

This briefing paper focuses on the Programme of Action on Small Arms and Light Weapons, the Arms Trade Treaty (ATT), and the UN Register of Conventional Arms.² It addresses core challenges related to conventional weapons and their transfer, and suggests areas of current and potential synergy among these instruments.³ The relevant instruments are designed to address problems with both the legal and the illicit trade in weapons, ranging from small arms and light weapons to major conventional weapons.

This paper presents two main arguments: that each instrument is a component of a nascent arms transfer regime, and that the instruments can be used to strengthen each other. The instruments have common elements and goals, but also have important differences. Together, the constellation of instruments provides a significantly wider range of policy tools than will be available if States only choose to implement a single instrument. The UN Register was established in 1991,⁴ while the Programme of Action was agreed in 2001.⁵ The entry into force of the Arms Trade Treaty on 24 December 2014 adds a critical piece to the

arms transfer regime. This regime includes legally binding as well as politically binding elements.

The costs of failing to control the arms trade are considerable. The Small Arms Survey estimates that more than 500,000 people are killed as the result of armed violence each year.⁶ This is equivalent to approximately one person a minute, or 1500 people each day. The fundamental objective that underlies this work to control the arms trade is the need to reduce human suffering.

The next three sections compare the Programme of Action and the Arms Trade Treaty with respect to key elements such as the types of weapons they cover, how they deal with various types of transactions, and their provisions for cooperation and assistance.⁷ The interpretive material presents examples of existing and potential areas of synergy between these instruments, and also considers interactions among the Programme of Action, the ATT, and the UN Register of Conventional Arms. The last section considers challenges to fully implementing the instruments and suggests ways to improve their implementation.

Table 1: Comparison of the Programme of Action and the Arms Trade Treaty: Basic Provisions⁸

	PoA	ATT
Definition and Goals	The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN Small Arms Process) was adopted by consensus at the UN General Assembly after negotiations at the 2001 UN Conference on Small Arms. ⁹	The Arms Trade Treaty (ATT) was adopted by the UN General Assembly to regulate international trade in conventional arms by establishing the highest international standards and to prevent and eradicate illicit trade and diversion of conventional arms. The ATT entered into force on 24 December 2014. ¹⁰
	1. Prevent and eradicate the illicit trade in arms. 2. Reduce human suffering. 3. Recognize the security, social, economic and humanitarian consequences of the illicit and unregulated trade in arms, e.g. terrorism, armed conflicts, poverty. PoA [I.2, I.3, I.5, I.6, I.7], ATT [Preamble 2, 8, Article 1]	
Types of Weapons	Small arms and light weapons [I.1]	All conventional arms, including battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers and small arms & light weapons. [2.1, 5.3] Ammunition/munitions that are being exported. [3]
Activities covered	Manufacture, marking, recordkeeping, tracing, stockpile management, surplus identification and disposal, public awareness, DDR and children, international transfers of SALW. [II.5, II.6, II.7, II.8, II.9, II.10, II.16, II.17, II.18, II.19, II.20, II.21, II.22, II.27, II.29, II.30, II.34, II.41]	The activities of the international trade in conventional arms comprise export, import, transit, trans-shipment, and brokering. [2.2]
	1. International transfer including export, imports, transit and retransfer. 2. Brokering.	
Commitment and Implementation	Politically binding commitments. UN Member States have affirmed their 'will' to implement the PoA on a voluntary basis. Each State can implement the PoA as it wishes, usually guided by National Commissions in line with National Action Plans. [II.23, II.33]	Legally binding treaty obligations. Parties undertake to implement a range of binding obligations in their national arms transfer legislation and procedures in order to have an effective and transparent national control system regulating the transfer of conventional arms. [5.3, 5.5]
	Establish and maintain a national control system including laws, regulations and administrative procedures. PoA [II.2, II.3, II.4], ATT [5.2, 5.5]	

BASIC PROVISIONS OF THE PROGRAMME OF ACTION, THE ARMS TRADE TREATY, AND THE UN REGISTER

The Programme of Action (PoA)

The Programme of Action recommends action on national, regional, and global levels to “prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.”¹¹ In their initial commitment to the PoA, the assembled governments agreed to work to address all aspects of the illicit trade in small arms and light weapons. They committed to do so by developing or strengthening norms to prevent, combat, and eradicate the illicit trade, manufacturing of and trafficking, with a particular emphasis on post-conflict situations and excessive and destabilizing accumulations of small arms and light weapons.¹²

