, and PoA.

Regional instruments and organizations

This section 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.¹¹ Adoption of the PoA is also highlighted to illustrate where regional instruments were adopted before and after the PoA.

Americas

Scope	Organization	Year	Instrument
Regional	Organization of American States (OAS)	1997	Inter-American Convention (CIFTA) (in force 1998)
Sub-regional	Andean Community of Nations	1998	Inter-American Drug Abuse Control Commission (CICAD) Model Regulations
	Caribbean Community and Common Market (CARICOM)	2001	PoA
	Central American Integration System (SICA)	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 (in force 2003)
	Southern Common Market (MERCOSUR)	2005	OAS Guidelines on Controls and Security of MANPADS
		2005	SICA Code of Conduct of Central American States
		2011	CARICOM Declaration on Small Arms and Light Weapons

¹¹ For a comprehensive list of all relevant regional instruments and organizations, see Berman and Maze (2012).

Africa

Scope	Organization
Regional	African Union (AU) (formerly the Organization of African Unity (OAU))
Sub-regional	Economic Community of West African States (ECOWAS)
	Southern African Development Community (SADC)
	Regional Centre on Small Arms (RECSA) (formerly the Nairobi Secretariat)
	Eastern Africa Police Chiefs Cooperation Organisation (EAPCCO)
	Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO)

Year	Instrument
1998	ECOWAS Moratorium (renewed in 2001, 2004)
2000	OAU Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons
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
2001	PoA
2001	SADC Protocol (in force 2004)
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 2006)
2006	ECOWAS Convention (in force 2009)
2010	Central African Convention (not yet in force)

Middle East and Northern Africa

Scope	Organization
Regional	League of Arab States (LAS)

Year	Instrument
2001	PoA
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

Europe

Scope	Organization
Regional	European Union (EU)
Sub-regional	South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC)
	Stability Pact for South Eastern Europe

Year	Instrument
1998	EU Code of Conduct on Arms Exports
1998	EU Joint Action on Small Arms
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
2001	PoA
2001	Stability Pact Regional Implementation Plan
2002	EU Joint Action on Small Arms
2003	EU Common Position on Arms Brokering (in force 2003)
2006	EU Small Arms Strategy
2008	EU Council Common Position (in force 2008)

Euro-Atlantic

Scope	Organization
Regional	North Atlantic Treaty Organization (NATO) <ul style="list-style-type: none"> ■ Euro-Atlantic Partnership Council (EAPC) ■ Partnership for Peace (PfP)
	Organization for Security and Co-operation in Europe (OSCE)

Year	Instrument
2000	OSCE Document on Small Arms and Light Weapons
2001	PoA
2003	OSCE Handbook of Best Practices on Small Arms and Light Weapons
2004	OSCE Principles for Export Controls of MANPADS
2004	OSCE Standard Elements of End-user Certificates and Verification Procedures for Small Arms and Light Weapons Exports
2004	OSCE Principles on the Control of Brokering in Small Arms and Light Weapons
2008	OSCE Handbook of Best Practices on Conventional Arms

Asia

Scope	Organization
Regional	Association of Southeast Asian Nations (ASEAN)
	Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)

Year	Instrument
1999	ASEAN Plan of Action to Combat Transnational Crime
2001	PoA
2002	ASEAN Work Programme to Implement the Plan of Action

Pacific

Scope	Organization
Regional	Pacific Islands Forum (PIF)
	Forum Regional Security Committee (FRSC)
	Pacific Islands Law Officers' Meeting (PILOM)
	Pacific Islands Chiefs of Police (PICP) (formerly the South Pacific Chiefs of Police Conference (SPCPC))
	Oceania Customs Organisation (OCO)

Year	Instrument
1998	OCO and PICP Honiara Initiative
2000	OCO and PICP Nadi Framework
2001	PoA
2003	PIF Nadi Weapons Control Bill
2009	PIF Cairns Communiqué

Relationships among organizations

What is the relationship between regional and international activities?

Many of the abovementioned regional initiatives are intended to conform to or support international instruments. Many identify their relationships to the Firearms Protocol, ITI, or PoA; some, such as the Andean Plan, reflect such relationships in their titles, usually by using phrases such as 'to prevent, combat, and eradicate'. Other regional organizations continue to declare their support for certain international instruments or processes, such as ASEAN and the Pacific Islands Forum.

Regional instruments tend to reflect the policy areas of the global mechanisms. Many address mutual 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 Karry Maze. 2012. *Regional Organizations and the UN Programme of Action on Small Arms (PoA)*. Handbook No. 1. Geneva: Small Arms Survey.

Glossary



assault rifle: a rifle that is usually capable of single-shot, semi-automatic, or fully automatic fire. It is a military-styled 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.

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 a foreign 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 converting a firearm so that it can no longer discharge a projectile.

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* **international import certificate** and **end-use 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 which is responsible for authorizing the export (granting the export licence) (Parker, 2009, p. 64).

firearm: generally, a small arm, especially in the context of national legislation. *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 branding a small arm, light weapon, or their parts and components, with at least one unique identifying mark, invariably a serial number, although additional marks may reveal the manufacturer's name, the model, and date or country of manufacture. Marking facilitates the tracing of a weapon as it provides information on the weapon's history and origin.
- 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 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**.
- 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**.
- registration:** the act of recording information about the owner of a weapon in an official database, known as a registry.
- 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, 2005, 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).
- transhipment:** 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 transhipment, 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* **transhipment**.

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