

Coming Full Circle:

The relevance of arms control and disarmament instruments to
Target 16.4 of the 2030 Agenda



control arms

 nonviolence
international

*"War shatters lives. It creates poverty and wastes billions every year. The people living in the midst of violence often have the greatest insight into its causes, yet they are often excluded from efforts to find a resolution."*¹

Introduction


The 2030 Agenda for Sustainable Development is a plan of action set forth by the United Nations and all its Member States to bolster the resolve of people and the planet in strengthening universal peace and harmony. Motivated by the idea that no one will be left behind, the Agenda 2030 outlines the Sustainable Development Goals (SDGs), which aim to work as a comprehensive framework for tackling issues relating to inequality, hunger, violence, health, environment, economic opportunity and employment that will indirectly benefit human rights. They were developed over a period of three years by way of an open working group, that included representatives from over 70 countries and regions. The SDGs, containing 17 goals and 169 targets, were formally adopted on 25 September 2015 through a General Assembly Resolution and are embedded in the 2030 Declaration.²

The pursuit of peace features throughout the 2030 Declaration and is one of the five cross-cutting priorities agreed by states in its Preamble. Particularly, 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."* It broadly looks to reduce violence, increase security and the rule of law, and create strong, inclusive and effective institutions delivering justice and public services. Within this goal, Target 16.4 requires that the global community *"by 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime."*

There are several conventional arms control and disarmament agreements that seek to curb, either directly or indirectly, the illicit flow of arms, which is the element of Target 16.4 that this brief focuses on. Some of these are global in

¹ Conciliation Resources. *Development, peace and security: the post-2015 framework*. <http://www.cr.org/comment/development-peace-and-security-post-2015-framework-teresa-dumasy>

² "Transforming our world: the 2030 Agenda for Sustainable Development" A/RES/70/1 of 25 September 2015 available http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E



application, while others are regional, and some include weapons that are banned under considerations of International Humanitarian Law (IHL).

As such, this policy brief identifies and describes some of the major international conventional arms control and disarmament agreements that could be used to support States towards national action on Target 16.4, as well as facilitate monitoring and reporting on progress. The objectives of these agreements and their relationship or relevance to Target 16.4's aim of reducing illicit arms flows. We then describe the reporting mechanisms of these agreements in order to illustrate how the information provided by certain reports, as well as databases, can also serve as a measure of progress in evaluating Target 16.4. We encourage states to explore how their existing practice can become multi-purpose.

Arms flows, conflict and sustainable development


The circulation and availability of conventional weapons plays a central role in inhibiting a country's socio-economic development. Apart from the immediate loss of lives, the impact of violence and armed conflict is devastating to a country's institutions, economy, infrastructure, productivity and social cohesion.³ Certain weapons, such as anti-personnel landmines or cluster munitions, can render a commercial district or farmer's field unusable for years, limiting production. It has been estimated that on average, armed conflict shrinks an African nation's economy by 15 per cent.⁴

There are three key ways in which certain existing global agreements on arms flows can align with the 2030 Agenda:

1. Supporting **action** towards meeting Goal 16 in general and Target 16.4 in particular. These goals and targets are not meant to be implemented in the way that treaty obligations are, but should instead be seen as outcomes requiring action and support to be reached. Some of the existing arms control and disarmament agreements included in this brief can assist with the same as they include specific obligations that directly seek to decrease illicit arms flows, while all of them offer technical expertise that can be useful. Their existence also adds a layer of political pressure and possibly financial resources that may also be leveraged to get the job done.

³ Geneva Declaration Secretariat, 2008, p. 31; World Bank, 2011.

⁴ Oxfam, IANSA and Saferworld, *Africa's Missing Billions*, 2007.



2. **Monitoring progress** towards meeting goals and targets via their indicators. As explained below, global indicators to monitor progress for each of the goals and complementary targets are in the process of being finalized. However, national indicators are left to be decided by states alone, and it is clear from the MDGs that without action at the national level, the 2030 Agenda will not be achievable in its entirety. In this regard, States can look at international arms agreements as potential sources of data when developing their own national level indicators relating to Target 16.4.

3. By supporting **follow-up, review and reporting** processes. The reporting requirements of some of the international arms agreements described in this brief may provide information that States can use to report on their progress during High Level Political Forums (HLPF) in the future.