The Arms Trade Treaty (ATT)

- The stated purposes of the Arms Trade Treaty are: Contributing to international and regional peace, security, and stability;
- Reducing human suffering;
- Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties.¹³

The ATT represents a significant step forward in several respects:

- By setting international standards and creating benchmarks against which to measure States’ performance, the ATT gives governments and non-governmental organizations (NGOs) alike the ability to draw attention to countries’ successes and failures in implementing the treaty.
- The ATT is a global, legally binding treaty. This means that for the first time, States Parties are accepting the treaty’s provisions as legally, rather than only politically binding.
- The ATT’s provisions emphasize ensuring that arms transfers comply with both international humanitarian law and international human rights law.
- The ATT includes prohibitions on transfers under certain circumstances.
- The ATT requires States to keep records of weapons they export and import, as well as those that transit or transship their territory.

UN Register of Conventional Arms (“the UN Register”)

The United Nations Register of Conventional Arms was established by a vote of the UN General Assembly in 1991. As originally constituted, the Register covered the same five categories of weapons as those limited by the Treaty on Conventional Forces in Europe: battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, and attack helicopters. It also included two additional categories – one for warships, and one for both missiles and missile launchers. More recently, States have been invited to include information on transfers of small arms and light weapons on an optional supplemental reporting form.

The UN Register was designed to increase transparency

in weapons transfers. It also focused on preventing “the excessive and destabilizing accumulations of arms.” The General Assembly resolution authorizing the Register summarized the justification for the Register, as well as plans for its initial implementation. The resolution recognized the importance of increasing transparency on arms transfers, procurement through national production and military holdings, as ways of promoting stability. It also emphasized the costs of excessive and destabilizing accumulations of weapons. It called for restraint in arms imports and exports, especially in areas where tensions or conflict were present. From the beginning, the Register was designed to be adjusted and expanded as necessary.¹⁴

Opportunities for Synergy

One way of creating synergy among the instruments is using the strength of one instrument to enhance another. For example, reporting on transfers of small arms and light weapons is likely to be more detailed in the annual reports for the ATT than in the UN Register, as the ATT includes small arms and light weapons as one of its core categories, but the Register only includes them as optional additional information. This means that States could use their more detailed ATT reports to strengthen their UN Register reports. The ATT has not eliminated the need for the Register, however. More than 170 countries have reported to the UN Register since it began in 1991, while 83 States have ratified or acceded to the ATT.¹⁵

TRANSACTIONS

The PoA and the ATT have similar standards for the arms transfer process, including the need to keep comprehensive records of transfers and regular reporting requirements. They also have similar principles with respect to taking into account the risk of diversion of weapons into the illegal trade, regulating weapons that transit countries’ territory, and documenting imports and exports.

However, the PoA states that countries should keep their records as long as possible, while the ATT requires keeping records for at least a decade. The PoA also has more extensive information on certification of the end user for weapons transfers.

Opportunities for Synergy

States could declare their intent to apply the PoA record-keeping requirement to their implementation of the ATT, by extending the period of time during which they would retain records. They could also declare their intent to follow the PoA’s end user certification requirements. Another opportunity for synergy would be to apply the stronger PoA standards on diversion to the implementation of the ATT.¹⁶ By following the PoA’s standards for record keeping, end user certification, and diversion in their implementation of the ATT, States could enhance ATT implementation.

Table 2: Comparison of the Programme of Action and the Arms Trade Treaty: Transactions

