

IANSA Statement on the complementarities to instruments covering SALW
UNODC Second Constructive Dialogue on Firearms – Vienna, 5 May 2023

Agenda item III (*Spotlight on the topics of the 10th meeting of the Working Group on Firearms*):

(ii) How does the Protocol fit into the wider international and regional arms control framework and where do you see complementarities to other instruments?

Distinguished Chair, dear colleagues,

I have the honour to speak on behalf of the International Action Network on Small Arms, IANSA, which is a global network of over 500 non-governmental organisations working to reduce human suffering from the illicit trade and misuse of small arms and light weapons.

All States made commitments in the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (PoA). The PoA is a framework that sets out certain measures to be undertaken at the national, regional and global levels. As you know the PoA was designed to be complimentary to the the Firearms Protocol, which aims to prevent, control and combat the illicit manufacturing of and trafficking in firearms, parts and components and ammunition, and supplements the UN Convention against Transnational Organised Crime. In contrast, the PoA aims to address a much wider range of peace, security, humanitarian and development issues.

Whereas the PoA is not a legally binding treaty like the Firearms Protocol, it is very much a live instrument giving rise to an ongoing international programme of cooperation and action under the auspices of the United Nations. Virtually the entire membership of the UN has agreed to participate in its measures, and the PoA is subject to regular reviews at biennial meetings in New York. Most States report regularly on measures they committed to implement in the PoA and they adopt further complimentary measures - including measures promoted by IANSA. - in a series of UN outcome documents. However, there are still many States, especially in the global South and the DAC countries, that lack sufficient capacities to implement many of those agreed measures, and there are some States whose leaders have not demonstrated sufficient political will to implement the measures.

Complimenting the PoA and the Firearms Protocol are a series of regional and sub-regional instruments designed to strengthen the regulation of trade in SALW. These are mostly found in Sub-Saharan Africa, the Americas, the Caribbean and Europe. Beyond the basic obligation to create a national system that regulates the international transfer of SALW and prevents the diversion and illicit trade in SALW, those instruments vary significantly in the scope and binding nature of their provisions.

The latest international legal instrument relevant for the control of SALW is the Arms Trade Treaty (ATT), which was agreed upon in 2013 and now has 113 State Parties and 29 Signatories. The ATT provides an over-arching normative framework and obligates the Parties to establish certain national controls and transparent reporting systems to regulate ‘transfers’ of conventional arms including SALW and their ammunition with the objective of stopping arms from reaching those who would misuse them to, *inter alia*, undermine peace and security, violate international human rights and humanitarian law, commit acts of terrorism and transnational organised crime, or divert them into the illicit market for such uses.

Going beyond the Firearms Protocol and the PoA, the ATT sets out the specific circumstances when a State Party cannot authorise a transfer of the items included within the scope of the Treaty (including SALW), and is the first global treaty on arms control to expressly require State Parties to take into account the risk of arms exports “being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.” Nevertheless, unlike the Firearms Protocol, the ATT does not include definitions of the arms and activities in its scope, and unlike the Protocol and the International Tracing Instrument (ITI) developed under the PoA, the ATT does not include obligations to mark and trace weapons.

The precise definitions contained in the Firearms Protocol and the Transnational Crime Convention make it easier for States to adopt domestic legislation, and to help facilitate cooperation among states in the investigation, prosecution, and other procedures relating to illegal activities under the scope of the Convention and its Protocol.

From the point of view of small States with limited resources, as well as civil society, it would be much better if there was less fragmentation in the international and regional instruments that address SALW, and a more holistic approach to solve the problems of the illicit and the irresponsible trade in SALW and its effects.

Thank you for the opportunity to address you.