

*"Addressing the issue of small arms requires us to go beyond measures for arms control. It needs to be an integral part of a wider spectrum, covering conflict and security, armed violence and crime, trade and human rights, health and development. In crisis and post-conflict situations, we need to focus not only on basic reduction and control measures, but equally on alternative, sustainable livelihoods, taking into account the crucial aspects of gender and age. All our peacebuilding efforts need to include ways to address small arms, as do broader national development plans in all countries affected by this scourge."*

  
Ban Ki-moon  
United Nations Secretary-General

# Small Arms and Light Weapons

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*Disarmament Forum, "Taking Action on Small Arms"*, no. 4, 2005 and no. 1, 2006

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## GUIDE TO THE USER

The United Nations Office for Disarmament Affairs (UNODA) is publishing the 2008 Edition of *Small Arms and Light Weapons: Selected United Nations Documents* as a convenient collection of key international instruments relating to the issue of small arms and light weapons at the United Nations, as well as the most recent documentation from the Security Council and the General Assembly relevant to the subject.

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The publication is being issued in print and electronic formats and is intended as a handy reference tool for diplomats and other Government officials, regional and subregional bodies, the United Nations system, specialized non-governmental organizations, research institutes, educators and students, and the general public.

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## Foreword

The international community's concern with the illicit trade in small arms and light weapons (SALW) derives from the recognition that illicit SALW have a major adverse humanitarian impact that cannot be ignored. Small arms play a prominent role in all present-day conflicts, resulting in thousands of deaths and the displacement of millions of people; the proliferation of illicit SALW threatens to disrupt peacebuilding and development efforts; and it is small arms that are used by criminal gangs that spread insecurity and fear in our cities.

I am encouraged by the progress made in the fight against the proliferation of illicit SALW subsequent to the 2001 United Nations Conference that adopted the Programme of Action on the illicit trade in SALW. But I am also aware that the task is a prolonged one. The issue connects security, development, health, trade, human rights and other fields, thus making coherent approaches particularly challenging. In publishing this booklet to coincide with the July 2008 3rd Biennial Meeting of States to review the implementation of the Programme of Action, the Office for Disarmament Affairs hopes to make another small contribution towards the success of that effort.

This updated publication includes documents which have covered new ground recently, such as the 2007 report by the United Nations Expert Group on illicit brokering in small arms, and the 2008 Secretary-General's report on small arms to the Security Council. It is also our hope that this resource raises further awareness of the problem of SALW and enhances understanding of the role of the United Nations in this crucial matter.



Sergio **Duarte**  
High Representative for Disarmament Affairs

# Chapter I

# International instruments



## International instruments

### **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)**

#### **I. Preamble**

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, having met in New York from 9 to 20 July 2001,
2. *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, which 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,
3. *Concerned also* by the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects,
4. *Determined* to reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects and to enhance the respect for life and the dignity of the human person through the promotion of a culture of peace,
5. *Recognizing* that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, contributes to the displacement of civilians, undermines respect for international humanitarian law, impedes the provision of humanitarian assistance to victims of armed conflict and fuels crime and terrorism,
6. *Gravely concerned* about its devastating consequences on children, many of whom are victims of armed conflict or are forced to become child soldiers, as well as the negative impact on women and the elderly, and in this context, taking into account the special session of the United Nations General Assembly on children,
7. *Concerned also* 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,

8. *Reaffirming* our respect for and commitment to international law and the purposes and principles enshrined in the Charter of the United Nations, including the sovereign equality of States, territorial integrity, the peaceful resolution of international disputes, non-intervention and non-interference in the internal affairs of States,
9. *Reaffirming* the inherent right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,
10. *Reaffirming also* the right of each State to manufacture, import and retain small arms and light weapons for its self-defence and security needs, as well as for its capacity to participate in peacekeeping operations in accordance with the Charter of the United Nations,
11. *Reaffirming* the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognizing the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principles of equal rights and self-determination of peoples,
12. *Recalling* the obligations of States to fully comply with arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations,
13. *Believing* that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects and, accordingly, should intensify their efforts to define the problems associated with such trade and find ways of resolving them,
14. *Stressing* the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts at the local, national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,
15. *Recognizing* that the international community has a duty to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multifaceted and involves, inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions,
16. *Recognizing also* the important contribution of civil society, including non-governmental organizations and industry in, inter alia, assisting Governments to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,
17. *Recognizing further* that these efforts are without prejudice to the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament,
18. *Welcoming* the efforts being undertaken at the global, regional, subregional, national and local levels to address the illicit trade in small arms and light weapons in all its aspects, and desiring to build upon them, taking into account the characteristics, scope and magnitude of the problem in each State or region,<sup>1</sup>

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<sup>1</sup> See the annex for regional and subregional initiatives.

19. *Recalling* the Millennium Declaration and also welcoming ongoing initiatives in the context of the United Nations to address the problem of the illicit trade in small arms and light weapons in all its aspects,

20. *Recognizing* that the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, 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,

21. *Convinced* of the need for a global commitment to a comprehensive approach to promote, at the global, regional, subregional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security,

22. *Resolve* therefore to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:

(a) Strengthening or developing agreed norms and measures at the global, regional and national levels that would reinforce and further coordinate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;

(b) Developing and implementing agreed international measures to prevent, combat and eradicate illicit manufacturing of and trafficking in small arms and light weapons;

(c) Placing particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the excessive and destabilizing accumulation of small arms and light weapons have to be dealt with urgently;<sup>2</sup>

(d) Mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects, to cooperate towards these ends and to raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking in these weapons;

(e) Promoting responsible action by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons.

## **II. Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects**

1. We, the States participating in this Conference, bearing in mind the different situations, capacities and priorities of States and regions, undertake the following measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects:

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<sup>2</sup> The term “excessive and destabilizing accumulation of small arms and light weapons” is described in paragraphs 34-37 of the report of the Panel of Governmental Experts on Small Arms (A/52/298, annex).

**At the national level**

2. To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients.
3. To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes.
4. To establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons.
5. To establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.
6. To identify, where applicable, groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer and possession, as well as financing for acquisition, of illicit small arms and light weapons, and take action under appropriate national law against such groups and individuals.
7. To ensure that henceforth licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number so that the authorities concerned can identify and trace each weapon.
8. To adopt, where they do not exist, and enforce all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.
9. To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.
10. To ensure responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.
11. 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 State under relevant international law, taking into account in particular

the risk of diversion of these weapons into the illegal trade. Likewise, to 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.

12. To 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.

13. To make every effort, in accordance with national laws and practices, without prejudice to the right of States to re-export small arms and light weapons that they have previously imported, to notify the original exporting State in accordance with their bilateral agreements before the retransfer of those weapons.

14. To develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering. This legislation or these procedures should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control.

15. To take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations.

16. To ensure that all confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized, and provided that such weapons have been duly marked and registered.

17. To ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons. These standards and procedures should, inter alia, relate to: appropriate locations for stock piles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of thefts or loss.

18. To regularly review, as appropriate, subject to the respective constitutional and legal systems of States, the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, that programmes for the responsible disposal, preferably through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.

19. To destroy surplus small arms and light weapons designated for destruction, taking into account, inter alia, the report of the Secretary-General of the United Nations on methods of destruction of small arms, light weapons, ammunition and explosives (S/2000/1092) of 15 November 2000.

20. To develop and implement, including in conflict and post-conflict situations, public awareness and confidence-building programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects, including, where appropriate, the public destruction of surplus weapons and the voluntary surrender of small arms and light weapons, if possible, in cooperation with civil society and non-governmental organizations, with a view to eradicating the illicit trade in small arms and light weapons.
21. To develop and implement, where possible, effective disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons, particularly in post-conflict situations, unless another form of disposition or use has been duly authorized and such weapons have been marked and the alternate form of disposition or use has been recorded, and to include, where applicable, specific provisions for these programmes in peace agreements.
22. To address the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society and their appropriate rehabilitation.
23. To make public national laws, regulations and procedures that impact on the prevention, combating and eradicating of the illicit trade in small arms and light weapons in all its aspects and to submit, on a voluntary basis, to relevant regional and international organizations and in accordance with their national practices, information on, inter alia, (a) small arms and light weapons confiscated or destroyed within their jurisdiction; and (b) other relevant information such as illicit trade routes and techniques of acquisition that can contribute to the eradication of the illicit trade in small arms and light weapons in all its aspects.

#### **At the regional level**

24. To establish or designate, as appropriate, a point of contact within subregional and regional organizations to act as liaison on matters relating to the implementation of the Programme of Action.
25. To encourage negotiations, where appropriate, with the aim of concluding relevant legally binding instruments aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, and where they do exist to ratify and fully implement them.
26. To encourage the strengthening and establishing, where appropriate and as agreed by the States concerned, of moratoriums or similar initiatives in affected regions or subregions on the transfer and manufacture of small arms and light weapons, and/or regional action programmes to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, and to respect such moratoriums, similar initiatives and/or action programmes and cooperate with the States concerned in the implementation thereof, including through technical assistance and other measures.
27. To establish, where appropriate, subregional or regional mechanisms, in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies, with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders.

28. To encourage, where needed, regional and subregional action on illicit trade in small arms and light weapons in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures.
29. To encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and light weapons, and to implement, where appropriate, regional and subregional mechanisms in this regard.
30. To support, where appropriate, national disarmament, demobilization and reintegration programmes, particularly in post-conflict situations, with special reference to the measures agreed upon in paragraphs 28 to 31 of this section.
31. To encourage regions to develop, where appropriate and on a voluntary basis, measures to enhance transparency with a view to combating the illicit trade in small arms and light weapons in all its aspects.

### **At the global level**

32. To cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations.
33. To request the Secretary-General of the United Nations, within existing resources, through the Department for Disarmament Affairs, to collate and circulate data and information provided by States on a voluntary basis, including national reports on implementation by those States of the Programme of Action.
34. To encourage, particularly in post-conflict situations, the disarmament and demobilization of ex-combatants and their subsequent reintegration into civilian life, including providing support for the effective disposition, as stipulated in paragraph 17 of this section, of collected small arms and light weapons.
35. To encourage the United Nations Security Council to consider, on a case-by-case basis, the inclusion, where applicable, of relevant provisions for disarmament, demobilization and reintegration in the mandates and budgets of peacekeeping operations.
36. To strengthen the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons.
37. To encourage States and the World Customs Organization, as well as other relevant organizations, to enhance cooperation with the International Criminal Police Organization (Interpol) to identify those groups and individuals engaged in the illicit trade in small arms and light weapons in all its aspects in order to allow national authorities to proceed against them in accordance with their national laws.
38. To encourage States to consider ratifying or acceding to international legal instruments against terrorism and transnational organized crime.
39. To develop common understandings of the basic issues and the scope of the problems related to illicit brokering in small arms and light weapons with a view to preventing, combating and eradicating the activities of those engaged in such brokering.

40. To encourage the relevant international and regional organizations and States to facilitate the appropriate cooperation of civil society, including non-governmental organizations, in activities related to the prevention, combat and eradication of the illicit trade in small arms and light weapons in all its aspects, in view of the important role that civil society plays in this area.

41. To promote dialogue and a culture of peace by encouraging, as appropriate, 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.

### **III. Implementation, international cooperation and assistance**

1. We, the States participating in the Conference, recognize that the primary responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States. We also recognize that States need close international cooperation to prevent, combat and eradicate this illicit trade.

2. States undertake to cooperate and to ensure coordination, complementarity and synergy in efforts to deal with the illicit trade in small arms and light weapons in all its aspects at the global, regional, sub-regional and national levels and to encourage the establishment and strengthening of cooperation and partnerships at all levels among international and inter-governmental organizations and civil society, including non-governmental organizations and international financial institutions.

3. States and appropriate international and regional organizations in a position to do so should, upon request of the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, such as small arms funds, to support the implementation of the measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects as contained in the Programme of Action.

4. States and international and regional organizations should, upon request by the affected States, consider assisting and promoting conflict prevention. Where requested by the parties concerned, in accordance with the principles of the Charter of the United Nations, States and international and regional organizations should consider promotion and assistance of the pursuit of negotiated solutions to conflicts, including by addressing their root causes.

5. States and international and regional organizations should, where appropriate, cooperate, develop and strengthen partnerships to share resources and information on the illicit trade in small arms and light weapons in all its aspects.

6. With a view to facilitating implementation of the Programme of Action, States and international and regional organizations should seriously consider assisting interested States, upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and security, destruction of small arms and light weapons, and the collection and exchange of information.

7. States should, as appropriate, enhance cooperation, the exchange of experience and training among competent officials, including customs, police, intelligence and arms control

officials, at the national, regional and global levels in order to combat the illicit trade in small arms and light weapons in all its aspects.

8. Regional and international programmes for specialist training on small arms stockpile management and security should be developed. Upon request, States and appropriate international or regional organizations in a position to do so should support these programmes. The United Nations, within existing resources, and other appropriate international or regional organizations should consider developing capacity for training in this area.

