

CIVIL SOCIETY AND DISARMAMENT  
2018



**ADVOCACY BY NON-GOVERNMENTAL  
ORGANIZATIONS TO STRENGTHEN THE  
UNITED NATIONS PROGRAMME OF ACTION  
ON SMALL ARMS AND LIGHT WEAPONS**

**UNODA**

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United Nations

## **Note**

The United Nations Office for Disarmament Affairs is publishing this material within the context of General Assembly resolution 73/79 on the United Nations Disarmament Information Programme in order to further an informed debate on topical issues of arms limitation, disarmament and security. This publication series aims to give civil society a platform to express views on disarmament and related matters.

The material in this book includes original analysis by civil society representatives as well as previously issued statements and briefing papers, some of which have been updated by their authors to ensure clarity. The views of the authors are their own and do not necessarily reflect those of the United Nations or its Member States.

Symbols of United Nations documents are composed of capital letters combined with figures. These documents are available in the official languages of the United Nations at <http://ods.un.org>. Specific disarmament-related documents can also be accessed through the disarmament reference collection at <https://www.un.org/disarmament/publications/library/>.

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## Foreword

This edition of *Civil Society and Disarmament* explores recent work by the International Action Network on Small Arms (IANSA) to counter the misuse, diversion, and illicit proliferation of small arms, light weapons, and their ammunition. The volume places particular emphasis on statements and briefing papers issued by IANSA member organizations in the context of the Third Review Conference of the United Nations Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (RevCon3), held from 19 to 29 June 2018 in New York.

While IANSA has made a limited number of updates to previously issued statements and briefing papers for clarity, these documents largely remain as they were originally delivered. This compilation therefore has utility both as a historical resource and as a record of civil society positions on the future of the PoA process.

Part One provides a broad overview of the problems stemming from inadequate management of small arms, light weapons, and their ammunition; the efforts of IANSA to tackle such issues in cooperation with Member States; and relevant international instruments.

Parts Two, Three and Four present the perspectives of various IANSA member organizations through statements they delivered at RevCon3 as well as during its Preparatory Committee, held in New York from 19 to 23 March 2018. Part Two focuses on established areas of concern in the Programme



of Action framework, while Parts Three and Four focus on relevant emerging issues and trends.

The present volume reflects IANSA's efforts to engage constructively with States and intergovernmental organizations, arguing not only for effective implementation of the Programme of Action and other instruments, but also for their development as living – not static – documents. In the view of IANSA, the international community needs up-to-date tools in order to respond to the evolving global threats posed by the misuse, diversion, and illicit proliferation of small arms, light weapons, and their ammunition.

# I. Introduction

Poor management of weapons and ammunition is a matter of alarming concern. The easy availability and misuse of small arms and light weapons, and their ammunition, is a major problem in countries across all world regions, resulting in extensive human suffering and loss of life. Small arms and light weapons and their associated ammunition, can be misused and diverted to unauthorized recipients such as rebels, gangs, criminal organizations, pirates, and terrorist groups, producing havoc and harm on a massive scale.

The human costs of such proliferation and abuse – both direct and indirect costs – are enormous. Over the past decade, around 535,000 deaths have been caused each year directly by acts of violence, including armed violence.<sup>1</sup> The vast majority of these have occurred in countries wracked by violent crime and instability – not in war or armed conflict.<sup>2</sup> Yet non-conflict settings have received significantly less attention at the global

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<sup>1</sup> Small Arms Survey, *Monitoring Trends in Violent Deaths*, Research Note Number 59, September 2016. Note that “self-inflicted violence” is not included in the total estimate, and estimates for deaths during “legal interventions” by law enforcement are reported very unevenly and probably underestimated. Additionally, deaths in armed conflict are difficult to estimate accurately, and non-conflict data on violent deaths is only estimated in 64 countries, half of them in Africa. For these reasons, great caution should be made in drawing international comparisons between some countries and regions. See Brian Wood, *Preventing Crimes and Violent Deaths Involving Small Arms and Light Weapons*, IANSA Briefing Paper, June 2017, reprinted below in this volume.

<sup>2</sup> *Ibid.* Of the 20 countries with high violent death rates of 20 deaths of more per 100,000 of their population in 2015, 11 were not affected by armed conflict.

level. Domestically, small arms and ammunition in the hands of civilians are often poorly regulated and are consequently involved in many preventable deaths and injuries.

Direct killings are only a fraction of the full costs of armed violence and conflict. Civil wars have become increasingly regionalized and internationalized, and the use of small arms and light weapons (SALW) often blurs the distinctions between armed conflict, crime, terror attacks, and State repression.

Gender inequalities are deepened and exacerbated by pervasive armed violence perpetrated by gangs and individual men in the grip of toxic masculinity. In general, men and boys are more often than women and girls the users, direct victims and perpetrators of violence and conflict with small arms and light weapons. However, because of gender inequalities and their roles in society, women and girls not only are victims of male abuse with guns but also suffer disproportionately in many ways from the economic, social, cultural and political costs of involvement by men and boys in armed violence and conflict. The changing face of global conflict has also had a particular and dramatic effect on women. Half the world's 68.5 million forcibly displaced people (25 million refugees, 3 million asylum seekers, and 40 million internally displaced persons) in 2017 were women or girls, according to the United Nations.<sup>3</sup> Sexual violence is used as a tactic to displace populations, while the ideological opposition of many extremist armed groups to girls entering public spaces, including educational institutions, is increasingly used to justify brutal sexual exploitation.

Armed violence is a major public health concern. The more visible costs are the physical wounds suffered by the victims. The economic and emotional costs for victims, their families, and their friends are often less visible, but are also extremely important. In areas severely affected by arms and ammunition proliferation, children are more vulnerable to injury, death, displacement, psychosocial distress, and recruitment and use by armed forces and groups. Armed violence also comes at

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<sup>3</sup> UNHCR, *Global Trends – Forced Displacement in 2017*, available at: <https://www.unhcr.org/figures-at-a-glance.html>.

a very high economic cost to the society as a whole, as the health system has to deal with incoming emergencies from shot wounds, diverting essential resources from the overall system.

Crime and armed violence contribute to “unproductive” expenditures that divert public resources away from key services and capital investment. Poverty and unemployment resulting from armed conflict and pervasive armed violence, especially when coupled with a sense of historic marginalization, exacerbate intense grievances. Violent conflicts are strongly fuelled by natural resource exploitation and, according to one study, those conflicts experience an earlier and higher probability of relapse than others.<sup>4</sup>

In May 2018, the UN Secretary-General unveiled a new disarmament agenda recognizing the need to protect civilians from armed conflict and other forms of violence and criminality associated with the widespread availability and misuse of conventional arms, especially small arms and light weapons.<sup>5</sup>

*“While we have seen stagnation in conventional arms control at the global level, the absence of disarmament and arms control at the regional, national and local levels has been disastrous. Owing in no small part to the widespread and increasing availability of military-grade and improvised weapons, armed conflicts have become protracted, more complex, more disruptive and more difficult to recover from. Non-State actors are increasingly well equipped, owing to poorly secured stockpiles or to transfers from the illicit market or from States. The growing complexity of contemporary conflict, when mixed with lax control on the means of lethal force, is a growing source of human insecurity.”<sup>6</sup>*

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<sup>4</sup> Jasmine-Kim Westendorf, “Why Peace Processes Fail: Negotiating Insecurity After Civil War”, Lynne Rienner, 2015.

<sup>5</sup> United Nations Secretary-General, *Securing Our Common Future: An Agenda for Disarmament*, 24 May 2018, ISBN: 978-92-1-142329-7. <https://www.un.org/disarmament/sg-agenda/en/>.

<sup>6</sup> Ibid, p. 33.

The Secretary-General reaffirmed that combatting the illicit trade in small arms and light weapons is necessary for the achievement of many of the 2030 Sustainable Development Goals, including those relating to peace, justice and strong institutions, poverty reduction, economic growth, health, gender equality, and safe cities and communities. He pointed out that *“The current paradigm of short-term and compartmentalized projects to address small arms control is not keeping up with the seriousness and magnitude of the problem ... [and] in the most affected countries, this issue needs sustained, integrated funding, providing all stakeholders – Governments, donors and implementers – with more opportunities, more coherence and more return on investment.”*<sup>7</sup> At the country level in particular, the Secretary-General called for, amongst other things, the development of more effective, accountable and transparent institutions at all levels and the engagement of civil society, especially women, young people and affected communities in all phases of the disarmament and arms control processes.<sup>8</sup>

## **Taking action to address illicit transfer, destabilizing accumulation and misuse**

Coordinated international, regional, and national action by governments is needed to prevent the illicit transfer, destabilizing accumulation and misuse of small arms, light weapons, and their ammunition. Thus, in 2001, Member States of the United Nations agreed a Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) and have come together regularly since then to review implementation of the PoA. Civil society organisations have played a major role in promoting measures that are included in the PoA and subsequent outcome documents of meetings under the PoA, and in assisting States with information and raising public awareness of the direct and indirect human costs resulting from armed violence and conflict.

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<sup>7</sup> Ibid, p. 41.

<sup>8</sup> Ibid, p. 66–70.

Civil society advocates have argued that it is vital to deal with all of the facets of this problem, and urged all governments to take action to prevent the illegal possession, trade, and diversion of such items; strictly regulate civilian and other holdings to prevent the uncontrolled spread; guarantee the safe and effective management, storage, and security of government stockpiles; and ensure the collection, recording, and destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition. For civil society that means addressing existing inventories of weapons and ammunition as well as excessive accumulation, illicit transfers, and unlawful use. Their argument rests on the principle that multidimensional problems like these require multidimensional solutions.

Civilian holdings of small arms and their ammunition in countries with weak domestic regulation pose a significant risk of armed violence. According to the Small Arms Survey, there are more than one billion firearms in the world and more than 850 million of these weapons are in civilian hands, compared to more than 130 million firearms in military arsenals, and more than 20 million owned by law enforcement agencies.<sup>9</sup>

The United Nations (UN) Secretary-General has stressed that because of the immense harm that weapons and ammunition can wreak, any government that decides to export them must recognize its weighty international responsibility for every transfer it authorizes.<sup>10</sup> Conversely, a government importing or procuring from national production must ensure that it will use these weapons only to provide for the safety and security of its citizens and that it has the capacity to safeguard all weapons and ammunition in its possession throughout their life cycles.

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<sup>9</sup> Small Arms Survey, *Armed Violence – Social and Economic Costs*, 2017. <http://www.smallarmssurvey.org/de/armed-violence/social-and-economic-costs.html>.

<sup>10</sup> United Nations Security Council, *Small arms and light weapons*, Report of the Secretary-General, 27 April 2015, S/2015/289.

## **The International Action Network on Small Arms**

Civil society is playing a major role in alerting governments and intergovernmental organizations to the problems stemming from inadequately managed weapons and ammunition, and in proposing solutions. Formed in 1997, the International Action Network on Small Arms (IANSA) is the global movement against gun violence, composed of hundreds of member organizations from across the world. It represents an array of stakeholders from non-governmental organizations, academia, think tanks, activist groups, and faith-based organizations, as well as survivors of gun violence. IANSA's thematic sub-networks include the IANSA Women's Network, the IANSA Public Health Network led by International Physicians for the Prevention of Nuclear War (IPPNW), and the IANSA Survivors' Network led by Transitions Foundation in Guatemala. Many IANSA members also participate in other global movements focused on human security topics such as landmines, child soldiers, nuclear weapons, and gender-based violence.

IANSA works by sharing knowledge about best practices, building coalitions for fact-based advocacy, and amplifying the voices of the individuals, families, and communities directly affected by small arms and light weapons. Most IANSA members are not technical specialists on weapons, although some do high-grade research on arms. They are mainly organizations and individuals working in human rights, justice, public health, humanitarian aid, development, and peace, who have joined IANSA because the flood of guns and violence is impeding their regular work. They understand the grave consequences illicit weapons are having on communities and people's livelihoods. Through IANSA, they learn about solutions being pursued at national, regional, and international levels.

IANSA promotes measures to reduce gun violence by raising awareness among policymakers and the public about the global threat to human rights and human security caused by the uncontrolled spread and abuse of small arms and light weapons. IANSA also promotes civil society efforts in policy

development, public education, and research – fostering collaborative advocacy and providing a forum for non-governmental organizations (NGOs) to share experiences and build necessary skills. The network also facilitates civil society participation in global and regional processes on small arms and light weapons, and IANSA is the official coordinator of civil society participation in the United Nations small arms process.

In addition to its advocacy work at the United Nations, IANSA promotes and/or coordinates global and regional campaigns for action to eradicate the proliferation and abuse of small arms, light weapons, and their ammunition. These campaigns include:

### **The Global Week of Action Against Gun Violence (Date varies by year)**

IANSA started this annual campaign action in 2002 to bring greater attention to the illicit trade and misuse of small arms and light weapons. Member organizations of IANSA in different countries affected by gun violence use the week to organize activities that focus on their local realities and goals. In Brazil, for example, Sou da Paz organized a public art installation on gun violence in 2017 and worked with local police to encourage the voluntary surrender of firearms – increasing the amount of surrendered weapons by 150 percent over the previous period. Similarly in Kenya, the Kenya Action Network on Small Arms (KANSA) organized a community march in Nairobi with local police to encourage residents to report illicit guns. Gun Free Kitchen Tables in Israel organized a 2-day workshop for Jewish and Palestinian women leaders to share best practices, coordinate activities aimed at preventing armed violence at home, and study international instruments on SALW together. Gun Free South Africa worked with local organizations to establish gun-free zones in their communities, and Refeades-Makobola in the Democratic Republic of the Congo organized community theatre plays on armed sexual violence that also gave female survivors a platform to share



their testimonies – an event that convinced a former child soldier and ex-combatants to join the movement against gun violence.<sup>11</sup>

### **Gun-Free Valentine (February 14–March 8)**

The Gun Free Valentine Campaign action was first launched by IANSA member organization Gun Free South Africa in 2016 to raise awareness of the strong link between gun ownership and domestic violence, and the alarming increase in risk of homicide for women when a gun is present in a home. The campaign also raises awareness of Goal 5.2 of the 2030 Agenda for Sustainable Development, which aims to end all forms of violence against all women and girls. The campaign calls for countries with laws that do not effectively address the rise in domestic violence associated with firearms possession to follow the footsteps of countries taking the right steps, and member organizations in various countries now take part in the social media campaign. In Burundi, under the banner “Guns Don’t Belong in Relationships,” the IANSA member organization Reveil communautaire d’assistance aux victimes (RECOVI) organized a community gathering for youth and adults to raise awareness of violence against women and to encourage the voluntary surrender of guns. In the Democratic Republic of the Congo, IANSA member organization UCOPASUKI organized a community discussion for women and men that gave women a chance to freely express their experiences with and concerns about domestic violence.

### **Wear Orange (June 2)**

The Wear Orange Campaign is a grassroots movement that was first launched in the United States to commemorate the life of Hadiya Pendleton, a 15-year student who was randomly and fatally shot in 2013. Participants wear the colour orange to honour the lives of victims and survivors of gun violence, symbolize the value of human life, and to signal that they do not want to become the next victim of gun violence. The campaign has rapidly spread throughout the United States, and IANSA has

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<sup>11</sup> See more examples of IANSA member activities for the campaign here: [http://docs.wixstatic.com/ugd/bb4a5b\\_5fdd5d33bd2c432796bb46d39873b726.pdf](http://docs.wixstatic.com/ugd/bb4a5b_5fdd5d33bd2c432796bb46d39873b726.pdf).

taken the campaign globally – and even to the United Nations during UN conferences on small arms.<sup>12</sup>

### **International Gun Destruction Day (July 9)**

In 2001, the United Nations launched Small Arms Destruction Day to raise awareness of the threats posed by small arms. To mobilize civil society support for this goal, IANSA carries out its International Gun Destruction Day campaign action every July 9 to encourage the voluntary surrender of illicit firearms, and to encourage governments to go beyond stockpiling illicit surplus weapons and ammunition, and to destroy surpluses to reduce risks of theft, diversion, and accidental ammunition explosions.

### **Africa Amnesty Month (September)**

The African Union launched Africa Amnesty Month in 2017 to promote the voluntary surrender of firearms and their ammunition without fear of punishment. IANSA members in Africa help to promote awareness in their communities of this initiative, as well as the larger goal of the Africa Union to end conflict on the continent by 2020.

### **The International Day of Peace (September 21)**

Every year IANSA members help support the UN's International Day of Peace. Heeding the call by the UN in 2018 to use the day to mark the 70th anniversary of the Universal Declaration of Human Rights, IANSA members focused on Article 3 – the right to life, liberty and security of person. Member organizations created video messages about Article 3 and its link to gun violence, and spread information about this link through social media.

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<sup>12</sup> See more examples of IANSA member participation in the campaign here: [https://docs.wixstatic.com/ugd/bb4a5b\\_efe704501a464767adabd630151ed6ac.pdf](https://docs.wixstatic.com/ugd/bb4a5b_efe704501a464767adabd630151ed6ac.pdf).

## **16 Days of Activism Against Gender-Based Violence (November 25–December 10)**

The annual 16 Days of Activism against Gender-Based Violence is an international campaign to challenge violence against women and girls. The campaign runs every year from 25 November, the International Day for the Elimination of Violence against Women, to 10 December, Human Rights Day. Every year, the IANSA Women’s Network mobilizes civil society support for the campaign. In Nepal in 2017, for example, Women for Peace and Democracy (WMD) has organized several peace rallies to raise awareness of how violence against women and girls inhibits economic progress, and to bring greater public awareness of SDG 5.2. In Malawi, under the slogan “Real Men Don’t Need Guns,” The Peoples Federation for National Peace and Development (PEFENAP) coordinated a peace parade with local vendors, market officials, and women through a street market that has been affected by gun violence. In South Africa, the Justice & Peace Program of the Catholic Archdiocese of Johannesburg organized a series of workshops to raise awareness of gender-based violence and gun violence. One workshop for women helped them to understand their legal rights, and another focused abuse and increased risks of HIV/AIDS transmission, and provided free HIV testing. Several workshops for men opened created dialogue about gender-based violence and providing training on ways for men to relate to women without aggression. In Burundi, Women United for Peace in the Great Lakes Region (FUP/GL) helped break silence relating to sexual and gender-based violence. Partnering with local women’s organizations, FUP/GL collected 543 testimonials from women and girls. Those testifying pledged to continue to speak out on sexual and/or gender-based violence. FUP/GL’s also used radio interviews to discuss how the proliferation of small arms affects domestic violence in communities – leading to the formation of new radio clubs to counter prevalent domestic armed violence.<sup>13</sup>

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<sup>13</sup> Find more examples of IANSA member activities for the 16 Days campaign here: [https://docs.wixstatic.com/ugd/bb4a5b\\_cc5ab98106774983a2cff19043d905d2.pdf](https://docs.wixstatic.com/ugd/bb4a5b_cc5ab98106774983a2cff19043d905d2.pdf).

In addition to these campaigns, IANSA member organizations in Latin America and the Middle East help to raise awareness every year of the dangers of celebratory gunfire – an activity that has led to deaths and injuries of individuals struck by stray bullets in both regions.

## **Relevant International Instruments:**

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

Countries have adopted a series of global and regional agreements aiming to prevent the proliferation and misuse of small arms, light weapons, and their ammunition. Some constitute international legal obligations, while others are politically binding. Several international instruments have been adopted at the United Nations.

The only global instrument that comprehensively addresses the issue 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 (PoA), a politically binding instrument adopted in 2001 by all UN Member States. Under the PoA, governments have agreed to implement measures to curb and eradicate the illicit manufacture, illicit trade, and illicit brokering of small arms and light weapons, and to prevent their diversion. Measures include improved national small arms laws, import/export controls, and stockpile management. Member States have also agreed to engage in cooperation and assistance programmes. Every two years, Member States gather for a Biennial Meeting of States (BMS) to report on their implementation of the PoA. Every six years, States gather for a Review Conference (RevCon) on the PoA to review progress on the implementation of the instrument, discuss emerging issues, and chart steps forward for the future. So far, three Review Conferences have been held: in 2006, 2012, and 2018.<sup>14</sup>

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<sup>14</sup> Information on the UN Programme of Action on the illicit trade in small arms and light weapons is available from the United Nations Office for

Held in June 2018 and presided over by France, the Third Review Conference (RevCon3) has arguably been the most successful. At RevCon3, States recognized strong links between gender and SALW, and between the 2030 Agenda for Sustainable Development and SALW. The Outcome Document included important references on the role of ammunition in implementing the PoA – a topic that a small number of States do not recognize as part of the PoA framework. IANSA's Quick Guide provides an overview of the results of RevCon3 on key issues and gives recommendations for next steps.

IANSA was a driving force in establishing the PoA. For the past 17 years, IANSA has been working to strengthen the instrument, expand its scope, and urge governments to turn their expressed commitments into concrete action.

### **International Tracing Instrument**

In order to meet a commitment in the PoA, States negotiated the International Tracing Instrument (ITI), which was adopted by the UN General Assembly in 2005. This instrument requires States to ensure that weapons are properly marked and records are kept, and establishes a framework for international cooperation to trace illicit small arms and light weapons.<sup>15</sup> Meetings and national reports of States on the ITI are always combined with those on the PoA. Improving weapons tracing is now also part of the 2030 Agenda for Sustainable Development; SDG 16.4 aims to significantly reduce illicit arms flows by the target year.

### **UN Firearms Protocol**

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention on Transnational Organized Crime (Firearms Protocol) was

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Disarmament Affairs at: <https://www.un.org/disarmament/convarms/salw/programme-of-action/>.

<sup>15</sup> An ITI implementation kit and other supporting documents on the ITI are available at: <http://www.poa-iss.org/InternationalTracing/InternationalTracing.aspx>.

adopted in 2001 by the UN General Assembly as an instrument to help counter transnational organized crime, and it entered into force in 2005. It was the first legally binding global instrument dealing with firearms, and is a supplement to the UN Convention against Transnational Organized Crime.<sup>16</sup> Unlike the PoA, the Protocol includes the ammunition and parts and components of firearms – but does not include light weapons or address wider issues of peace and security as does the PoA. Also, the Protocol does not apply to State-to-State transactions or 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 UN Charter. The Protocol requires States Parties to criminalize the illicit manufacturing and illicit trafficking of firearms, their parts and components and ammunition. Trafficking includes the import, export, acquisition, sale, delivery, movement or transfer of any such items from or across the territory from one State Party to that of another. A legislative guide to help States to implement the Firearms Protocol was released in 2004 by the UN Office on Drugs and Crime (UNODC), the monitoring body.<sup>17</sup> As of February 2019, 52 States were signatories and 116 States were parties to the Firearms Protocol.<sup>18</sup>

## **Arms Trade Treaty**

The Arms Trade Treaty (ATT) is the only other global legally binding instrument applying to the trade and transfer of small arms, as well as light weapons, ammunition, parts,

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<sup>16</sup> Further information on the UN Firearms Protocol is available from the United Nations Office for Drugs and Crime at: <http://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>.

<sup>17</sup> The UN Office on Drugs and Crime legislative guide for the Firearms Protocol is available at: [http://www.unodc.org/pdf/crime/legislative\\_guides/05%20Legislative%20guide\\_Firearms%20Protocol.pdf](http://www.unodc.org/pdf/crime/legislative_guides/05%20Legislative%20guide_Firearms%20Protocol.pdf).