For every SDG in the 2030 Agenda, there are indicators being agreed upon by the international community at large as a way to measure progress of these SDGs. Indicators are an essential mechanism being included in the SDG process to monitor progress, inform policy, and ensure accountability of all stakeholders. Indicators are divided into three types – global, regional, and national. Global indicators are being developed and managed by the Inter-agency and Expert Group on SDGs and will be applicable to all Member States. At present, the proposed indicator for Target 16.4 dealing with arms trade is “Proportion of seized small arms and light weapons that are recorded and traced, in accordance with international standards and legal instruments.”

National indicators however are decided upon and adopted by Member States in their individual capacity, who are free to pick and choose national indicators that best suit its need and capacity to collect and analyze data. As acknowledged in the Agenda 2030 document, the work of achieving these SDGs will be successful only when there is national level action, which is to be defined by the respective State itself. Therefore, every State is strongly encouraged to establish its own indicator(s).

There is the possibility of adding a fourth category of ‘thematic’ indicators that would cut across the different agreements included in this brief. In the context of the Millennium Development Goals, these were additional indicators used by some UN agencies and particularly focused on health. This may be something for the arms control community to consider further.

Facilitating action toward Target 16.4: Disarmament agreements

a) The Arms Trade Treaty, 2013⁵ (ATT)

The ATT is perhaps the most relevant international instrument for assessing progress on Target 16.4. The UN's Rule of Law Unit made specific reference to the Treaty in its guidance on Goal 16.⁶ The ATT covers all conventional arms within the seven categories of the UN Register of Conventional Arms (UNROCA), described further on in this brief, as well as small arms and light weapons (SALW). It further contains provisions pertaining to ammunition, and parts and components. One of the objectives of the ATT is to prevent diversion of arms from licit to illicit markets through strengthening international controls on the legal trade in arms. States Parties are legally obligated to assess the risk of misuse of weapons against a specific set of criteria. The ATT currently has 85 States Parties and 48 signatories. Its reporting requirements are legally binding and like other agreements mentioned here, it provides for cooperation and assistance among States Parties to support Treaty implementation.

Facilitating action: The ATT directly facilitates action toward meeting Target 16.4 and further galvanizes political pressure to do so. Implementation of its provisions, including the establishment of national control systems, end-use and end-user certification and regulation of brokers, reduce the risk of arms becoming diverted to and traded on the illicit market. The technical expertise that comes along with successful ATT implementation can simultaneously benefit Target 16.4, while its reporting requirements offer further utility in monitoring progress, as will be discussed in the next section.

⁵ The Arms Trade Treaty. Available online <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

⁶ Executive Office of the Secretary-General/Rule of Law Unit, United Nations Development Programme (UNDP). "Guidance on Goal 16 at Second Meeting of the Inter-Agency and Experts Group on SDG Indicators". 26 October 2015. Available online <http://unstats.un.org/sdgs/files/meetings/iaeg-sdgs-meeting-02/Statements/UNDP%20PBSO%20EXO%20RoLU%20guidance%20Goal%2016.pdf>

b) UN Programme of Action of Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects, 2001⁷ (PoA)

The PoA, a politically binding instrument, is also closely associated with the aims of Target 16.4 of the SDGs. The PoA covers small arms and light weapons and their ammunition. It further sets out a range of measures that States can undertake to control transfers of small arms and light weapons, regulate their brokering, manage stockpiles and enforce import and export controls. Under the PoA, Member States voluntarily agree to improve national small arms laws. In 2005, the Member States also adopted the International Tracing Instrument (ITI) which requires governments to mark and trace all small arms being traded. The ITI can be used as an essential data source for the proposed global indicator for Target 16.4, since it directly focuses on the tracing of conventional arms. The PoA therefore provides a very good framework that is relevant to counter the illicit trade of small arms and light weapons and also provides for cooperation and assistance between States in support of implementation. It was adopted by consensus in 2001 and undergoes periodic review at biennial meetings.

Facilitating action: Similar to the ATT, the PoA can spur action on the part of states that will ensure they meet Target 16.4 via the steps and good practices that it sets out, for example in the areas of stockpile security, licensing, destruction of surplus weapons, among others. There is an even more direct overlap between the two as both specifically target illicit trade in arms. The existence of the PoA lends political pressure to the importance and legitimacy of eliminating this trade and creates a distinct forum for states and experts to meet and discuss related progress and challenges. While there are constraints to this pressure as the PoA is not legally binding, it is undoubtedly a key instrument with potential to help states meet Target 16.4.