9. States are encouraged to use and support, as appropriate, including by providing relevant information on the illicit trade in small arms and light weapons, Interpol's International Weapons and Explosives Tracking System database or any other relevant database that may be developed for this purpose.

10. States are encouraged to consider international cooperation and assistance to examine technologies that would improve the tracing and detection of illicit trade in small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

11. States undertake to cooperate with each other, including on the basis of the relevant existing global and regional legally binding instruments as well as other agreements and arrangements, and, where appropriate, with relevant international, regional and intergovernmental organizations, in tracing illicit small arms and light weapons, in particular by strengthening mechanisms based on the exchange of relevant information.

12. States are encouraged to exchange information on a voluntary basis on their national marking systems on small arms and light weapons.

13. States are encouraged, subject to their national practices, to enhance, according to their respective constitutional and legal systems, mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in small arms and light weapons in all its aspects.

14. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance in the destruction or other responsible disposal of surplus stocks or unmarked or inadequately marked small arms and light weapons.

15. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance to combat the illicit trade in small arms and light weapons linked to drug trafficking, transnational organized crime and terrorism.

16. Particularly in post-conflict situations, and where appropriate, the relevant regional and international organizations should support, within existing resources, appropriate programmes related to the disarmament, demobilization and reintegration of ex-combatants.

17. With regard to those situations, States should make, as appropriate, greater efforts to address problems related to human and sustainable development, taking into account existing and future social and developmental activities, and should fully respect the rights of the States concerned to establish priorities in their development programmes.

18. States, regional and subregional and international organizations, research centres, health and medical institutions, the United Nations system, international financial institutions and civil society are urged, as appropriate, to develop and support action-oriented research aimed

at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in small arms and light weapons in all its aspects.

#### **IV. Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, recommend to the General Assembly the following agreed steps to be undertaken for the effective follow-up of the Conference:

(a) To convene a conference no later than 2006 to review progress made in the implementation of the Programme of Action, the date and venue to be decided at the fifty-eighth session of the General Assembly;

(b) To convene a meeting of States on a biennial basis to consider the national, regional and global implementation of the Programme of Action;

(c) To undertake a United Nations study, within existing resources, for examining the feasibility of developing an international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons;

(d) To consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

2. Finally, we, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

(a) Encourage the United Nations and other appropriate international and regional organizations to undertake initiatives to promote the implementation of the Programme of Action;

(b) Also encourage all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action;

(c) Further encourage non-governmental organizations and civil society to engage, as appropriate, in all aspects of international, regional, subregional and national efforts to implement the present Programme of Action.

#### **Annex**

#### **Initiatives undertaken at the regional and subregional levels to address the illicit trade in small arms and light weapons**

- In June 1998, the Organization of African Unity (OAU) adopted a decision on the proliferation of small arms and light weapons, stressing the role that OAU should play in coordinating efforts to address the problem in Africa and requesting the Secretary-General of OAU to prepare a comprehensive report on the issue.
- Decision on the illicit proliferation, circulation and trafficking of small arms and light weapons (AHG/Dec.137 (XXXV)), adopted by the Assembly of Heads of State and

Government of OAU at its thirty-fifth ordinary session, held at Algiers from 12 to 14 July 1999 (see A/54/424, annex II).

- From 30 November to 1 December 2000, OAU held a Ministerial Meeting at Bamako on the issue of small arms and light weapons. The meeting adopted the Bamako Declaration (A/CONF.192/PC/23).
- First Continental Meeting of African Experts on Small Arms and Light Weapons, Addis Ababa, May 2000.
- International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons, Addis Ababa, June 2000.
- Summit of Heads of State and Government of the Southern African Development Community, Namibia, August 2000.
- Decision by the Council of Ministers of the Southern African Development Community to conclude its negotiations on a protocol on the control of firearms, ammunition and other related materials in the region of the community.
- Decision by the States members of the Economic Community of West African States to implement their agreement on a moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa.
- The Great Lakes and Horn of Africa Conference on the Proliferation of Small Arms, attended by the Foreign Ministers of all 10 countries of the region, met at Nairobi in March 2000 and adopted the Nairobi Declaration.
- In November 1997, the States members of the Organization of American States (OAS) signed the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. The Convention, which came into force in 1998, set forth a set of substantial measures to combat illicit arms trafficking. The Convention has been reinforced by the adoption by the States members of the OAS Inter-American Drug Abuse Control Commission of model regulations for the control of the international movement of firearms, their parts, components and ammunition.
- In April 1998, the Presidents of the States members (Argentina, Brazil, Paraguay and Uruguay) of the Common Market of the Southern Cone (MERCOSUR) and associated States (Bolivia and Chile) signed a joint declaration agreeing to create a joint register mechanism of buyers and sellers of firearms, explosives, ammunition and related materials.
- Regional Preparatory Meeting of the Latin American and Caribbean States for the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held at Brasília, from 22 to 24 November 2000. The Brasília Declaration was adopted at the meeting.
- In June 1999, the First Summit Conference of Heads of State and Government of Latin America and the Caribbean and the European Union, held at Rio de Janeiro, adopted the Declaration of Rio de Janeiro.

- In June 1999, a workshop was held at Lima on the topic “Illicit Traffic in Small Arms: Latin American and Caribbean Issues”. The workshop was part of the Secretary-General’s mandate, under General Assembly resolution 53/77 T of 4 December 1998, to conduct broad-based consultations on illicit trafficking in small arms.
- Establishment, by the States parties to the Inter-American Convention, of the Consultative Committee of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.
- The Organization of Security and Cooperation in Europe (OSCE) adopted the OSCE Document on Small Arms and Light Weapons on 24 November 2000.
- Adoption by the European Union of the Programme for Preventing and Combating Illicit Trafficking in Conventional Arms and the other initiatives undertaken, such as the Joint Action on Small Arms, which has been endorsed by several Member States not members of the European Union.
- Seminar on Small Arms and Light Weapons, held by the Forum for Security Cooperation (OSCE), Vienna, 3-5 April 2000.
- Conference on Export Controls, Sofia, December 1999.
- Workshop on Small Arms and Light Weapons: Possible Contribution to the Stability Pact for South-eastern Europe, Slovenia, January 2000.
- Meeting of the Working Table on Security Issues of the Stability Pact for South-eastern Europe, Bosnia and Herzegovina, February 2000.
- Workshop on Stockpile Management and Security of Small Arms and Light Weapons, Thun, Switzerland, March 2000.
- Regional Seminar on Illicit Trafficking in Small Arms and Light Weapons, co-hosted by the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific and the Governments of Indonesia and Japan, was held at Jakarta in May 2000. The Seminar made a positive contribution to the debate on illicit trafficking in small arms and light weapons in general, and in particular to the efforts of the Association of South-East Asian Nations (ASEAN) and its member States.
- The Asia Regional Workshop on Small Arms was held at Tokyo, in June 2000, as part of the informal consultations in the context of the preparatory process for the 2001 United Nations Conference in the Asian region.
- Conference entitled “Countering Small Arms and Light Weapons Proliferation in South Asia”, organized by the Governments of Canada and Sri Lanka and the Colombo-based Regional Centre for Strategic Studies, in collaboration with the United Nations Department for Disarmament Affairs, Colombo, June 2000. The conference was the first such in South Asia at which the issue of small arms as well as others related to the 2001 Conference was discussed.
- Pacific Islands Forum paper on small arms: “The Interests and Involvement of Pacific Island Forum Countries”.

- Meeting of the South Pacific Chiefs of Police and the Oceania Customs Organization Subcommittee, Fiji, March 2000.
- Second Ministerial Meeting of the Human Security Network, Lucerne, Switzerland, 11 and 12 May 2000.
- Workshop on Traceability of Small Arms and Light Weapons: Tracing, Marking and Record-keeping, Geneva, 12 and 13 March 2001.
- North Atlantic Treaty Organization (NATO)/Euro-Atlantic Partnership Council Workshop on Small Arms and Light Weapons: Export Controls and Small Arms and Light Weapons Transfers, Brussels, 16 and 17 March 2000.
- Euro-Atlantic Partnership Council/Partnership for Peace Workshop in support of the South-East Europe Initiative (SEEI) on Regional Cooperation in South-East Europe and the Challenge of Small Arms and Light Weapons, Ohrid, the former Yugoslav Republic of Macedonia, 22-23 June 2000.
- NATO/Euro-Atlantic Partnership Council Experts Workshop on Export Control of Small Arms and Light Weapons, Brussels, 21 November 2000.
- Partnership for Peace Training Course on Stockpile Management and Security of Small Arms and Light Weapons, Brugg, Switzerland, May-June 2001.
- Workshop on Small Arms and Light Weapons: Practical Challenges for the Implementation of Current Undertakings in the Organization for Security and Cooperation in Europe and the Euro-Atlantic Partnership Council, Baku, 21 and 22 June 2001.
- Asian Regional Forum Experts Group Meeting on Transnational Crime, 30 and 31 October 2000, Seoul, Republic of Korea.
- The Foreign Ministers of the G8 meeting in Miyazaki, Japan, on 12 and 13 July 2000, agreed to take several measures to deal with the uncontrolled and illegal transfer of small arms and light weapons, as well as their destabilizing accumulation, with a view to restricting the means for armed conflicts and achieving concrete results at the United Nations Conference in 2001.
- On 14 and 15 December 1999, Bulgaria hosted a Regional Conference on Export Controls, under the auspices of the Stability Pact for South-Eastern Europe, co-sponsored by the Government of the United States of America. The Conference issued a Joint Declaration on Responsible Arms Transfers and a Statement on Harmonization of End-Use/End-User Certificates.
- On 17 and 18 March 2000, a seminar on controlling flows of small arms and light weapons was held at Jablonna, Poland. The seminar was organized by Saferworld (London), the Institute of Public Affairs (Warsaw) and co-hosted by the Polish Ministry of Foreign Affairs.
- On 18 and 19 September 2000, the Governments of Poland and Canada organized a seminar in Warsaw to address the issue of small arms disarmament within the context of peacekeeping operations.

- On 28 and 29 September 2000, the Governments of the Netherlands and Hungary organized, at The Hague, an expert workshop on destruction of small arms and light weapons related to stockpile management and weapons collection in post-conflict situations.
- From 16 to 19 October 2000, the Stability Pact for South-Eastern Europe and the Governments of Bulgaria and Canada organized a seminar on collection and destruction techniques for small arms and light weapons at Sofia.
- On 20 and 21 October, the Czech Ministry for Foreign Affairs, Saferworld and the Institute of International Relations held a seminar in the Czech Republic on improving accountability and transparency in relation to production transfers and holding of arms in an enlarged European Union.
- On 7 November 2000, the Canadian Joint Delegation to NATO and the Centre for European Security and Disarmament organized a round table on Small Arms and Europe-Atlantic Security at NATO headquarters.
- On 17 and 18 November 2000, the Ministry of Foreign Affairs of Hungary, Saferworld and the Szeged Centre for Security Policy organized a round table at Szeged, Hungary, entitled “Tackling small arms diffusion in South-Eastern Europe: towards a subregional Action Programme on small arms in the context of the Stability Pact”.
- On 15 and 16 May 2001, Canada and the European Union, under the Swedish Presidency, organized a workshop in Canada on small arms and light-weapons destruction in the context of peace support operations.
- On 20 and 21 September 2001, the Governments of Canada and Poland co-hosted and co-chaired a Euro-Atlantic Partnership Council Seminar on Disarmament and Peacekeeping. This seminar focused on the implementation of weapons-collection programmes during peace support operations.
- On 22 and 23 October 2000, the Governments of Canada and Bulgaria co-hosted and co-chaired a Stability Pact Seminar on Small Arms and Light Weapons Destruction. The seminar demonstrated practical arms destruction methods.
- Canada, in conjunction with Cambodia and Japan, held an Asian Regional Forum seminar on transparency in conventional arms transfers, in Phnom Penh, on 22 and 23 February 2001. This seminar concluded with a set of recommendations that are presently being considered by the Asian Regional Forum.
- On 26 and 27 April 2001, the Governments of Canada and Hungary co-hosted and co-chaired a Euro-Atlantic Partnership Council seminar on arms embargoes and sanctions. This seminar developed recommendations to improve the implementation of arms embargoes.
- On 21 and 22 May 2001, in Ottawa, the Government of Canada sponsored an OAS Seminar entitled: “The OAS and the 2001 Conference: Tackling the Illicit Trade in Small Arms and Light Weapons in All Its Aspects”.
- International Meeting on Small Arms, Oslo, 13 and 14 July 1998.

- Second International Meeting on Small Arms and Light Weapons, Oslo, 6 and 7 December 1999 (Oslo II).
- On 13 and 14 February 2001, Lancaster House Policy Brainstorming Seminar on Small Arms and Light Weapons.
- Pacific Islands Small Arms Workshop, Brisbane, Australia, 9-11 May 2001.
- From 25 to 27 October 1999, the States members of the Economic Community of Central African States held in N'djamena, under the auspices of the United Nations Standing Advisory Committee on Security Questions in Central Africa, a subregional conference on the proliferation of and illicit traffic in small arms and light weapons in Central Africa.