<sup>18</sup> United Nations, Status of Treaties, on the UN Firearms Protocol, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12-c&chapter=18&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-c&chapter=18&lang=en). Updates on the Protocol are published by the UN Office on Drugs and Crime, The Firearms Protocol, available at: <http://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>.

and components. IANSA, along with Amnesty International and Oxfam, founded the Control Arms campaign for the ATT in 2003. IANSA and Amnesty members provided the bulk of the massive grassroots advocacy effort that resulted in the Treaty being introduced into the United Nations in 2006, and its eventual adoption by the General Assembly in 2013. As of December 2018, one hundred States had joined the ATT as parties and 130 States had joined as signatories, accepting its legally binding obligations to apply international human rights, humanitarian, and criminal law in regulating (and in certain circumstances prohibiting) international transfers of a wide range of conventional weapons.<sup>19</sup>

The ATT covers the export, import, transit, transshipment, and brokering of SALW. It requires States to take into account acts of gender-based violence; it is the first-ever international agreement to link weapons with gender violence. Even if a transfer is not prohibited, an exporting State Party must objectively assess the risk that each potential export of conventional arms, or ammunition or parts and components could or would result in certain negative consequences. If there remains an “overriding risk” of any of the negative consequences, despite possible mitigation measures the exporting and importing States could take, then the export must be refused authorization. States Parties are also required to take measures to prevent diversion of conventional arms transfers.<sup>20</sup> However, ammunition and parts are excluded from the ATT’s anti-diversion and annual reporting obligations. Also, unlike the PoA, the ATT addresses neither the internal circulation of weapons nor the marking, tracing, or stockpile security of arms. These are left to the commitment of States under the PoA and the Firearms Protocol. Since the provisions of the various agreements amongst States are complementary and at times overlapping, IANSA presses for robust implementation of all

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<sup>19</sup> Information on the Arms Trade Treaty is available from the ATT Secretariat at: <https://thearmstradetreaty.org/>.

<sup>20</sup> Commentaries by State practitioners and other experts on the Arms Trade Treaty can be found in Clare da Silva and Brian Wood (eds), *Weapons and International Law: The Arms Trade Treaty*. Brussels: Larcier, 2015.

the instruments dealing with SALW, including the PoA, the ATT, the UN Firearms Protocol, and regional treaties.

### **United Nations Arms Embargoes**

Security Council arms embargoes are also vitally important mechanisms for the international community to prevent and detect the illicit trade and brokering of small arms and light weapons and to counter the destabilizing effects of their uncontrolled proliferation.<sup>21</sup> Security Council sanctions committees and their expert panels often expose small arms, light weapons and ammunition trafficking routes in violation of mandatory UN arms embargoes imposed on armed groups and sometimes on States. Specific obligations are mandated for each UN embargo and a variety of recommendations are made and updated by the Council regarding the implementation of each embargo. These include measures to secure control of a country's ports and borders, improvements to stockpile management, inspections inside the country, calls to investigate allegations of illicit trafficking, and steps to ban the activities those who deliberately violate sanctions. The effective monitoring of UN arms embargoes depends on active information exchanges between national authorities of the embargoed country and in other countries, as well as amongst UN embargo monitoring entities, UN peace operations, and international and regional organizations.<sup>22</sup>

### **United Nations Register of Conventional Arms**

Member States have agreed to report their weapons transfers to the United Nations Register of Conventional Arms (UNROCA) each year. Since UNROCA began in 1991, more than 170 States have reported. According to UN estimates, over

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<sup>21</sup> The relevance for SALW is explained in United Nations Security Council, Report of the Secretary-General, Small Arms and Light Weapons, 6 December 2017, and the previous annual reports of the Secretary-General.

<sup>22</sup> For examples of the range of Security Council measures taken recently, see: United Nations Institute for Disarmament Research, *Applying Conventional Arms Control in the Context of United Nations Arms Embargoes*, Geneva, 2018.



90 percent of official transfers are captured by UNROCA.<sup>23</sup> Even if one State involved in a transaction does not report, the transfer may still be covered by the report of the other State involved. According to UNROCA, if States behave in a predictable and transparent way, including being open about arms transfers, this builds confidence among them and lends credence to the concept of “transparency in armaments”.<sup>24</sup> In 2003, States decided to add the category of small arms to the Register as an additional, voluntary category on which they could report. Many countries now include small arms in their yearly reports.

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<sup>23</sup> Data is updated on the UNROCA website available at: <https://www.unroca.org/about>.

<sup>24</sup> *Ibid.*

## **II. Strengthening the Political Process: The Third Review Conference**

### **Six key issues for the 2018 Review Conference on the Illicit Trade in Small Arms and Light Weapons<sup>1</sup>**

*Dr. Natalie J. Goldring*

From 18–29 June 2018, the United Nations is conducting the third Review Conference (RevCon3) on the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (PoA), which was originally adopted in 2001.<sup>2</sup> This briefing paper from the International Action Network on Small Arms (IANSA) focuses on six key issues for discussion at RevCon3:

- the illicit trade in ammunition;
- destruction of surplus and excessive accumulations of SALW and ammunition;

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<sup>1</sup> Briefing paper prepared in June 2018 by Dr. Goldring, Senior Fellow with the Security Studies Program in the Edmund A. Walsh School of Foreign Service at Georgetown University and a Visiting Professor of the Practice at the Sanford School of Public Policy at Duke University. She also represents the Acronym Institute at the United Nations on conventional weapons and arms trade issues. She gratefully acknowledges the assistance of Brian Wood, Rose Welsch, Rebecca Peters, and Baffour Amoah with this briefing paper and related publications.

<sup>2</sup> United Nations, “Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,” A/CONF.192/15, 2001.

- measures to address armed violence in crime as well as conflict;
- gender-based action to curb SALW proliferation and violence;
- links between small arms and light weapons (SALW) reduction, Sustainable Development Goal (SDG) 16.4, and development; and
- synergies in implementing the PoA and the Arms Trade Treaty (ATT);

This briefing paper provides an introduction to each of these issues and their importance to the PoA and the control of the illicit trade in small arms and light weapons.<sup>3</sup>

### **Illicit trade in ammunition**

In his 2011 report on small arms, the UN Secretary-General stated that: “The Security Council has consistently taken an inclusive approach to arms and ammunition and has included the issue of ammunition in its discussions on arms embargoes, disarmament, demobilization and reintegration, child soldiers, counter-terrorism, and the protection of civilians in armed conflict.”<sup>4</sup> The UN Secretary-General reported that:

Arms and ammunition are also considered jointly in other contexts, including drugs and crime, peacebuilding, women and peace and security, development, human rights, mine action, air transport, maritime safety and border controls. Importantly, most countries do not distinguish arms export legislation from ammunition export legislation. In sum, because of its particular characteristics, the trade in

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<sup>3</sup> Portions of this briefing paper are based on: Natalie J. Goldring, “The Programme of Action, the Arms Trade Treaty, and the UN Register of Conventional Arms: Seeking Synergy and Overcoming Challenges,” International Action Network on Small Arms (IANSA) Briefing Paper, June 2016.

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

ammunition should be a key component of any discussion on the regulation of the global arms trade.<sup>5</sup>

RevCon3 provides an important opportunity to strengthen the PoA by more directly including ammunition as part of consideration of “the illicit trade in small arms and light weapons all its aspects.”

Small arms and light weapons can last for decades. But without continuing supplies of ammunition, these weapons essentially become useless. Although ammunition was not explicitly included in the PoA when it was agreed in 2001, in practice, States that are committed to fully implementing PoA controls are already including ammunition. The RevCon3 outcome document should make explicit States’ commitments to including SALW ammunition in POA implementation.

As the Secretary-General highlighted in his 2016 report on the illicit arms trade, “The widespread availability of illicit small arms and light weapons and their ammunition is a key enabler of conflict and endemic crime.”<sup>6</sup>

### **Destruction of surplus and excessive SALW and ammunition**

In the PoA, all States agreed they were: “... gravely concerned about the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world.”<sup>7</sup> Destroying surplus and excessive accumulations of both SALW and their ammunition is essential to reduce this danger.

The Secretary-General’s new Agenda for Disarmament indicates potential consequences of failing to destroy surplus and excessive accumulations of ammunition:

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<sup>5</sup> Ibid.

<sup>6</sup> United Nations General Assembly, “The illicit trade in small arms and light weapons in all its aspects: Report of the Secretary-General,” 4 October 2016, A/71/438–A/CONF.192/BMS/2016/1, p. 3.

<sup>7</sup> PoA, Section I, paragraph 2.

*“Effective ammunition management mitigates the risk of storage depots accidentally exploding in populated areas. These explosions, when they occur, are humanitarian disasters that lead to death, injury, economic loss, displacement and destruction of infrastructure and private property.”<sup>8</sup>*

The only sure way to prevent continued circulation of illicit SALW and ammunition is to destroy them when they are captured or existing stocks are assessed as surplus or obsolete. Destruction is the only way to guarantee that surplus and excessive accumulations of SALW and ammunition will not be diverted to illicit markets and actors.<sup>9</sup> Securing legal stockpiles and decommissioning weapons is important, and can decrease the risk of diversion. But stockpile security and decommissioning systems are not foolproof, so stockpile security alone does not eliminate the risk of diversion. Similarly, as long as storage depots are located in populated areas, civilians will be at risk.

In the RevCon3 outcome document, States should recommit themselves to destroying surplus and excessive accumulations of SALW and ammunition.

### **Measures to address armed violence in crime as well as conflict**

In his 2008 report on small arms, the UN Secretary-General stated that: “Most present-day conflicts are fought mainly with small arms and light weapons. They are broadly used in inter-State conflict and they are the weapons of choice in civil wars and for terrorism, organized crime and gang

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<sup>8</sup> *Securing our Common Future: An Agenda for Disarmament*, p. 9.

<sup>9</sup> For extended analysis of this issue, please see Peter Danssaert and Brian Wood, “Surplus and Illegal Small Arms, Light Weapons and their Ammunition: the consequences of failing to dispose and safely destroy them,” IANSA and International Peace Information Service, 2017.

warfare.”<sup>10</sup> Little has changed since then; small arms and light weapons are still the weapons of choice in these settings.

The Geneva Declaration on Armed Violence and Development’s “Global Burden of Armed Violence, 2015” estimated that from 2007–2012, more than 500,000 people died each year by violence.<sup>11</sup> More than 80 percent of these deaths were not in situations of armed conflict. This statistic highlights the critical importance of focusing on reducing SALW violence in both crime and armed conflict settings.

At their sixth Biennial Meeting of States (BMS6) on the PoA, Member States agreed that measures to curb the illicit trade in small arms are:

... relevant in areas ranging from peacekeeping, inner-city crime and elections to maritime security, forced migration and public health; from human rights, trade policy and aviation security to military stockpile management, humanitarian aid and development.<sup>12</sup>

At RevCon3, States should commit themselves to strong practical measures in conflict and non-conflict areas. As the Geneva Declaration’s statistics indicate, dealing with SALW violence only in situations of armed conflict risks missing the vast majority of the problem.

### **Gender-based action to curb SALW**

As the Secretary-General indicated in his May 2018 report on *Securing our Common Future: An Agenda for Disarmament*, “Greater efforts are needed to achieve equal, full and effective participation of women in all decision-making processes related

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<sup>10</sup> United Nations Security Council, “Small arms: Report of the Secretary-General,” 17 April 2008, S/2008/258, p. 1.

<sup>11</sup> Geneva Declaration on Armed Violence and Development, “Global Burden of Armed Violence 2015,” p. 51.

<sup>12</sup> United Nations General Assembly, “The illicit tfrade in small arms and light weapons in all its aspects: Report of the Secretary-General,” Sixth Biennial Meeting of States, A/71/438–A/CONF.192/BMS/2016/1, 4 October 2016, p. 7.

to disarmament.”<sup>13</sup> The Secretary-General also declared his commitment to “... work to achieve gender parity on all panels, boards, expert groups and other bodies established under his auspices in the field of disarmament.”<sup>14</sup>

The UN has made important progress on gender issues in recent years. For example, the outcome document from BMS6 referred to seeking gender equality, and also advocated disaggregating data on gender and the illicit trade in SALW. Even though there has been progress, a great deal of work remains. The 2018 IANSA Women’s Network Call to Action by Civil Society on Gender and Small Arms Control<sup>15</sup> presents more than a dozen recommendations, including:

- Supporting and funding initiatives to strengthen women’s capacity and skills to fully participate in the small arms process.
- Funding research and analysis highlighting the gendered effects of armed violence.
- Fully incorporating gender perspectives in all aspects of PoA implementation.

### **Links between SALW reduction, SDG 16.4, and development**

As the Secretary-General noted in his report on the Sustainable Development Goals, “Peace, justice and effective, accountable and inclusive institutions are at the core of sustainable development.”<sup>16</sup>

SDG target 16.4 is the most directly relevant SDG to IANSA’s work: “By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.” As part of

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<sup>13</sup> *Securing our Common Future: An Agenda for Disarmament*, p. xi.

<sup>14</sup> *Securing our Common Future: An Agenda for Disarmament*, p. 67.

<sup>15</sup> See the full Call to Action here: [https://docs.wixstatic.com/ugd/bb4a5b\\_8c8bd0e981b54b6e8b01da205c10d4a3.pdf](https://docs.wixstatic.com/ugd/bb4a5b_8c8bd0e981b54b6e8b01da205c10d4a3.pdf).

<sup>16</sup> United Nations Economic and Social Council, “Progress towards the Sustainable Development Goals: Report of the Secretary-General,” E/2016/75\*, reissued for technical reasons on 5 July 2016, p. 20.

the implementation of SDG 16.4, the UN will be attempting to determine the “Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.”<sup>17</sup>

Better tracking of seized, found, or surrendered weapons will highlight illicit trade patterns, as well as weaknesses in monitoring and controlling the legal trade. States should commit themselves to funding and undertaking more robust tracking as part of the RevCon3 outcome document.

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

There are many ways in which the PoA and the ATT can complement and strengthen each other.<sup>18</sup> The same analysis could be extended to other instruments, such as the International Tracing Instrument, the International Firearms Protocol, and the Sustainable Development Goals. The Firearms Protocol, for example, covers firearms, their parts and components, and their ammunition, a useful precedent for other instruments. UN Member States also have legal obligations related to arms transfers through the UN Security Council and instruments such as the Cluster Munitions Convention, Landmines Convention, and various regional treaties, among others.<sup>19</sup>

The PoA provides important elements for a framework to curb illicit SALW transfers between and within countries, even though its provisions are not legally binding. In the PoA, all Member States committed themselves:

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<sup>17</sup> “Revised list of global Sustainable Development Goal indicators,” UN Statistical Commission, March 2017, p. 22.

<sup>18</sup> For additional detail on synergies between the PoA and the ATT, see Natalie J. Goldring, “The Programme of Action, the Arms Trade Treaty, and the UN Register of Conventional Arms: Seeking Synergy and Overcoming Challenges,” International Action Network on Small Arms (IANSA) Briefing Paper, June 2016.

<sup>19</sup> Other relevant instruments include the Convention Against Corruption, the treaties on terrorism and the UN standards on the use of firearms in law enforcement.



To assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade.<sup>20</sup>

In turn, the entry into force of the Arms Trade Treaty adds legally binding elements for the control of international transfers of SALW, other common types of conventional arms, and their associated ammunition and munitions. Taken together, these two instruments complement and strengthen each other.<sup>21</sup>

The PoA has particularly strong language on maintaining records on SALW transfers, certifying that weapons are reaching their intended recipients (end-user certification) and preventing the diversion of legally authorized transfers into the illicit weapons trade. The PoA's provisions on destroying both surplus SALW and weapons that are confiscated, seized, or collected when conflicts end are critically important, as indicated in the section on destruction above. Ensuring that these provisions are being implemented effectively could also set important precedents for the ATT.

The Arms Trade Treaty prohibits certain types of transfers, including when it is known by the exporting state that the arms would be used for crimes against humanity, genocide, or war crimes. States also have to stop exports that pose “an overriding risk” of being used to seriously violate international human rights law and humanitarian law or to commit or facilitate other offences, such as terrorism and transnational organized crime.

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<sup>20</sup> PoA, Section II, paragraph 11.

<sup>21</sup> The same analysis could be extended to other instruments, such as the International Tracing Instrument, the International Firearms Protocol, and the Sustainable Development Goals. The Firearms Protocol, for example, covers firearms, their parts and components, and their ammunition, a useful precedent for other instruments. UN Member States also have legal obligations related to arms transfers through the UN Security Council and instruments such as the Cluster Munitions Convention, Landmines Convention, and various regional treaties, among others.

As of May 2018, there were 94 States Parties to the ATT.<sup>22</sup> States that have not yet ratified the ATT can also elect to follow its standards. By applying the provisions of the Treaty, they could significantly reduce the proportion of the international weapons trade that facilitates serious violations of international human rights, humanitarian, and criminal law.

The RevCon3 outcome document should explicitly endorse potential areas of synergy between the PoA and the ATT.

### **Strengthening civil society**

Civil society plays a critical role in helping to create awareness of the dangers of SALW proliferation and abuse, and the need for the rule of law. Governments can increase their effectiveness by including representatives of a wide range of independent NGOs as full partners in the work to eradicate the illicit trade in SALW and to reduce the human costs of armed violence. These groups should include arms control groups, think tanks, universities, professional associations, women's movements, community associations, human rights organizations, disabled peoples' groups, faith groups, and peace advocates. One important option is fully integrating civil society representatives into national delegations as appropriate. Governments should also commit themselves to full participation by civil society organizations at multilateral meetings on SALW. Full participation by civil society is only possible if negotiation sessions are open to civil society.

In addition to SDG 16.4, other SDGs are related to the PoA, including SDG 5, "Achieve gender equality and empower all women and girls." Fully implementing this SDG would require many states to include more women as staff members in their agencies dealing with SALW issues; it would also require much more participation by women at various levels, including in the composition of delegations to international meetings and negotiations.

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<sup>22</sup> <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002803628c4>.

In each of these areas, providing sustained funding for civil society is critical. Civil society representatives need funding to carry out research and analysis, to attend conferences and meetings, and to assist with the national, regional, and global implementation of the PoA. States can move from their supportive rhetoric about civil society to action by providing sufficient resources to support these activities.

## **Quick Guide: Results of the Third Review Conference on the Programme of Action<sup>23</sup>**

*Dr. Natalie J. Goldring*

This quick guide provides an overview of key outcomes of RevCon3. It includes suggested follow-up actions, primarily focused on analysts, activists, and diplomats.

This guide supplements several other IANSA resources, including: “Summary of the Outcome of the Third Review Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects”, by Brian Wood, “Small Arms, Big Harms: A Call to Action by Civil Society on Gender and Small Arms Control”, from the IANSA Women’s Network; and “Six key issues for the 2018 Review Conference on the Illicit Trade in Small Arms and Light Weapons”, by Dr. Natalie Goldring.<sup>24</sup>

### **Introduction**

The Review Conference in June 2018 was the third for the PoA, which was originally adopted in 2001. Between review conferences, States convene Biennial Meetings of States (BMS), of which there have been six. Each BMS is generally designed for States to provide updates on the implementation of the PoA, while the review conferences give States the opportunity for more substantial considerations to strengthen the PoA’s implementation.

From the beginning of the preparatory process for RevCon3, the President, Ambassador Jean-Claude Brunet of France, emphasized the continuing importance of consensus

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<sup>23</sup> Briefing paper prepared in September 2018 by Dr. Goldring, Senior Fellow with the Security Studies Program in the Edmund A. Walsh School of Foreign Service at Georgetown University and a Visiting Professor of the Practice at the Sanford School of Public Policy at Duke University. She also represents the Acronym Institute at the United Nations on conventional weapons and arms trade issues. She gratefully acknowledges the assistance of Brian Wood, Rose Welsch, Rebecca Peters, and Baffour Amoah with this briefing paper and related publications.

<sup>24</sup> These resources are available at <https://www.iansa.org/briefing-papers>.

decision-making, as has been the case at previous meetings in the PoA process. In the past, this has meant that consensus in effect has equalled unanimity, with a single country often able to block progress. This year, however, States refused to allow this to happen, calling for votes on three paragraphs, two on ammunition and one on the 2030 Agenda for Sustainable Development. Two key paragraphs on ammunition were approved overwhelmingly. The first paragraph received 63 votes in favour, 28 abstentions, and two “no” votes (from the United States and Israel). The second paragraph on ammunition received 62 votes in favour, and there were 29 abstentions; the United States and Israel voted against this paragraph as well. The paragraph on the 2030 Agenda for Sustainable Development was adopted by a vote of 65 to zero, with 25 abstentions. Although these paragraphs were opposed by a small number of States, in the end, they were included in the document because of the support of the overwhelming majority of States. The Outcome Document was ultimately adopted unanimously – including gaining the support of the States that had opposed individual paragraphs.

This guide uses the framework of the six key issues that IANSA identified as needing additional attention in the PoA process.<sup>25</sup>

For each of these six issues, this Quick Guide gives a brief summary of what happened at the Conference and why it’s important, with some suggestions for next steps.

## **Illicit Trade in Ammunition**

### ***What happened and why the results are important***

The Outcome Document includes two important paragraphs on ammunition. The first welcomes the newly created General Assembly process that focuses on developing ways to deal with the accumulation of surplus conventional

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<sup>25</sup> Please see the previous document in this section for the analysis of these issues that IANSA published before RevCon3.

ammunition.<sup>26</sup> The second paragraph acknowledges the usefulness of States exchanging information in order to increase their ability to deal with SALW ammunition. It emphasizes that States may learn lessons from other instruments that are applicable to the implementation of the PoA.<sup>27</sup>

While various diplomats and civil society representatives were involved in efforts to reach consensus language on the issue of ammunition, they were unsuccessful. The United States (US) delegation called a vote on both paragraphs, even opposing the reference to the ammunition process it had supported in the General Assembly. Ultimately, delegations overruled the US objections with an overwhelmingly majority vote favouring the inclusion of the two paragraphs.

The inclusion of language on ammunition is a significant step forward from a substantive perspective, because it represents recognition of the critical importance of dealing with SALW ammunition in the framework of the PoA.<sup>28</sup> In a move with important substantive and process implications, proponents of a strong PoA successfully asserted themselves by insisting on including language on ammunition and by supporting strong text when attempts to reach consensus failed. That States ultimately voted unanimously in favour of the Outcome Document is also

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<sup>26</sup> A/CONF.192/2018/RC/3, Declaration, paragraph 16: “We welcome the process established by General Assembly Resolution 72/55, adopted by consensus, with a view to identifying urgent issues pertaining to the accumulation of conventional ammunition stockpiles in surplus on which progress can be made.”

<sup>27</sup> A/CONF.192/2018/RC/3, Section II, paragraph 18: “To acknowledge that States that apply provisions of the Programme of Action to small arms and light weapons ammunition can exchange and, as appropriate, apply relevant experiences, lessons learned and best practices acquired within the framework of other relevant instruments to which a State is a Party, as well as relevant international standards, in strengthening their implementation of the Programme of Action.”

<sup>28</sup> For further information on SALW ammunition control, see Peter Danssaert and Brian Wood, “Surplus and Illegal Small Arms, Light Weapons and their Ammunition: The consequences of failing to dispose and safely destroy them,” IANSA and International Peace Information Service, 2017.

important from a process perspective and sets a precedent for future meetings.

### ***Next steps***

An important next step is to encourage governments to review their existing legislation, to exchange information with other countries, and to report publicly on ammunition exports, imports, and transit, both in their reports on the PoA and in implementing other instruments such as the Arms Trade Treaty.