	PoA	ATT
Recording and Reporting	<ol style="list-style-type: none"> 1. Comprehensive and accurate records are kept for as long as possible. [II.9] 2. Voluntary biennial reports on implementation. [II.33] 	<ol style="list-style-type: none"> 1. Each State Party shall maintain national records on transfers. Records shall be kept for a minimum of ten years. [12.1, 12.2, 12.3] 2. Each State Party must submit a report annually to the Secretariat by 31 May. [13.3]
Transfers, Export Assessment, and Diversion	<ol style="list-style-type: none"> 1. 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. [II.11] 2. Establish or maintain an effective national system of export and import licensing or authorization, as well as measures on international transit, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons. [II. 11] 3. Put in place and implement adequate laws, regulations and administrative procedures to ensure the effective control over the export and transit of small arms and light weapons, including the use of authenticated end-user certificates and effective legal and enforcement measures. [II.12] 4. Make every effort to notify the original exporting State in accordance with their bilateral agreements before the retransfer of those weapons. [II.13] 5. To take appropriate measures against any activity that violates a United Nations Security Council arms embargo in accordance with the UN Charter. [II.15] 	<ol style="list-style-type: none"> 1. Each State Party shall prohibit a transfer of conventional arms if it would (i) violate UN Security Council sanctions or embargoes or (ii) violate its relevant international obligations to which it is a party, or (iii) if it has knowledge that it would be used in the commission of genocide, crimes against humanity or war crimes. [6.1, 6.2, 6.3] 2. Each exporting State Party shall conduct an export assessment before transfer. If, after considering measures to mitigate the risk, the exporting State determines that there is an overriding risk of any of these negative consequences, it will not authorize the export. [7.1, 7.2, 7.3] 3. The exporting State shall take into account the risk of the arms being used to commit or facilitate serious acts of gender-based violence, or serious acts of violence against women or children [7.4] 4. Underlying the need to prevent the diversion of conventional arms to the illicit market, unauthorized end use and end users, each State Party shall take measures to prevent diversion and exporting State Parties shall consider measures to mitigate risks of diversion. [Preamble para 3, 11.1, 11.2, 11.3] 5. Each exporting State Party is encouraged to reassess an authorized export if it becomes aware of new relevant information. [7.7]
	<ol style="list-style-type: none"> 1. States must take appropriate measures to prohibit transfers that violate Security Council arms embargoes and obligations under the UN Charter and Geneva Conventions and Protocols. PoA [II.11, II.15], ATT [6] 2. States must assess the risks of a potential export and must not authorize an export that would be used to commit or facilitate serious violations of relevant international law. PoA [II.11], ATT [11.12, 11.13] 3. States should take into account the risk of diversion of these weapons into the illegal trade and take measures to prevent such diversion. PoA [II.2, II.11], ATT [7.1, 7.4, 11.1, 11.2, 11.3] 4. Ensure all authorizations before export. PoA [II.12], ATT [7.5] State shall make information on transfer available to importing State Party or original exporting State. PoA [II.13], ATT [7.6] 	
Import	<ol style="list-style-type: none"> 1. Authorized documentation on import is required. PoA [II.11], ATT [8.1, 8.3] 2. States should take effective measures to regulate import. PoA [II.12], ATT [8.1, 8.2] 	
Transit	<ol style="list-style-type: none"> 1. Ensure effective control over transit of SALW, including authenticated end-user certificates and effective legal and enforcement measures. [II.12] 	<ol style="list-style-type: none"> 1. Each State Party shall regulate the transit or trans-shipment of arms through its territory in accordance with relevant international law. [9] 2. States are encouraged to maintain records of conventional arms that are authorized to transit or trans-ship territories under its jurisdiction. [12.2]
	States shall take appropriate measures, including laws, regulations and administrative procedures to regulate the transits of arms. PoA [II.12], ATT [9]	
Brokering	States shall develop legislation or administrative procedures to regulate arms brokering. Such measures may include registration of brokers or authorizations of brokering transactions. PoA [II.14], ATT [10]	

STOCKPILE MANAGEMENT, COOPERATION, AND ASSISTANCE

The PoA and ATT have similar approaches with respect to civil society’s role in supporting the two instruments. Both instruments also devote significant attention to providing assistance to other States Parties. The PoA, however, provides significantly more detail on stockpile management and destruction of surplus weapons.

Opportunities for synergy

Although the ATT focuses on arms transfers, it also has an objective of restraining the illicit trade in conventional weapons. States could enhance the ATT through robust adherence to the PoA’s provisions on managing weapons stocks. They could also reduce the quantity of weapons available for diversion into the illicit market by following the PoA’s direction to destroy surplus weapons.