## **Annex**

### **Statement by the President of the Conference, Ambassador Camilo Reyes Rodríguez, after the adoption of the Programme of Action, 21 July 2001**

The Conference has taken a significant step forward today in addressing one of the most urgent problems of international peace and security, the illicit trade in small arms and light weapons. The national delegations were, at the end, able to put aside their many differences and reach a consensus on all parts of a Programme of Action to combat this collective threat—all parts, that is, except for two of the most important, for which there was overwhelming support.

While congratulating all participants for their diligence in reaching this new consensus, I must, as President, also express my disappointment over the Conference's inability to agree, due to the concerns of one State, on language recognizing the need to establish and maintain controls over private ownership of these deadly weapons and the need for preventing sales of such arms to non-State groups.

The States of the region most afflicted by this global crisis, Africa, had agreed only with the greatest of reluctance to the deletion of proposed language addressing these vital issues relating to the illicit trade in small arms and light weapons. They did so strictly in the interests of reaching a compromise that would permit the world community as a whole to proceed together with some first steps at the global level to alleviate this common threat. They did so, moreover, without in any way compromising their commitment to continue their efforts to address this problem, a problem that must be addressed, as the title of the conference demands, in all, and I repeat, all, its aspects. This position is supported by many States outside the region and it is also the view shared by the President of this Conference.

As requested by several delegations, I shall include my statement today in the report on the Conference, that will be sent to the General Assembly. I hope that this statement will help future efforts both within civil society and among all States to address the illicit trade in small arms and light weapons in all its aspects, until the conscience of humanity is at long last satisfied that all that can be done has in fact been done to alleviate this global tragedy.

## **International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons**

### **Preamble**

*States,*

*Noting* that in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,<sup>1</sup> States identified the tracing of illicit small arms and light weapons as a key mechanism for national, regional and/or international efforts to prevent, combat and eradicate illicit small arms and light weapons and committed themselves to strengthening the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons,

*Noting also* that the tracing of illicit small arms and light weapons, including but not limited to those manufactured to military specifications, may be required in the context of all forms of crime and conflict situations,

*Recalling* the report on the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons,<sup>2</sup> prepared by the Group of Governmental Experts established pursuant to General Assembly resolution 56/24 V of 24 December 2001,

*Recalling also* General Assembly resolution 58/241 of 23 December 2003, in which the Assembly, pursuant to the recommendation of the Group of Governmental Experts, decided to establish an open-ended working group to negotiate such an instrument,

*Noting* that, pursuant to resolution 58/241, this instrument is complementary to, and not inconsistent with, the existing commitments of States under relevant international instruments, including the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,<sup>3</sup>

*Noting also* that, pursuant to resolution 58/241, this instrument takes into account the national security and legal interests of States,

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<sup>1</sup> See *Report of the United Nations Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001 (A/CONF.192/15)*, para. 24.

<sup>2</sup> A/58/138.

<sup>3</sup> General Assembly resolution 55/255, annex.

*Convinced* of the need for an effective international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons,

*Stressing* that all aspects relating to illicit small arms and light weapons should be addressed in a coordinated and comprehensive manner,

*Stressing also* the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts to effectively implement this instrument,

*Have agreed henceforth as follows:*

## **I. General provisions**

1. The purpose of this instrument is to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.
2. The purpose of this instrument is also to promote and facilitate international cooperation and assistance in marking and tracing and to enhance the effectiveness of, and complement, existing bilateral, regional and international agreements to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.
3. This instrument does not restrict the right of States to acquire, manufacture, transfer and retain small arms and light weapons for their self-defence and security needs, as well as for their capacity to participate in peacekeeping operations, in a manner consistent with the Charter of the United Nations.

## **II. Definitions**

4. For the purposes of this instrument, “small arms and light weapons” will mean any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899:

(a) “Small arms” are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;

(b) “Light weapons” are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.

5. For the purposes of this instrument, “tracing” is the systematic tracking of illicit small arms and light weapons found or seized on the territory of a State from the point of manu-

facture or the point of importation through the lines of supply to the point at which they became illicit.

6. For the purposes of this instrument, small arms and light weapons are “illicit” if:

(a) They are considered illicit under the law of the State within whose territorial jurisdiction the small arm or light weapon is found;

(b) They are transferred in violation of arms embargoes decided by the Security Council in accordance with the Charter of the United Nations;

(c) They are not marked in accordance with the provisions of this instrument;

(d) They are manufactured or assembled without a licence or authorization from the competent authority of the State where the manufacture or assembly takes place; or

(e) They are transferred without a licence or authorization by a competent national authority.

### **III. Marking**

7. The choice of methods for marking small arms and light weapons is a national prerogative. States will ensure that, whatever method is used, all marks required under this instrument are on an exposed surface, conspicuous without technical aids or tools, easily recognizable, readable, durable and, as far as technically possible, recoverable.

8. For the purpose of identifying and tracing illicit small arms and light weapons, States will:

(a) At the time of manufacture of each small arm or light weapon under their jurisdiction or control, either require unique marking providing the name of the manufacturer, the country of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture; and encourage the marking of such additional information as the year of manufacture, weapon type/model and calibre;

(b) Taking into account that import marking is a requirement for the States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, require to the extent possible appropriate simple marking on each imported small arm or light weapon, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the small arm or light weapon; and require a unique marking, if the small arm or light weapon does not already bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of small arms and light weapons for verifiable, lawful purposes, nor for the permanent import of museum artefacts;

(c) Ensure, at the time of transfer from government stocks to permanent civilian use of a small arm or light weapon that is not marked in a manner that allows tracing, the appro-

priate marking permitting identification of the country from whose stocks the transfer of the small arm or light weapon is made;

(d) Take all necessary measures to ensure that all small arms and light weapons in the possession of government armed and security forces for their own use at the time of adoption of this instrument are duly marked. Markings on these small arms and light weapons do not necessarily have to meet the requirements of subparagraph 8 (a) above;

(e) Encourage manufacturers of small arms and light weapons to develop measures against the removal or alteration of markings.

9. States will ensure that all illicit small arms and light weapons that are found on their territory are uniquely marked and recorded, or destroyed, as soon as possible. Pending such marking, and recording in accordance with section IV of this instrument, or destruction, these small arms and light weapons will be securely stored.

10. States will ensure that every small arm or light weapon always receives the unique markings prescribed in subparagraph 8 (a) above. A unique marking should be applied to an essential or structural component of the weapon where the component's destruction would render the weapon permanently inoperable and incapable of reactivation, such as the frame and/or receiver, in compliance with paragraph 7 above. States are encouraged, where appropriate to the type of weapon, also to apply the marking prescribed in subparagraph 8 (a) above or other markings to other parts of the weapon such as the barrel and/or slide or cylinder of the weapon, in order to aid in the accurate identification of these parts or of a given weapon.

#### **IV. Record-keeping**

11. The choice of methods for record-keeping is a national prerogative. States will ensure that accurate and comprehensive records are established for all marked small arms and light weapons within their territory and maintained in accordance with paragraph 12 below in order to enable their competent national authorities to trace illicit small arms and light weapons in a timely and reliable manner.

12. From the time of the adoption of this instrument, records pertaining to marked small arms and light weapons will, to the extent possible, be kept indefinitely, but in any case a State will ensure the maintenance of:

- (a) Manufacturing records for at least 30 years; and
- (b) All other records, including records of import and export, for at least 20 years.

13. States will require that records pertaining to small arms and light weapons held by companies that go out of business be forwarded to the State in accordance with its national legislation.

## V. Cooperation in tracing

### General

14. While the choice of tracing systems will remain a national prerogative, States will ensure that they are capable of undertaking traces and responding to tracing requests in accordance with the requirements of this instrument.

15. States receiving information related to tracing illicit small arms and light weapons in accordance with the provisions of this instrument and in the context of a tracing request will respect all restrictions placed on its use. Furthermore, States will guarantee the confidentiality of such information. Restrictions on use may include, inter alia:

(a) The information exchanged will be released only to competent authorities designated by the requesting State and/or authorized personnel, to the extent necessary for the effective implementation of this instrument;

(b) The information exchanged will be used only for purposes consistent with this instrument; or

(c) The information exchanged may not be released to anyone else without the prior consent of the State providing that information.

Where for legal, constitutional or administrative reasons, the confidentiality of the information cannot be guaranteed or the restrictions placed on its use in accordance with the present paragraph cannot be maintained by the requesting State, the requested State will be so informed at the time the tracing request is made.

### Tracing requests

16. A State may initiate a tracing request in relation to small arms and light weapons found within its territorial jurisdiction that it considers to be illicit under the provisions of paragraph 6 above.

17. To ensure smooth and effective cooperation in tracing, requests for assistance in tracing illicit small arms or light weapons will contain sufficient information, including, inter alia:

(a) Information describing the illicit nature of the small arm or light weapon, including the legal justification therefor and, to the extent possible, the circumstances under which the small arm or light weapon was found;

(b) Markings, type, calibre and other relevant information to the extent possible;

(c) Intended use of the information being sought.

### Responses to tracing requests

18. States will provide prompt, timely and reliable responses to tracing requests made by other States.

19. States receiving a tracing request will acknowledge receipt within a reasonable time.

20. In responding to a tracing request, the requested State will provide, subject to paragraph 22 below, all available information sought by the requesting State that is relevant for the purpose of tracing illicit small arms and light weapons.

21. The requested State may seek additional information from the requesting State where a tracing request does not contain the information required in paragraph 17 above.

22. States may delay or restrict the content of their response to a tracing request, or refuse to provide the information sought, where releasing the information would compromise ongoing criminal investigations or violate legislation providing for the protection of confidential information, where the requesting State cannot guarantee the confidentiality of the information, or for reasons of national security consistent with the Charter of the United Nations.

23. If a State delays or provides a restricted response to a tracing request, or refuses to provide the information sought, on the grounds identified in paragraph 22 above, it will inform the requesting State of the reasons for this. The requesting State may subsequently seek clarification of this explanation.

## **VI. Implementation**

### **General**

24. In accordance with their constitutional processes, States will put in place, where they do not exist, the laws, regulations and administrative procedures needed to ensure the effective implementation of this instrument.

25. States will designate one or more national points of contact to exchange information and act as a liaison on all matters relating to the implementation of this instrument.

26. States will cooperate on a bilateral and, where appropriate, on a regional and international basis to support the effective implementation of this instrument.

### **International cooperation and assistance**

27. States in a position to do so will, upon request, seriously consider rendering technical, financial and other assistance, both bilaterally and multilaterally, in building national capacity in the areas of marking, record-keeping and tracing, in order to support the effective implementation of this instrument by States.

28. States in a position to do so are also encouraged to seriously consider international cooperation and assistance to examine technologies that would improve the tracing and detection of illicit small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

29. States will encourage initiatives, within the framework of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,<sup>1</sup> that mobilize the resources and expertise of, and where appropriate cooperation with, relevant regional and international organizations to promote the implementation of this instrument by States.

### **United Nations**

30. States will cooperate, as appropriate, with the United Nations to support the effective implementation of this instrument.

31. States will, as soon as possible after the adoption of this instrument, provide the Secretary-General, through the Department for Disarmament Affairs of the Secretariat, with the following information, updating it when necessary:

- (a) Name and contact information for the national point(s) of contact;
- (b) National marking practices related to markings used to indicate country of manufacture and/or country of import as applicable.

32. States hereby request the Secretary-General to collate the information provided by States pursuant to paragraph 31 above and to issue it to States Members of the United Nations, providing the assistance requested for the implementation of the instrument by States, as well as assisting States to interact on a bilateral basis.

### **International Criminal Police Organization**

33. States, where appropriate, will cooperate with the International Criminal Police Organization (Interpol) to support the effective implementation of this instrument.

34. States that are members of Interpol will promote the implementation of this instrument when participating in Interpol's organs.

35. States, where appropriate, in accordance with Interpol's statutory rules, are encouraged to make full use of Interpol's mechanisms and facilities in implementing this instrument. Interpol may, at the request of the concerned State, assist in the following areas:

- (a) Facilitation of tracing operations conducted within the framework of this instrument;
- (b) Investigations to identify and trace illicit small arms and light weapons;
- (c) Wherever possible, building national capacity to initiate and respond to tracing requests.

### **VII. Follow-up**

36. States will report on a biennial basis to the Secretary-General on their implementation of this instrument including, where appropriate, national experiences in tracing illicit small arms and light weapons as well as measures taken in the field of international cooperation and assistance. This report may form part of a State's national report on its implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

37. States will meet on a biennial basis to consider the reports mentioned in paragraph 36 above. These meetings will be held within the framework of relevant meetings convened for the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade

in Small Arms and Light Weapons in All Its Aspects, where such meetings are in fact convened.