## **Gender-Based Action to Curb SALW**

### ***What happened and why the results are important***

Work on gender is one of the important successes of RevCon3. The Outcome Document contains remarkably strong commitments, including a long-overdue focus on gender-based violence. This continued the progress on gender issues that has been made in recent Biennial Meetings of States. For example, the Outcome Document encourages the collection of gender-disaggregated data on the illicit trade in SALW. It calls for States to work together to increase the extent to which gender dimensions are in the mainstream of programmes to combat the illicit trade in SALW. It also has strong language on the importance of the full participation and representation of women.<sup>29</sup>

When the PoA was originally adopted in 2001, the word “gender” was so controversial that it was not even mentioned in the document. The extensive language on gender in the RevCon3 Outcome Document reflects extraordinary progress over the course of the PoA’s existence, and particularly in the past several years.

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<sup>29</sup> A/CONF.192/2018/RC/3, Section II, paragraph 80: “To encourage the full participation and representation of women, including in leadership roles, and acting as agents of change, in policymaking, planning and implementation processes related to the Programme of Action, such as national small arms commissions and programs relating to community safety, violence reduction, collection and destruction of small arms and light weapons and conflict prevention and resolution.”

The language on gender-based violence in the Outcome Document is consistent with many recommendations from the IANSA Women's Network and with the Call to Action on Gender and Small Arms Control,<sup>30</sup> which has been favourably received by many States.

### ***Next steps***

Full implementation of the Outcome Document's commitments on gender will require political will at all levels of society and sufficient funding to carry out the proposed activities. One low-cost, immediate improvement would be for governments to ensure full and effective participation of women on their national small arms commissions and in their delegations to relevant conferences and meetings.

## **Destruction of Surplus and Excessive SALW and Ammunition**

### ***What happened and why the results are important***

The Outcome Document contains strong language on destruction of surplus, confiscated, seized, and collected SALW.<sup>31</sup> It discusses the importance of stockpile management, disposal of surplus weapons, and best practices to ensure that deactivation and destruction are irreversible. It also calls for international cooperation on how best to effectively implement these measures. Destruction of surplus, confiscated, seized, and collected SALW is an issue that IANSA has highlighted in many different fora over the years.

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<sup>30</sup> This document was developed by the IANSA Women's Network in consultation with civil society organizations, UN officials, and government officials. It was launched in June 2018 at the Third Review Conference of the Programme of Action on small arms. It can be found on the IANSA website at <https://www.iansa.org/briefing-papers>.

<sup>31</sup> A/CONF.192/2018/RC/3, Section II, paragraph 45: "Subject to any legal constraints associated with the preparation of criminal prosecutions, to destroy confiscated, seized or collected small arms and light weapons that have been illegally manufactured, unless another form of disposition or use has been officially authorised, in which case such weapons have been duly identified, marked and recorded."



Irreversible destruction is the best way to ensure that weapons are not reused; it gives certainty that weapons will not be reactivated and recirculated.<sup>32</sup>

Unfortunately, RevCon3 did little to directly address excessive and destabilizing accumulations of weapons and ammunition. This is a significant shortcoming of the Outcome Document.

### ***Next steps***

Governments should work to ensure robust implementation of these provisions. For example, it is important to seek funding to ensure that confiscated, seized, and collected weapons are destroyed, not simply stored or returned to circulation. Analysts, activists, and governments should increase attention to the consequences of excessive and destabilizing accumulation of weapons, developing and implementing measures to prevent such accumulations.

## **Links Between SALW Reduction, SDG 16.4, and Development**

### ***What happened and why the results are important***

The Outcome Document contains numerous references to links between the PoA and sustainable development, many of which specifically mention the global 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs). While only one paragraph contains a direct broader link to the SDGs, there also are other connections elsewhere in the Outcome Document. The most significant commitment is contained in paragraph 13 of the Declaration:

13. We also stress the importance of the full and effective implementation of the Programme of Action and the International Tracing Instrument to the achievement of the 2030 Agenda for Sustainable Development, in

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<sup>32</sup> For extended analysis of this issue, please see Peter Danssaert and Brian Wood, “Surplus and Illegal Small Arms, Light Weapons and their Ammunition: the consequences of failing to dispose and safely destroy them,” IANSA and International Peace Information Service, 2017.

particular Goal 16 and target 16.4, which calls for a significant reduction of illicit arms flows by 2030; and acknowledge that sustainable development cannot be realized without peace and security and that peace and security will be at risk without sustainable development, and note that the illicit trade in small arms and light weapons has implications for the realization of several Sustainable Development Goals, including those relating to peace, justice and strong institutions, poverty reduction, economic growth, health, gender equality, and safe cities and communities.

The Outcome Document's substantive successes in this area include recognizing important and extensive links among SALW reduction, SDG target 16.4, and development. In particular, paragraph 13 of the Declaration in the Outcome Document (quoted above) directly acknowledges these links. This text is particularly useful for those who want to develop the connections to various aspects of achieving sustainable development, including exploring the links between the reduction of illicit arms flows and illicit financial flows, as contained in SDG target 16.4.

The success in linking SALW reduction, SDG target 16.4, and sustainable development in the Outcome Document was also important from a process perspective. Governments supporting more extensive recognition of these links succeeded in retaining mention of the broader 2030 Agenda in the Outcome Document, despite the efforts of some to constrain references to the broader SDG framework.

### ***Next steps***

Government and intergovernmental agencies should develop action plans and devote resources at the local, national, regional, and global levels to integrate work to eradicate the illicit trade in SALW with official development assistance programmes. Analysts and advocates specializing in SALW issues also need to work more closely with organizations focusing on development work to develop and enhance synergies among their projects.

## **Measures to Address Armed Violence, Crime, and Conflict**

### ***What happened and why the results are important***

The Outcome Document refers to crime and violence in several places. It recognizes that the illicit trade in SALW makes it more difficult to enforce international human rights law. It also discusses linkages between the illicit trade in SALW and trafficking in both people and goods and the importance of strengthening cooperation against transnational organized crime.<sup>33</sup>

This is very important, as the vast majority of deaths and injuries with SALW do not occur in situations of armed conflict. However, it is disappointing that the Outcome Document does not mention the need for States to join and implement the UN Firearms Protocol. It also fails to mention the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which are intended to ensure that the use of firearms by State actors is consistent with international human rights standards.

### ***Next steps***

Analysts and activists should work to convince governments to integrate efforts to combat the illicit trade in SALW across government agencies and to join and implement the UN Firearms Protocol and the UN Basic Principles on the Use of Force and Firearms. In some countries, these issues are dealt with separately in military and police force regulations and in criminal codes. In their national plans of action to counter armed crime and trafficking, governments should avoid duplication of effort and should ensure that essential

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<sup>33</sup> For example, paragraph 4 of the Declaration states: “We emphasize that the illicit trade in small arms and light weapons in all its aspects continues to sustain conflicts, exacerbates armed violence, including crime, contributes to the displacement of civilians, undermines respect for international humanitarian law, and impedes the provision of humanitarian assistance to victims of armed conflicts.”

information is shared among relevant agencies at the national, regional, and global levels.

## **Synergies in Implementing the Programme of Action and the Arms Trade Treaty**

### ***What happened and why the results are important***

Unfortunately, governments and civil society were not successful in achieving explicit recognition in the Outcome Document of important links between the PoA and other international instruments. The Outcome Document does not refer directly to the ATT, the UN Firearms Protocol, or other relevant instruments, because of the resistance of a small group of States.

Nevertheless, the Outcome Document does refer to relevant synergies among the PoA, the International Tracing Instrument, and target 16.4 of the Agenda for Sustainable Development. The Outcome Document also contains several references to “other relevant instruments to which a state is a party,” to “legally binding instruments to which a State is a party,” and to “all other instruments to which a state is a party.” Taken together, these commitments provide the basis for work among like-minded States to take advantage of the synergies among the various instruments relevant to combating the illicit trade of SALW in all its aspects.

### ***Next steps***

There are many opportunities to take advantage of synergies among the PoA and relevant international and regional instruments.<sup>34</sup> As IANSA has long stressed, it is critically important to help governments take advantage of the synergies between the PoA and the ATT, as well as the synergies between the UN Firearms Protocol and the PoA. Developing and taking advantage of these synergies can help reinforce and strengthen global efforts to end illicit trafficking in SALW.

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<sup>34</sup> See Dr. Natalie Goldring, “The Programme of Action, the Arms Trade Treaty, and the UN Register of Conventional Arms: Seeking Synergy and Overcoming Challenges,” IANSA, June 2016.

## **Conclusion**

One important challenge is generating sufficient political will in governments to move forward on these key issues. Another challenge is securing funding for States and civil society actors so that they can undertake or increase their efforts.

The commitments made by States in RevCon3 included significant progress on both substantive and procedural issues. The Outcome Document provides opportunities for further work on critically important issues at national, regional, and global levels.

### **III. Strengthening the Programme of Action: Recommendations from Civil Society**

The contributions in this section examine key areas in which civil society has advocated measures to strengthen the UN Programme of Action on the illicit trade in small arms and light weapons in all its aspects. Representatives of civil society have called for government action to address a range of key problems: (i) greater recognition of the gender dimensions of the illicit trade in SALW and efforts to eradicate that trade and prevent its consequences; (ii) explicit inclusion of ammunition – the component that makes small arms lethal – in the scope of the PoA; (iii) accounting for the clear links between development and disarmament; (iv) recognition of how synergizing the PoA with other relevant international and regional instruments can boost all of them; and (v) a strong commitment to destroying surplus SALW and their ammunition.

In addition, contributions in this section reflect civil society's efforts to raise awareness of the challenges posed by the proliferation and misuse of SALW in pervasive crime and violence. Attention has been repeatedly drawn by civil society to the importance of governments and international actors tackling armed violence in non-conflict settings, particularly where it has become, and threatens to become, widespread and systematic. PoA deliberations only make passing reference to armed violence outside armed conflict and focused on the issue of SALW in the context of armed conflicts where mass killings, displacements, abuses and destruction are inflicted upon populations. However, it is argued below that the focus on

armed conflict should not be to the exclusion of urgent action by governments to address spiralling patterns of gun violence in non-conflict settings, where the aggregate data estimates from the UN show that more SALW related deaths in non-conflict settings have been occurring overall than in conflict settings.

Hope was given to the prospects of filling this large gap at the Sixth Biennial Meeting of States on the PoA in June 2016 when Member States acknowledged the importance of addressing the root causes of armed conflict, armed violence, terrorism, and transnational organized crime in combating the illicit trade in small arms and light weapons in all its aspects, and when States reaffirmed the importance of promoting dialogue and a culture of peace through education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects, involving all sectors of society.

These issues were touched upon again at the Third Review Conference on the PoA held in June 2018. Participating States recognized that the illicit trade “*undermines respect for international human rights law and aids crime, terrorism and illegal armed groups, as well as trafficking in humans, drugs, certain natural resources and protected wildlife*”<sup>1</sup> and that “*eradicating the illicit trade in small arms and light weapons is a key part of combating gender-based violence.*”<sup>2</sup> Amongst several newer issues, a strong call was made to encourage the full participation and representation of women, including in leadership roles and as agents of change, in policymaking, planning and implementation processes.<sup>3</sup> The Conference also discussed recent developments in small arms and light weapons manufacturing, technology and design in the implementation of the Programme of Action and International Tracing Instrument,

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<sup>1</sup> Report of the The United Nations Conference to Review Progress Made in the Implementation of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects”. It was convened by the UN General Assembly and held in New York from 18 to 29 June 2018, A/CONF.192/2018/RC/3, Section 1, paragraph 5.

<sup>2</sup> A/CONF.192/2018/RC/3, Section 1, paragraph 14.

<sup>3</sup> A/CONF.192/2018/RC/3, Section II, paragraph 74.

including “additive manufacturing”, and to strengthen cooperation between law enforcement agencies so as to prevent unauthorized recipients, including criminals and terrorists, from acquiring small arms and light weapons”<sup>4</sup> Participating States agreed that “challenges related to modular design and the use of polymers should be taken into account, notably the difficulties encountered in marking and tracing.”<sup>5</sup> A large majority of the participating States agreed that “peace and security will be at risk without sustainable development”, and noted that “the illicit trade in small arms and light weapons has implications for the realization of several Sustainable Development Goals, including those relating to peace, justice and strong institutions, poverty reduction, economic growth, health, gender equality, and safe cities and communities”.<sup>6</sup> The Conference welcomed the Secretary-General’s initiative to establish a multi-partner trust facility, within the peace-building fund, dedicated to providing sustainable, cross-sectional, multi-year programming focused on eradicating the illicit trade in small arms and light weapons in settings of conflict and pervasive crime.

As part of civil society’s work leading up to the RevCon3, and generally to encourage more commitment and accountability from governments, the following contributions from civil society representatives also include specific examples of how weak firearms laws in one country can facilitate small arms trafficking and armed violence in other countries. They also provide specific examples of countries that have reformed and strengthened their firearms legislation, and we recommend that countries examine their own legislation and learn from the good practices of others.

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<sup>4</sup> A/CONF.192/2018/RC/3, Section II paragraph 54.

<sup>5</sup> A/CONF.192/2018/RC/3, Section II, paragraph 56.

<sup>6</sup> A/CONF.192/2018/RC/3, Section I, paragraph 13.



## **A. Gender and Small Arms**

### **Small Arms, Big Harms: A Call to Action by Civil Society on Gender and Small Arms Control<sup>7</sup>**

We as civil society groups from all parts of the world, work for peace and security, mutual understanding, and sustainable development at the grassroots level and therefore in the service of all of humanity;

We acknowledge the diverse roles women and men play in societies, including in peace and in conflict settings;

We highlight that men constitute a great majority of the owners of small arms. The vast majority of perpetrators and victims are also young men;

We note that men dominate professions and activities with easy access to arms and domains of decision-making on security at the international, national, and local levels: in politics, diplomacy, law enforcement, military, municipal councils, and committees of elders;

We underline that for women, small arms and intimate-partner violence are a fatal combination. Globally, over one third of murders of women are committed by a male intimate partner, often with small arms. In areas of conflict, sexual violence perpetrated by armed intimidation is an unending scourge. Moreover, in both conflict and crime settings women bear a heavy burden – psychological and economic – when male family members are injured or killed.

We acknowledge and respect the experience of interconnectedness by women across communities and borders and the solidarity they often feel even with those across conflict lines.

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<sup>7</sup> This document was developed by the IANSA Women's Network in consultation with civil society organizations, UN officials, and government officials. It was launched in June 2018 at the Third Review Conference of the Programme of Action on small arms. It can be found on the IANSA website at <https://www.iansa.org/briefing-papers>.

We urge a thorough inclusion of gender perspectives in small arms control policies, programs and activities in all settings and at all levels, including addressing the gendered nature of ownership and use of small arms, the differentiated effects of small arms on women and men, and the ways in which gender roles can shape small arms policies and practices.

Considerable advances have been made in the international policy framework regarding the convergence of the small arms control agenda and the women, peace, and security agenda.<sup>8</sup> For example, the current 2012–2018 implementation plan for the Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects urges Member States “to facilitate the participation and representation of women in small arms policy making [...] and to explore means to eliminate the negative impact of the illicit trade in small arms and light weapons on women.”

We call on States, international, regional and sub-regional organisations, civil society, and all relevant stakeholders to strengthen the linkage of these two agendas in the Review Conference and in future PoA meetings and to operationalise the gender-related outcomes of previous meetings.

### **Engaging all stakeholders to advance gender perspectives in small arms control**

Small arms are the only weapons category owned mostly by civilians. Proper regulation of these weapons requires measures and capacity-building well beyond those involved in government control over other weapons systems: for instance engaging with municipal government, police, grassroots civil society groups, at-risk youth, and community violence reduction initiatives. Engagement must be inclusive and target all demographics, including women and girls.

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<sup>8</sup> See, e.g., UN Office for Disarmament Affairs Gender Mainstreaming Action Plan (2016); UN Security Council resolution 1325 on Women, Peace and Security (2000); UN Arms Trade Treaty (2013); and meeting outcomes under the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (2001).

Moreover, regulation of a weapon category that is mainly in public circulation will need to be based on comprehensive national data, disaggregated by sex and age.

### **Addressing gender stereotypes**

When the gender dimension is not sufficiently identified through accurate, detailed, and evidence-based information, and consequently not adequately dealt with in legislative and policy frameworks that regulate small arms, the success of meaningful interventions is diminished, thereby gravely undermining the effectiveness of small arms control.

A gender lens can explain the persistence of socially constructed gender stereotypes, linking small arms ownership, use, and misuse to specific expressions of masculinity related to control, power, domination and strength.<sup>9</sup>

### **Meaningful representation and participation of women**

Gender imbalance in decision-making bodies influences the policy discourse on small arms. The recognition and participation of women as key stakeholders and experts in political processes related to small arms control, both at the international and national levels, would lead to the adoption of perspectives and policy outcomes that more accurately reflect the highly-gendered dynamics and effects of small arms. The Women, Peace and Security framework, including its foundational resolution 1325 (2000), remains a vital mechanism for promoting equal and meaningful representation of women at all levels of engagement on peace and security issues.

### **A call to action**

Hence, we call upon States, UN agencies, international, regional and sub-regional organisations and civil society to:

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<sup>9</sup> See, e.g. UN Coordinating Action on Small Arms, Modular Small-arms-control Implementation Compendium 06.10: Women, men and the gendered nature of small arms and light weapons (October 2017), 17.

- Further incorporate gender perspectives into the UN small arms process including in national reporting on the PoA and all aspects of the implementation of the instrument;
- Make use of the Modular Small-arms-control Implementation Compendium (MOSAIC)<sup>10</sup> on “Women, men and the gendered nature of small arms and light weapons” to gender-mainstream provisions into activities related to the implementation of the Programme of Action;<sup>11</sup>
- Challenge predominant gender stereotypes that associate masculinity with the ownership and use of small arms, which increases the risk of gender-based violence. This effort can be aided by challenging the connections between violence and masculinity and educating around gender norms, as well as through peace education that promotes tolerance, forgiveness, gender equality, nonviolent conflict resolution, and alternative expressions of non-violent masculinity;
- Fund and give priority to the meaningful participation of women and girls in discussions and solutions relating to small arms control at local, national, regional, and international levels, and in formal disarmament initiatives as part of peace processes and negotiations;
- Support and fund initiatives to further build and strengthen the capacity and skills of women, to enable their meaningful participation in the UN small arms process. This includes documenting women’s experience in decision-making and political processes in relation to small arms control, and improving women’s awareness of and access to such opportunities pursuant to the provisions in UN Security Council resolution 1325;
- Allocate and mobilise funds to enhance the work of civil society organisations, particularly women’s organisations,

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<sup>10</sup> Formerly known as the International Small Arms Control Standards (ISACS).

<sup>11</sup> MOSAIC 06.10 Women, men and the gendered nature of small arms and light weapons: [www.un.org/disarmament/convarms/mosaic/](http://www.un.org/disarmament/convarms/mosaic/).

- on small arms, women's rights, and gender mainstreaming, including advocacy, education, training, implementation, and monitoring of national laws and policies;
- Support measures aimed at strengthening control over civilian possession of small arms in order to reduce diversion and misuse;
  - Ensure the effective implementation of the gender-based-violence provisions of the Arms Trade Treaty (ATT) whereby it is illegal to transfer weapons if there is a risk that the weapons will be used to facilitate gender-based violence (article 7(4));
  - Ensure that women are consulted in processes related to national weapons collection and destruction; disarmament, demobilisation, and reintegration; and community violence reduction programs; and that such programs are gender-mainstreamed by including components such as survivor assistance, psychosocial support, and livelihood programs for women and men;
  - Understand the opportunity, particularly during the transition from conflict to peace, for unequal gender relations to be transformed, giving women new openings for fuller participation in political, social, and cultural affairs;
  - Recognise the role women can play in encouraging men in their families, and mobilising communities through peace movements, to give up their weapons;
  - Take into account that when communities are offered development aid incentives in return for giving up their weapons, women if asked at all, have requested projects less prestigious than men, but with a more direct effect on alleviating their workload and reducing poverty;
  - Recognise that armed groups that have recruited female fighters, sometimes by force, may not give females their own arms or may prevent them from keeping arms after peace accords are signed, resulting in many female ex-combatants and other women associated with fighting

forces not being included in disarmament, demobilisation and reintegration programs;<sup>12</sup>

- Recognise that reintegration programs for female ex-combatants, especially those who previously held leadership positions, should take into account their former status and roles of command, rather than offer traditional reintegration programs for women in a domesticated context;
- Promote and produce quality, participatory research and analysis highlighting the gendered effects of armed violence and its links with poverty and other forms of social injustice; and
- Stipulate that more detailed sex- and age-differentiated data on small arms ownership and use should be collected through relevant national bodies, such as statistical offices, including for use in national reporting on the Programme of Action and for use in strengthening and improving small arms control programs and initiatives – and that gender-expert involvement is needed in examining this data.

**We call on States to help strengthen our collective efforts to address this urgent problem by consistently applying gendered approaches to small arms control.**

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<sup>12</sup> Farr, V., H. Myrtilinen and A. Schnabel, *Sexed Pistols: The Gendered Impacts of Small Arms and Light Weapons* (United Nations University Press 2009), 424–428.

## **Why Gender is a Key Issue for RevCon3<sup>13</sup>**

*Dr. Jasmin Nario-Galace*

The proliferation and misuse of small arms and light weapons (SALW) fuels conflict and crime, and leads to needless deaths and injuries worldwide. It also provokes forced migration, undermines development, and exacerbates poverty.

A shared understanding of the role that gender plays in relation to SALW and the different effects of SALW on women and men is a precondition for the effective integration and implementation of gender perspectives in small arms control initiatives. Conceptions of gender, as we know, are responsible for the way power is structured in institutions of human interaction beginning from the family to international relations.

Conceptions about gender affect the way people view weapons. I need not belabour the point but societies expect men and boys to be aggressive due to gender conceptions. Owning a gun is equivalent to being a man, with masculinity being associated with firearms. When conflicts arise, men are taught to fight back, leading them to think and believe that force is the way to approach conflicts and, hence, view guns as necessary tools. They are made that way through powerful institutions, which have specialised, in masculine socialisation.

Hence, considering gender can help in understanding gun cultures, conflict approaches, security conceptions, or armament policies. Cultural norms of masculinity that men ought to fight back, for example, can help us understand the obstacles to arms control and disarmament.

Considering such conceptions of masculinity, it is not a surprise, therefore, that most of the world's small arms are in the

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<sup>13</sup> This presentation was given by Dr. Jasmin Nario-Galace of the Center for Peace Education-Miriam College and the IANSA Women's Network at a side event on 19 March 2018 during the Preparatory Committee for the Third Review Conference on the UN Programme of Action on Small Arms. The title of the side event was: "Key Issues for the Third Review Conference on the Programme of Action". The side event was organized by IANSA and the Permanent Mission of Ghana to the United Nations.

hands of men and that gender-based violence is prevalent. These weapons have been used to facilitate violence including sexual violence, femicide, harassment and intimidation, domestic violence, rape, trafficking and forced prostitution. Men equate guns with power, domination, and control. Masculinity is often defined through the possession of small arms. This contributes to the normalisation of these weapons, which have enabled and sustained armed conflicts and various forms of armed violence throughout the world.

This is why we have to consider gender seriously at the Review Conference on SALW or at other meetings on disarmament. Gender analysis can help us see the links between socially constructed masculinities and a culture that encourages arms ownership and weapons stockpiling. We believe that gender analysis will be of help in developing future approaches, policies and actions in relation to arms control.

These culturally constructed masculinities have facilitated men's domination over any discourse and mechanism that relates to peace, conflict and security in general, and disarmament in particular. These masculinities have hindered women's access to opportunities for engagement. This accounts for women's underrepresentation not only at all levels of the SALW control processes, but also in decision-making and high-level government posts in their own countries. When women are given the opportunity to participate in consultations, their voices are often undermined, and their opinions and contributions are undervalued. Underrepresentation of women hinders the articulation of diverse perspectives and affects policy outcomes.