⁷ Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN Document A/CONF.192/15). Available online <http://www.poa-iss.org/Poa/pohtml.aspx>

Instrument	Voluntary	Legally Binding
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (1980)		✓
UN Register on Conventional Arms (1991)	✓	
The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997)		✓
UN Programme of Action of Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (2001)	✓	
UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (2001)		✓
Convention on Cluster Munitions (2008)		✓
Arms Trade Treaty (2013)		✓


Fig. A: Enforceability of Instruments

c) UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, 2001⁸ (Firearms Protocol)

The Firearms Protocol is a supplement to the United Nations Convention against Transnational Organized Crime. It is a legally binding instrument on small arms, applicable on a global level, with 112 parties and 52 signatories.⁹ It provides for a framework in which States Parties can control and regulate licit arms and arms flows, and prevent their diversion into the illegal circuit. It further aims at solidifying international cooperation and developing mechanisms to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition. Parties to the Firearms Protocol undertake to adopt, and implement legislation which while being consistent with their national legal system, works to prevent, investigate and prosecute offences stemming from the illicit manufacturing of and trafficking in firearms, thereby directly corresponding with Target 16.4.

⁸ UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. Available online <https://www.unodc.org/unodc/en/firearms-protocol/firearmsprotocol.html>.

⁹ Adopted by resolution 55/255 of May 31, 2001 at the 55th session of the General Assembly of the UN. Entered into force on July 3, 2005.



Facilitating action: The Protocol looks to facilitate and strengthen cooperation amongst states in order to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition. As with the other agreements discussed, it is a vehicle by which states can pursue tangible policies that support Target 16.4. As a legally binding agreement, there is significant political pressure to put such policies in place. It's connection to transnational organized crime is also worth noting as it can give access to a broader pool of resources, both financial and human than agreements that have a focus explicitly on weapons. There may also be valuable lessons learned from the linking up of these two issues that could be useful in approaching the linkages between armed conflict and sustainable development.

d) Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects¹⁰ (CCW)

The purpose of the CCW is to ban or restrict the use of specific types of weapons that are considered to cause unnecessary or unjustifiable suffering to combatants or affect civilians indiscriminately, according to IHL. It has six protocols that apply to non-detectable fragments, use of mines, booby traps and other devices, incendiary weapons, blinding laser weapons and explosive remnants of war. It was adopted in Geneva on 10 October 1980 and entered into force on 2 December 1983.

Facilitating action: The provisions of the CCW focus on the use of weapons more so than their transfer or movement, and therefore there is a less direct relationship to reducing illicit arms flows as set out in Target 16.4. That said, the overall impact on sustainable development of many of the weapons that includes is very significant especially in terms of damage they may cause to infrastructure, agriculture and the individuals that comprise a nation's work force.

¹⁰ The Convention on Certain Conventional Weapons and its Protocols are available at <http://www.gichd.org/mine-action-topics/international-conventions/convention-on-certain-conventional-weapons-ccw/#.VzX5svkrLIU>.

Instrument	Primary relevance	Secondary relevance
UN Programme of Action of Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects	✓	
Arms Trade Treaty, 2013	✓	
UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol), 2001	✓	
UN Register on Conventional Arms		✓
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects		✓
The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction		✓
Convention on Cluster Munitions		✓

Fig. B: Relevance of Instruments

e) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction¹¹ (Mine Ban Convention)

The Mine Ban Convention bans the use, stockpiling, production and transfer of anti-personnel mines. States Parties are also obligated to destroy both stockpiled and emplaced anti-personnel mines within a specified time frame, while providing assistance to the survivors of landmine accidents, many of whom are women and children. It further provides for cooperation and assistance among States Parties in support of implementation. The Mine Ban Convention also works towards facilitating implementation support between Member States. It was adopted on 18 September 1997 and entered into force on 1 March 1999

Facilitating action: While the Mine Ban Convention does not necessarily work directly towards reducing and controlling illicit arms flow per Target 16.4, the blanket prohibition on the transfer of anti-personnel mines eliminates legal trade

¹¹The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction is available <https://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/d111fff4b9c85b0f41256585003caec3?OpenDocument>

and thereby can prevent diversion to the illicit market. The prohibition of these weapons and related stigmatisation around their use has positive impact and valuable impact on sustainable development and the reduction of armed violence and violent deaths.

f) The Convention on Cluster Munitions¹² (CCM)

The CCM, in a similar way to the Mine Ban Treaty, prohibits all use of cluster munitions or any development, production, acquisition, stockpiling, retaining or transferring to anyone directly or indirectly, of cluster munitions. It was adopted on 30 May, 2008 and entered into force on 1 August, 2010. The CCM also has provisions on victim assistance.