38. States will review the implementation and future development of this instrument within the framework of conferences that review the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

## ***Firearms Protocol***

### **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 (A/RES/55/255)**

#### **Resolution adopted by the General Assembly**

*[without reference to a Main Committee (A/55/383/Add.2)]*

### **55/255. 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**

*The General Assembly,*

*Recalling* its resolution 53/111 of 9 December 1998, in which it decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea,

*Recalling also* its resolution 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify that work in order to complete it in 2000,

*Recalling further* its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

*Reaffirming* the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States also have the right to

acquire arms with which to defend themselves, as well as the right of self-determination of all peoples, in particular peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of that right,

1. *Takes note* of the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its twelfth session,<sup>1</sup> and commends the Ad Hoc Committee for its work;
2. *Adopts* the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, annexed to the present resolution, and opens it for signature at United Nations Headquarters in New York;
3. *Urges* all States and regional economic organizations to sign and ratify the United Nations Convention against Transnational Organized Crime and the protocols thereto as soon as possible in order to ensure the speedy entry into force of the Convention and the protocols thereto.

*101st plenary meeting  
31 May 2001*

## **Annex**

### **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**

#### **Preamble**

*The States Parties to this Protocol,*

*Aware* of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, owing to the harmful effects of those activities on the security of each State, region and the world as a whole, endangering the well-being of peoples, their social and economic development and their right to live in peace,

*Convinced*, therefore, of the necessity for all States to take all appropriate measures to this end, including international cooperation and other measures at the regional and global levels,

*Recalling* General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Bearing in mind* the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations and the Declaration on Principles of

<sup>1</sup> A/55/383/Add.2.

International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,<sup>2</sup>

*Convinced* that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition will be useful in preventing and combating those crimes,

*Have agreed as follows:*

## **I. General provisions**

### **Article 1**

#### **Relation with the United Nations Convention against Transnational Organized Crime**

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.
2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.
3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

### **Article 2**

#### **Statement of purpose**

The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

### **Article 3**

#### **Use of terms**

For the purposes of this Protocol:

(a) “Firearm” shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;

(b) “Parts and components” shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;

(c) “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 authorization in the respective State Party;

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<sup>2</sup> Resolution 26/25 (XXV), annex.

(d) “Illicit manufacturing” shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:

- (i) From parts and components illicitly trafficked;
- (ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or
- (iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol;

Licensing or authorization of the manufacture of parts and components shall be in accordance with domestic law;

(e) “Illicit trafficking” shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;

(f) “Tracing” shall mean the systematic tracking of firearms and, where possible, their parts and components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of States Parties in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

#### **Article 4**

##### **Scope of application**

1. This Protocol shall apply, except as otherwise stated herein, to the prevention of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to the investigation and prosecution of offences established in accordance with article 5 of this Protocol where those offences are transnational in nature and involve an organized criminal group.

2. This Protocol shall 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 Charter of the United Nations.

#### **Article 5**

##### **Criminalization**

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:

- (a) Illicit manufacturing of firearms, their parts and components and ammunition;
- (b) Illicit trafficking in firearms, their parts and components and ammunition;

(c) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct:

(a) Subject to the basic concepts of its legal system, attempting to commit or participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of an offence established in accordance with paragraph 1 of this article.

## **Article 6**

### **Confiscation, seizure and disposal**

1. Without prejudice to article 12 of the Convention, States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked.

2. States Parties shall adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured and trafficked firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded.

## **II. Prevention**

### **Article 7**

#### **Record-keeping**

Each State Party shall ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:

(a) The appropriate markings required by article 8 of this Protocol;

(b) In cases involving international transactions in firearms, their parts and components and ammunition, the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

### **Article 8**

#### **Marking of firearms**

1. For the purpose of identifying and tracing each firearm, States Parties shall:

(a) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;

(b) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;

(c) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.

2. States Parties shall encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.

## **Article 9**

### **Deactivation of firearms**

A State Party that does not recognize a deactivated firearm as a firearm in accordance with its domestic law shall take the necessary measures, including the establishment of specific offences if appropriate, to prevent the illicit reactivation of deactivated firearms, consistent with the following general principles of deactivation:

(a) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;

(b) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;

(c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.

## **Article 10**

### **General requirements for export, import and transit licensing or authorization systems**

1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

(a) That the importing States have issued import licences or authorizations; and

(b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of

issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.

4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.

5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

### **Article 11**

#### **Security and preventive measures**

In an effort to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition, each State Party shall take appropriate measures:

(a) To require the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit through its territory; and

(b) To increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs transborder cooperation.

### **Article 12**

#### **Information**

1. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and, whenever possible, carriers of firearms, their parts and components and ammunition.

2. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

(a) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition;

(b) The means of concealment used in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition and ways of detecting them;

(c) Methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition; and

(d) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

3. States Parties shall provide to or share with each other, as appropriate, relevant scientific and technological information useful to law enforcement authorities in order to enhance each other's abilities to prevent, detect and investigate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities.

4. States Parties shall cooperate in the tracing of firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked. Such cooperation shall include the provision of prompt responses to requests for assistance in tracing such firearms, their parts and components and ammunition, within available means.

5. Subject to the basic concepts of its legal system or any international agreements, each State Party shall guarantee the confidentiality of and comply with any restrictions on the use of information that it receives from another State Party pursuant to this article, including proprietary information pertaining to commercial transactions, if requested to do so by the State Party providing the information. If such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.

### **Article 13** **Cooperation**

1. States Parties shall cooperate at the bilateral, regional and international levels to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

2. Without prejudice to article 18, paragraph 13, of the Convention, each State Party shall identify a national body or a single point of contact to act as liaison between it and other States Parties on matters relating to this Protocol.

3. States Parties shall seek the support and cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect the illicit activities referred to in paragraph 1 of this article.

### **Article 14** **Training and technical assistance**

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including technical, financial and material assistance in those matters identified in articles 29 and 30 of the Convention.

**Article 15****Brokers and brokering**

1. With a view to preventing and combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States Parties that have not yet done so shall consider establishing a system for regulating the activities of those who engage in brokering. Such a system could include one or more measures such as:

- (a) Requiring registration of brokers operating within their territory;
- (b) Requiring licensing or authorization of brokering; or
- (c) Requiring disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction.

2. States Parties that have established a system of authorization regarding brokering as set forth in paragraph 1 of this article are encouraged to include information on brokers and brokering in their exchanges of information under article 12 of this Protocol and to retain records regarding brokers and brokering in accordance with article 7 of this Protocol.

**III. Final provisions****Article 16****Settlement of disputes**

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

**Article 17****Signature, ratification, acceptance, approval and accession**

1. This Protocol shall be open to all States for signature at United Nations Headquarters in New York from the thirtieth day after its adoption by the General Assembly until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

#### **Article 18** **Entry into force**

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

#### **Article 19** **Amendment**

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of

their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

## **Article 20**

### **Denunciation**

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

## **Article 21**

### **Depositary and languages**

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

# Chapter II

# Security Council



## Security Council

### Report of the Secretary-General to the Security Council on the subject of small arms (S/2008/258)

#### Summary

Most present-day conflicts are fought primarily with small arms and light weapons. Such weapons are broadly used in inter-State conflict, and are the weapons of choice in civil wars and for terrorism, organized crime and gang warfare. The dividing lines between underdevelopment, instability, fragility, crisis, conflict and war are becoming increasingly blurred; contemporary conflict prevention, conflict resolution and peace-building therefore require multidimensional responses.

The present report discusses various aspects of the issue of small arms, with an emphasis on the negative impact that illicit small arms have on security, human rights and social and economic development, in particular in areas of crisis and in post-conflict situations. It analyses global instruments of relevance in stemming the uncontrolled proliferation of small arms, including the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

In addressing the issue of small arms, the report places particular emphasis on:

- (a) Encouraging the development of measurable goals for reducing armed violence;
- (b) Fostering enhanced cooperation among national authorities;
- (c) Enhancing synergies among various bodies involved in the issue, including the Security Council, the General Assembly and the Peacebuilding Commission;
- (d) Exploring possibilities for further improving the monitoring of Security Council arms embargoes;
- (e) Developing forms of standardization of end-user certificates;
- (f) Drawing urgent attention to destruction of surplus ammunition stockpiles and to stockpile management;
- (g) Building capacity.

Within the United Nations system, coordination on the issue of small arms will be further strengthened.

## I. Introduction

1. In a statement by its President dated 29 June 2007 (S/PRST/2007/24), the Security Council underlined the need to address the issue of small arms and requested me, on a biennial basis beginning in 2008, to submit to it a report containing my analysis, observations and recommendations on this issue as well as observations on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects. The present report is submitted in response to that request.<sup>1</sup>

## II. The issue of small arms

2. Member States remain central providers of security; this is their sovereign right and responsibility, to be performed in conformity with the rule of law. To effectively execute these tasks, their armed forces, police and other security forces legitimately employ a range of weaponry, of which small arms form an important part. Governments also have a responsibility to ensure public safety and a vested interest in providing human security and development to their citizens. Therefore, ensuring that small arms in private ownership do not enter illicit circuits where their use may contribute to instability and to exacerbating poverty must be part of the equation for every Government.

3. Small arms are cheap, light and easy to handle, transport and conceal. While a build-up of small arms alone may not create the conflicts in which they are used, their excessive accumulation and universal availability tends to aggravate conflicts by increasing the lethality and duration of violence and by increasing the sense of insecurity which leads to a greater demand for weapons (E/CN.4/Sub.2/2003/29). 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 warfare.<sup>2</sup>

4. The vast majority of direct conflict deaths are attributable to the use of small arms,<sup>3</sup> and as the Security Council is aware, civilian populations — increasingly also children — bear the brunt of armed conflict more than ever. Even in those cases where people have been killed with machetes or other non-ballistic instruments, small arms have been used in the initial round-up of the victims (E/CN.4/Sub.2/2003/29). Similarly, small arms are the dominant tools of criminal violence in ostensibly non-conflict societies, and the rate of firearms-related homicides in post-conflict societies frequently outnumbers battlefield deaths. These weapons can also be linked to the increasing number of violent deaths of United Nations employees and military peacekeepers as well as workers from humanitarian and non-governmental organizations in conflict zones.<sup>4</sup>

5. Small arms facilitate a vast spectrum of human rights violations, including killing and maiming, rape and other forms of sexual violence, enforced disappearance, torture and forced recruitment of children by armed groups or forces. More human rights abuses are

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<sup>1</sup> The term “small arms” as used in this report typically includes small arms and light weapons.

<sup>2</sup> United Nations Development Programme (UNDP), *Securing Development: UNDP's support for addressing small arms issues*, July 2005.

<sup>3</sup> The Small Arms Survey, *Small Arms Survey 2005*.

<sup>4</sup> World Health Organization (WHO), *World Report on Violence and Health*, 2002.

committed with them than with any other weapon (E/CN.4/Sub.2/2003/29). Furthermore, where the use of armed violence becomes an engrained means for resolving individual and group grievances and conflicts, legal and peaceful dispute resolution mechanisms are eroded and the rule of law cannot be upheld.

6. Contemporary armed conflict is the main cause of people fleeing their homes, and is now the most common cause of food insecurity.<sup>5</sup> For countries in the midst of long-term conflict as well as States in crisis or in a post-conflict phase and nations otherwise nominally “at peace”, armed violence can aggravate poverty, inhibit access to social services and divert energy and resources away from efforts to improve human development. Countries plagued by armed violence in situations of crime or conflict often perform poorly in terms of the Millennium Development Goals.<sup>6</sup> Moreover, armed conflict and high levels of armed violence form a serious impediment to economic growth.<sup>7</sup> According to the World Bank, nothing so undermines investment climates as armed insecurity.<sup>8</sup>

7. Gender approaches are particularly relevant for targeted policy interventions coupled with prevention and response activities to address small arms victims, survivors and perpetrators, as well as community leaders, peace negotiators and peacekeepers. Women and girls are often gravely affected by small arms violence, through armed sexual violence, intimidation and coercion, or as surviving partners and heads of households. They can also be agents for change, for instance where disarmament, demobilization and reintegration processes are concerned and when engaged in community security initiatives. Overwhelmingly, small arms are used by and against young males. It seems crucial to further understand the interplay between armed personal protection and armed power projection, and to focus on developing sustainable, alternative livelihoods for those coping with disempowerment and despair (see, for instance, S/2008/183).

8. Reliable data sets on the small arms issue can only be built if States provide information on production, holdings, trade, legislation and use.<sup>9</sup> However, of all transparency measures on weapons systems, those on small arms are the least developed. According to the *Small Arms Survey*, “more is known about the number of nuclear warheads, stocks of chemical weapons and transfers of major conventional weapons than about small arms”.<sup>10</sup> As a consequence, there are no accurate figures for the number of small arms and light weapons currently in circulation globally. Authoritative sources estimate the total to be at least 875 million. The majority of small arms — generally the only category of weapons not falling under Government monopoly of possession and use — are in private hands.<sup>11</sup>

<sup>5</sup> Food and Agriculture Organization of the United Nations (FAO), document CFS:2005/2.

<sup>6</sup> UNDP, *Securing Development*, 2005.