There are milestones, though towards this end. The General Assembly has adopted Resolution 65/69 on "Women, disarmament, arms control and non-proliferation" and follow-up resolutions,<sup>14</sup> urging member states and other relevant actors to promote equal opportunities for women in disarmament decision-making processes and to support and strengthen the effective participation of women, including through capacity-building efforts, in the field of disarmament. Thankfully, too,

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<sup>14</sup> <https://www.un.org/disarmament/topics/gender>.



previous PoA BMS outcome documents have strongly reflected the call for women's greater participation in small arms control processes. And UNODA worked to ensure that the PoA reporting template now includes questions that will help us see whether States are implementing these resolutions and outcomes.

Yet, many governments have not demonstrated the political will necessary to implement existing policies that address these, or SALW, or repeal national laws that conflict with their commitments to control or stop small arms proliferation.

The aim of the Programme of Action (PoA) and other small arms control initiatives is to increase the security of all – women, men, girls and boys – by reducing the illicit trade, uncontrolled proliferation, and misuse of small arms. Considering gender at the Review Conference can help us better address the causes and effects of the irresponsible transfers and use of these weaponry and armaments. Please hear us.

## **Women's Participation in Arms Control: Examples from the Ground<sup>15</sup>**

*Dr. Jasmin Nario-Galace*

Members of the International Action Network on Small Arms have been ensuring for years that women are at the forefront of initiatives to curb the proliferation of small arms and light weapons. Many initiatives have been taken to help make people safer, including education to reduce demand for such weapons and advocacy to improve gun laws and strengthen controls on arms transfers. Here are some examples of our members' activities:

- Afghanistan – posters and exhibits to raise awareness of gender-based violence
- Argentina – research on firearms and gender-based violence, advocacy for legal reform
- Bolivia – research on firearms and gender-based violence
- Bougainville – theatrical performance discouraging men and boys from tribal fights, training for maritime police on arms trans-shipment, counselling for victims
- Burundi – testimonies from victims, radio and tv interviews on gun violence, street marches calling for weapons surrender
- Canada – concerts to raise awareness of illicit arms and gender-based violence
- DR Congo – public awareness on armed gender-based violence

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<sup>15</sup> This is a version of a presentation given by Dr. Jasmin Nario-Galace of the Center for Peace Education-Miriam College and the IANSA Women's Network at a side event on 22 March 2018 during the Preparatory Committee for the Third Review Conference on the UN Programme of Action on Small Arms. The title of the event was: "From Words to Action: Women's Participation in Small Arms Control". The side event was organized by IANSA and the Permanent Mission of Trinidad and Tobago.

- El Salvador – public awareness on illicit arms and gender-based violence
- Fiji – training toolkit on UN PoA and the ATT
- Ghana – march calling for perpetrators of violence against women to be disarmed, lobbying for budget for prevention of gender-based violence
- India – public awareness on the effects of toxic masculinities
- Israel – interfaith dialogue on the need for law reform, research on firearms and gender-based violence, demand that security sector workers store their guns after work
- Kenya – victim testimonies, march for surrender of illegal weapons, training for women affected by gun violence, technical assistance on sub-regional SALW instruments
- Macedonia – motivational talks to men on the effects of toxic masculinities
- Malawi – peace parade calling on people to report those with illicit SALW, motivational talks for men on the effects of toxic masculinities
- Mali – radio and tv interviews, posters and flyers, public workshops on gender and SALW, visits by religious leaders to talk to men about stopping gender-based violence
- Nepal – marches against SALW proliferation, awareness raising on radio, conference supporting ATT ratification, conference on women’s participation in arms control
- Norway – public awareness campaigns
- Pacific – resource guides on SALW and gender, conference on women’s leadership and participation in arms control
- Papua New Guinea – engaging youth on productive alternatives to crime, lobbying for law reform, meetings with men from enemy tribes to them to lay down the guns
- Philippines – marches against gun proliferation, trainings on gender and arms control

- Portugal – conference on women’s participation in arms control, training on gender and arms control, research on firearms and gender-based violence
- Serbia – street marches against guns
- South Africa – #GunFreeValentine campaign, advocacy by religious leaders against violence in the home
- South Sudan – dialogue on gun violence with parliamentarians
- Spain – artistic performances supporting peace and nonviolence
- Uganda – public education on the impact of gun violence on women and children
- USA – marches against proliferation and misuse of firearms

The initiatives of our members with women actively participating and often taking leadership, are diverse and creative. The messages that they communicate are interlinked. Messages are not limited to controlling proliferation of arms. Many initiatives are about challenging socially constructed masculinities that lead men to arm themselves and wage violence. The ground covered by our members is wide and where these initiatives matter the most – in conflict-affected areas where gun violence is high.

We celebrate the gains from these initiatives, but we are also aware of the gaps. For one, we see a lack of engagement of our members with government as well as a lack of engagement on the Program of Action on SALW. Initiatives are also seasonal because of funding constraints. Normally, our members organise activities around the 16 Days Campaign against Gender-based Gun Violence and during the Global Week of Action against Gun Violence. It will benefit the cause if funding were more constant and consistent. With the small sum IANSA extends to its members, we see meaningful activities initiated and undertaken. UN Member States may want to put their money where their mouth is. Sustain funding for meaningful activities such as these undertaken in areas where the problem of gun proliferation and violence is real. That way, we indeed, do our share in saving lives.

## **Gender and Small Arms in the Pacific Region<sup>16</sup>**

*Emā Tagicakibau*

I represent the Pacific Foundation for the Advancement of Women (PACFAW), a regional network of eight Pacific Island National Councils of Women based in Suva, Fiji and a member of the IANSA Women's Network.

Various UN agreements and documents now acknowledge the critical role of women in effective implementation of peace and arms control policies and processes. These include UN Security Council and General Assembly Resolutions, the outcome documents of BMS 4, 5, and 6, and the ATT among others. Failure to fully include women as equal partners in these efforts is a waste of half of all human resources. Assumptions and stereotypes about women as vulnerable subjects and victims in conflict situations have been replaced by a clear recognition of the critical role that women play in the solutions.

For any productive policy intervention, we need to ensure that the proposed solution will not have disproportionate negative effects on girls or women, boys or men. We must ask whether policy options derive from unspoken assumptions about gender attitudes and stereotypes.

Sadly, gender bias and stereotypes still hinder the meaningful participation of women in small arms policy implementation. Let me give an example from my region. When women in two Pacific countries mobilised to remove the provision in their gun laws that allows for civilian possession of firearms, resistance and criticism came from men with comments like: "What do they know about guns and gun laws? Tell them to stick to their needles and thread!" and another, "They should just focus on making tea and leave the serious business of guns to those who are qualified to talk about it." These kinds of attitudes continue to reinforce the exclusion of

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<sup>16</sup> This statement was given on 20 June 2018 by Emā Tagicakibau of the Pacific Foundation for the Advancement of Women (PACFAW) and the IANSA Women's Network at the NGO Presentations of the Third Review Conference on the UN Programme of Action on Small Arms.

women with their knowledge and lived experiences, from the small arms processes to the detriment of the world.

We stress that guns and intimate-partner violence are a fatal combination for women. Globally, over one third of murders of women are committed by a male intimate partner, often with guns. In areas of conflict, sexual violence perpetrated by armed intimidation is an unending scourge.

Moreover, in both conflict and crime settings women bear a heavy burden – psychological, social and economic – when male family members are injured or killed. They are more than qualified to be at the negotiating table, since they are already doing so at the local levels.

There is no shortage of wonderful and progressive words that recognise, reaffirm and promote the equal and full partnership of women and men in the promotion and attainment of sustainable peace and security – and the role of women in disarmament, non-proliferation and arms control.

What is urgently needed is the commitment and political will to turn those words into action. Perhaps we could start by asking: How many States have included women in their official delegations? Not as tokenism but as part of a genuine attempt to integrate women's knowledge.

We've had enough rhetoric. What we need now is action. One way forward is for governments to endorse the new Call to Action by Civil Society on Gender and Small Arms Control, which we have provided to delegates here at the RevCon.

In the past few months, civil society led by the IANSA Women's Network, distributed the draft Call to Action to peace and disarmament networks and UN agencies, for input and responses. The Call to Action was also distributed to Member States, and we thank States that agreed to take up the role of regional champion. We welcome other States that are willing to play this role.

The final version is now available for your endorsement and use. A few key recommendations from the Call to Action are:

- Supporting and funding initiatives to strengthen women's capacity and skills to participate fully in the small arms process.
- Funding research and analysis highlighting the gendered effects of armed violence.
- Challenge predominant gender stereotypes that associate masculinity with violence, and balance these with peace education that promotes tolerance, gender equality.

In summary, we urge a thorough inclusion of gender perspectives in small arms control policies, programmes and activities in all settings and at all levels. This includes addressing the gendered nature of ownership and use of small arms, the differentiated effects of small arms on women and men, and the ways in which gender roles can shape small arms policies and practices.

We also welcome the Secretary-General's new Agenda for Disarmament, in which he stated that: "The equal, full, and effective participation of women in all decision-making processes related to disarmament is essential for the promotion and attainment of sustainable peace and security." We encourage you to endorse the Call to Action as an important complement to the Secretary-General's approach.

## **PoA reporting: The numbers behind Call to Action<sup>17</sup>**

*Dr. Jasmin Nario-Galace*

It is important to integrate gender perspectives in small arms control measures in order to counter gender conceptions that have influenced a militarist approach to conflict resolution, peace and security, which, in turn, have encouraged gun ownership, possession, accumulation, trafficking, use and misuse. A more informed understanding of gender can help us develop more effective plans, programs, and approaches to small arms control.

The IANSA Women’s Network (WNK) is delighted that the PoA reporting template now has questions that will help measure whether States are putting into action gender provisions contained in documents that come out from the Biennial Meeting of States on the PoA.

WNK looked at 106 National Reports on the implementation of the UN Programme of Action (PoA) on small arms and light weapons covering the implementation period of 2016–2017.

Of the 106 reports, 54 States mentioned gender, women or both; and responded to 2 questions in the template that pertained to gender. That’s 51 percent of the total. The first gender-focused question on the reporting template was “Does your country take into account gender considerations, including promotion of the meaningful participation and representation of women, in policymaking, planning and implementation processes related to the Programme of Action?” Half of the States (53) answered positively. These were Argentina, Australia, Belize, Brazil,

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<sup>17</sup> This presentation was given by Dr. Jasmin Nario-Galace of the Center for Peace Education-Miriam College and the IANSA Women’s Network on 26 June 2018 at a side event during the Third Review Conference on the UN Programme of Action on Small Arms. The title of the event was: “A Call to Action on Gender and Small Arms Control”. The side event was organized by IANSA and the Permanent Mission of Trinidad and Tobago. At this event, IANSA’s “Small Arms, Big Harms: Call to Action on Gender and Small Arms and Light Weapons,” was launched.



Burkina Faso, Burundi, Cambodia, Canada, China, Comoros, Dominican Republic, DRC, El Salvador, Finland, France, Germany, Guatemala, Guinea, India, Ireland, Italy, Jamaica, Latvia, Liberia, Liechtenstein, Madagascar, Malaysia, Mali, Mauritius, Morocco, Namibia, Niger, Paraguay, Philippines, Portugal, Republic of Korea, Rwanda, Senegal, Sierra Leone, Slovenia, South Sudan, Swaziland, Sweden, Tanzania, Thailand, Timor-Leste, Togo, Uganda, UK, US, Venezuela, and Zambia.

Of these countries, only 18.8 percent reported having female members in National Commissions on SALW. These are: Guatemala, Guinea, Namibia, Dominican Republic, Finland, Zambia, Australia, Burundi, DRC, Sierra Leone, Uganda, Burkina Faso, Senegal, El Salvador, Niger, Guinea, Liberia and Comoros. 2.8 percent, meanwhile, reported participation by the government ministry responsible for women's affairs on SALW control. These countries are Dominican Republic, DRC, and Tanzania. Meanwhile, Australia, DRC, Ecuador, Lesotho, Liechtenstein, Uganda, and Tanzania reported participation of women's organisations in programmes relating to awareness-raising, community safety and armed violence reduction. That's 6.6 percent of the total number of States reporting that they consider gender in policymaking, planning, and implementation processes related to the Programme of Action.

France, Morocco, Burkina Faso, Guatemala, and Cambodia reported that women participate in their weapons collection and destruction programmes. That is 4.7 percent of the total. Additionally, only 8 percent of countries reported having collected disaggregated data on gender and the illicit trade in SALW. These are Brazil, Canada, Jamaica, Portugal, Swaziland, Sweden, Tanzania, US, and Venezuela.

It is interesting to note that only Paraguay responded to the question on gender-specific impacts of small arms and light weapons even though the template already suggested some possible answers such as small arms ownership, homicide, and domestic violence. Paraguay reported that a high percentage of femicides are committed by firearms.

In sum, based on our examination of the PoA reports, we found that:

- Only half of UN Member States declared that they take gender into account in SALW control processes. None of these are in the Middle East or the Pacific;
- The reported percentage of countries that have female members in National Commissions on SALW is low;
- There seems to be an extremely low participation by the government ministry responsible for women’s affairs in national decision-making on SALW control;
- There seems to be a low participation of women’s organisations in (“government”) programmes relating to awareness-raising, community safety and armed violence reduction;
- There is a small number of countries that collect disaggregated data on gender and the illicit trade in small arms and light weapons; and
- There is a low percentage of countries reporting to have women participating in weapons collection/destruction programmes.

We can only speculate on the reasons for this lack of gender considerations in small arms processes as described in the PoA reports. It may be that the persons compiling the reports do not have a full picture of the State’s gender initiatives or are failing to recognise progress made as gender mainstreaming. It may be also because it is the first time that these gender-focused questions were included in the report and respondents were not ready to address them. It may also be that there is a gap between agreement and practice. Too often, agreements remain only on paper and are not communicated to pertinent national agencies.

Given that there is still a glaring need to remind States of their obligations and commitments, the Women’s Network of the International Action Network on Small Arms and Light Weapons (IANSA) launched “A Call to Action (CtA) on Gender and Small Arms Control” on 27 June 2018. The Call to Action

lists suggested approaches and strategies to operationalise the gender-related outcomes of previous meetings on the Programme of Action (UNPoA) on small arms and light weapons (SALW). The CtA is meant for States, international, regional, and sub-regional organisations, civil society, and all relevant stakeholders looking at advancing gender perspectives, addressing gender stereotypes, and promoting meaningful representation and participation of women in small arms control.

The CtA took over a year to complete. It is a product of a survey administered to gender and disarmament advocates on the ground, mostly from areas with high levels of gun violence. The results of the survey were drafted into a Call by the IANSA Women's Network Secretariat. The Call was then reviewed and refined by gender and disarmament experts from academia; civil society organisations such as the Women's International League for Peace and Freedom (WILPF), Amnesty International, Pax Christi, and Womankind; as well as international organisations such as the United Nations Office for Disarmament Affairs (UNODA).

The CtA reflects the voices of those affected by gun violence on the ground. It recognises that cultural norms of masculinity play a role in the proliferation and misuse of SALW. It celebrates the advances made in the international policy framework regarding the convergence of the small arms control agenda and the women peace and security agenda. It urges a "thorough inclusion of gender perspectives in SALW control policies, programs and activities in all settings and at all levels, including addressing the gendered nature of ownership and use of small arms, the differentiated effects of SALW on women and men, and the ways in which gender roles can shape SALW policies and practices." It includes calls that relate to national reporting on the UNPoA; ensuring women's meaningful participation; effective implementation of the gender-based violence provision in the Arms Trade Treaty; and addressing the socially constructed masculinities that contribute to the illicit trade in SALW, among other items.

It is heartening that the fourth draft of the Review Conference's outcome document reflects many of the aspirations included in the CtA. This is an indication of the weight that stakeholders put into mainstreaming gender perspectives into their work on disarmament.

There is no better measure, though, than seeing these agreements being put into practice.

## **Gender Norms and Gun Violence<sup>18</sup>**

*Ray Acheson*

A note about gender: When I refer to gender throughout this presentation, I am not talking about biological sex. I am not talking about male and female bodies. I am talking about the socially constructed expectations and norms about how we are supposed to perform as women and as men.

Yesterday, at another side event, my colleague from WILPF Colombia said, “Weapons still symbolise power. In order to change legislation, we must first change this perception.”

Changing this perception requires gender analysis, because more than anything else, the association of weapons with power comes from a very particular – and unfortunately, very dominant – understanding and performance of masculinity.

This is a masculinity in which ideas like strength, courage, and protection are equated with violence. It is a masculinity in which the capacity and willingness to use weapons, engage in combat, and kill other human beings is seen as essential to being “a real man”.

This type of violent, militarised masculinity harms everyone.

It harms everyone who does not perform that gender norm – women, some LGBTQIA-identified people, and non-normative men. It requires oppression of those deemed “weaker” on the basis of gender norms. It results in domestic violence. It results in violence against women. It results in violence against gay and trans people.

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<sup>18</sup> This presentation was given by Ray Acheson of WILPF during a 26 June 2018 side event of the Third Review Conference on the UN Programme of Action on small arms. The title of the event was: “A Call to Action on Gender and Small Arms Control”. The side event was organized by IANSA and the Permanent Mission of Trinidad and Tobago. IANSA’s “Call to Action on Gender and Small Arms and Light Weapons,” to which WILPF contributed, was launched at the event.

Violent masculinities are about “power over” other people. This is clear in military training, where dehumanising women, LGBTQIA, or “unmasculine” or “effeminate” men is written into the training manual. It is clear in popular culture, where men with guns protect their country – and their women – with guns, where women swoon for these violent protectors.

But this kind of masculinity also means violence against other men performing violent masculinities. Men mostly kill each other, inside and outside of conflict. A big part of this is about preserving or protecting their masculinity – a masculinity that makes male bodies more expendable. Women and children, obnoxiously lumped together in countless UN resolutions and media reports, are more likely to be deemed “innocent civilians”. Men are more likely to be considered militants or combatants. Often, in conflict, civilian men are targeted – or counted in casualty recordings – as militants only because they are men of a certain age.

But militarised masculinity is not just about death. It not only kills women and queer people and even normatively-identified men, but is also the main impediment to disarmament, peace, and gender equality.

Sure, there are a lot of factors creating obstacles to achieving these goals. But really, at the root of it all seems to be toxic masculinity.

We are all suffering from the equation of violence and weapons with masculinity. It prevents those who identified as men from being something else – from performing gender differently. It prevents all of us as human beings to promote or explore strength, courage, and protection from a nonviolent perspective.

It makes disarmament seem weak.

It makes peace seem utopian.

It makes protection without weapons seem absurd.

It also makes it impossible to achieve gender equality. It keeps men and women in binary boxes based on their biological sex. It maintains a strict hierarchy between these binary boxes,

in which men are tough, rational, and violent, while women are weak, irrational, and passive. In this narrative, men are agents; women are victims.

Gender norms, specifically the hegemonic conception of masculinity, are thus major impediments to small arms control, gun violence reduction efforts, and broader disarmament and armed conflict prevention efforts. The norm of violent masculinity will continue to cause suffering and reinforce inequalities until we get serious about doing something differently. This is a project of dismantling the patriarchy, which is a big project, but it starts with the language we use here in the UN or in civil society, in our resolutions as well as our policies and practices. It starts with taking on these norms, deconstructing them, and building something better for all of us.

## **B. Ammunition**

### **The Programme of Action on Small Arms: Incomplete Without the Inclusion of Ammunition<sup>19</sup>**

*Brian Wood and Lawrence Robinson*

The explicit exclusion of ammunition is an obvious anomaly in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA). It undermines common action by UN Member States to achieve the objectives of the PoA. This can be corrected at the forthcoming Third UN Review Conference on the PoA to be held in New York, 18–29 June 2018.

This paper argues that unless the PoA includes appropriate measures to combat the illicit trade in the ammunition used in small arms and light weapons (SALW), implementation of the PoA will be incomplete. Ultimately, States' efforts "to reduce the human suffering caused by the illicit trade in SALW"<sup>20</sup> will be unsuccessful. Also, as outlined below, the dangers of unsafe storage warrant specific references to ammunition in the PoA.

The text of the PoA agreed in 2001 did not explicitly include ammunition in the scope of the agreement, because a few sceptical States were opposed to such inclusion at the time. Nonetheless, many States agree that the commitment to "prevent, curb and eradicate the illicit trade in SALW in all

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<sup>19</sup> This June 2017 paper was prepared by Brian Wood and Lawrence Robinson. We are grateful for editorial comments from Rebecca Peters. Brian Wood is a consultant on arms control and the security trade, including for various UN bodies. For many years he headed Amnesty International's work on the Arms Trade Treaty. He helped found IANSA, later serving on its International Advisory Committee. Lawrence Robinson is a campaigner and researcher for the protection of civilians from armed conflict.

<sup>20</sup> United Nations, Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, A/CONF.192/15, New York, 2001, [http://www.un.org/events/smallarms2006/pdf/192.15%20\(E\).pdf](http://www.un.org/events/smallarms2006/pdf/192.15%20(E).pdf).



its aspects” should reflect reality by encompassing not only weapons but also the ammunition fired from those weapons.

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.”<sup>21</sup> This report was considered when the PoA was being negotiated, but the association of ammunition with ‘explosives’, and reluctance to include explosives in the PoA, obscured the necessary link between small arms and their ammunition.<sup>22</sup>

Since the adoption of the PoA in 2001, Member States have committed to a patchwork of international instruments that require action in relation to SALW ammunition. For example, the International Ammunition Technical Guidelines<sup>23</sup> (IATG) seeks a holistic approach to stockpile management of conventional ammunition. For an outline of the most important instruments see the Appendix below.

### **Why Include Ammunition?**

#### 1. It is ammunition that gives guns their deadly power

Ammunition transforms SALW from inoperative objects into lethal weapons that can be used to take away human lives and devastate communities. To reduce the human suffering caused by the unlawful transfer and use of SALW, especially in

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<sup>21</sup> UN General Assembly, report of the Group of Experts on the problem of ammunition and explosives, in the context of small arms: mandated by UN General Assembly Resolution 54/127 of 1999.

<sup>22</sup> Christophe Carle, “Small Arms Ammunition: Light at the End of the Barrel?” Disarmament Forum, Geneva No. 1, 2006, pp. 49–54.

<sup>23</sup> The United Nations developed the IATG following a request of the General Assembly based on a recommendation by a 2008 group of governmental experts’ report on the accumulation of surplus stockpiles of ammunition. Completed in 2011, the IATGs are regularly reviewed under the UN SaferGuard Programme, <https://www.un.org/disarmament/convarms/ammunition/iatg/>.

gun violence and armed conflict, the PoA must contain explicit recommendations to prevent the illicit trade in all its aspects.