Facilitating action: Similar to the Mine Ban Convention, the blanket prohibition on any use or support of cluster munitions has worked towards eliminating legal trade and preventing diversion of cluster munitions to the illicit market. The CCM also has strong potential to positively impact sustainable development. The clearance provisions in particular enable affected areas, whether urban or rural, to become accessible and usable again and survivor assistance programs may unlock employment opportunities.

Monitoring progress and supporting reporting

Most international arms control and disarmament agreements include reporting mechanisms or obligations that allow for measurement of their implementation and become a way to enforce the agreements and promote transparency. Some of those described in the above section are not legally binding and therefore their reporting mechanisms are voluntary. Others, however, include compulsory reporting, which is sometimes publicly available.

Reporting – both the act itself and the data generated – helps to monitor progress toward meeting Target 16.4 as well as facilitate follow-up, review, and additional reporting specific to this target or others. The agreements discussed in this brief and their related reporting practices can helpfully be referenced by SDG

¹²The Convention on Cluster Munitions is available <http://www.clusterconvention.org/>

statisticians and analysts as they build out a picture of arms coming in and out of a country and therefore assess how development is helped or hindered.

The ATT requires its States Parties to submit an annual report detailing authorized and actual exports and imports of conventional arms as well as reiterates the importance of national record-keeping and reporting. This follows an initial report meant to outline steps that are being taken toward implementation. While reporting templates are yet to be agreed, it is hoped that comprehensive information on the movement of arms will assist in the tracking of arms to correct end user.



Reporting under the PoA is not mandatory and does not set out a format on what could be reported on. While a reporting template was developed separately that most States use when they submit reports, the regularity with which it is submitted varies greatly. This is in many ways a missed opportunity to collect data that could play an important role in the monitoring progress on Target 16.4, not to mention the PoA itself.¹³ In addition, the number of reports being submitted has been decreasing over the last several years. Herein lies an opportunity however - the requirement of indicators having been introduced to monitor the progress of the SDGs however, it is possible that this will become a motivation for states to report under the PoA.

The CCW, Mine Ban Convention and CCM have legally mandated reporting requirements with mechanisms that tend to focus on the more 'active' obligations of those treaties, such as destruction, clearance, assistance as well as use and non-use. It is worth noting that in their annual transparency reports States can report information relating to seized weapons as well.

¹³ Karim, Atina and Nicolas Marsh. "States positions and practices concerning reporting and the Arms Trade Treaty" (2015). Available <http://controlarms.org/en/wp-content/uploads/sites/2/2015/02/States-Practices-PT1.pdf>

Finally, another source of information on arms flows that could be relevant as a data source for Target 16.4 monitoring is the UN Register on Conventional Arms (UNROCA). The UNROCA, while not an international agreement, is a central database where all Member States provide information on their arms exports and imports, the number of units of conventional arms transferred, the origin of such exports, and imports amongst other items. Therefore, the UNROCA can work as a data source to check legal transfers of conventional weapons, against which illicit transfers may be measured.

Instrument	Compulsory Reporting	Can be used as a data source for Target 16.4(2)
UN Programme of Action of Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects	X	✓
Arms Trade Treaty	✓	✓
UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition	X	✓
UN Register on Conventional Arms	X	✓
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects	✓	X
The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction	✓	X
Convention on Cluster Munitions	✓	X

Fig. C: Reporting requirements under international instruments

The data these reports generate helps outlines how arms are flowing around the globe. This can in turn become a measure by which to assess if those flows are reducing or not. Second, they are already being utilized by states, albeit to varying degrees, and many governments have experience with their formats and requirements. Rather than reinventing the wheel by throwing a new template into the mix, it can save time and resources, as well as avoid inconsistencies, to build on what is already there.



Conclusion

The work that has been accomplished in the field of disarmament and arms control over the last many decades via international arms agreements and documents offers multiple ways to support Target 16.4. Not everyone who has responsibility for this Target 16.4, and other of the SDGs is necessarily familiar with these agreements. This brief has illustrated their potential for action but it will also be important that governments work across departments and areas of expertise, as well as interact with civil society in order to have a more comprehensive understanding of how this repertoire of resources can be utilized. If done so effectively there is strong potential to reduce reporting fatigue and redundancies, and make a practical connection between peace, conflict, and sustainable development.

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