<sup>7</sup> International Monetary Fund, “Fiscal consequences of armed conflict and terrorism in low- and middle-income countries”, 2004.

<sup>8</sup> World Bank, *World Development Report 2005*.

<sup>9</sup> Human Security Report Project, *Human Security Report 2005*; Stockholm International Peace Research Institute (SIPRI), *Yearbook 2006*.

<sup>10</sup> The Small Arms Survey, *Small Arms Survey 2001*, chap. 3.

<sup>11</sup> The Small Arms Survey, *Small Arms Survey 2007*, chap. 2.

9. Sources of small arms supplies to areas of crisis and conflict are varied. Domestically, small arms can enter illicit circulation through distribution, theft, leakage or divergence, pilferage and resale. These can amount to massive injections of weapons into national circulation, as has been the case in Albania (1997) and Iraq (2003). Shipments of small arms to conflict zones from abroad are most often small-scale consignments — a steady trickle of weapons across porous borders. The cumulative destabilizing force of such small-scale trade is not to be underestimated, particularly in unstable regions where small arms are traded from one conflict to another.

### **Production**

10. The small arms industry appears to be fragmenting, bringing manufacture closer to potential markets. More than 1,000 companies in about 100 countries are involved in some aspect of small arms production, with significant producers in around 30 countries.<sup>12</sup> Although approximations of global production cannot be verified, conservative estimates mention 7.5 million to 8 million small arms per year.<sup>13</sup>

11. Licensed production is now a common feature in most parts of the world, sometimes leaving questions as to where responsibility lies with regard to the export of production techniques.<sup>14</sup> Craft production, carried out in private workshops, is in some regions part of the picture and remains largely outside of control systems.<sup>15</sup>

### **Marking and tracing**

12. If national law enforcement officials were able to trace small arms back to their last legitimate owner, who might then be held accountable, this would constitute an effective measure against the illicit trade in small arms and the diverting of weapons to the illicit market. For that purpose, it is essential that the weapon be marked upon production and import and that appropriate records be kept. Also existing stocks should be marked. Although many weapons are marked when produced and some when imported, international cooperation in marking and tracing of small arms is in its infancy.

### **Trade and brokering**

13. Global patterns of supply of small arms and light weapons have profoundly changed over the past few decades. The vast majority of small arms are sold and transferred legally. However, changing patterns in the small arms trade have complicated controls. In the past, arms markets were relatively easy to survey, with far fewer supply outlets and less intermediate activity. Typically, orders were conducted and consignments delivered by State authorities or Government agents. As outlets have multiplied and commercial markets for small arms have become differentiated, the use of private intermediaries has increased. These actors now routinely arrange transactions for defence industries, armed forces, law enforcement agencies and suppliers to government as well as private entities, operating in a particularly globalized environment and often from multiple locations.

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<sup>12</sup> The Small Arms Survey, *Small Arms Survey 2004*, chap. 1.

<sup>13</sup> The Small Arms Survey, *Small Arms Survey 2003*, chap. 1.

<sup>14</sup> The Small Arms Survey, *Small Arms Survey 2007*, chap. 1.

<sup>15</sup> The Small Arms Survey, *Small Arms Survey 2003*, chap. 1.

14. Contemporary traders, agents, brokers, shippers and financiers may well combine some of the above activities, making it difficult at times to clearly distinguish small arms trade from brokering. Unquestionably, intermediaries have a growing part to play in meeting States' security needs. However, States must assure that the shipments handled through these often complex networks are regulated according to the rule of law. Around 80 per cent of Member States have not enacted specific laws or regulations covering brokering within their systems of arms export control, and it is often unclear if those activities are covered under other laws.<sup>16</sup> Now that mediation and related activities have become so prominent in the international arms trade, it is of the highest significance that countries enact effective laws and regulations to govern this wide spectrum of present-day arms brokering.

15. Investigations of arms embargo violations by the monitoring groups of the Security Council have exposed some international networks involved in the illicit trade and brokering of small arms. These brokers and dealers exploit legal loopholes, evade customs and airport controls and falsify documents such as passports, end-user certificates, cargo papers and flight schedules (A/62/163). Illicit activities by certain brokers and traders — and by the Government officials they collude with — have violated every United Nations arms embargo, with small arms and ammunition as the main items transferred.<sup>17</sup> Somalia forms the most dismal illustration: in spite of a 16-year arms embargo, the quantity and diversity of arms available in Somalia are greater than at any time since the early 1990s (S/2007/436).

16. A recurring problem concerning the proliferation of small arms, in particular in zones of crisis and conflict, also noted by Security Council monitoring groups, is the absence of a normative framework for all States to guide decisions regarding arms transfers (S/2003/1070). Regional examples of normative frameworks have proven useful in preventing the transfer of arms to areas of conflict or repressive Governments.

### **End-use verification**

17. End-use certificates are designed to form a key line of defence against the diversion of authorized small arms transfers. These documents, however, are effective only in the context of a broader system that includes a comprehensive consideration of diversion risks at the licensing stage, the verification of end-user documentation and post-shipment controls.<sup>18</sup> Without a standard or agreed format for authenticated end-use certificates, government agencies in transit States have little means of establishing their veracity. This makes interdiction of illicit transfers extremely difficult without prior intelligence.

18. Leading small arms exporting states seem to have in place at the national level the basic components to prevent unauthorized end use. However, exporting States tend not to make information available on whether they systematically verify end-user documentation in advance of export. Moreover, research indicates that delivery verification is low and small arms end-use monitoring is largely neglected.<sup>19</sup>

<sup>16</sup> United Nations Institute for Disarmament Research (UNIDIR), *Developing a Mechanism to Prevent Illicit Brokering in Small Arms and Light Weapons*, 2007.

<sup>17</sup> SIPRI, *United Nations Arms Embargoes*, 2007.

<sup>18</sup> The Small Arms Survey, *Small Arms Survey 2008* (forthcoming), chap. 5.

<sup>19</sup> Ibid.

## Ammunition

19. Information on global ammunition flows is very difficult to obtain. More than 80 per cent of ammunition trade seems to remain outside of reliable export data. However, it forms a key component of the small arms issue. In contexts of sustained use, such as conflict situations, ammunition stockpiles are rapidly depleted, contrasting with the relative longevity of arms.<sup>20</sup> Preventing their resupply in situations conflicting with the rule of law should be a matter of prime concern. What is more, these stockpiles can form a double problem in themselves. Where researched, it has been demonstrated that much of the ammunition circulating among armed non-State actors has been illicitly diverted from State security forces.<sup>21</sup> And warehouses of ammunition, sometimes placed in densely populated areas, have recently exploded in a number of countries, including Afghanistan, Albania, Mozambique and Nigeria, causing thousands of casualties. Therefore, security as well as safety measures with regard to ammunition stockpiles need to be urgently addressed.

## Stockpiles

20. Stockpile management and control has emerged as one of the most acute small arms problems. Leaking Government stockpiles are prominent sources of illegal small arms in circulation. In the most extraordinary case, that of Iraq, the loss of control of millions of small arms and light weapons, ammunition and explosives helped to undermine the stability of an entire country.<sup>22</sup> Generally it is far better to destroy surplus and obsolete weapons than to store them (A/CONF.192/15). In post conflict settings, the immediate destruction of surplus weapons and ammunition removes possible fuel for new instability. What is more, properly securing and maintaining stockpiles requires funding and organizational capacity, which is often scarce in post-conflict settings and which diverts resources from urgently needed recovery and development efforts. Thus, when considering the costs of destruction over the costs associated with safe long-term storage and maintenance, destruction tends to be economically advantageous.<sup>23</sup>

21. The results of collection and destruction programmes are mixed. Often, projects have had only marginal impact on security, presumably because it is typically the obsolete weapons that are destroyed,<sup>24</sup> and because affected communities do not always participate in the design and implementation of collection programmes.<sup>25</sup> Also, disarmament programmes tend to focus on weapons rather than ammunition.<sup>26</sup> Most importantly, for weapons collection programmes to have a lasting effect, they must be embedded in robust efforts linked to violence reduction, reconciliation, security sector reform and peacebuilding.

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<sup>20</sup> The Small Arms Survey, *Targeting Ammunition*, 2006.

<sup>21</sup> The Small Arms Survey, *Small Arms Survey 2007*, chap. 9.

<sup>22</sup> The Small Arms Survey, *Small Arms Survey 2004*, chap. 2.

<sup>23</sup> UNIDIR, *Costs of Disarmament: Cost Benefit Analysis of SALW Destruction versus Storage*, 2006.

<sup>24</sup> International Institute for Strategic Studies (IISS), "Small arms and light weapons", *Strategic Comments*, vol. 11, No. 4 (June 2005); The Small Arms Survey, *Small Arms Survey 2005*, chap. 10.

<sup>25</sup> UNIDIR, *Comparative Analysis of Evaluation Methodologies in Weapon Collection Programmes*, 2006.

<sup>26</sup> IISS, "Small arms and light weapons", *Strategic Comments*, vol. 11, No. 4 (June 2005).

22. This section illustrates that weak state regulatory and enforcing capacities as well as social, political and economic forms of inequality are commonly associated with the structural causes of armed violence and conflict. The dividing lines between underdevelopment, instability, fragility, crisis, conflict and war are increasingly blurred; the small arms issue is therefore intertwined with the security, development and human rights preconditions for sustainable peace. Present-day conflict prevention, conflict resolution and peacebuilding require multidimensional interventions. Crucially, Governments must be able to exercise legitimate authority and provide safety, security and development to their citizens. If they do not, their citizens may seek to guarantee their security through alternative forms of self-protection, retributive justice or the resort to armed violence. As long as the human security of affected populations remains unanswered, both in terms of personal and socio-economic security, the negative impact of small arms will continue to exist. That is why many States have started to recognize the importance of control measures for small arms and have agreed to a number of international instruments as a means to control the tools of violence and as a complement to efforts to address the structural causes of armed violence and conflict.

### **III. International instruments**

#### **Firearms Protocol**

23. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/255), offers a regulatory framework to the challenges posed by the proliferation of illicit firearms and ammunition.

24. This “Firearms Protocol” requires States to criminalize offences such as the illicit manufacture and trafficking of firearms and ammunition and the falsification or obliteration of markings on firearms. It requires States to implement control measures on the firearms trade and asks States to consider regulating the activities of brokers. It sets out uniform international standards for the movement of firearms; promotes cooperation and the exchange of information at the national, regional and global levels, including on firearms identification, detection and tracing; and promotes the development of an international system to manage commercial shipments.

25. The Firearms Protocol has not only become a global standard in the area of action against transnational organized crime, but also an instrument which complements and reinforces the implementation of both the Programme of Action and the International Tracing Instrument (see sections immediately below). Presently, it has 52 signatories and 72 parties.

#### **Programme of Action**

26. In 2001, Member States adopted the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.<sup>27</sup> This politically binding instrument laid the foundation for action at the national, regional and global levels and has become a valuable tool for States, international organizations and civil society.

<sup>27</sup> See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

It recommended starting negotiations on a separate instrument on tracing illicit small arms, and it paved the way for increased attention of Member States to the issue of illicit small arms brokering. The Programme of Action contains concrete suggestions for improved national legislation and controls and international assistance and cooperation. It calls upon States to address the special needs of children affected by armed conflict.

27. Significant progress has been made in the implementation of the Programme of Action. A number of States have improved their legislation related to stemming the uncontrolled proliferation of small arms at the national level. Also, disarmament, demobilization and reintegration programmes have been developed and implemented. Some States have integrated small arms action plans into national development strategies. But many of the requirements of the instrument for implementation at the national level remain unfulfilled. National reporting under the Programme of Action has been increasing but remains low in some regions.<sup>28</sup> Also, national reports are often unclear on what the challenges are in national implementation, and how they could be overcome. The setting up of procedures for effective operational information exchange with investigative and law enforcement authorities from other States and with the International Criminal Police Organization (INTERPOL) leaves much to be desired.

28. The Programme of Action's suggested measures at the regional level have prompted some promising regional initiatives to curb the illicit trade in small arms, especially from a norm-setting point of view. More efforts are needed to reflect these initiatives in national legislation and procedures. Where resources are made available, regional organizations have been able to make a real difference on the ground; technical support and assistance is often provided by programmes, initiatives and projects of United Nations funds and agencies. These partnerships ensure synergy and the effective use of resources.

29. At the global level, States were unable to agree to substantive outcomes of the biennial meetings of the Programme of Action in 2003 and 2005 and its review conference in 2006.

30. In my analysis, progress in the implementation of the Programme of Action at the national, regional and global levels has been impeded by the following factors:

(a) It is not a legally binding instrument, which could imply lower prioritization than is needed;

(b) Member States tend to view the instrument through a specific lens. Although it stresses "all aspects" of the issue in its title, it does not explicitly address broader dimensions of the issue of small arms, such as the nexus between security and development, which was recognized by Member States at the World Summit in 2005. That omission has hindered the smooth inclusion of small arms control issues in national development strategies;

(c) The Programme of Action does not specifically address the uncontrolled proliferation of ammunition. Most Member States see small arms ammunition as being part and parcel of the issue of small arms, as did the 1997 Panel of Governmental Experts on Small Arms (see A/52/298). The Security Council has also associated the problem of ammunition with that of small arms where arms embargoes are concerned. But some Member States see ammunition as falling outside the scope of the Programme of Action;

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<sup>28</sup> UNIDIR, *Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports*, 2006.