2. Strict ammunition regulation can deter armed crime and conflict

Armed conflict and gun crime depend on ammunition being resupplied. Controlling the ammunition trade can offer States a means of subduing violent conflict because although SALW can remain in circulation for decades, ammunition is not so durable and users require their stocks to be frequently replenished. In both the short and long term, the threat of ammunition supply withdrawal may dissuade armed actors from committing atrocities. Ammunition restrictions, if effective, would be particularly relevant to counter the illicit actions of less trained, non-state militants who tend to lack firing discipline, have less efficient logistic support, and therefore consume larger quantities of ammunition.<sup>24</sup>

3. Ammunition trade volume is large, but there are few large-scale producers

Considering international exports of SALW ammunition, about 90 percent of exports in 2011 came from just 15 countries whose producing companies are often state-owned. This concentration facilitates international ammunition trade control measures and restrictions within the scope of the PoA.<sup>25</sup>

4. Ammunition production is spread across many countries, amplifying risks of diversion

Although few States are exporters of ammunition, over 100 are producers, including many with weak export control systems. Large volumes of ammunition are produced commercially for domestic customers, and small quantities are fabricated by hand.<sup>26</sup> Ammunition can be easily smuggled

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<sup>24</sup> Neil Corney and Nicholas Marsh, “Aiming for Control: The need to include ammunition in the Arms Trade Treaty”, Peace Research Institute Oslo (2013), p. 18. <https://www.prio.org/utility/DownloadFile.ashx?id=365&type=publicationfile>.

<sup>25</sup> Corney and Marsh, *op. cit.*, p. 5.

<sup>26</sup> Small Arms Survey, Research Note Number 43, July 2014.

internally and across national borders. The resulting risk of diversion to unauthorised or illicit users makes transparency and accountability of the ammunition trade a priority and integral to realising human security objectives and the PoA itself.

5. Ammunition storage is even more challenging and dangerous than for guns

Accidental explosions at ammunition and explosives storage sites and in transportation are a growing global problem posed especially by ageing, unstable and excess stocks. Thousands of people have died, and the livelihoods of entire communities have been disrupted. A single incident can produce dozens of casualties and millions of dollars in damage to buildings, infrastructure, and homes. According to research by the Small Arms Survey, a total of 543 incidents were recorded in 103 countries and territories between 1979 and June 2016.<sup>27</sup> The annual average number of unplanned explosions at munitions sites was six times higher in the 2000s than in the 1980s.<sup>28</sup> In January 2002, an ammunition dump explosion in Lagos, Nigeria killed over 1,000 people.<sup>29</sup> The inclusion in the PoA of measures for safe and effective management and destruction of ammunition stockpiles would considerably help to achieve the objectives of the PoA.

### **Who Supports the Inclusion of Ammunition?**

At the Biennial Meeting of the States in 2016 (BMS6), Ghana asserted that “ammunition proliferation and misuse is a fundamental component of the wider problem of arms

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<sup>27</sup> Small Arms Survey, *Unplanned Explosions at Munitions Sites: Updated 13 September 2016* (data covering January 1979 to June 2016), <http://www.smallarmssurvey.org/weapons-and-markets/stockpiles/unplanned-explosions-at-munitions-sites.html>.

<sup>28</sup> Benjamin King, “Unplanned Explosions at Munitions Sites”, *Small Arms Survey* (03/2015). <http://www.smallarmssurvey.org/weapons-and-markets/stockpiles/unplanned-explosions-at-munitions-sites.html>.

<sup>29</sup> Owen Greene, “Introduction. Ammunition for Small Arms and Light Weapons: Understanding the Issues and Addressing the Challenges,” in Stephanie Pezard and Holger Anders, “Targeting Ammunition. A Primer”, *Small Arms Survey* (06/2006), p. 5.

proliferation and misuse.”<sup>30</sup> Due to the scale of the ammunition trade, the perishability of munitions, and the need for resupplies, Ghana further noted that ammunition’s inclusion in the PoA created unique opportunities to aid conflict- and crime-affected communities. Supported by 43 other States, Ghana expressed the view that the inclusion of ammunition is “fundamental to the underlying intent and application of the PoA.”

At BMS6, support for addressing ammunition in the outcome document as part of the implementation of the PoA was strong among the regions most affected by armed violence, such as South and Central America, the Caribbean, and Africa. Meanwhile, Arab States noted that their regional instrument includes ammunition in its scope.<sup>31</sup>

Moreover, the European Union and Australia have consistently expressed their disappointment with the absence of direct references of ammunition in the PoA outcome documents.<sup>32</sup> Alongside these States and other civil society representatives, IANSA members advocated for the inclusion of ammunition in the scope of the PoA at BMS6 and will continue to do so at the Review Conference in 2018.

*“If small arms production worldwide miraculously came to an abrupt halt, official stockpiles were made totally secure, and all security forces surplus weapons were destroyed, the enormous numbers of firearms in circulation – particularly among civilians – could continue to facilitate high levels of gun violence for many years if access to ammunition remains unabated.”<sup>33</sup>*

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<sup>30</sup> Statement to the Sixth Biennial Meeting of the States on Small Arms delivered by the delegation of Ghana, New York, June 2016.

<sup>31</sup> See “Sixth Biennial Meeting of States (BMS6): Country Positions Report,” IANSA (13/06/2016). <http://www.iansa.org/>.

<sup>32</sup> Friday 20th June. Adoption of the Final Outcome Document’, IANSA (06/20/2014). <http://web.archive.org/web/20140722035657/http://www.iansa.org/friday-20th-june-2014>.

<sup>33</sup> Daniel Mack, “An Assessment of the POA (Or, Why We Are Not in New York)”, p. 14.

## **International Instruments Relating to the Regulation of SALW Ammunition**

All Member States welcomed the development of the International Ammunition Technical Guidelines, including the following:

**Ensure the safe storage of ammunition** by implementing voluntary guidelines. One set of such guidelines, the International Ammunition Technical Guidelines (IATG)<sup>34</sup> seeks a holistic approach to stockpile management of conventional ammunition. All Member States welcomed the development of the IATG, though it only constitutes technical advice for those States that wish to apply it. In the PoA itself, all States agreed to take into account the 2000 report of the UN Secretary-General on methods of destruction of SALW, ammunition and explosives.<sup>35</sup> The IATG are being used to support ammunition stockpile management efforts in an increasing number of countries by national authorities and their partners.<sup>36</sup>

**Ensure the safe transportation of ammunition** by implementing the technical instructions for “dangerous goods”, including ammunition, updated by the UN Committee of Experts on the Transport of Dangerous

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<sup>34</sup> UN General Assembly resolution A/RES/63/61, entitled “Problems arising from the accumulation of conventional ammunition stockpiles in surplus” (2 December 2008) established a process to develop the IATGs following recommendations by a UN experts report in 2008 on the accumulation of surplus stock-piles of ammunition and UN General Assembly Resolution A/ RES/66/42 of 2 December 2011 welcomed their establishment. Since then the IATGs have been regularly reviewed under the UN SaferGuard Programme, which has overseen the dissemination of the IATGs. For more information on the IATGs and the UN SaferGuard Programme see “International Ammunition Technical Guidelines,” United Nations Office for Disarmament Affairs, <https://www.un.org/disarmament/convarms/ammunition/iatg/>.

<sup>35</sup> Report of the Secretary-General on methods of destruction of small arms, light weapons, ammunition and explosives, S/2000/1092, of 15 November 2000.

<sup>36</sup> UN SaferGuard Programme, UNODA op. cit.

Goods.<sup>37</sup> Such measures are required by treaty bodies responsible for the Chicago Convention on International Civil Aviation (1944); the International Convention for the Safety of Life at Sea (SOLAS) (1974); the United Nations Convention on the Law of the Sea (UNCLOS) (1980); the Convention on International Carriage by Rail (COTIF) (1980) modified by the Vilnius Protocol of 3 June 1999; and the Customs Convention on the International Transport of Goods by International Land Routes (TIR) (1975).

**Ensure that no ammunition is transferred to entities which are subject to a UN arms embargo.** As part of their binding obligation under the UN Charter, Member States must refrain from authorising transfers of ammunition that would violate the terms of a UN Security Council arms embargo.

A majority of UN Member States have also agreed to be bound by specific treaties to:

**Combat the illicit manufacture of and trafficking in firearms ammunition,** as part of measures to prevent and eradicate transnational organised crime. Mandatory measures are set out in the 2001 Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition supplementing the UN Convention Against Transnational Organized Crime (Firearms Protocol).<sup>38</sup> The 116 State Parties that are currently parties to the Protocol (as of February 2019) must implement it in conjunction with the Convention. Together these legal instruments provide a framework at the national level for export, transit and import regulation,

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<sup>37</sup> United Nations Recommendations on the Transport of Dangerous Goods Model Regulations, (Eighteenth revised edition), ST/SG/AC.10/1/Rev.18, (ISBN 978-92-1-139146Ed-6), New York and Geneva, United Nations, 2013.

<sup>38</sup> Article 3(c) of the UN Firearms Protocol states that: “‘Ammunition’ shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorisation in the respective State Party.”

and for law enforcement and judicial cooperation. Illicitly manufactured or trafficked ammunition can be confiscated seized and destroyed and, if so, must be recorded preferably for 10 years. The PoA explicitly recognises that the Firearms Protocol “establishes standards and procedures that complement and reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.”

**Regulate international transfers of small arms and light weapon ammunition** as required by certain provisions of the Arms Trade Treaty (ATT). State Parties must establish and maintain a national control system, and under Article 6 of the Treaty, they must prohibit potential transfers of such ammunition (or arms, including SALW, or parts and components) if they know the transfer would violate a UN arms embargo or another relevant binding international agreement, or if they know the ammunition would be used for genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions, direct attacks on civilians or civilian objects or other war crimes as defined by treaties to which the State is a party. Under Article 7, States Parties must also conduct objective and non-discriminatory assessments of whether the potential export of ammunition (or arms, including SALW, or parts and components) would pose an overriding risk of undermining peace and security, or be used to commit or facilitate a serious violation of international human rights law or international humanitarian law, including serious acts of gender-based violence, or an act constituting a serious offence under international conventions and protocols to which the exporting State is a party that relate to terrorism or transnational organised crime. States Parties are encouraged, but not required, to submit annual reports on exports or imports of ammunition.<sup>39</sup> Some of the 100

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<sup>39</sup> For details on the provisions of the Arms Trade Treaty, including Articles 5, 6 and 7, see Clare da Silva and Brian Wood (editors) *Weapons and International Law: The Arms Trade Treaty*, Larciar Group, Ghent, August 2015.

States that are currently parties to the ATT (as of February 2019) have established systems to implement these controls, but many others, especially developing countries lacking administrative resources, are still establishing such systems.

Moreover, most of the world's largest manufacturers and exporters of ammunition have agreed on common guidelines relating to:

**Control by producers of their exports of ammunition of small arms and light weapons** by incorporating common standards and definitions in their domestic export legislation. For the largest producer countries, this is done through the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA), which developed a detailed Munitions List that is regularly updated. There are 41 WA Participating States, but many others also use the WA Munitions List and guidelines.

Furthermore, regional and sub-regional organisations of States have adopted instruments that cover ammunition. These include the following legally binding instruments:

- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA) (1997)
- Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition, Parts and Components that Can Be Used for Their Manufacture, Repair or Assembly (Kinshasa Convention) (2010)
- ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials (2006)
- Nairobi Protocol for the Prevention, Control, and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (2004)



- Protocol on the Control of Firearms, Ammunition and Other Related Materials in the SADC Region (SADC Protocol) (2001)
- EU Council Common Position 2008/944/CFSP Defining Common Rules Governing Control of Exports of Military Technology and Equipment (2008 - updating and replacing the 1998 Code of Conduct)

Also the following voluntary instruments contain specific commitments on ammunition:

- League of Arab States Model Law on Weapons, Ammunition, Explosives and Hazardous Material (2002)
- OSCE Handbook of Best Practices on Conventional Ammunition (2008)

## **Conclusion**

Although these instruments show the willingness of most Member States to address the issue of SALW ammunition, these measures constitute an inconsistent patchwork. Gaps in coverage are also evident. The long overdue challenge now is for Member States to get rid of this anomaly by reaching a reasonable consensus at the 2018 Review Conference on the PoA. That consensus should include a commitment for each State to properly regulate SALW ammunition, drawing from the provisions of these existing instruments.

## **The Need for Marking and Recordkeeping of Ammunition<sup>40</sup>**

*Ivan Marques*

My name is Ivan Marques, I'm the Director of Instituto Sou da Paz in Brazil, and we are a member of IANSA. In countries very severely affected by gun violence, we see with great clarity the consequences of the proliferation of small arms. It is not only that these weapons take lives. Armed violence delays socioeconomic development in all its forms. It prevents children from going to school because the streets they need to walk on are not safe. It prevents new businesses and investment from flourishing. It deepens historical inequalities, which disproportionately victimises the young, black, and poor.

In Brazil, we have seen the power of good gun control rules, and we also see the effects of the circulation of these long-lasting items. We passed a good law in 2003 that restricted civilian access, but today we are still confiscating illegal weapons, mostly from decades ago.

Weapons from the 1960s continue to cause death and injury, because their owners still have access to ammunition. As we know, the potential harm that each gun can do depends on the amount of ammunition available.

We regret that serious attention to ammunition control is not yet part of the main body of work of the Program of Action. Talking about firearms control without talking about ammunition control is ignoring a major part of the problem.

The exclusion of ammunition from the PoA makes it impossible to fully implement the PoA. Strict ammunition regulation can deter armed crime and conflict. We also need to focus attention on ammunition storage, which poses a continuing risk to public safety.

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<sup>40</sup> This statement by Ivan Marques of Sou da Paz was given on 21 March 2018 in the NGO presentations at the Preparatory Committee for the Third Review Conference on small arms.

We welcome the commitments of dozens of States at the 6th Biennial Meeting of States in 2016, when they supported fully integrating ammunition into the implementation of the PoA. And we agree with the many States who have already reiterated that commitment this week.

We should require marking of all ammunition and recording its sale, and we must improve cooperation among countries to investigate the origin and routes of diversion. These measures are not easy, but they are necessary in order to understand those flows which, for the most part, still run in the shadows.

I will give you an example of the enormous potential of these measures on a case that caught the attention of the world last week. Marielle Franco was a black woman, born in a poor community, who overcame remarkable obstacles to become a municipal council member and a human rights defender for poor communities in Rio de Janeiro. She was executed last week – her car was hit 13 times by 9mm shots, killing her and her driver. Since we have compulsory marking of cartridges sold to security forces in Brazil, in less than 48 hours it was determined that the ammunition involved in this shooting had been sold years ago to the police. This information opens new avenues for the criminal investigation of her murder.

We know that this problem of diversion is too common in the world and is extremely serious. States are large buyers of arms and ammunition; they are also the regulators of the manufacture and sales of these weapons, and they are the guarantors of the safety of their citizens. Therefore all States should have the tools that enable them to quickly identify diversions, interrupt them, and hold those responsible to account.

Data on ammunition seized in the world are still scarce. An example of the potential benefits from more research on these issues came from an investigation by Instituto Sou da Paz. We determined that 52 percent of the ammunition seized in Rio de Janeiro was of national manufacture. This is contrary to the common belief that had guided public policies, which was

that most ammunition arrived in Brazil via long and complex smuggling routes. The study also highlighted the fact that the Mexican and US ammunition seized in Rio can't be traced, since those munitions are not marked. Understanding better how ammunition is diverted will allow our countries to develop manufacturing and trade standards as well as risk assessments that better match reality.

Marking of munitions and maintaining adequate sales records are also basic tools for solving criminal investigations. We invest millions of dollars in ubiquitous video monitoring systems and complex DNA trace tests. But we still allow an element present in almost all crime scenes – right next to the victim's body – to continue to have no ID.

We urge the international community to adhere to a common framework on marking, record-keeping, and international cooperation as part of its work to control the flow of ammunition.

We cannot imagine whose interests would be opposed to shining the light on the ammunition market, other than criminal, terrorist organisations, and corrupt officials.

## C. Armed Violence and Crime

### Preventing Crimes and Violent Deaths Involving Small Arms and Light Weapons<sup>41</sup>

Brian Wood

Armed violence and gun crime take many forms, but one thing is clear – they are mostly committed with small arms and light weapons (SALW) and their corresponding ammunition, as well as homemade explosives and sharp instruments turned into weapons. Most countries are affected in some way by violence with small arms and light weapons, particularly firearms violence.

This paper outlines the scale and types of crime and violence perpetrated with SALW as presently known, and calls for measures to be developed to improve relevant data and to more fully implement the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA), agreed in 2001 and due to be reviewed at the UN Conference on 18–29 June 2018.

In 2012, at the Second UN Conference to review progress made in implementing the PoA, States emphasized that:

*“the illicit trade in small arms and light weapons continued to exacerbate armed violence, undermine respect for international humanitarian law and international human rights law, aid terrorism and illegal armed groups and facilitate transnational organized crime, as well as trafficking in humans, drugs and natural resources ... [and] ... impedes the provision of humanitarian assistance to victims of armed conflict,*

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<sup>41</sup> This June 2017 paper was prepared by Brian Wood. Peter Danssaert collected data and Dr. Natalie Goldring commented on the draft. Brian is a UK-based consultant on arms control and the security trade, including for various UN bodies. For many years Brian headed Amnesty International’s work on the Arms Trade Treaty. He helped found IANSA, later serving on its International Advisory Committee.

*contributing to the displacement of civilians and undermining sustainable development and poverty eradication efforts.”<sup>42</sup>*

But gun violence and crime are not inevitable. They are caused by people, and can be solved by people applying the rule of law. Nevertheless, this is a major challenge. As the UN Secretary-General warned the international community in April 2016, “There is a collective sense that our toolbox has not kept pace with the emerging and increasingly complex challenges we face in peace and security. Conflict is increasingly transnational and difficult to resolve through the traditional tools at our disposal.”<sup>43</sup>

### **How big and varied is the problem?**

Global analysis of the problem is hampered by insufficient statistical information. However, according to the best estimates:

- Over half a million people are estimated to have died violently in armed conflict situations as well as in other situations outside battlefields between 2010 and 2015.<sup>44</sup>
- More than 1.5 billion people are estimated to live under the threat of violence.<sup>45</sup>
- Firearms are used in almost half of all homicides globally and in nearly one-third of direct conflict deaths, at an annual

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<sup>42</sup> United Nations General Assembly, A/CONF.192/2012/RC/4, annex I, Outcome Document of the second United Nations Conference to Review Progress Made in the Implementation of the Programme of Action on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, held from 27 August to 7 September 2012, Section I, paragraphs 4 and 5.

<sup>43</sup> UN Secretary-General Press Statement on UN Peace Operations Review, UN News Centre, New York 11 April 2016.

<sup>44</sup> Geneva Declaration on Armed Violence and Development Secretariat, Global Burden of Armed Violence 2015: Every Body Counts, Chapter 2.

<sup>45</sup> The World Bank, World Development Report 2011: Conflict, Security and Development.

average of almost 200,000 firearms deaths per year for the period 2007–2012.<sup>46</sup>

- Three quarters of deaths from armed violence occur in non-conflict settings, and an estimated two million people in non-conflict settings live with firearm-related injuries.<sup>47</sup>

Despite the massive scale of human suffering, data reported by States is often undercounted. This is mainly due to a lack of administrative priority and efficiency but also to political manipulation.<sup>48</sup>

## **Homicides**

The availability of firearms is a significant factor in the incidence of homicide. Other factors include, for example, a pre-existing culture of violence and absence of ways to resolve ordinary disputes and grievance that boil over and escalate into gun violence once firearms become easily available.<sup>49</sup> According to an analysis by the Secretariat of the Geneva Declaration on Armed Violence and Development using data mainly from the World Health Organization (WHO) and UN Office on Drugs and Crime (UNODC):<sup>50</sup>

- Roughly 3/4 of violent deaths globally are homicides.<sup>51</sup>

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<sup>46</sup> Small Arms Survey, *Firearms and violent deaths*, Research Note No. 60 (October 2016) p. 1; see also UN Office on Drugs and Crime, *Global Study on Homicide*, 2013, chapter 3, *Homicide Mechanisms*.

<sup>47</sup> Anna Alvazzi del Frate, “A matter of survival: non-lethal firearm violence”, in *Small Arms Survey 2012: Moving Targets*, pp. 79–105.

<sup>48</sup> The points here and below about underreporting and undercounting homicides are powerfully made by Rachel Kleinfeld, “Reducing All Violent Deaths, Everywhere: Why the Data Must Improve”, Carnegie Endowment for International Peace, January 2017.

<sup>49</sup> UN General Assembly, *Report of the Panel of Governmental Experts on Small Arms*, A/52/298, 27 August 1997.

<sup>50</sup> See the Geneva Declaration on Armed Violence and Development Secretariat, *op. cit.*; UNODC, *Global Study on Homicide 2013*; the World Health Organization Global Health Observatory Data Repository, “Homicide Estimates by Country”.

<sup>51</sup> Geneva Declaration, *op. cit.*

- It is estimated that at least 377,000 people died from intentional homicides on average every year between 2007 and 2015.<sup>52</sup>
- With their high level of lethality, firearms are the most widely used weapons, accounting for 177,000 (41 percent) of the global total in 2012.<sup>53</sup>

The UN Office on Drugs and Crime has reported that homicides continue to decline globally.<sup>54</sup> However, inferences on trends and country comparisons from the WHO and UNODC datasets can sometimes be misleading, because they are based on reporting from only about 50 percent of States.<sup>55</sup> Both datasets have missing or incomplete data for populous countries, including China, Brazil, and Russia, and official responses to UN requests for data are particularly low in Africa, Asia and the Middle East. Far fewer States report health statistics than police statistics, and homicide counts are particularly weak in countries in conflict. In addition, in some countries law enforcement agencies report a homicide only after a successful prosecution or once a case is closed, and some agencies omit thousands of individuals who have been forcibly disappeared.<sup>56</sup>

### **Conflict deaths: battle-related or resulting from one-sided armed violence**

Uppsala University’s Conflict Data program defines “conflict deaths” as (a) “battle-related deaths”: those combatants and others killed “directly” in battle; as well as (b) “one-sided armed violence”: the killing of unarmed civilians perpetrated by a State’s armed forces or by organized armed groups. Although statistics on these deaths are difficult to obtain,<sup>57</sup> there are some general trends:

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<sup>52</sup> The average total per year for intentional homicides excluded 42,000 deaths from unintentional homicides, and 19,000 deaths due to legal interventions.

<sup>53</sup> UNODC, 2013, op. cit, chapter 3.

<sup>54</sup> Ibid.

<sup>55</sup> Again these points are made by Kleinfeld, 2017, op. cit.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.



- The annual number of direct battle deaths has risen from about 70,000 annually from 2007 to 2012, to 90,000 per year from 2010 to 2015, with 80 percent of those deaths occurring in just three countries: Afghanistan, Iraq, and Syria.<sup>58</sup>
- The number of internal armed conflicts in 2014 was back to where it was in the mid-1990s and although wars between States are at an all-time low compared to civil wars over this period, when they do occur, they can be the most deadly category of all.<sup>59</sup>
- Small, organized groups, such as guerrillas and paramilitaries, are responsible for an increasing number of violent deaths.<sup>60</sup>

Compounding the deaths from small arms and light weapons, explosive weapons were used in 566 incidents during 2011–2015 resulting in 188,325 deaths and injuries of which 3/4 were civilians, 59 percent of whom were killed or injured with improvised explosive devices.<sup>61</sup>

However, the totals should be treated with caution. No separate data sets exist for lawful and unlawful battle-related deaths and in any case this would be very difficult to achieve. Uppsala’s definition of “one-sided violence” only includes results where there are at least 25 deaths in a year, and

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<sup>58</sup> “Monitoring Trends in Violent Deaths,” Research Note 59, Small Arms Survey, September, 16 May 2016; and “Every Body Counts,” Research Note 49, Small Arms Survey 2015.