Table 3: Comparison of the PoA and the ATT: Stockpile Management, Cooperation, and Assistance

	PoA	ATT
Stockpile Management	States shall take necessary measures to manage the stocks of weapons and authorized bodies should regularly review the stocks. [II.8, II.17, II.18, II.29]	Only reference is to stockpile management as an area in which States may seek assistance. [16.1]
Post-conflict, Public Awareness, and Destruction of Surplus Weapons	States shall develop and implement necessary measures to control or destroy surplus weapons especially in post-conflict situations and promote public awareness on peace. [II.20, II.21, II.30, II.34, II.41, III.16, III.18]	<ol style="list-style-type: none"> 1. Mindful of the role regional organizations can play in assisting States Parties in implementing this Treaty. 2. Recognizing the voluntary and active role that civil society, including non-governmental organizations, and industry, can play in raising awareness of the object and purpose of this Treaty, and in supporting its implementation. [Preamble, para 15]
Customs Cooperation	Regional and international trans-border customs cooperation among relevant bodies shall be encouraged. [II.27, II.37]	<ol style="list-style-type: none"> 1. To address diversion, measures may include alerting potentially affected States Parties, examining diverted shipments of conventional arms and following up through investigation and law enforcement. 2. Sharing information on illicit activities including corruption, international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion. [11.4, 11.5, 14]
International Cooperation and Assistance	<ol style="list-style-type: none"> 1. States and international and regional organizations shall consider assisting and promoting conflict prevention. [III.4] 2. International cooperation and assistance to examine technologies on monitoring illicit trades are encouraged. [III.10] 3. States shall address human and sustainable development issues and activities in post-conflict situations. [III.17] 	<ol style="list-style-type: none"> 1. States Parties shall cooperate with each other, consistent with their respective security interests and national laws, to effectively implement this Treaty. [15.1] 2. States Parties are encouraged to facilitate international cooperation, including exchanging information on matters of mutual interest regarding the implementation. [15.2, 15.3, 15.4, 15.7] 3. States Parties shall, where jointly agreed and consistent with their national laws, afford one another the widest measure of assistance in investigations, prosecutions and judicial proceedings in relation to violations of national measures established pursuant to this Treaty. [15.5] 4. States are encouraged to cooperate to prevent the transfer of weapons becoming subject to corrupt practices. [15.6]
	<ol style="list-style-type: none"> 1. Recognize the roles that regional organizations, civil society, including non-governmental organizations and industry can play in preventing conflicts, in raising awareness and in supporting the instruments. PoA [I. 15, I.16, I.18, II.40, IV.2], ATT [Preamble 14, 15] 2. States parties shall cooperate with each other on sharing information and exchanging experience on training. PoA [III.5, III.7, III.8, III.9, III.12], ATT [15.1, 15.2, 15.3, 15.4, 15.7] 3. Each state party may seek or render assistance including legal, legislative, technical, material, financial and capacity-building assistance. PoA [III.3, III.6, III.14, III.15], ATT [15.5, 16.1] 	

ENHANCING IMPLEMENTATION OF THE INSTRUMENTS

This section identifies common obstacles to the full implementation of these instruments, and suggests ways forward. The challenges include limited and inconsistent reporting and transparency; lack of universality, comprehensiveness, and capacity; and procedural barriers to progress

Challenge: Transparency and participation

Tables 4 and 5 provide data on the participation of top importers and exporters in certain aspects of the Programme of Action, the UN Register and the Arms Trade Treaty.¹⁷ The tables focus primarily on States’ reporting to the PoA, the UN Register, and the ATT Baseline Assessment Project.¹⁸ They also give States’ status with respect to ATT signature and ratification. The UN Register is a reporting tool. In contrast, full implementation of States’ commitments to the PoA and the ATT requires action far beyond reporting, as is evident in Tables 1, 2, and 3. Tables 4 and 5 summarize basic levels of participation in the context of the PoA and ATT.