(d) Apart from a preliminary remark on children, women and the elderly, the Programme of Action does not explicitly recognize the need for gender-specific responses where the issue of small arms is considered;

(e) The instrument lacks measurability and specific numerical targets. Whereas other landmark documents, such as the United Nations Millennium Declaration, are associated with concrete targets and deadlines, the Programme of Action proposes neither benchmarks nor cut-off dates;

(f) It does not provide concrete procedures for operational information exchange among States' investigative or law enforcement authorities;

(g) The instrument does not provide a specific framework to facilitate international assistance and cooperation among States. Hence, States have had difficulty finding cooperative structures and linking needs with resources.

### **International Tracing Instrument**

31. By its decision 60/519, the General Assembly adopted the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument), which includes provisions on marking new production and Government stocks, as well as marking at the time of import. It does not cover the marking or tracing of ammunition. This politically binding document provides a framework for States to file, where relevant, small arms tracing requests with one another. Moreover, it does not exclude that States can respond to tracing requests from peacekeeping missions. The International Tracing Instrument identifies the United Nations and INTERPOL as key partners in cooperating on tracing requests.

32. This instrument can be of high practical value for efforts to counter illicit small arms trade. Its ultimate success, however, depends on its actual implementation, for which a framework for assistance and cooperation again is essential. To this end, the instrument needs to be promoted and its implications must be understood by relevant policymakers and practitioners.

### **Trade, brokering and end use**

33. As requested by the General Assembly in its resolution 61/89, I have established a group of governmental experts to look into the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, with a view to presenting a report to the Assembly at its sixty-third session. Such an instrument, while not limited to small arms in its scope, could nonetheless provide important guidelines for the transfers of small arms.

34. In its report to the General Assembly, dated 30 August 2007 (A/62/163), the Group of Governmental Experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons reiterated that States should impose appropriate penalties for all illicit brokering activities, as well as arms transfers that violate Security Council embargoes — as the Council itself has underlined (see S/PRST/2002/30). The Group's report contains the first agreed description of what constitutes illicit brokering in small arms. That description is seen as fundamental to any

efforts to enhance international cooperation to combat illicit brokering in small arms. It incorporates the option of including extraterritorial activities in legislation, as well as activities closely related to brokering such as transportation and financing. Brokering and trade in small arms are often difficult to distinguish from one another. This complicates the possible development of a separate instrument on brokering. Implementation of the report's recommendations should be dealt with in the framework of the Programme of Action.

35. Although some regional instruments address end-user certification and verification, no global instrument on end-use verification exists.

### **Ammunition**

36. A group of governmental experts established pursuant to General Assembly resolution 61/72 to consider further steps to enhance cooperation with regard to the issue of conventional ammunition stockpiles in surplus, is preparing a report for the sixty-third session of the General Assembly. Given the high number of casualties from explosions in ammunition storage sites around the world, this is a critical subject to further develop policy on. However, I see strong merit in consistent attention to the other pressing aspects of the ammunition problem, such as the illicit trade and the continuing, devastating leakage of non-surplus ammunition stocks.

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

37. A core element in preventing conflict and securing peace and stability is encouraging predictable, transparent behaviour by all States. To that end, one of the instruments at the disposal of Member States is the United Nations Register of Conventional Arms. It includes data provided by States on international arms transfers as well as information on military holdings, procurement through national production and relevant policies. Its main aim is to form the basis for regional and international confidence-building measures; transparency in armaments can help prevent destabilizing accumulations of arms and be an efficient tool of preventive diplomacy. Since its inception in 1991, a total of 172 States have participated in the Register.

38. The Register has been steadily expanding its scope. Significantly, in 2003 the General Assembly decided that the Register was also open for Member States to report their transfers of small arms. Also, since 2003, man-portable air defence systems — posing particular dangers in the hands of non-State actors — are included as well. Therefore, the Register has become a tool directly relevant for the work that the Security Council and the General Assembly are doing on small arms and light weapons.

### **Security Council**

39. Security Council arms embargoes can serve as powerful tools to address the illicit trade and brokering in small arms and light weapons as well as the destabilizing effect of their circulation. Currently, nine standard United Nations arms embargoes are in force, which include prohibitions against, inter alia, the supply of small arms and light weapons to targeted States, entities and individuals. The arms embargoes are supported by Security Council sanctions committees established to oversee their implementation. The Council regularly reaffirms,

recalls or reiterates its demand that States enforce existing arms embargoes, as their implementation continues to pose significant challenges.

40. The monitoring of arms embargoes requires tight control of a country's borders as well as inspection inside the country. However, in many States with arms embargoes, the borders are porous with very little monitoring, including at airstrips and seaports. In addition, effective arms embargo monitoring depends on active information exchange among different actors, including national authorities, peacekeeping missions and international and regional organizations.

41. Over the course of time, the design and monitoring of arms embargoes has improved, owing largely to more robust monitoring by independent monitoring groups and by peacekeeping missions. Currently, six of the nine arms embargo regimes are supported by monitoring mechanisms established by the Security Council to assist the sanctions committees in monitoring and assessing the sanctions implementation and to provide them with technical advice.

42. Two peacekeeping missions — the United Nations Operation in Côte d'Ivoire (UNOCI) and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) — have been mandated by the Council to assist in monitoring the arms embargoes in their respective areas. I am pleased to note that UNOCI, following recommendations of the Group of Experts on Côte d'Ivoire, has created a dedicated arms embargo cell and hired a customs expert. According to the Group, these initiatives have resulted in a tangible improvement in the methodology, quality and number of inspections carried out and in the creation of databases. The Group further welcomed the fact that the concept of effective embargo monitoring was mainstreamed within UNOCI (S/2007/349 and S/2006/964). However, it should also be noted that in its September 2007 report, the Group expressed the view that the monitoring of the implementation of the arms embargo was still not very effective (S/2007/611).

43. The Security Council and its sanctions monitoring groups have sought to enhance the monitoring of exceptions to the arms embargoes in force in the Democratic Republic of the Congo and Liberia. The Council decided by its resolution 1792 (2007) that States should notify the Committee established pursuant to resolution 1521 (2003) of their arms deliveries to Liberia under the exceptions granted by the Committee. The Panel of Experts on Liberia recommended that State suppliers also be requested to inform the Committee of the date, point of entry and equipment contained in each delivery, and that the Committee request the Government of Liberia and the United Nations Mission in Liberia (UNMIL) to systematically inspect such deliveries at their point of entry and provide inspection reports to the Committee (S/2007/689). Furthermore, the Group of Experts on the Democratic Republic of the Congo recommended that the Security Council Committee established pursuant to resolution 1533 (2004) promptly inform the Group and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) of the notifications it receives from States supplying arms to the Democratic Republic of the Congo under the arms embargo exemptions (S/2008/43), and that the Government of the Democratic Republic of the Congo inform MONUC of such incoming arms shipments. Moreover, the Group called upon brokers to provide the competent authorities with the name of the agents and airlines as well as with the itinerary of the arms transport (S/2007/423).

44. By resolution 1807 (2008), while limiting the scope of the arms embargo to non-governmental actors operating in the territory of the Democratic Republic of the Congo, the Council strengthened this obligation by clarifying the information to be included in such notifications, such as end-user and proposed date of delivery. Furthermore, in partial implementation of the above recommendation of the Group of Experts, the Council requested that the Committee inform the Government and MONUC of the notification it receives from supplier States. I am pleased to note that the Council recognized the importance of increased coordination and information exchange among the actors involved in the monitoring of the arms embargo.

45. Under the terms of Security Council resolution 1596 (2005), the arms embargo regime for the Democratic Republic of the Congo includes “accessory measures”, which require Governments in the region to ensure that air transport operations and documentation meet established standards, and also to strengthen customs controls on the borders between Ituri or the Kivus and neighbouring States. The implementation and monitoring of such measures can help to identify any lack of relevant institutional capacities which render the target State vulnerable to arms embargo violations. Lack of sufficient capacities constitutes a key challenge for many States in the effective monitoring and enforcement of arms embargoes.

46. The Security Council and its sanctions monitoring groups have called for concrete initiatives to mark and register arms in order to facilitate the implementation of arms embargoes. The Group of Experts on the Democratic Republic of the Congo has recommended that all arms held or imported by the Democratic Republic of the Congo be separately registered and marked on the basis of a dedicated system supported by the international community (S/2006/525). The Security Council has decided that arms and ammunition obtained by the Government of Liberia through exceptions to the arms embargo shall be duly marked and that a registry of them shall be maintained, and the Panel of Experts on Liberia has recommended that the standards of the International Tracing Instrument be used (S/2007/689). The Group of Experts on Côte d’Ivoire has recommended that Côte d’Ivoire submit a baseline statement of its arms acquisitions and holdings to the United Nations Register of Conventional Arms and to UNOCI (S/2006/204). Similar recommendations to establish baseline inventories of arms have been made by the Panel of Experts on the Sudan.

47. End-user certificates are increasingly recognized as an important element in Security Council arms embargoes. The Panel of Experts on the Sudan, mandated to monitor the sanctions measures on Darfur, recommended to the Council that States supplying arms and military equipment to the Sudan require the Government of the Sudan to provide end-use certification regarding the intended primary location for the use of equipment and supplies (S/2007/584). Other Security Council monitoring teams have recommended the mandatory authentication, reconciliation and standardization of end-user certificates.

48. In addition to improved design and monitoring, Security Council arms embargoes have also benefited from recent advances in the theory and practice of disarmament, demobilization and reintegration as well as security sector reform. This has increased the potential for employing arms embargoes as part of an effective strategy for post-conflict peacebuilding. The implementation and effectiveness of arms embargoes globally, however, remains uneven.

## Peacebuilding Commission

49. As the Council knows, building sustainable peace requires much more than addressing security — it calls for tackling longer-term challenges. This is central to the Peacebuilding Commission’s mission of averting a relapse into conflict, but it should equally apply to broader United Nations efforts to stop violence from breaking out in the first place, for instance through the Security Council. The issue of small arms is directly relevant to the work of the Peacebuilding Commission, especially since levels of small arms circulating in post-conflict areas may be higher than before the conflict ended.

50. The Commission has generated trust among Member States and forged a new spirit of partnership in the international community. It will continue developing new peacebuilding tools, such as the long-term political compacts known as strategic frameworks. These strategic frameworks, and other initiatives by the Peacebuilding Commission, could benefit from full coordination with existing instruments such as the Programme of Action and the United Nations Register of Conventional Arms (including their provisions for national reporting) and with the work done in other organizations on curbing the proliferation of illicit small arms.

## Other organizations

51. INTERPOL has developed its “I-24/7” global police communications system, which provide law enforcement authorities in its member countries with instant access to the organization’s databases. It also enables national authorities to access each others’ national databases through designated officials, while always remaining in control of their own national criminal data. Queries of these databases by national police may bring to light linkages to other criminal records, for instance records related to international organized crime, terrorism and money-laundering, which could help in combating the illicit trade and brokering in small arms.

52. National authorities in member countries can extend access to the I-24/7 system to authorized entities such as border control units or customs officials. To date, approximately a third of the 186 INTERPOL member countries have chosen to extend this system to their respective field offices. From a regulatory point of view, expanding the number of countries who have deployed the I-24/7 system to field offices would be an important improvement.

53. INTERPOL is also setting up the INTERPOL Weapons Electronic Tracing System to help national law enforcement agencies track illicit movements and uses of firearms.

54. The INTERPOL-United Nations Security Council Special Notice was created in 2005 in response to Security Council resolution 1617 (2005). By that resolution the Council called upon the Secretary-General to work with INTERPOL to provide better tools to help the Committee established pursuant to resolution 1267 (1999) carry out its mandate regarding the freezing of assets, travel bans and arms embargos aimed at individuals and entities associated with Al-Qaida and the Taliban.

55. In 2002, the World Customs Organization (WCO) recommended that States and customs authorities “consider designating specific offices/sites for the processing of legitimate firearms shipments in order to enhance control over their trans-border movement” and “promote the conclusion of Memoranda of Understanding between customs and legitimate

traders, such as manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms to strengthen controls and to increase accountability”.<sup>29</sup>

56. Furthermore, WCO has set up a comprehensive approach to customs capacity-building with its programme to assist member countries with implementation of the WCO Framework of Standards to Secure and Facilitate Global Trade and with broad modernization. This programme will be important for enhancing the capacity of relevant national authorities to prevent, combat and eradicate illicit trade and brokering in small arms.