<sup>59</sup> Report of UN Secretary-General, The illicit trade in small arms and light weapons in all its aspects, 27 May 2016, A/CONF.192/BMS/2016/1; for detailed data, see Civil War Datasets kept by Uppsala University at “UCDP Datasets,” Department of Peace and Conflict Research, Uppsala University and by the Centre for the Study of Civil War at the Peace Research Institute Oslo. See also the Armed Conflict Location and Event Data Project (ACLED), originally based at the University of Sussex and now registered in the United States. <https://www.pcr.uu.se/research/ucdp/ucdp-data/>.

<sup>60</sup> Uppsala dataset, op. cit.

<sup>61</sup> Action On Armed Violence, Patterns of Harm: Five Years of AOAV Explosive Violence Data (2011-2015), 2 August 2016.

excludes extrajudicial killings in government facilities.<sup>62</sup> In some countries such as Mexico and Iraq deaths in “one-sided violence” have only been reported if the perpetrator is recorded as known.<sup>63</sup> An over-reliance on English language sources has also led to undercounting. For example, a Colombian think tank using many local non-English sources found that Uppsala had counted less than half the Colombian battle-related deaths in most years.<sup>64</sup>

### **Links to terrorism, organised crime and corruption**

SALW are easy to conceal and transport, inexpensive, and easy to handle, and offer lucrative profits to criminal organisations involved in trafficking goods and people with them. In the UN Program of Action (PoA), Member States expressed their concern about “the close link between terrorism, organized crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons, and stressing the urgency of international efforts and cooperation aimed at combating this trade simultaneously from both a supply and demand perspective.”<sup>65</sup> The Security Council has also noted with growing concern the threat transnational organised crime poses to international security.<sup>66</sup>

Corruption often helps facilitate illicit arms trafficking. In 2011, the World Bank’s landmark World Development Report on Conflict, Security, and Development noted: “Corruption [...] has doubly pernicious impacts on the risk of violence, by fuelling grievances and by undermining the effectiveness of national institutions and social norms.”<sup>67</sup> For example, according to interviews conducted by Transparency International, pro-ISIL

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<sup>62</sup> Uppsala University, Department of Peace and Conflict Research, *op. cit.*, “Definitions”.

<sup>63</sup> Kleinfeld 2017, *op. cit.*

<sup>64</sup> Jorge Restrepo, Michael Spagat, and Juan F. Vargas, “Special Data Feature; The Severity of the Colombian Conflict: Cross-Country Datasets Versus New Micro-Data,” *Journal of Peace Research* 43, no. 1 (January 2006): 99–115.

<sup>65</sup> PoA, Preamble paragraph 7.

<sup>66</sup> UN Security Council, S/PRST/2010/4.

<sup>67</sup> World Development Report, 2011, pp. 7–8.

(Da'esh) groups, using middlemen, pay bribes to low-ranking officers on both sides of the Egyptian-Libyan border to facilitate the exchange of commodities including weapons.<sup>68</sup> The sources interviewed stated that ISIL had bought weapons using either cash or drugs, including Tramadol (common, sourced from Egypt), hashish (common, sourced from Morocco), opium (rare) and cocaine (moderately common).

Examining the top 20 countries with very high levels of corruption,<sup>69</sup> they are disproportionately more likely to have experienced violent conflict: 11 of the 20 most corrupt countries have been affected by violent conflict, often lasting many years.<sup>70</sup> Corruption enables extremist movements to draw on deep public anger at the abuse of power as a means to radicalize and recruit, and to deepen sectarian divisions, as in Afghanistan, Nigeria and Syria.<sup>71</sup> Moreover, links between organized crime and corrupt officials facilitate illicit flows of finance and arms as found in eastern DRC, Libya and Iraq.<sup>72</sup>

### **State repression and the rule of law**

Many States agree that death and injury resulting from firearm-related violence is a major human rights issue.<sup>73</sup> A brutal pattern of State repression can often trigger the start or an increase in violent armed opposition. In her analysis of the 103 countries that experienced some form of civil war between 1945 and 2009, Barbara Walter concluded that “Governments that are beholden to a formal constitution, that follow the rule of law,

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<sup>68</sup> Transparency International UK Defence and Security Programme, “The Big Spin: corruption and the growth of violent extremism”, February 2017.

<sup>69</sup> As reflected in low scores in the Transparency International Corruption Perception Index or in the World Bank’s Control of Corruption scores.

<sup>70</sup> Transparency International Deutschland, “Corruption as a Threat to Stability and Peace”, February 2014.

<sup>71</sup> “The Big Spin”, *op. cit.*

<sup>72</sup> *Ibid.*

<sup>73</sup> Reports of the Office of the United Nations High Commissioner for Human Rights, Impact of arms transfers on the enjoyment of human rights, A/HRC/35/8, 3 May 2017, and Human rights and the regulation of civilian acquisition, possession and use of firearms, A/HRC/32/21, 15 April 2016.

and that do not torture and repress their citizens are much less likely to face renewed violence in any form.” She also found that significant reductions in the number of political prisoners and extrajudicial killings made the renewal of civil war between two and three times less likely than in countries with higher levels of human rights abuses.<sup>74</sup>

### **Preventing the illicit SALW trade from fuelling violence**

These observations should be taken into account in June 2018 at the global conference to review the UN Programme of Action. The PoA and subsequent instruments relating to its implementation provide a framework for much-needed national, regional and global action.

However, this framework needs to be strengthened, for example by including ammunition and improvised explosives, and by making explicit the connections to patterns of pervasive armed violence, corruption and human rights abuse. Governments must be honest in their appraisals of where they have succeeded and failed in their efforts to prevent and combat the illicit trade. They also must commit to taking more robust measures at the national level and to increasing international cooperation.

### **States and the UN must provide reliable data on armed crime and violence**

The international community needs accurate data to know which programs and policies actually reduce violence. In 2013, the UN Statistical Commission and the UN Commission on Crime Prevention and Criminal Justice developed a two-part program to improve statistics through a new protocol known as the International Classification of Crime for Statistical Purposes (ICCS).<sup>75</sup> This would standardize how homicide data are

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<sup>74</sup> Barbara F. Walter, “Conflict Relapse and the Sustainability of Post-Conflict Peace”, background paper for the World Development Report, 2011.

<sup>75</sup> UNODC, <https://www.unodc.org/unodc/en/data-and-analysis/statistics/iccs.html>.

collected and would include terrorist murders, killings by police officers using excessive armed force, and extrajudicial killings.

Member States need to demonstrate the political will to support accurate and reliable statistics on conflict deaths, harnessing the good work of existing data-collecting organisations.<sup>76</sup> They also need to provide the financial resources for these efforts.

### **States must improve their PoA implementation and reporting**

Analysis of Member States' national reports shows that they have not fully implemented the PoA. A total of 604 national reports were submitted between 2002 and 2011 and 158 States submitted at least one report, but 35 States did not submit any report.<sup>77</sup> Of the 73 States that submitted reports up to 2 June 2016, 15 still did not have a National Coordinating Agency for SALW, 23 did not mark SALW when transferred to private owners or dealers from government stocks, 17 had no law to regulate arms brokering as such, 15 did not verify End Use/User Certificates, and only 26 use Delivery Verification Certificates.<sup>78</sup>

Most reporting States said that they assess exports according to certain criteria, but the export criteria are sometimes vague. Few states gave details of the procedures followed in initiating and responding to tracing requests (as outlined in the International Tracing Instrument). Overworked national and international officials and their underfunded departments often complain about the “administrative burden”

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<sup>76</sup> UN Office on Drugs and Crime, the World Health Organization Global Health Observatory Data Repository, the Department of Peace and Conflict Research, Uppsala University, the Secretariat of the Geneva Declaration on Armed Violence and Development and the Small Arms Survey, Geneva.

<sup>77</sup> Sarah Parker and Katherine Green, *A Decade of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of National Reports*, United Nations Institute for Disarmament Research and Small Arms Survey, 2012.

<sup>78</sup> UN Office of Disarmament Affairs, *Implementation Support System, analysis of National Reports for 2016 up to 2 June*, accessed 20 February 2017.

of compiling such reports, yet given the worldwide human suffering and socio-economic devastation being caused by the illicit trade the onus should be on governments to provide better administrative resources.<sup>79</sup>

### **States must fully uphold the Rule of Law**

National and international frameworks to realistically tackle “the illicit trade in all its aspects” must more fully reflect the rule of law at the national and international levels, putting into practice the General Assembly’s November 2012 “Rule of Law Declaration” that “human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations.”<sup>80</sup> The framework provided by this UN Declaration compliments that agreed in the UN under Agenda 2030 for the Sustainable Development Goals (SDGs) where Goal 16 on peace, justice and strong institutions addresses issues of violence, and where target 16.4 requires a significant reduction of illicit financial and arms flows.<sup>81</sup>

Trafficking and the abuse of small arms and light weapons contrary to national and/or international laws fuel corruption and organized crime. Such weapons provide the main means for those who commit atrocities, as UN numerous reports show.<sup>82</sup> States can prevent, detect and prosecute such violent crimes by fully implementing the UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials<sup>83</sup> as well as their

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<sup>79</sup> Discussions by the author with State officials in Geneva and New York, June and October 2016.

<sup>80</sup> UN General Assembly, Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, Resolution A/RES/67/1, 30 November 2012.

<sup>81</sup> United Nations General Assembly, Sustainable Development Goals: 17 Goals to Transform our World, Resolution 70/1; see Goal 16 in particular.

<sup>82</sup> See reports of the UN Sanctions Committees and their monitoring teams and panels, <https://www.un.org/sc/suborg/en/> and the reports of UNODC, *op. cit.* and Interpol.

<sup>83</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba,

obligations under international humanitarian and human rights law, the Convention against Transnational Organized Crime and its Firearms Protocol,<sup>84</sup> the Convention against Corruption and other relevant treaties to which they are a party, in particular the Arms Trade Treaty.

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27 August to 7 September 1990; see also the Code of Conduct for Law Enforcement Officials, Adopted by General Assembly resolution 34/169 of 17 December 1979.

<sup>84</sup> 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, 2001; this Protocol establishes standards and procedures that complement and reinforce the PoA.

## **D. Synergies Between Instruments**

### **The Need for Sustained and Integrated Work Across Relevant Agendas<sup>85</sup>**

*Dr. Natalie J. Goldring*

I'm pleased to speak on behalf of the International Action Network on Small Arms, IANSA. We are a global network of non-governmental organizations (NGOs) working to decrease the human costs of armed violence. We are also the official coordinator of civil society in the United Nations small arms process. We gratefully acknowledge the support of UNSCAR<sup>86</sup> for this work.

#### **Costs of small arms and light weapons**

The devastating human costs of small arms and light weapons use are well known. The Small Arms Survey has estimated that 560,000 people lost their lives as a direct result of armed violence in 2016. This number significantly understates the harm caused by these weapons, as it does not include those who lost their lives as an indirect result of armed violence. And these counts do not include people were injured or displaced.

#### **Progress at Review Conference**

The human costs of these weapons form the context for my talk, which will focus primarily on the results of the third Review Conference on the Illicit Trade in Small Arms and Light Weapons.

At the Review Conference, States made important commitments on almost all of the six key issues that IANSA has highlighted in our recent work:

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<sup>85</sup> This statement was given by Dr. Natalie Goldring of IANSA on 17 October 2018 at the NGO Presentations of the 73rd session of the UN General Assembly First Committee on Disarmament and International Security.

<sup>86</sup> United Nations Trust Facility Supporting Cooperation on Arms Regulation.



- The illicit trade in ammunition;
- Gender-based action to curb small arms and light weapons proliferation and violence;
- Destruction of surplus and excessive accumulations of small arms and light weapons and their ammunition;
- Links among Sustainable Development Goal 16, small arms and light weapons reduction, and development;
- Measures to address armed violence, crime, and conflict; and
- Synergies in implementing the Programme of Action and the Arms Trade Treaty.

**In moving forward, we need sustained and integrated work across relevant agendas.** These agendas include the Secretary-General’s disarmament agenda,<sup>87</sup> the Sustainable Development Goals, the Programme of Action, the UN Firearms Protocol, and the Arms Trade Treaty. We don’t have the time or resources for all of these efforts to be independent of each other. We have to find areas of synergy in order to be effective.

In his civil society presentation at the Review Conference, armed violence survivor Alex Galvez illustrated this point, saying, “We need an improvement in the attention to survivors of armed violence. We need a focus on guns in crime, not just in conflicts.... And most importantly, we should regulate ammunition.”

**I will next discuss some ways in which IANSA and civil society can help in these efforts.** We’d be delighted to speak with you individually or in your regional and substantive groupings about any of these issues. In the time available today, I can only touch on them. IANSA has recently produced a dozen publications with extensive analysis of these issues and relevant policy proposals. These publications are available on the IANSA website.

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<sup>87</sup> United Nations Secretary-General, *Securing Our Common Future: An Agenda for Disarmament*, 24 May 2018, ISBN: 978-92-1-142329-7. <https://www.un.org/disarmament/sg-agenda/en/>.

We work to ensure the equal, full, and effective participation of women, through activities such as our Call to Action on Gender and Small Arms Control. We work to enhance civil society advocacy networks and civil society's engagement with governments. For example, we do a great deal of work coordinating with women's networks and with groups that serve youth, primarily focusing on groups in the global South. At all levels, local, national, regional, and global, we believe that education is – and will remain – critical.

Civil society's involvement is crucial to all of these missions, and none of this will be possible without funding. Civil society needs continued and increased financial assistance in order to be fully effective in assisting States in implementing UN agreements.

**Time is not on our side, and we must listen to the voices of survivors.** It's time to remember the words of Secretary-General Kofi Annan in 2000, when he said that “Small arms proliferation is not merely a security issue; it is also an issue of human rights and of development.”

It's time for the trade, possession, and use of small arms and light weapons to be brought fully into the rule of law, including humanitarian law.

It's time to leave behind the historical patterns of excessive and destabilizing accumulations of weapons. It's time to – finally – fully include women on small arms commissions, on delegations, in decision-making. Not as tokens, but as full and effective participants. We look forward to continuing to partner with you in these efforts.

As Mei-Ling Ho-Shing, a survivor of the Parkland Florida shooting, said in her moving civil society presentation at the Review Conference: “The decisions that governments make here this week will affect my future, and all young people around the world. Please don't let us down.”

Thank you.

## **E. National Gun Control Laws: Lessons Learned for the International Community**

One of the most contentious topics at the original UN Conference on Small Arms in 2001 was regulation of civilian possession of firearms. Most Member States considered it essential that the Programme of Action include regulation of small arms in civilian possession, since (a) these comprise the vast majority of the global stockpile (85%),<sup>88</sup> and (b) most illicit small arms start out as legal weapons, having been manufactured and initially supplied under national regulation.<sup>89</sup> Under the then-prevailing notion that consensus meant absolute unanimity, the objection of a single State meant that civilian weapons or domestic firearm laws were not mentioned explicitly in the final text.

Nonetheless, several essential provisions of the PoA require adequate domestic gun laws for their implementation. In Paragraph II.2, States undertook to put in place laws and regulations to prevent the diversion of SALW to “unauthorized recipients”. In Paragraph II.3, States agreed to adopt and implement laws to criminalise “the illegal manufacture, possession, stockpiling and trade” of SALW “within their areas of jurisdiction.” In Paragraph II.6, States undertook to identify groups and individuals engaged in “illegal manufacture, trade, stockpiling, transfer [and] possession” of SALW, and to take action under national law against them.

Complying with these undertakings necessitates a process for authorizing certain people to be able to receive weapons, a method of identifying who is authorized and who is unauthorized, and mechanisms for preventing the weapons from being received or possessed by those who are unauthorized. The

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<sup>88</sup> Karp A (2018), *Estimating Global Civilian Held Firearms Numbers*, Geneva: Small Arms Survey.

<sup>89</sup> United Nations Office on Drugs and Crime (201) *UNODC Study on Firearms 2015*. Vienna: UNODC.

way in which this is accomplished is by domestic gun laws. In most countries the process is called “licensing and registration,” while in most parts of the United States it is called “background checks”. It is also domestic gun law that enables criminalising illegal manufacture, possession and trade; while implementing such regulation requires law enforcement.

Most Member States recognise that national gun laws are essential to realising their PoA undertakings, and improvements to their laws feature prominently in reports, statements and presentations made at the UN small arms meetings. This section of this volume highlights the experiences in three countries which made comprehensive reforms to their national gun laws – Australia, Brazil and South Africa; followed by the challenges confronting two countries plagued by gun trafficking – Canada and Mexico.

## **Australian Gun Law Reform<sup>90</sup>**

*Rebecca Peters AO*

### **Australia Pre-1996**

The population of Australia pre-1996 was 18 million, with a total of 3–4 million guns in circulation. The gun laws varied widely among the states and territories, producing a regulatory patchwork across the country. For example, certain firearms were prohibited for civilians in some jurisdictions but freely available across the state border. A person could qualify to own guns in one jurisdiction but not meet the required standard in another. In this period, the gun laws were weaker than those in most European countries; we had an average of 500–700 gun deaths per year, or a rate of three gun deaths per 100,000 inhabitants. Mass shootings occurred every 1 to 2 years, and the total homicide rate was two per 100,000 individuals. Guns were used disproportionately in domestic killings, but mainly in suicides, especially among rural men.

### **Recommending Gun Law Reform**

Official inquiries and reports from various political, legal, and police organisations recommended gun law reform. The organisations leading the efforts included:

- National Committee on Violence 1990
- National Committee on Violence Against Women 1993
- Australian Police Ministers' Council 1991
- Australian Law Reform Commission 1986
- Joint Select Committee Upon Gun Law Reform 1991
- NSW Domestic Violence Committee 1991 (three reports)
- Queensland Domestic Violence Task Force 1988

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<sup>90</sup> This presentation was given by Rebecca Peters AO at a 27 June 2018 side event during the Third Review Conference on the UN Programme of Action on Small Arms. The side event, titled “National Gun Control Laws: International Lessons Learned,” was organized by the Permanent Mission of Germany to the United Nations and IANSA.

- Task Force on Domestic Violence (WA) 1986
- Women's Policy Coordination Unit 1985
- Parliament of Victoria, Social Development Committee 1988
- Law Reform Commission of Victoria 1991
- Reports from coroner offices

Supporting these efforts were groups coping with the day to day consequences of gun violence. Gun related injuries and deaths place a heavy strain on public health services. The public health, medical, and legal communities joined together and demanded gun law reform. Efforts were spearheaded by a coalition of health, legal, religious, and youth organisations to increase advocacy, education, and lobbying for stronger gun laws. Some of the notable organisations leading this effort included:

- Public Health Association
- Australian Medical Association
- Australasian College of Emergency Medicine
- Australian College of Rural and Remote Medicine
- Australian & New Zealand College of Ophthalmologists
- Australian & New Zealand College of Psychiatrists
- Royal Australian College of General Practitioners
- Royal Australian and New Zealand College of Obstetricians and Gynaecologists
- Australasian College of Physicians
- Royal Australasian College of Surgeons
- College of Pathologists of Australia
- Australasian Faculty of Public Health Medicine
- Suicide Prevention Australia
- Australian Psychological Association
- Australian Institute of Criminology

- NSW Bar Association
- Council for Civil Liberties
- Country Women's Association
- Women Lawyers Association
- Finance Sector Union
- Police Association
- National Women's Legal Centre
- Community Legal Association
- Australian Council of Social Service
- Australian Youth Association
- Uniting Church in Australia
- Catholic Social Services

### **Port Arthur Massacre April 1996**

The Port Arthur Massacre in April 1996 was the turning point for Australian gun law reform. It was Australia's deadliest mass shooting in history, killing 35 and injuring 19 people. Port Arthur is known as a popular holiday location and victims came from across the country. The massacre was carried out with assault weapons bought in Tasmania, the Australian state with the weakest gun laws. The tragedy was deeply felt by all Australians and pushed public opinion overwhelmingly in favour of stronger gun laws.

Seizing the policy opportunity, a newly elected conservative national government led by Prime Minister John Howard, demanded immediate gun reform. The changes were implemented quickly – but the effort to secure the reforms had involved more than 10 years of dedicated volunteer work by gun control campaigners, who offered an array of data, analysis, and policy proposals.

## **National Firearms Agreement 1996**

The National Firearms Agreement of 1996 created national uniform laws across eight states. Key provisions outlined in the legislation are as follows:

- Ban on import, sale, resale, transfer, manufacture, ownership, possession, and use of automatic and semi-automatic long arms, as well as buyback of these weapons.
- Registration of all firearms, integration of licensing and registration systems across the country.
- Five categories of licenses and firearms, with different qualification requirements and conditions. All applicants must prove “genuine reason” for each gun. Personal protection is not a genuine reason. Applicants for some categories must also prove “genuine need”.
- Uniform basic licence requirements; Age minimum of 18 years, prove genuine reason, be a “fit and proper person”, safety training, waiting period of 28 days. License lasts 5 years.
- Safe storage requirements – guns locked, ammunition stored separately, police can inspect storage.
- No private sales – All sales through licensed dealers. Process of sale and registration begins with a permit to purchase, which cannot be granted to an unlicensed applicant.
- No mail order sales: Advertising of guns only allowed through a licensed gun dealer.
- Ammunition control: Ammunition sold only for those guns for which the purchaser is licensed; limits on the quantity that can be purchased.
- Link to domestic violence: Five-year prohibition on domestic violence perpetrators.
- Protecting public safety is the overriding interest.



## **Taking weapons out of circulation**

**Buyback** – nearly 650,000 guns were destroyed from 1996-1997, rising to over 1 million with subsequent destructions. This success is the largest civilian gun buyback in history, made possible by funding from an increase in a health tax. The USD \$400 million cost included buying back privately owned weapons and dealer stocks, destruction, and upgrading police systems, administration, information and awareness campaigns.

## **Australia 2016**

As a result of the 1996 comprehensive gun law reform, Australia did not experience a mass shooting for 20 years. In 2016, the total population of Australia reached 24 million people, and gun deaths had declined to under 250 per year, a rate of one death per 100,000 inhabitants. Total gun deaths were reduced by 60 percent, total homicides and suicide rates by 50 percent, and gun crime has reduced as well. While the national stockpile has gradually risen, so we now once again have of 3–4 million guns in the country, semi-automatic weapons have been completely banned. An average of \$USD 400 million in costs are saved each year by the significant reduction of gun violence.

Gun law reform has had a profound effect on Australian society. Concerns remain, however, despite the significant progress made in gun reform since 1996. Presently, state laws are being eroded as some states have abandoned the 28-day waiting period for a gun license. Other threats to proper regulation gun law can be seen by the accumulation of private arsenals, the growing power of the gun lobby, and the increasing problem of handguns.

The success of Australian gun law reform in saving lives demonstrates the impact civil society can have if given adequate resources and awareness raising capacity. The Australian case is a powerful example of civil society advancing change by supporting policy objectives with quality research, advocacy, and increased public education.

## **Gun Control and Crime Reduction: The Brazilian Experience<sup>91</sup>**

*Ivan Marques*

In the late 1990s, Latin America had the highest rates of firearm-related deaths. At the end of the decade, Brazil's homicide rate was steadily growing eight percent per year. The gun control scenario had few requirements. There were few regulations in place limiting gun possession. With a superficial background check, anyone over the age of 21 could purchase a gun and civilians were permitted to carry firearms. Firearms data was fragmented and unintegrated; each of Brazil's 27 states had their own databases, but they lacked an ammunition database. There were few instruments for police to curb firearms trafficking – for example, international firearm trafficking was not a crime.

When a UN research report indicated that Brazil had the highest number of firearm deaths in the world, a group of students decided to stress the correlation between the growing violence and easy access to firearms. The students launched a campaign focusing on three fronts: raising awareness on armed violence affecting Brazilian youth, demanding key legislative reforms, and implementing a voluntary arms surrender campaign.