Guy Oliver/IRIN

Table 4: Top Exporters and Participation in Key Instruments

Exporter rank 2011-2015	Exporting country	PoA 2014	PoA 2012	UN Register 2014	UN Register 2013	UN Register 2012	ATT status	Baseline Assessment Project report
1	USA	Y	Y	Y	Y	Y	S	Y
2	Russia	Y	Y	Y	Y	Y	N	N
3	China	Y	N	Y	Y	Y	N	N
4	France	Y	Y	Y	Y	Y	R	Y
5	Germany	Y	Y	Y	Y	Y	R	Y
6	UK	Y	Y	Y	Y	Y	R	Y
7	Spain	Y	N	Y	Y	Y	R	Y
8	Italy	Y	Y	Y	Y	Y	R	Y
9	Ukraine	Y	Y	Y	Y	Y	S	N
10	Netherlands	N	N	Y	Y	Y	R	Y

Table 5: Top Importers and Participation in Key Instruments

Importer rank 2011-2015	Importing country	PoA 2014	PoA 2012	UN Register 2014	UN Register 2013	UN Register 2012	ATT status	Baseline Assessment Project report
1	India	Y	Y	Y	N	Y	N	N
2	Saudi Arabia	N	N	N	N	N	N	N
3	China	Y	N	Y	Y	Y	N	N
4	UAE	N	N	N	N	N	S	N
5	Australia	Y	Y	Y	Y	Y	R	Y
6	Turkey	N	Y	N	Y	Y	S	Y
7	Pakistan	Y	Y	N	N	Y	N	N
Tie 8	Viet Nam	N	N	Y	Y	Y	N	N
Tie 8	USA	Y	Y	Y	Y	Y	S	Y
10	South Korea	Y	Y	Y	Y	Y	S	N

Key for tables 4 and 5:

PoA 2014, 2012	Y = submitted national report on the Programme of Action that year N = did not report that year
UN Register 2014, 2013, 2012	Y = submitted at least a partial report to the UN Register for that year N = did not report that year
ATT status column:	S = signed R = ratified N = neither signed nor ratified
Baseline Assessment Project report:	Y = report available at http://www.armstrade.info/country-profiles/ as of 7 May 2016 N = report not available

Example: There is a need for greater participation in ATT by top suppliers, though their participation in other instruments is more consistent

One of the core challenges to the full implementation of the ATT is the lack of participation by some key arms suppliers. Of the countries the Stockholm International Peace Research Institute (SIPRI) identified as the top ten weapons suppliers (by dollar value) between 2011-2015, eight of the ten have signed the Arms Trade Treaty (all but China and Russia), but just six have ratified it. Notably, the United States and Russia – by far the dominant suppliers – have not ratified the treaty.

Even though the top three exporters and four of the top ten exporters by dollar value from 2011-2015 have not ratified the ATT, top exporters have participated in other efforts.¹⁹ For example, in 2014, the year of the last Biennial Meeting of States on the PoA, 76 countries submitted national reports, including nine of the top 10 exporters listed in the SIPRI

factsheet. In addition, all ten of the top exporters submitted at least partial reports to the UN Register for 2014, 2013, and 2012.²⁰ Seven of the ten have submitted reports to the ATT Baseline Assessment Project.²¹

Example: The leading importers' record is less consistent, although almost all of the top importers have participated in at least one of the three instruments

There is also a great deal of work to do on the importing side. Of the top ten importing States measured by dollar value from 2011-2015, just five have signed the ATT, though not the top three importers (India, Saudi Arabia, and China). Of the five countries that have signed the treaty, just one (Australia) has ratified it. Leading importers' participation in PoA and UN Register reporting is also less reliable than that of the leading exporters. Even so, three of the top five importers and six of the top ten submitted national reports to the PoA in 2014. Only five of the top importers submitted

reports to the UN Register for 2014, 2013, and 2012, although seven of the top ten importers submitted reports for two of the three years. Just three of the top 10 importers have submitted reports to the ATT Baseline Assessment Project.

Even though the participation of some countries has been variable, nine of the top ten importers have participated in at least one of the three instruments. The only exception is Saudi Arabia, which did not submit reports to the Programme of Action or the UN Register, and has not signed the ATT.

A way forward: Countries' willingness to participate in some instruments may provide leverage to encourage movement toward universality

The fact that virtually all of the leading importers and exporters of conventional weapons have participated at some level in at least one of the three instruments gives a basis for encouraging them to move toward participation in all three. As mentioned above, by completing their reports to the ATT, for example, countries are also compiling data that can be used in their UN Register reporting.