57. In addition, the International Civil Aviation Organization and the International Maritime Organization, as well as non-governmental industry associations such as the International Air Transport Association, have set out and regularly updated standards for the conduct of their members and for the transport of dangerous cargoes, including consignments of ammunition and explosives. The enforcement of such standards may be important for the prevention and suppression of illicit trade and brokering in small arms (A/62/163).

58. Lastly, I am encouraged by the budding process which a growing number of Member States have joined by associating themselves with the 2006 Geneva Declaration on Armed Violence and Development (see [www.genevadeclaration.org](http://www.genevadeclaration.org)), in particular because of its focus on the interconnection between small arms, armed violence and development. The Declaration commits participating States to support programmes on reducing armed violence with a development and human rights perspective. This initiative, open to all Member States, aims to promote measurable reductions in armed violence worldwide as well as tangible improvements in human security by 2015. By doing so, it introduces the concept of working towards quantifiable results on the nexus of small arms and development.

#### **IV. Observations and recommendations**

59. Within the United Nations, coordination on the issue of small arms could benefit from further improvement. I have identified reviving the Coordinating Action on Small Arms as one of the priorities in the field of disarmament for 2008. An electronic database for coordinating small arms programming, which establishes a clearing-house function for actions on the issue of small arms both for the United Nations system, Member States and other stakeholders, is to become operational at the forthcoming biennial meeting of States on the Programme of Action. Moreover, the Coordinating Action on Small Arms has decided to embark upon developing international standards for small arms control, not unlike the standards that have been created on mine action and on disarmament, demobilization and reintegration. Also, the United Nations will pay specific attention to encouraging qualitative and quantitative improvements in national reporting.

60. It is particularly important to develop practical exchanges between the Security Council and the General Assembly on stemming the illicit flows of arms and ammunition to areas of crisis and conflict. I consider it promising that the Security Council has requested a biennial report on the issue of small arms on a recurring basis following the same two-year cycle as

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<sup>29</sup> See recommendations of the WCO International Cooperation Council regarding the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, 29 June 2002.

the meetings under the Programme of Action, and I will encourage further synergies between the two forums. One of the issues needing structural attention is how further to encourage States to adequately exchange operational information among their respective law enforcement or investigative authorities regarding the illicit trade in small arms.

61. The expanded United Nations Register of Conventional Arms, which has opened the possibility to report on man-portable air defence systems and on small arms, could be instrumental for the Security Council and the Peacebuilding Commission as well as for efforts undertaken in the framework of the Programme of Action.

### **Recommendation 1**

**States should enhance their efforts to collect, maintain and share data on small arms. States in a position to do so should increase their support for research on the distribution and impact of small arms, including assessment of the key variables of age and sex, in order to inform the content and focus of policies and strategies to address the problem.**

62. The limited progress in stemming the illicit trade in small arms in all its aspects is partly due to a structural lack of data as well as a lack of coordination and capacity. Without more transparency on the part of Governments, in particular in the field of trade in small arms and ammunition, it is difficult to assess where gaps exist in the national, regional and global implementation of international instruments. Also, although non-governmental organizations and academia have been giving growing attention to this field — often doing work of high quality — I would encourage more research on the issue of small arms, including a more consistent emphasis on the specific value of sex- and age-disaggregated data and the nature and scope of the impact of small arms violence.

### **Recommendation 2**

**Key quantitative indicators for the area of small arms should be developed and used as a base against which to set measurable goals.**

63. One of the most important steps that need to be taken on the issue of small arms is the development of measurability. The concept of generating baseline inventories by organizing a small arms survey at the initial stage of project development is beginning to be well-established and has proven effective in project development and evaluation. Without these baseline assessments and agreed targets, it is difficult to frame the scope and dimension of the problem, develop effective projects and monitor progress. In this regard, I am encouraged by the objective to this end incorporated in the Geneva Declaration on Armed Violence and Development, which is open to all States. In my view, developing measurable goals on armed violence towards 2015 will offer the opportunity to integrate security-related themes into the possible follow-up of the Millennium Development Goals.

### **Recommendation 3**

**Efforts by States and regional and international organizations to curb the uncontrolled proliferation of small arms should be based on the shared acknowledgement that security, development and human rights are interconnected. Integrated responses by States require, where relevant, the integration of national small arms action plans into peacebuilding efforts, broader poverty reduction strategies and human security frameworks.**

64. The issue of small arms cannot be addressed with arms control measures only. It is an integral part of a wider spectrum, in which conflict, security, armed violence, crime, trade, human rights, health and development intersect. In areas of crisis and in post-conflict situations, solutions to excessive circulation of small arms need to focus — apart from basic reduction and control measures — on alternative, sustainable livelihoods while taking the factors of gender and age into account. Peacebuilding efforts need always to include the element of small arms. The same holds true, where relevant, for broader national development plans.

### **Recommendation 4**

**The Security Council may wish to encourage a strengthened practical cooperation among relevant sanctions monitoring groups of the Security Council, peacekeeping missions, Member States and their investigative authorities as well as relevant regional and international organizations.**

65. Sanctions monitoring groups established by the Security Council often face practical challenges, such as a lack of capacity to electronically process and analyse their findings and relating those findings to data collected by monitoring groups under other sanctions committees. Additionally, cooperation between Member States and these monitoring groups is often inadequate. The background documentation accumulated by the monitoring groups is not systematically shared with the investigative authorities of Member States that express an interest in pursuing national prosecution. Also, it would be helpful if the reports and documentation accumulated by the groups were shared with international organizations, such as INTERPOL, for the purposes of identifying trends, criminality, and the modus operandi of illicit arms traffickers, which may be of use to the investigative authorities of Member States.

66. It also appears that there is a need to correlate efforts between sanctions committees and INTERPOL. The Special Notice developed by INTERPOL and the Committee established pursuant to resolution 1267 (1999) in response to Security Council resolution 1617 (2005) is a solid basis for exploring further practical cooperation between the two organizations on other arms embargoes. Building on that positive experience, the Council adopted resolution 1699 (2006) in August 2006, which enables all other sanctions committees to request assistance from INTERPOL and to benefit from its tools on the basis of individual agreements.

## Recommendation 5

**Peacekeeping missions mandated to monitor arms embargoes should increasingly seek to assign this task to a dedicated unit equipped with the capacity to carry it out comprehensively.**

67. The recent inclusion of United Nations arms embargoes monitoring functions in the mandates of United Nations peacekeeping missions opens the question of how the responsibility for this mandate should be organized within the mission. Appointing dedicated staff within the missions, which was done in the case of UNOCI, instead of having all mission personnel share this responsibility, seems to improve the effectiveness of these monitoring functions. Also, such operations could be more effective if efforts were made to enhance their capacity and authority to carry out inspections at sensitive airports, seaports and road links and to coordinate their findings with the relevant Security Council sanctions monitoring groups so as to report adequately and in a timely fashion to the Council's sanctions committees.

## Recommendation 6

**The Security Council may wish to further strengthen synergies between a United Nations arms embargo and possible disarmament, demobilization and reintegration efforts.**

68. The effectiveness of arms embargoes is initially dependent upon the removal of excess small arms from internal circulation within the embargoed State. This is only one of many reasons why disarmament, demobilization and reintegration programmes and other micro-disarmament initiatives are vital in States emerging from conflict. The Group of Experts on Côte d'Ivoire noted that these programmes would effectively limit possible obstacles to the ongoing peace process and would help to create a more favourable security climate (S/2007/611). The Group of Experts on the Democratic Republic of the Congo noted that internal circulation of military equipment remains problematic and recommended that the Security Council request the Government of the Democratic Republic of the Congo and its international cooperation partners to reactivate an effective process of disarmament, demobilization and reintegration of members of illegal armed groups (S/2008/43). Making use of United Nations radio stations in field operations could be of particular importance for the dissemination of information on disarmament, demobilization and reintegration programmes.

## Recommendation 7

**Where a United Nations arms embargo coincides with disarmament, demobilization and reintegration efforts, the Security Council may wish to consider requesting the establishment of a baseline arms inventory as well as arms marking and registration systems.**

69. A better understanding of the arms and related material that exist within an embargoed State or territory, achieved by establishing a baseline inventory of arms together with a system of marking those arms, can serve to enhance several processes related to arms embar-

goes. These include monitoring, security sector reform and disarmament, demobilization and reintegration. The Council may wish to review the Liberia sanctions regime model carefully in order to assess the applicability of some of its provisions, such as the marking and registering of arms received under exceptions granted by the Committee, and mandating the relevant peacekeeping mission to regularly inspect those weapons. The expert monitoring groups have provided a number of recommendations in this connection to assist in any review process.

### **Recommendation 8**

**Member States and peacekeeping missions should, where relevant, be encouraged to use the new International Tracing Instrument and the INTERPOL global police communications system.**

70. Through regional workshops focusing on practical cooperation in tracing small arms, the United Nations is encouraging States to make use, where relevant, of the new International Tracing Instrument. It is important for the Council to recognize that peacekeeping missions are not barred from filing such tracing requests. This possibility could be incorporated in their mandates, and Member States should be encouraged to cooperate in this regard.

71. In their tracing efforts, Member States should be called upon to use, as required, the INTERPOL “I-24/7” global police communications system and the INTERPOL Weapons Electronic Tracing System. Peacekeeping missions could do so as well.

### **Recommendation 9**

**Destruction of surplus ammunition stockpiles should be a priority for relevant peacekeeping missions and Governments. The management of arms and ammunition stockpiles requires a level of regulatory capacity which will often need urgent attention in developing peacebuilding efforts.**

72. Citizens in a number of countries live in peril because of poorly guarded and poorly maintained small arms ammunition storage sites. In particular in countries coming out of conflict, it is vital that destruction of surplus ammunition stockpiles be addressed as a matter of urgency. Safeguarding ammunition warehouses should therefore not only be treated as a priority for peacekeeping missions, but should also be considered as a part of initial peacebuilding efforts. Often, measures aimed at establishing comprehensive and effective administrative and technical procedures will be needed to embed stockpile security in wider regulatory capacity. Safe and secure small arms stockpile management can be seen as a litmus test of a government’s capability to function as a responsible guarantor of peace, security and development for its citizens.

### **Recommendation 10**

**Where relevant, the Security Council may wish to consider applying more regularly its practice of linking arms embargo exceptions with security sector reform.**

73. Currently, the Liberia sanctions regime offers security sector reform as a condition for lifting the arms embargo. The sanctions regime of the Democratic Republic of the Congo

also refers to security sector reform in connection with possible exceptions to the arms embargo, but without a direct link between the achievement of such reform and the lifting of the embargo. Where appropriate, a stronger linkage between security sector reform and lifting an arms embargo may provide an effective incentive for the success of such reform. This is also important from the point of view of preventing a recurrence of conflict in fragile post-conflict situations.

### **Recommendation 11**

**The Security Council may wish to consider encouraging States to significantly enhance their efforts to verify end-user certificates. They should develop an international framework for authentication, reconciliation and standardization of end-user certificates.**

74. Systematic end-use verification is on paper an effective tool against the diversion of small arms. In practice, re-routed shipments of small arms continue to fuel conflicts around the world while pre-verification and end-use monitoring of legal transactions seems to remain uneven. The recent strong improvement in end-use verification and monitoring of man-portable air defence systems confirms that with political commitment effective systems for end-use verification are feasible. The lack of a framework for international cooperation on small arms end-use verification seems an impediment to consistent international action in this field.

### **Recommendation 12**

**The Peacebuilding Commission, the Office for Disarmament Affairs and the Special Representative of the Secretary-General for Children and Armed Conflict should increase cooperation on the nexus of children and small arms.**

### **Recommendation 13**

**Parties in a position to do so should provide comprehensive assistance to States requesting such support.**

75. Instruments such as the Programme of Action assume that States have the capacity to undertake comprehensive measures pertaining to the illicit trade in small arms. But often this is not the case, especially where there is little State legitimacy or where capacity is eroded by conflict, corruption and weak rule of law. Without comprehensive commitments from States in a position to provide technical and financial assistance, many of the above recommendations will prove impossible to fulfil.

## **Statement by the President of the Security Council on the subject of small arms (S/PRST/2007/24)**

At the 5709th meeting of the Security Council, held on 29 June 2007, in connection with the Council's consideration of the item entitled "Small arms", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council recalls its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security. In this regard the Security Council recognises that the illicit trade in small arms and light weapons in all its aspects has hampered the peaceful settlement of disputes, fuelled such disputes into armed conflict, and contributed to the prolongation of such armed conflicts.

"The Security Council notes with grave concern that the destabilising accumulation and illicit manufacture, trade and circulation of small arms and light weapons in many regions of the world increases the intensity and duration of armed conflicts, undermines the sustainability of peace agreements, impedes the success of peace-building, frustrates efforts aimed at the prevention of armed conflict, hinders considerably the provision of humanitarian assistance, and compromises the effectiveness of the Security Council in discharging its primary responsibility for the maintenance of international peace and security.

"The Council reaffirms the inherent right to individual or collective self-defense consistent with Article 51 of the Charter of the United Nations.