### **Arms Control: what works?**

The responsible regulation of arms does not equate to arms control. To achieve arms control, the following additional measures must be put in place:

- stronger control over the production and sale of firearms
- legal requirements to purchase and carry firearms

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<sup>91</sup> This presentation was given by Ivan Marques of Sou da Paz at a 27 June 2018 side event during the Third Review Conference on the UN Programme of Action on Small Arms. The side event, titled “National Gun Control Laws: International Lessons Learned,” was organized by the Permanent Mission of Germany to the United Nations and IANSA.

- monitoring of vulnerable groups
- tracking of firearms trafficking
- voluntary firearms surrender campaign
- safe and efficient destruction of firearms

For Sou da Paz, disarmament is just one part of the job, as “disarming” is considered to be just one piece of the puzzle – perhaps even one of the least complicated. The policy of arms control has to look at all the steps, policies and institutions involved.

### **Disarmament Statute (2003)**

In 2003, Brazil adopted a new Disarmament Statute that provided:

- Clarity on the division of public responsibilities from production to destruction;
- Marking of all firearms and ammunition sold to government institutions;
- Registry of firearms in national and permanent databases;
- New crimes under federal criminal law, including illegal arms manufacturing, trade and possession, unjustified shootings, etc.;
- Restrictions on civilian access to firearms;
- Minimum age to purchase a firearm: 25 years;
- No criminal record (not even under investigation);
- Mandatory psychological and technical exams;
- Justification for the purchase approved by a federal marshal;
- Civilians generally prohibited from carrying firearms.

### **The Impact of the New Legislation**

The first and sharpest drop of Brazil’s national homicide rate occurred in 2003. The decreased homicide rate equates to lives saved as a result of the new legislation. From 1997 to

2004, Brazil saw constant increase of 7.8 percent. But from 2004 to 2008, the rate fell, and from 2008 to 2014 the rate grew by less than one percent per year.

The Disarmament Statute is estimated to have saved between 160,000–180,000 lives. These are promising results, but there is difficulty with sustained implementation. Gun control policy needs to be complemented with other policies to reduce homicides over the long term.

### **Sao Paulo State**

One positive example of the results that can be achieved through the combination of arms control policies and other measures is the miracle of the Sao Paulo state. It is one of the states that has dedicated itself to the removal of weapons from circulation, and which reaped the benefits of their actions. Sao Paulo underwent an 82.6 percent reduction in homicides between 2001 and 2015.

In Sao Paulo, the reduction of firearms in the legal market reduced the black market supply, leading to a drop in homicides. The effective prioritisation of the withdrawal of weapons from circulation was paired with disarmament campaigns and the effective repression of groups responsible for multiple deaths (extermination groups). Similar work was done in the Rio de Janeiro state and it saw significant falls during the same period.

The most important finding is that fewer arms in circulation results in the reduction of the amount of arms diverted from legal to illegal markets.

### **Current Challenges**

The uneven implementation of the arms control statute throughout Brazil's vast territory is the biggest challenge to gun control and crime reduction. In some states homicides have dropped by 70 percent (São Paulo, Rio de Janeiro), in others it increased more than 100 percent. This is affecting the national homicide rate. The states with the best results regulated access to firearms as a key aspect of their public security policy.

## **Our Agenda**

How do we keep the culture of disarmament alive? This task requires constant work. We must reduce the public demand for firearms and increase incentives for a buy-back campaign. Sou da Paz and its continued to work on awareness-raising campaigns, and the promotion of voluntary buy-back of arms is helping to keep this goal alive. To keep drawing attention to the problem after 13 years, we produce provocative graphic materials to merge data and emotion.

## **What Civil Society Can Do**

**Offer a systemic vision of the firearms lifecycle:** Interventions from manufacturing to destruction (watchdog).

**Research:** Conduct impact assessments of policies and advocacy for the implementation of best practices; Report on the profile of seized arms and ammunition identifying patterns and origins; Monitor tracking of the national firearms market, exports and imports; Monitor compliance with PoA and other instruments.

**Capacity building and practical changes:** Exchange information between governments officials, the international community and civil society; Offer new training materials for police officers.

**Design of new policies and procedures:** Development of processes and procedures to enhance the registration, forensic analysis and investigation of seized firearms in order to strengthen the fight against the black market trade; Promotion of cooperation between public security and justice institutions.

**Advocacy:** Apply continuous pressure on lawmakers to improve current regulation; Full implementation of the PoA, ATT and other instruments.

**Communication:** Raise awareness regarding the socioeconomic costs of gun violence, risks associated with gun ownership and the importance of gun control as a violence prevention policy.

Civil society can act through awareness campaigns, specialised technical assistance, advising local governments, and pressuring governments to prioritise arms control and reduce the homicide rate.

The real fight is much bigger than any one campaign of an NGO. First, international mechanisms need to function and UN treaties must be discussed at a national level. Second, given that financing is increasingly scarce, there is a need to make the topic of gun control something commonplace (such as cigarette smoking or wearing a safety belt).

## **Did Gun Control Cause the Fall in Gun Crime? The Data Support the Claim<sup>92</sup>**

*Joseph Dube*

South Africa's civilian gun laws differ in several respects from what other nations have enacted. In South Africa, gun ownership is a privilege under the law, not a right. This was confirmed by a Constitutional Court ruling on 7 June 2018. As with obtaining a driver's license, citizens must meet prescribed standards set the by the government to be able to qualify to apply for a firearm licence. There are currently around 1.8 million licensed civilian gun owners. In 1999 there were just over two million licensed gun owners. Currently, over three million firearms are registered to civilians. This means there is a ratio of almost six guns per 100 people. This statistic is a 14 percent decrease from 1999.

An important step in South Africa's effort to regulate gun ownership was the passage of the Firearms Control Act in 2000. It aimed at creating a comprehensive and effective process for firearm control, as well as ensuring effective monitoring and enforcement of legislation as it pertains to the control of firearms. South Africa relies heavily on a system of licensing users and registering guns. They record the details of each firearm along with details of the person responsible for the respective firearm. This is designed to tie firearms to specific owners. With this license and registration system, South Africa is making it easier for law enforcement to track the end user of a firearm, solve crimes, and prevent violence.

South Africa has a two-tier licensing system: to be declared competent to possess or use a firearm; and then to be licensed to possess a particular gun for a specific reason. Expanding on the basis that gun ownership is a privilege,

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<sup>92</sup> This presentation was given by Joseph Dube of Gun Free South Africa at a 27 June 2018 side event during the Third Review Conference on the UN Programme of Action on Small Arms. The side event, titled "National Gun Control Laws: International Lessons Learned," was organized by the Permanent Mission of Germany to the United Nations and IANSA.

firearms license applicants must first prove they are competent and “fit and proper” in order to apply for a licence to possess a firearm. This includes requirements such as being 21 years of age or older, not being dependent on alcohol or narcotics, and not being convicted of a crime that involved a firearm or violence. A person may then apply for a firearms license if they meet these requirements.

South Africa has more safeguards in place beyond registration. To renew a gun licence, licensees must prove once again that they continue to meet the criteria to possess a firearm and that they remain fit and proper; this includes examining the motivation given for the purpose to possess. The owner must also account for the firearm registered to them. This is another step taken to assist police. It benefits investigations, police safety, and aids in preventing firearm theft and transfer via illicit means.

South Africa is proud to see a decrease in gun deaths and gun-related crimes. During a six-year period following the introduction of firearms controls, the country saw a reduction in gun-related crimes by just over 20 percent. Between 1999 and 2009, the amount of firearms “as a cause of non-natural death of women” was cut nearly in half. Data shows that from 2002 to 2008 the percent of non-natural deaths caused by firearms across South Africa went from 29 percent to just over 10 percent.

In June 2018, South Africa’s Constitutional Court reaffirmed that gun ownership is not a fundamental right and restated that gun ownership is a privilege, regulated by the Firearms Control Act (FCA). The South African court ruled that the FCA is constitutional and does not violate the “protection of property” rights. The Constitutional Court argued that it is not the only country to require licenses to be renewed on a “regular basis” and that the FCA supports the government’s responsibility for public safety. The act makes it illegal for anyone without a valid license to possess a firearm. It is also illegal to continue to possess a firearm if the license is expired.



## **Challenges and Opportunities to Contain Cross-border Gun Trafficking<sup>93</sup>**

*Magda Coss*

Mexico has been particularly affected by the flow of illicit arms, especially from arms originated in the United States. Illicit weapons fuel violent criminal activity and are a major obstacle in the Mexican government's ability to combat the influence of organised crime. Mexico's powerful and well-financed drug-trafficking organisations are among the most heavily armed non-state groups in the world.<sup>94</sup>

From 2009 to 2014, more than 70 percent of arms seized by Mexican authorities originated in the US, according to a 2016 congressional report.<sup>95</sup> It is estimated that over 250,000 firearms cross the US border to Mexico every year.<sup>96</sup> Data from the Bureau of Alcohol, Tobacco, and Firearms, shows that most weapons were purchased legally in gun shops and at gun shows in the US, and then trafficked illegally to Mexico. Officials estimate that only a small fraction of illicit weapons are ever recovered. What's more, illicit trafficking isn't limited to firearms. Nearly 80,000 rounds of small-calibre ammunition bound for Mexico were seized at US ports from January 2009 to July 2011.<sup>97</sup>

These weapons have fuelled a wave of violence, which has increased dramatically over the last three years. Homicides

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<sup>93</sup> This presentation was given by Magda Coss of 24-0 Mexico on 19 June 2018 during the Third Review Conference on the UN Programme of Action on Small Arms. The side event, titled "Challenges and opportunities to contain cross-border arms trafficking," was organized by the Permanent Mission of Mexico to the United Nations, 24-0 Mexico, and IANSA.

<sup>94</sup> Small Arms Survey, *Captured and Counted: Illicit Weapons in Mexico and the Philippines*. By Matt Schroeder, 2013.

<sup>95</sup> United States Government Accountability Office, "Firearms Trafficking: U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain" January 2016.

<sup>96</sup> *Ibid.*

<sup>97</sup> Small Arms Survey, *Captured and Counted: Illicit Weapons in Mexico and the Philippines*. By Matt Schroeder, 2013.

caused by gun violence have increased by 83 percent, with 2017 being the deadliest year in history as authorities recorded 29,168 gun-related homicides. Of those crimes, roughly four out of every five homicide cases go unsolved and more than 90 percent of all homicides go unpunished.

While news reports highlight crimes caused by gangs and cartels as a significant part of the problem, illicit gun trafficking affects those beyond organised crime in all walks of life, as innocent civilians, their families, and their communities are left to cope with the destructive consequences of gun violence. Guns increase and intensify intra-family violence, and women and victims of domestic violence are acutely affected. Beyond tackling armed cartels, authorities need to confront a culture of violence and toxic masculinity.

Important tools and institutions are at the ready to confront this epidemic. Civil society needs to work closely with Mexican authorities to enhance and expand legal restrictions. What's more, civil society should work with the United States and Canada to ratify the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA). Stockpiles of seized ammunition must be secured and authorities must expand public education programs.

## F. The Sustainable Development Goals and Small Arms and Light Weapons

### Illicit Flows of Small Arms and Light Weapon and Sustainable Development<sup>98</sup>

Brian Wood

*“Countries suffering from sustained levels of armed conflict or violence are also those furthest from reaching their Millennium Development Goal targets. The complex linkages among arms, violence, conflict and development continue to play out in States around the world, as demonstrated in recent reports to the Security Council on Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Somalia, South Sudan, the Sudan, the Syrian Arab Republic and elsewhere.” – UN Secretary-General, Report on Small Arms and Light Weapons, 2015 (S/2015/289)*

World Bank data has revealed that poverty is declining for much of the world, but countries affected by violence are lagging behind. The effects of violence are long lasting. “People in fragile and conflict-affected States are more likely to be impoverished, to miss out on schooling, and to lack access to basic health services. Children born in a fragile or conflict-affected state are twice as likely to be undernourished and nearly twice as likely to lack access to improved water; those of primary-school age are three times as likely not to be enrolled

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<sup>98</sup> This June 2017 paper was prepared by Brian Wood. Peter Danssaert collected data and Dr. Natalie Goldring commented on the draft. Brian is a UK-based consultant on arms control and the security trade, including for various UN bodies. For many years Brian headed Amnesty International’s work on the Arms Trade Treaty. He helped found IANSA, later serving on its International Advisory Committee.

in school; and they are nearly twice as likely to die before their fifth birthday.”<sup>99</sup>

By adopting the United Nations Program of Action (PoA) in July 2001, all governments around the world jointly expressed their “grave concern” that “the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world ... have a wide range of humanitarian and socio-economic consequences and pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels.”<sup>100</sup>

Fourteen years later, in September 2015, all Member States committed themselves to “**significantly reduce illicit arms flows**” under Agenda 2030 for the Sustainable Development Goals (SDGs). These contain 17 goals and 169 corresponding targets that must be achieved by 2030.<sup>101</sup>

### **How do illicit flows of SALW undermine sustainable development?**

- An estimated two million people in non-conflict settings are living with life-changing non-lethal injuries from firearms, affecting not just individuals but entire communities.<sup>102</sup>

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<sup>99</sup> The World Bank, World Development Report 2011: Conflict, Security and Development, page 63 [http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011\\_Full\\_Text.pdf](http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011_Full_Text.pdf).

<sup>100</sup> Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15) (2001) Preamble paragraph 2.

<sup>101</sup> United Nations General Assembly, *Sustainable Development Goals: 17 Goals to Transform our World*, Resolution 70/1, available at <http://www.un.org/sustainabledevelopment/peace-justice/>.

<sup>102</sup> Anna Alvazzi del Frate, “A matter of survival: non-lethal firearm violence”, in *Small Arms Survey 2012: Moving Targets* (Cambridge University Press, 2012), pp. 79–105.

- After a conflict ends, the average society takes more than 10 years to return to the level of human rights observance before the conflict.<sup>103</sup>
- The ten most lethal armed conflicts in 2016 were reported to be: Syria, Mexico, Iraq, Afghanistan, Yemen, Somalia, Sudan, Turkey, South Sudan and Nigeria.<sup>104</sup> Other countries with very high reported rates of lethal violence per 100,000 in 2014 were Honduras (75), El Salvador (64) Venezuela (62), Lesotho (38), Jamaica (36) and South Africa (33).<sup>105</sup>
- Conflict and violent crime are breeding grounds for organised crime, trafficking in drugs and precious minerals, terrorism, corruption, bribery, theft and tax evasion that cost some US \$1.26 trillion for developing countries per year.<sup>106</sup>
- Survivors of arms-related violence with physical and psychological impairments face higher barriers to effective employment, well-being, and reintegration into community and family life.<sup>107</sup>
- The proliferation of small arms tends to negatively affect women’s equality and bargaining power within the household, their mobility and their political participation,

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<sup>103</sup> World Bank Report, op. cit, page 64.

<sup>104</sup> Armed Conflict Survey, produced by the London-based International Institute for Strategic Studies.

<sup>105</sup> UN Office on Drugs and Crime’s International Homicide Statistics database. (<https://www.unodc.org/gsh/>) (<http://data.worldbank.org>), ([http://www.smallarmssurvey.org/fileadmin/docs/H-Research\\_Notes/SAS-Research-Note-60.pdf](http://www.smallarmssurvey.org/fileadmin/docs/H-Research_Notes/SAS-Research-Note-60.pdf)); see also UN Office on Drugs and Crime, Global Study on Homicide, 2013, chapter 3, Homicide Mechanisms, <https://www.unodc.org/gsh/en/homicide-mechanisms.html>.

<sup>106</sup> UN Sustainable Development Goals, Peace Justice and Strong Institutions – why they matter, 2017, <http://www.un.org/sustainabledevelopment/peace-justice/>.

<sup>107</sup> Centre for Humanitarian Dialogue and Inter-Parliamentary Union, Missing Pieces: A Guide for Reducing Gun Violence through Parliamentary Action (2007), p. 63.

and can detrimentally affect women's access to, and use of, resources and business and employment opportunities.<sup>108</sup>

- The rate of children leaving primary school in conflict-affected countries reached 50 percent in 2011, and the UN Secretary-General noted other substantial effects of conflicts on children, including their recruitment and use, sexual abuse and exploitation, killing and/or maiming and displacement, as well as the destruction of their schools and homes.<sup>109</sup>

Particularly in contexts of armed conflict, the abuse of arms can lead to the damage, destruction and/or closure of civilian infrastructure such as schools, hospitals, places of work, markets, residential areas, and buildings and areas of religious and cultural significance. Abuse of arms can also lead to a breakdown in basic services.<sup>110</sup> Then civilians, including internally displaced persons and refugees, can be deprived of the minimum essential food, health, education, shelter, and sanitation.

### **What can be done to prevent illicit flows of SALW undermining development?**

In 2001 Member States were “concerned also by the implications that poverty and underdevelopment may have for

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<sup>108</sup> Women's International League for Peace and Freedom (WILPF); and South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, Gender and SALW in South East Europe: Main Concerns and Policy Response.

<sup>109</sup> Report of the Secretary-General on children and armed conflict (A/70/836-S/2016/360).

<sup>110</sup> Contributions of Amnesty International and Control Arms (unpublished) to the study by the United Nations High Commissioner for Human Rights on the impact of arms transfers on the enjoyment of human rights, 2017; for published reports, see for example, Amnesty International and IANSA, *How an Arms Trade Treaty can help prevent Armed Violence*, 2011 Index: ACT 30/030/2011; Amnesty International, *Blood at the Crossroads: Making the Case for a global Arms Trade Treaty*, September 2008, Index number: ACT 30/011/2008; Control Arms, *Shattered Lives: the case for tough international arms control*, Oxfam and Amnesty International, 2003.

the illicit trade...” and recalled the Millennium Declaration.<sup>111</sup> Although the Millennium Declaration of 2000 emphasised human rights as well as peace, security and disarmament, the Millennium Development Goals (MDGs) that emerged from the Declaration contained no mention of any of these topics – nor of justice, the rule of law, conflict, or of freedom from fear or violence.

### **Achieving Sustainable Development Goal 16**

The Biennial Meeting of States on the PoA in June 2016 welcomed the SDGs as a “defining moment for global efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons.”<sup>112</sup> Goal 16 on peace, justice, and strong institutions, represents a significant step towards recognising the importance of robust arms control to allow sustainable development, particularly target 16.4 which reads: “*By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime.*”

A reasonable assumption, given the PoA and other international instruments adopted by Member States, is that the terms “arms” and “flows” should be used without qualification: “arms” certainly includes SALW and the term “flows” includes the “transfer and circulation” of such items, as in the PoA i.e. between and within States. The term “illicit arms trafficking” was described in the UN Guidelines for International Arms Transfers as covering “that international trade in conventional arms, which is contrary to the laws of States and/or international law”.<sup>113</sup>

As part of the implementation of SDG 16.4, the UN will be attempting to elaborate and agree on indicators such as the

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<sup>111</sup> Ibid, paragraphs 3 and 19.

<sup>112</sup> The illicit trade in small arms and light weapons in all its aspects, Report of the Secretary-General, Sixth Biennial Meeting of States (A/71/438–A/CONF.192/BMS/2016/1).

<sup>113</sup> United Nations General Assembly Resolution A/51/42 of 1996, Annex 1, UN Disarmament Commission Guidelines for International Arms Transfers, paragraph 7.

“Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.”<sup>114</sup> Better marking and tracing of seized, found, or surrendered weapons will highlight illicit trade patterns, as well as weaknesses in monitoring and control of the legal trade.

Other targets for SDG 16 closely related to 16.4 are, for example:

- 16.a Strengthen relevant national institutions, including through international cooperation, for building capacities at all levels, in particular in developing countries, for preventing violence and combating terrorism and crime
- 16.1 Significantly reduce all forms of violence and related death rates everywhere
- 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children
- 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all
- Also see targets 16.5 (substantially reduce corruption and bribery), 16.6 (develop effective, accountable and transparent institutions at all levels) and 16.7 (Ensure responsive, inclusive, participatory and representative decision-making at all levels)

### **Implementing the PoA, the International Tracing Instrument, and the UN Firearms Protocol**

To help achieve SDG 16 the PoA is highly relevant, as is the UN Firearms Protocol. The PoA commits Member States to robust control and regulation of the manufacture, export, import, transit, or retransfer of SALW to prevent their illicit manufacturing, trafficking, and diversion.<sup>115</sup> States are also requested to destroy surplus SALW and regulate the activities

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<sup>114</sup> United Nations Statistical Commission, Revised list of global Sustainable Development Goal indicators, March 2017, page 22.

<sup>115</sup> PoA Section II, paragraph 2.



of brokers of SALW transactions. Moreover, under the PoA and reinforced by the International Tracing Instrument (ITI) and the UN Firearms Protocol, Member States are supposed to ensure that licensed manufacturers and importing States apply unique and reliable markings on each weapon as an integral part of the production and transfer process, which would enable national authorities of Member States to identify the manufacturer and serial number so that the authorities concerned can identify and trace each weapon from its origin through its chain of custody.<sup>116</sup> The full and effective implementation by all States of the International Tracing Instrument would enhance international cooperation on tracing requests and responses to tracing requests by law enforcement authorities for illicit small arms and light weapons that are found, seized or recovered in conflict and crime situations. The ITI contains a list of information required for tracing requests and protocols to be used when responding to such requests.

The UN Firearms Protocol, which in February 2019 had 116 States Parties and is one of three protocols to the Convention Against Transnational Organized Crime,<sup>117</sup> also provides a framework for States Parties to regulate the export, import and transit of firearms, their parts and components and ammunition. Provisions in the Protocol require international cooperation to prevent the illicit manufacture and trade of firearms and related items, and to prevent their diversion into the illicit market. Measures are also required for the confiscation, seizure and safe disposal of such illicit items, and to facilitate the establishment, investigation and prosecution of criminal offences.

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<sup>116</sup> PoA, Section II, paragraph 7; and International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, 2005, Section III, paragraphs 8–10; and 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, 2001, Article 8.

<sup>117</sup> The number of States Parties see: United Nations, Status of Treaties, on the UN Firearms Protocol, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12-c&chapter=18&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-c&chapter=18&lang=en).

Regular and comprehensive reporting to implement and strengthen the PoA, and sustained international cooperation to apply the UN Protocol, can enhance prospects for regular and objective evaluation of the SDGs, especially Goal 16. The indicator for Target 16.4 can also be used to develop national and regional indicators to measure progress on the SDGs. However, much greater efforts must be made by States, especially in Africa and Asia, to submit reliable data on armed violence and on SALW trafficking, seizure, discovery, and surrender.<sup>118</sup>

It was recommended that the Review Conference of the PoA in mid-2018, and the meetings leading up to it, address these issues and the deeply cross-cutting nature of the links between illicit SALW flows and sustainable development, and also take into account that several national agencies may need to work together in order to achieve SDG target 16.4.

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<sup>118</sup> United Nations Office on Drugs and Crime (UNODC) Study on Firearms – A study on the transnational nature of and routes and modus operandi used in trafficking in firearms, 2015. Only 45 countries participated in the Study, and only 39 of those provided data on seizures of illicit firearms.

## **Gun Violence and the Sustainable Development Goals: Beyond SDG 16.4<sup>119</sup>**

*Rebecca Peters AO*

SDG 16 aims to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” More specifically, SDG 16.4 calls to “by 2030, significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organised crime.” 16.4 is often cited as the sole link between the SDGs and the Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (PoA), due to its explicit focus on illicit arms flows. However, the impact of small arms proliferation goes far beyond the technical focus on 16.4. Gun violence directly undermines many other SDGs. This presentation highlights the experience of several people in Guatemala who have been shot and survived with spinal cord injuries, showing how gun violence prevents or delays a number of other SDGs, apart from 16.4.