Challenge: Lack of specificity of weapons categories, lack of comprehensiveness, and excessive focus on major weapons limits the relevance of these instruments for some countries

Another consistent problem across instruments is the categories of weapons included. The UN Register was established as the Cold War had just ended. The Register was built on the traditional Cold War weapons categories, and simply took those categories from the "offensive weapons" listed in the Treaty on Conventional Forces in Europe – battle tanks, armored combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, and warships.²² The list was amended to add missile and missile launchers, but they were added as a single category. Small arms and light weapons were subsequently added to the UN Register, but as an optional category, not within the main form.

This lack of specificity and failure to comprehensively include weapons, ammunition, and munitions was then repeated with the Programme of Action and to a lesser extent with the Arms Trade Treaty. This lack of comprehensiveness has resulted in insufficient attention to small arms and light weapons (and their corresponding ammunition) – the weapons most commonly used in armed violence.

A way forward: Disaggregating small arms and light weapons would be a good first step

The weapons that are causing most of the killing in current and recent conflicts are not considered a core part of the UN Register. Making the small arms and light weapons category an integral part of the Register, and breaking the category out into specific types of weapons systems would

help resolve this problem.

Fully integrating small arms and light weapons in the UN Register would also foster synergy among the instruments. Small arms and light weapons are already an integral part of the ATT; that approach should be a model for the future development of the UN Register.

Challenge: The need to build national and NGO capacity

Many countries need significant assistance in order to carry out initiatives such as the PoA and the ATT. Issues include a lack of regulations and laws governing arms transfers, systems for record keeping that are minimal or do not exist, inadequate guidelines for stockpiles, unsafe and unsecured storage facilities, and lack of financial resources to implement new programs and regulations.

A significant challenge for implementing these instruments is that the "weakest link" may well determine their success or failure. Arms smugglers have long shown themselves adept at finding new routes for their weapons, adapting to changing circumstances. This means that, for example, porous borders in one country are likely to affect the ability to implement controls in the neighboring countries. The country with the weakest standards in a region or subregion may effectively set the standard for the other countries in the area.

Another challenge is that NGOs, who can contribute a great deal of expertise and can mobilize public support for these instruments, are severely constrained in their ability to participate fully in UN fora. NGOs are offered limited opportunities to participate in the debate, often being limited to presentations in a single session of a conference or preparatory meeting. They also suffer from a chronic lack of material resources, which forces them to make difficult decisions about which international and regional processes to track and which meetings they can afford to attend.

A way forward: Increasing technical assistance and ensuring that NGOs receive appropriate funding

Capacity building for state officials, NGOs, and UN partners is underway through programs such as UNSCAR, the UN Trust Facility Supporting Cooperation on Arms Regulation.²³ This has helped lessen problems with funding for the organizations that have secured support, though NGOs working to help States and international organizations implement these initiatives are still chronically underfunded and understaffed.

NGOs need additional funding to effectively participate in implementation of these instruments. In addition, targeted funding for specific groups will help ensure that their communities are fully represented in UN fora. For example, participants from developing countries are often only able to attend conferences when they receive outside aid. Such funding could also help ensure that survivors of armed

violence, including survivors of gender-based violence, are heard.

In turn, States with limited technical and financial resources have long lists of projects for which they seek assistance.²⁴ Continuing to expand these programs will help ensure full implementation of these instruments. Initial reports suggest that there are significant gaps between existing conventional arms control and disarmament capacities of States and what is needed for States to fully implement the ATT, for example.²⁵

Challenge: The consensus process continues to inhibit progress

Defining consensus as virtual unanimity in international negotiations and deliberations on conventional weapons is a tactic that some skeptical States have frequently used to block change. This means that even when the vast majority of countries support a particular measure, one or a small number of countries can prevent progress.

The minimalist strategies fostered by an overly strong insistence on consensus can carry significant risks. The history of these instruments suggests that expanding programs and documents after their initial adoption tends to be difficult, for example.

A way forward: The instruments and their interpretations need to change in response to altered circumstances

Circumstances change over time. In the best case, these instruments will be living documents that can be adapted to different needs over time. If it is impossible to adapt the instruments themselves, countries will need to adapt their practices. At the most recent Biennial Meeting of States in 2014 (“BMS”), States showed progress in this regard.²⁶ Although States did not change the text of the PoA, NGOs were able to influence the results of the conference in several important ways. NGOs improved references to women, strengthened the understanding of the role of civil

society, and were also successful in increasing attention to survivors of armed violence and to issues of gender-based violence. NGOs were somewhat successful in increasing countries’ focus on the public health dimensions of armed violence and to the relationship between crime and armed violence.²⁷ The progress made at BMS5 is an indication that the Programme of Action and its interpretation have the potential to change to respond to current circumstances and needs, even if the document itself may not have changed.