SDG 5 – achieve gender equality and empower all women and girls. Flor was shot by her jealous boyfriend when she was 17 years old. This act of armed domestic violence took away her mobility and independence for life.

SDG 2 – end hunger, achieve food security, and improve nutrition. For Jorge, the worst consequence of being shot is that he can no longer work, and therefore cannot provide adequately for his children.

SDG 1 – end poverty in all its forms everywhere. Gun violence causes poverty by rendering people no longer able to

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<sup>119</sup> This presentation was delivered by Rebecca Peters AO of the Surviving Gun Violence Project at a 19 March 2018 side event during the Preparatory Committee for the Third Review Conference on the UN Programme of Action on Small Arms. Titled “Key Issues for the Third Review Conference on the Programme of Action,” the side event was organized by the Permanent Mission of Ghana to the United Nations and IANSA.

go to work. This applies to the direct victims of gunshot, and often to their family members as well. Kimberly was shot at age 12 and her mother had to stop working to take care of her: “My mother was a manager and we had everything we needed. But she had to stop working to look after me and now we live on what she can make from selling food on the street.”

SDG 4 – inclusive and equitable quality education. Former educator Jacky could no longer be a teacher after she was shot at age 24. She is no longer able to educate her students or pursue her passion for education, leaving her students without a teacher. Students who are shot are also forced to drop out of school – as was the case with Brayan, who was shot at age 14.

SDG 3 – ensure healthy lives and promote well-being for all. Most gunshot victims survive the shooting, but for many survivors the health consequences are extremely serious, and sometimes fatal. Brayan, who was shot at 14, died at 16 from the infections that are often a secondary effect of being shot.

SDG 8 – promote sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all. Humberto, who was a farmer, is one of many survivors unable to continue working after acquiring a spinal cord injury by gunshot.

SDG 11 – make cities and human settlements inclusive, safe, resilient and sustainable. Most gun violence occurs in cities, and urban public transport is a frequent target. Manuel was shot on a bus by a criminal seeking to extort the bus driver. “Then the guy turned and shot me, and suddenly my body felt heavy. All I could think about was my mother.”

SDG 16 – promote peaceful, inclusive societies for sustainable development and access to justice for all. Apart from the narrow focus on illicit arms trafficking, peace and justice generally are undermined by gun violence. William was shot at 15 by a gang member. However, Guatemala’s justice system is so overwhelmed by cases of violence, there was very little chance that his attacker would be brought to justice if he reported it. He decided not to push for an investigation out of fear that they “might come back to finish the job.”

These examples show how gun violence obstructs development in the lives of individuals – and by extension in their communities. The relevance of small arms and light weapons to sustainable development goes far beyond the SDG 16.4 questions of trafficking and tracing. The lives of Kimberley, Jorge, Jacky, Brayan, Flor, Humberto, Manuel, and William clearly demonstrate the need to take a broader view of this topic.



Kimberley



Jorge



Jacky



Brayan



Flor



Humberto



Manuel



William

## **IV. Seeking a More Inclusive Approach to Small Arms: Reflections from Non-governmental Organizations**

The contributions in this section reflect civil society's efforts to encourage governments to make more concerted efforts to prevent violence perpetrated with small arms and light weapons. The contributions outline ways to combat that violence including from the perspectives of stakeholders who have not traditionally been included in PoA discussions.

Issues of poverty, development and armed violence were mentioned from time to time in PoA deliberations but without agreement on specific measures linking the need to eradicate the illicit trade in SALW to development goals, other than the need for international assistance for capacity building of States to better manage the trade. It was not until 2016 at the Sixth Biennial Meeting of States that ground was finally broken when it was possible to link the PoA to the newly agreed 2030 Agenda on Sustainable Development, including Goal 16 of the Sustainable Development Goals. Reiterating their “grave concern about the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world” made in the 2016 Outcome Document, Member States agreed this was “impeding sustainable development at the individual, local, national, sub-regional, regional and international levels”. They agreed that “the illicit trade in small arms and light weapons has implications for the realization of several Sustainable Development Goals, including those relating to peace, justice and strong institutions, poverty reduction, economic growth,

health, gender equality, and safe cities and communities.” As the contributions in this volume illustrate, civil society organizations from affected countries are working to help give substance to the linkages of the PoA to sustainable development despite opposition from a handful of States that consider the SDGs to be largely outside the scope of the PoA.

While an increasing number of States are rightfully drawing more attention to the issues of SALW stockpile management, marking and tracing and use of SALW by terrorists and criminal organizations, issues related to the management and use of SALW by States such as government corruption, lack of transparency, gross human rights violations, and war crimes – which can and do fuel violent extremism – are still largely ignored in the PoA process. Several of the statements that follow address this problem as part of civil society’s work to encourage greater government accountability.

Finally, the following statements encourage the inclusion of parliamentarians, public health officials, survivors of gun violence and other civil society actors such as human rights defenders as potentially constructive partners in PoA monitoring and implementation. The perspectives of such actors can help to strengthen the common objectives of the PoA, and civil society is encouraging governments to treat them as allies in the process.

## **A. Inclusion of Other Stakeholders**

### **Inclusion of Parliamentarians: “Connecting the Dots”<sup>1</sup>**

*Karin Olofsson*

My name is Karin Olofsson, I am Secretary General of the Parliamentary Forum on Small Arms and Light Weapons, an organisation gathering currently 240 Members of Parliament across the world and party-political lines specifically related to the reduction and prevention of Small Arms and Light Weapons (SALW)-related violence. The Forum’s overall objective is to contribute to the achievement of more peaceful and developed societies by parliamentary action against armed violence to increase human security.

The Forum’s initiative “Connecting the Dots”, composed by a series of regional seminars in Africa, Asia and Latin America, and side events at the PrepCom and RevCon3, puts special focus on providing parliamentarians with the adequate tools to support the process at the national and regional level. The project is supported by UNSCAR, the UN Trust Facility Supporting Cooperation on Arms Regulation, with the objective to increase parliamentary engagement, understanding and participation related to the 2030 Agenda, the Arms Trade Treaty (ATT) and United Nation Programme of Action on Small Arms (UNPoA), in order to underpin impact in the processes. It also seeks to identify relevant synergies for the effective universalisation and implementation of the aforementioned instruments.

As a result of the Connecting the Dots seminars, three regional Parliamentary Action Plans were adopted, and a Global Parliamentary Action Plan will be presented later during this RevCon3. Some of the key conclusions are related to: the importance of the consistent inclusion of the gender equality

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<sup>1</sup> This is the transcript of a 20 June 2018 video message by Karin Olofsson of the Parliamentary Forum on Small Arms and Light Weapons for participants at the Third Review Conference on the UN Programme of Action on Small Arms.



perspective in the parliamentary work related to arms control; the need to expand awareness raising efforts both with MPs and the public; the importance of ensuring parliamentary inclusion in relevant UN processes in order to bridge the gap existing in universalisation, implementation and domestication of relevant international SALW control instruments.

102 parliamentarians participated in the process, discussing, analysing and approving the Parliamentary Action Plans, based on access to policy shaping and capacity building provided by local and international experts. The focus countries are Brazil, Cameroon, Chile, Colombia, Democratic Republic of Congo, Guatemala, Indonesia, Malawi, Myanmar, Nicaragua, Philippines, South Africa, Thailand, Vietnam and Zimbabwe. Civil society representatives participated as well as the diplomatic community, as broad partnerships are vital to reach the objective.

Political will and parliamentary action is paramount to establish the missing link between the national, regional and international level related to the universalisation and implementation of the international instruments. Parliamentarians, through their three key roles of legislation, oversight and awareness raising, are crucial in formulating adequate national policies and legislation and overseeing compliance to international commitments.

On behalf of the Parliamentary Forum on Small Arms and Light Weapons, I want to emphasise the role that Parliamentarians have in the achievement of the goals of the UNPoA. Parliamentary action and commitment is fundamental to decisively contribute to the prevention and reduction of SALW related violence in the world, to reduce human suffering and increase human security.

## **Integrating Public Health into the UN Programme of Action<sup>2</sup>**

*Dr. Cathey Falvo*

I am Dr. Cathey Falvo, a physician trained in paediatrics and public health, representing the International Physicians for the Prevention of Nuclear War (IPPNW), a member of IANSA. We are here to strongly encourage the integration of public health personnel and procedures into all aspects of States' national action plans related to the Program of Action on Small Arms and Light Weapons.

Looking at the original PoA document, there are many points where the public health community can work with other government agencies to reduce the terrible human and monetary costs of illicit gun use. One of them is action-oriented research. For example, we can apply the public health model used to diminish or eradicate other public health crises such as automobile injuries in the global North or the recent epidemic of Ebola virus in Western Africa.

The public health model involves 4 steps:

**First**, complete an accurate data collection of the causes and contexts of gun-related injuries and deaths. This is not currently being done routinely or universally. Medical and public health communities can play a major role in arranging and conducting this data collection. But we need assistance from local and national agencies and policy makers to institute policies and provide the necessary funds.

**Second**, we use the data collected to identify risk factors.

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<sup>2</sup> This statement was delivered on 21 March 2018 by Dr. Cathey Falvo of International Physicians for the Prevention of Nuclear War (IPPNW) during the NGO Presentations of the Preparatory Committee for the Third Review Conference on the UN Programme of Action on Small Arms.

**Third**, we use the risk factors to tailor interventions to specific communities. These interventions then need to be evaluated for effectiveness and feasibility.

**Lastly**, when interventions are determined to be successful, they should then be implemented at a larger scale. We know how to do this, and we can do it to prevent armed violence and achieve the major goal of the PoA to “reduce human suffering” and that of the Secretary-General’s agenda for “disarmament that saves lives.”

As the Executive Director of the American Public Health Association has said, “The epidemic of intentional gun violence can be reversed with a science-based approach.”

We need to implement the science and not let political barriers stand in our way. The World Health Organization’s definition of health includes “a state of complete physical, mental and social well-being.” The right to live – and live in that state of wellbeing free of the fear and physical and mental toll of gun violence – should be paramount. The teenagers of Parkland, Florida understand this. The mothers and fathers of children slain in communities throughout the world understand this. It is time for you, the policy makers, to understand this, and do something about it.

The World Health Organization has a publication titled *Preventing Violence and Reducing Its Impact: How Development Agencies Can Help*. It identifies data collection and research on violence prevention (especially evaluation) as a top priority. Engaging the health sector in the prevention of armed violence has been recognised as one of the 4 “best buys” for donor investment to reduce the consequences of violence.

Some specific recommendations on how States can incorporate public health into their National Action Plans include:

1. Health care professionals should have representation on National Commissions on Small Arms in order to help assess the most strategic investments, based on highest needs.

2. The Ministry of Health should be represented, as should an NGO member of the health community – the daily eyewitnesses of armed violence.
3. National Commissions should liaise with the World Health Organization’s Violence Prevention Focal Points, which exist in more than 100 countries.
4. A national collection of data on gun-related injuries and deaths should be implemented.
5. The data on injuries and death should be used to calculate the associated costs of illicit gun violence and misuse. The public health model then can be used to identify and monitor proposed interventions.
6. Improve the health infrastructure for survivors of armed violence. This could be achieved at the local level by improving communications and coordination among medical providers and social service agencies.

## **B. Violent Extremism and Small Arms and Light Weapons**

### **Importance of PoA Implementation in Africa<sup>3</sup>**

*Victor Amisi*

My name is Victor Amisi and I come from the Democratic Republic of the Congo. My NGO is called Vision GRAM-International, and we are a member of IANSA.

Seventeen years ago when the Programme of Action was agreed by all Member States, the people in my country and others in the Great Lakes region had been suffering from:

- crimes against humanity
- war crimes
- gross violations of human rights
- and even genocide – the crime of crimes

All of these crimes were carried out and facilitated by soldiers and non-state combatants, mainly using small arms and light weapons – and of course with the ammunition.

The last time the Programme of Action was being discussed, armed men were still continuing to use – or we should say abuse – what the United Nations Secretary-General called the “weapons of choice in civil wars and for terrorism, organised crime and gang warfare.”

Our people still suffer from such violence. Since August 2016, the Kasai provinces in the DRC have seen massive and systematic atrocities committed by all sides. An armed militia group called Bana Mura is accused of raping women and children, hacking or burning people to death, and mutilating villagers, including children. On the other side of this conflict,

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<sup>3</sup> This statement was delivered on 21 March 2018 by Victor Amisi of Vision GRAM-International during the NGO Presentations of the Preparatory Committee for the Third Review Conference on the UN Programme of Action on Small Arms.

the Kamwina Nsapu militia is accused of recruiting children, execution of police and officials, and decapitating police officers. It is estimated that 1.3 million people have been displaced by the conflict.

That is not all. The Ituri province of DRC has seen a surge in armed violence since December 2017. Dozens of people have been killed, thousands of houses burned down and more than 100,000 people have been displaced. That includes 42,000 refugees who crossed Lake Albert into Uganda.

The Programme of Action was intended to strengthen action to prevent, combat and eradicate the illicit manufacture, transfer and circulation of small arms and light weapons and (I emphasise) *their excessive accumulation and uncontrolled spread* in many regions of the world.

Yet in Africa, conflicts fought mainly with these weapons have continued raging for the last two decades. Gun crime by networks of gangs has become entrenched not only in my region, but in the West, the North, the East and the South of our continent.

I want to stress that African countries make very few of the guns and ammunition that are used in criminal activities against our people. For the last 17 years of the Programme of Action, these deadly weapons have flowed into Africa from other countries. Often the guns and ammunition are placed in the hands of insufficiently trained and un-accountable officials. The old weapons and ammunition are not destroyed when the new supplies arrive. Non-state actors may obtain their weapons through diversion, but sometimes guns and ammunition are supplied directly to powerful armed groups.

Too many government stocks are insecure and correct handling procedures are not followed, so weapons and ammunition leak out. Diversion is amplified by theft, bribery and corruption. Some of that illicit trade is done by officials and unscrupulous businessmen, and linked to the plunder of Africa's rich natural resources, or to political rivalries, as United Nations and other authoritative studies have shown. Thus, it is not surprising that arms have reached the hands of militia and

criminal gangs – resulting in murders, rapes, displacement, plunder, and thwarted economic development.

UNDP<sup>4</sup> recently published a report called “Journey to Extremism in Africa”, based upon hundreds of interviews, including men in marginalized communities. The report makes clear that the most significant reason why African men join extremist armed groups is a sense of grievance towards, and limited confidence in, their governments and local authorities. Among the respondents, 71% mentioned “government action”, including “arrest or killing of a family member or friend”, as the immediate incident that prompted them to join an extremist armed group.

African governments say they are doing their best, but they lack resources. They need to fix gaps in our national legislation and regulations on small arms and light weapons. They need to create sufficient capacity to enforce those laws according to the best United Nations and international standards. For example, law enforcement operations must limit the use of force to the minimum extent necessary – but in our region, state security forces often commit violent acts with small arms and light weapons, even against unarmed protestors. A culture of militarism is often dominant in policing, rather than a culture of the rule of law and human rights. This exacerbates conflicts and violent dissent.

Mr. Chair, this is why African civil society organisations insist that the success or failure of the Programme of Action depends on making real progress towards good governance. This requires a major push by the whole international community to work with Africa to implement the Sustainable Development Goal 16 and to put into practice the General Assembly’s November 2012 “Rule of Law Declaration”, including its applicability to the trade in small arms and light weapons.

Thank you very much.

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<sup>4</sup> United Nations Development Programme.

## **Action Needed to End Small Arms Abuse Fuelling Violent Extremism in Africa<sup>5</sup>**

*Seydi Gassama*

My name is Seydi Gassama, I'm the Executive Director of Amnesty International (Senegal), an organisation that is a member of the IANSA network.

I would like to draw the attention of this Review Conference to a very important and relevant piece of research conducted by UNDP and published in September 2017. The report is titled "Journey to Extremism in Africa: Drivers, Incentives and the Tipping Point for Recruitment". The UNDP research team travelled to remote areas of Africa to conduct almost 500 interviews with individuals who have been recruited by violent extremist groups, the largest ever survey conducted.

The respondents were asked their reasons for joining violent extremist groups. 51 percent selected religion as a reason for joining. However, 57 percent also admitted to limited or no understanding of religious texts. Economic factors, especially the lived reality of unemployment and underemployment, are a major source of frustration identified by those who joined violent extremist groups. If individuals were studying or working, they would be less likely to become members of an extremist organization.

However, the "tipping point" that pushes individuals from the "at-risk" category to actually taking the step of joining a violent extremist group is neither economic nor religious. A striking 71 percent of respondents gave as their reason "government action", including the "killing of a family member or friend" or the "arrest of a family member or friend". The research makes clear that a sense of grievance towards – and limited confidence in – government are widespread in the parts of Africa associated with the highest incidence of violent

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<sup>5</sup> This statement was delivered on 20 June 2018 by Seydi Gassama of Amnesty International, Senegal during the NGO Presentations of the Third Review Conference on the UN Programme of Action on Small Arms.



extremism. These include: belief that government only looks after the interests of a few; low level of trust in government authorities; and experience of paying bribes. Grievances against security actors, as well as politicians, are particularly marked, with an average of 78 percent expressing low levels of trust in the police, politicians and military.

It is clear that the demand for illicitly traded arms greatly increases under such conditions, underscoring the need for governments to abide by the rule of law, including the standards set out in international law. This latent demand for weapons being fed by the irresponsible supply of weapons, has turned parts of Africa into a tinderbox, producing humanitarian and human rights crises.

For example, since the war in Libya, which lasted from February – September 2011, small arms and other weapons have continued to be illicitly transferred to and from Libya on a regular basis. The UN Panel of Experts on Libya reported the absence of stockpile management and destruction in that country.

Apart from factory production of small arms in Egypt, Nigeria and South Africa, and craft manufacturing of single shot guns in some countries, the small arms and light weapons that proliferate on my continent have been imported mainly from Europe, Asia and the Americas. Given that the UNDP research makes clear that a sense of grievance towards, and limited confidence in, government is widespread in the regions of Africa associated with the highest incidence of violent extremism, surely the exporters of small arms and light weapons in other world regions should act with more restraint.

Preventing diversion is the responsibility of the exporting States as well as the importing States. One essential way to ensure the effective control over the export and transit of SALW is for the exporting and importing State to require authenticated end-user certificates and effective legal and enforcement measures. End use should only be for strictly lawful purposes including respect for human rights.

This should remind us of the duty we have not only under the international law but also to deliver the Sustainable Development Goals (SDGs) agreed in September 2015. Goal 16 on peace, justice and strong institutions, represents a significant step towards recognising the importance of robust arms control to allow sustainable development.

These are some of the important “lessons learned” as to why respect for human rights when transferring small arms and light weapons should not be put into abeyance for the sake of expediency. To do so involves paying a huge price in lives and livelihoods.

## **C. Voices of Survivors of Gun Violence**

### **How a Bullet Changed My Life Forever<sup>6</sup>**

*Alexander Galvez*

I am Alexander Galvez, I represent the National Council of People with Disabilities in Guatemala and I am a member of IANSA.

I come from Latin America, the region of the world worst affected by gun violence. According to data from the Homicide Monitor of the Igarapé Institute, 8 of the 10 countries with the world's highest homicide rates are in my region. Furthermore, of the 50 cities with the highest homicide rates, 47 are in Latin America. In cities such as Guarenas in Venezuela, Acapulco in Mexico, and San Salvador in El Salvador, firearms are a constant threat to people's lives.

At Guatemala City a firearm wounded me when I was only 15 years old. I lived in an area affected by the conflict between gangs. One day, after school, I went to the store to buy a soda. A gang member came by, intending to kill someone – anyone – from my neighbourhood. On that occasion I was the unlucky victim. He shot me point blank, leaving me paraplegic for the rest of my life. I survived, but each year more than a hundred thousand Latin Americans do not. The number of gunshot survivors in our region is disproportionate and has not been measured, but we know that the number of wounded significantly exceeds that of the dead.

The streets of Latin American cities are a constant threat to young men. The lethality of violence against women, which often occurs in domestic contexts, is amplified when a firearm is present. People are dying in confrontations between illegal armed groups, including drug traffickers, gangs and clashes

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<sup>6</sup> This statement was delivered on 20 June 2018 by Alexander Galvez of the IANSA Survivors Network and the National Council of People with Disabilities in Guatemala, during the NGO Presentations of the Third Review Conference on the UN Programme of Action on Small Arms.

involving security forces. Most of the victims and survivors of firearms occur in contexts of organised crime and common crime, and not of armed conflict. The need to concentrate on the urban theme is consistent with Sustainable Development Goal number 11, which aims to make cities and human settlements safe.

What brings me here as a member of civil society is to ask for improvements in the measures to control firearms and ammunition. I still don't know anything about the origin of the weapon or the bullet that wounded me. But I know it was a .38 revolver, and I still have fragments of the bullet in my body. Central America doesn't produce firearms, so this gun probably came into the perpetrator's hand through illicit trafficking or by diversion from government arsenals. It may have come through the porous border between Mexico and the United States. And it is at that same border that thousands of Central Americans are trying to find refuge from the violence afflicting our countries.

As a survivor of gun violence, I have experienced the consequences that, beyond physical pain, involve long-term emotional and economic effects for me, my family and my community. Survivors suffer from trauma and often have disabilities. Yet the health systems in our countries are also incapable of responding. The hundreds of thousands of survivors of guns are largely left to their own devices.

There are no government programs to assist victims of gunshot. This is different to the response to the situation of victims of landmines. If I were injured by a landmine, I would have benefitted from the support that the international community has mobilised around that problem. We can learn a lot from the landmines process, in order to provide support and a dignified response to the victims and survivors of firearms, who are far, far more numerous than those people injured by landmines.

I am a victim of the failure to control firearms and ammunition. I come to ask you, in the name of civil society, that this Review Conference produce more effective measures to reduce gun trafficking. We need an improvement in the attention

to survivors of armed violence. We need a focus on guns in crime, not just in conflicts. We should focus on cities. And most importantly, we should regulate ammunition.

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# Acronyms

ATT	Arms Trade Treaty
BMS	Biennial Meeting of States on the Programme of Action
BMS6	Sixth Biennial Meeting of States on the Programme of Action (2016)
CARICOM	Caribbean Community
CtA	Call to Action by Civil Society on Gender and Small Arms Control
DDR	Disarmament, demobilization and reintegration
DRC	Democratic Republic of the Congo
ECOWAS	Economic Community of West African States
GBV	Gender-based violence
IANSA	International Action Network on Small Arms
IATG	International Ammunition Technical Guidelines
IPPNW	International Physicians for the Prevention of Nuclear War
ITI	International Tracing Instrument
MAG	Mines Advisory Group
MOSAIC	Modular Small-arms-control Implementation Compendium
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
OSCE	Organization for Security and Co-operation in Europe
PACFAW	Pacific Foundation for the Advancement of Women

PoA	Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
RevCon	Review Conference on the Programme of Action
RevCon3	Third Review Conference on the Programme of Action (2018)
SADC	South African Development Community
SALW	Small arms and light weapons
SDGs	Sustainable Development Goals
SIPRI	Stockholm International Peace Research Institute
UAE	United Arab Emirates
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNODA	United Nations Office for Disarmament Affairs
UNODC	United Nations Office on Drugs and Crime
UNROCA	United Nations Register of Conventional Arms
UNSCAR	United Nations Trust Facility Supporting Cooperation on Arms Regulation
US	United States
WHO	World Health Organization
WILPF	Women's International League for Peace and Freedom





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