In contrast, the experts groups on the UN Register have had a great deal of difficulty in reaching consensus on changes to the Register. In addition, States were only able to reach agreement on the Arms Trade Treaty by abandoning the consensus rule and taking the treaty to the General Assembly for a vote. Moving away from defining consensus as virtual unanimity will better position each of these instruments to respond to current and future challenges.

CONCLUSION

Although significant obstacles make it difficult to fully implement these instruments, this briefing paper has described some ways in which synergies among the instruments may help resolve these problems. And despite diverse perspectives on specific policy initiatives, there seems to be a shared understanding throughout the international community that an unregulated trade in conventional weapons risks severe negative consequences.

Seeking a new global norm that takes into account the short and long-term benefits and costs of the weapons trade requires activity at the local, national, regional, and global levels. Although many useful initiatives are already underway, significant change is likely to be impossible without cooperative efforts by governments and civil society. The instruments analyzed in this briefing paper are interdependent; favoring one approach to the exclusion of the others may risk broader failure.

ENDNOTES

1. Dr. Natalie J. Goldring is a Senior Research Fellow and Adjunct Full Professor with the Security Studies Program in the Edmund A. Walsh School of Foreign Service at Georgetown University. She also represents the Acronym Institute on conventional weapons and arms transfer issues at the United Nations.
2. IANSA gratefully acknowledges Brian Wood, David Atwood, and Owen Greene’s helpful comments and suggestions on this briefing paper.
3. The same analysis could be extended to other instruments, such as the International Tracing Instrument, the International Firearms Protocol, and the Sustainable Development Goals.
4. United Nations Office for Disarmament Affairs, “UN Register of Conventional Arms.”
5. United Nations, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. In this paper, the instrument is referred to as the “Programme of Action” or PoA.
6. Small Arms Survey, “Armed Violence.”
7. More extensive reports on related topics are available from several research institutes. For example, see: Pacific Small Arms Action Group, Arms and Ammunition In Oceania: A Guide for Pacific Governments and Elli Kytömäki, The Arms Trade Treaty’s Interaction with Other Related Agreements.

8. IANSA gratefully acknowledges Yuyan Liu's drafting of Tables 1, 2, and 3. Note that the UN Register has a substantially different structure. It is not included in Tables 1, 2, and 3, but is covered in the text as relevant, and is included in Tables 4 and 5.
9. IANSA, "Differences between the United Nations Programme of Action and the United Nations Arms Trade Treaty."
10. United Nations, Arms Trade Treaty.
11. United Nations, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.
12. *ibid.*
13. United Nations, Arms Trade Treaty, Article 1, Object and Purpose.
14. United Nations, "General and complete disarmament: Resolution 'L' -- Transparency in armaments."
15. For UN Register data, see: <https://www.un.org/disarmament/convarms/register/> ; For ATT status as of 11 May 2016, see: <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2016/05/ATT-status-11-May-2016.pdf>
16. Pacific Small Arms Action Group, Arms and Ammunition in Oceania: A guide for Pacific Governments.
17. Information about the ten largest importers and exporters in these tables and the following section is drawn from Aude Fleurant, Sam Perlo-Freeman, Pieter D. Wezeman and Siemon T. Wezeman, "Trends in International Arms Transfers, 2015."
18. Reporting to the Baseline Assessment Project is treated as a proxy for reporting to the ATT.
19. Stockholm International Peace Research Institute, "Trends in International Arms Transfers, 2015."
20. Since countries report in a given calendar year on their transfers in the previous year, these are the most recent years for which data are available. The 2016 reports for transfers that took place in 2015 are not due yet.
21. Arms Trade Treaty Baseline Assessment Project.
22. Treaty on Conventional Armed Forces in Europe.
23. For additional information on UNSCAR, see: <https://www.un.org/disarmament/UNSCAR/>
24. For example, see: UN Programme of Action Implementation Support System, "Matching Needs and Resources, 2012-2014."
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Funding thanks to:

June 2016

Design: Yolanda Lan