"The Security Council notes the report of the Secretary-General to the Council entitled 'Small Arms' (S/2006/109) of 27 February 2006, and recalls the statements of its President of 17 February 2005 (S/PRST/2005/7), of 19 January 2004 (S/PRST/2004/1), of 31 October 2002 (S/PRST/2002/30), of 31 August 2001 (S/PRST/2001/21) and of 24 September 1999 (S/PRST/1999/28).

"The Security Council underlines the need to address this issue and in this regard, requests the Secretary-General to submit to the Council on a biennial basis beginning in 2008, a report on small arms containing his analysis, observations and recommendations as well as his observations on the implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, to facilitate its further consideration of the matter.

"The Security Council stresses the need to 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 and the international instrument to enable States to identify and trace, in a timely manner, illicit small arms and light weapons, in order to

make real progress in preventing, combating and eradicating the illicit trade in small arms and light weapons. In particular, States are encouraged to strengthen physical security and stockpile management, destroy surplus and obsolete small arms and light weapons, ensure all small arms and light weapons are marked at the time of manufacture and import, and strengthen export and border controls and control brokering activities.

“The Security Council encourages increased efforts to end the illicit trade of small arms and light weapons at the national, regional and international level.

“The Security Council calls on all Member States to abide by their obligations to observe the arms embargoes established under relevant United Nations Security Council resolutions.”

# Chapter III

# General Assembly



## **General Assembly**

### **Report of the Group of Governmental Experts established pursuant to General Assembly resolution 60/81 to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons (A/62/163)**

#### **Summary**

The present report highlights that illicit brokering activities in small arms and light weapons, which are typically conducted through intricate arrangements involving complex transportation routes and opaque financial transfers, have a profound destabilizing effect and have been an important factor in violations of arms embargoes imposed by the United Nations Security Council. It emphasizes that the globalized nature of the environment in which arms brokering activities take place necessitates the development of a holistic approach to illicit brokering in all its aspects.

The report presents an overview of recent efforts in preventing, combating and eradicating illicit brokering in small arms and light weapons and notes that approximately 40 States have enacted national regulations to control arms brokering transactions. Furthermore, it offers the first internationally agreed description of what constitutes brokering in small arms and light weapons and its closely associated activities as well as optional elements which States may wish to consider when developing or improving national small arms and light weapons brokering controls.

The report concludes with recommendations aimed at enhancing international cooperation to prevent, combat and eradicate illicit brokering in small arms and light weapons and practical steps for the implementation thereof.

## Foreword by the Secretary-General

Illicit brokering in small arms and light weapons continues to fuel the illicit trade in those weapons and is largely responsible for violations of arms embargoes imposed by the United Nations Security Council. Those activities facilitated the flow of illicit small arms and light weapons into conflict areas and into the hands of criminal and terrorist groups, with grave consequences for international peace and security, economic and social development and the safety of civilians.

When States agreed on the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Programme of Action), they also made a commitment to developing adequate national legislation or administrative procedures to regulate small arms and light weapons brokering, and to forging common understanding of the basic issues and the scope of the problems related to such activities. I am thus pleased to note that the Group of Governmental Experts was able to reach consensus on the complex but fundamental issue of a description of what constitutes illicit brokering in small arms and light weapons and on a set of elements that could serve as the basis for the development of effective national systems to regulate and control such activities. This is an important step towards the goal of preventing, combating and eradicating illicit brokering activities.

While States bear the primary responsibility for combating illicit brokering in small arms and light weapons, the transnational nature of this problem also calls for vigorous action at the regional and global levels. Those engaged in illicit brokering are known for their ability to move easily from one country to another and operate through intricate international arrangements, which makes it difficult to trace their activities and collect evidence to support the efforts of law enforcement institutions tasked with investigating such activities. Hence, I attach great importance to the fact that the present report contains concrete recommendations for effective international cooperation to curb illicit brokering in small arms and light weapons, namely through the provision of assistance for capacity-building; enhanced information-sharing among States; and mutual assistance arrangements for the identification, investigation and prosecution of illicit brokers.

The work of this Group lays a solid foundation for the tasks ahead and its positive outcome is a clear indication that there is a will to address the problem of illicit brokering in small arms and light weapons in a collective and responsible manner. I encourage the General Assembly to endorse the present report and to take appropriate actions to support the full implementation of the recommendations contained therein. I thank and congratulate the Group of Governmental Experts for this valuable contribution to the further implementation of the Programme of Action.

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## **Letter of transmittal dated 13 July 2007 from the Chairperson of the Group of Governmental Experts established pursuant to General Assembly resolution 60/81 to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons addressed to the Secretary-General**

In the 2005 motion picture *Lord of War*, Nicolas Cage plays the role of an unscrupulous arms broker who at one instance remarks: “If I do my job right, an arms embargo should be practically impossible to enforce”.

It is a cynical but convincing illustration of the growing problem of illicit brokering in small arms and light weapons. Operating in a particularly globalized environment, illicit brokers — who, contrary to traders, often do not own the goods they deal in — capitalize on the increased opportunities in international transportation, finances and communications.

Research has shown that brokers play a critical role in the illicit trade of small arms and light weapons and the widespread availability of these weapons. This, in turn, facilitates violations of international humanitarian law, perpetuates civilian suffering, impedes assistance for victims, increases the lethal effects and duration of conflicts, and hampers the delivery of humanitarian assistance, reconstruction and reconciliation.

States have recognized the problem of illicit brokering in small arms and light weapons and have begun to address it in the 2001 United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. They have committed themselves to developing national regulations on the issue, as it is generally recognized that national brokering controls are an essential first step for preventing illicit brokering activities. In my opinion, however, the Programme of Action, for all its importance as a norm-setting document, could be stronger on implementation.

As a follow-up to the Programme of Action, the Group of Governmental Experts which I had the honour to chair was tasked to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons. The present report is the result of its work.

The Group has deemed it important to include specific suggestions on how to bring about the existing commitment by States to develop national brokering controls, apart from recommendations on further steps for international cooperation. Therefore, the report carries an agreed description of the subject, including closely associated activities. This description is important for lawmakers who want to frame this elusive issue. Furthermore, it offers optional elements which States may wish to make use of when developing national regulation on arms brokering. These elements could constitute a practical tool for implementation at the national level.

The report argues strongly for intensifying international cooperation in tackling illicit brokering in small arms and light weapons, both regarding the exchange of evidentiary information and assistance for capacity-building. Its recommendations include practical ways to bring about such cooperation.

I trust that States will see the present set of mutually reinforcing measures as the basis for a concerted and structured attention to this issue at the national, regional and global levels. In particular, at the global level, it is mainly a matter of process management: streamlining voluntary reporting, encouraging needs assessments which can be integrated into national small arms and light weapons action plans, developing the clearinghouse function of the United Nations, and regular consideration of national reporting can all be organized if States wish to do so.

Through you I would like to thank the members of the Group for their very constructive approach and their essential contributions to its outcome. The present report has truly been a group product.

On behalf of the Group, I would like to express appreciation for the excellent support that it received from the United Nations Secretariat. The Group wishes to thank the Director for Disarmament Affairs for her support throughout its work. Special appreciation also goes to the Secretary of the Group, António Évora; the other research and administrative staff of the Department for Disarmament Affairs; and to Brian Wood, who served as a knowledgeable and dependable consultant to the Group.

The Group has requested me to submit to you on its behalf the present report, which was unanimously approved.

*(Signed)* Daniël Prins

Chairperson of the Group of Governmental Experts  
established pursuant to General Assembly resolution  
60/81 to consider further steps to enhance international  
cooperation in preventing, combating and eradicating  
illicit brokering in small arms and light weapons

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## I. The problem of illicit brokering in small arms and light weapons

### A. Introduction

1. Member States have increasingly expressed concern about the adverse consequences resulting from the unregulated nature of activities of brokers in small arms and light weapons<sup>1</sup> who operate across national boundaries and jurisdictions. Most brokers, dealers and shippers seek to act within the law, but in many countries laws on arms brokering do not exist or are not well defined. Unregulated and poorly regulated arms brokering activities may result in small arms and light weapons transactions that increase the risk that arms are diverted to conflict-prone areas and embargoed entities, as well as to organized criminal and terrorist groups.

2. The United Nations reports issued between 1996 and 1998 on arms flows to the perpetrators of the Rwanda genocide showed for the first time in United Nations documents how illicit brokering in small arms and light weapons comprised intricate arrangements involving corrupt State officials, complex transportation routes and opaque financial transfers through offshore banking and shell companies.<sup>2</sup> Analyses of such activities revealed that illicit brokers typically conduct their business by exploiting legal loopholes, evading customs and airport controls, and falsifying documents such as passports, end-user certificates and cargo papers. Subsequent investigations of arms embargo violations relating to Angola,<sup>3</sup> the Côte d'Ivoire,<sup>4</sup> the Democratic Republic of the Congo,<sup>5</sup> Liberia,<sup>6</sup> Sierra Leone,<sup>7</sup> Somalia,<sup>8</sup> and the Sudan<sup>9</sup> have exposed international networks involved in the illicit brokering of small arms and light weapons.

3. Insofar as arms brokering activities are effectively regulated and controlled, arms brokers can perform a legitimate function. Illicit brokering in small arms and light weapons can have, however, a detrimental effect on national, regional and international stability and security, conflict prevention and resolution, crime prevention, humanitarian, health and development

<sup>1</sup> For a description of small arms and light weapons, see earlier relevant United Nations reports and documents.

<sup>2</sup> See Security Council resolutions 918 (1994), 997 (1995), 1011 (1995) and 1749 (2007). On the International Commission of Inquiry, see resolutions 1013 (1995), 1053 (1996), 1161 (1998); and documents S/1996/67, S/1996/195, S/1997/1010, S/1998/63 and S/1998/1096.

<sup>3</sup> See Security Council resolutions 864 (1993), 1237 (1999), 1295 (2000), 1439 (2002); and documents S/2000/203, S/2000/1225, S/2001/363, S/2001/966, S/2002/486, S/2002/1119 and S/2002/1339.

<sup>4</sup> See Security Council resolutions 1572 (2004), 1584 (2005), 1609 (2005), 1643 (2005); 1727 (2006); and documents S/2005/699, S/2006/735 and S/2006/964.

<sup>5</sup> See Security Council resolutions 1493 (2003), 1533 (2004), 1596 (2005), 1649 (2005); and documents S/2004/551, S/2005/30, S/2005/436, S/2006/53 S/2006/525 and S/2007/40.

<sup>6</sup> See Security Council resolutions 788 (1992), 1343 (2001), 1521 (2003); and documents S/2001/1015, S/2002/1115.

<sup>7</sup> See Security Council resolutions 1132 (1997), 1171 (1998); and document S/2000/1195.

<sup>8</sup> See Security Council resolutions 733 (1992), 751 (1992), 1356 (2001), 1407 (2002), 1425 (2002), 1474 (2003), 1519 (2003), 1558 (2004), 1587 (2005), 1630 (2005), 1676 (2006), 1724 (2006), 1725 (2006), 1744 (2007); and documents S/2003/223, S/2003/1035, S/2004/604, S/2005/153, S/2005/625, S/2006/229 and S/2006/913.

<sup>9</sup> See Security Council resolutions 1556 (2004), 1591 (2005), 1651 (2005), 1665 (2006), 1672 (2006), 1679 (2006), 1713 (2006); and documents S/2006/65, S/2006/250, and S/2006/795.

issues. Consequently, States should consider steps to be taken at the national, regional and international level to prevent, combat and eradicate the activities of those involved in the illicit brokering of small arms and light weapons.

4. In the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Programme of Action) States undertook to “develop adequate legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering” and to develop, at the global level, “common understandings of the basic issues and the scope of the problems related to illicit brokering in small arms and light weapons, with a view to preventing, combating and eradicating the activities of those engaged in such brokering”.<sup>10</sup>

5. Although there are a number of regional and subregional instruments covering small arms and light weapons brokering, most States have not yet developed adequate legislation or administrative procedures to regulate such brokering. Among the reasons for this are low political prioritization, limited coordinated efforts to reach common understandings about the issue, and the lack of dedicated resources.

6. The Group noted that combating illicit brokering in small arms and light weapons is primarily the responsibility of States, which choose the appropriate national controls and measures to ensure compliance. It also noted that the globalized nature of the environment in which arms brokering activities take place necessitates the development of a holistic approach to illicit brokering in all its aspects.

7. The Group noted that relevant national laws, where they do exist, usually cover brokering in small arms and light weapons as part of the regulation of conventional weapons. Consequently, in addressing the problem of illicit brokering, the Group occasionally needed to refer to “arms brokering” rather than “brokering in small arms and light weapons” specifically. It should be understood, however, that the focus of the work of the report of the Group is the latter and that any reference to arms brokers or brokering activities is aimed only to situate the discussion on illicit brokering in small arms and light weapons.

## **B. Illicit brokering in all its aspects**

### *Brokering*

8. A broker in small arms and light weapons can be described as a person or entity acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of small arms and light weapons in return for some form of benefit, whether financial or otherwise.

9. Within the context of these intermediary activities involving small arms and light weapons, a broker might:

- (a) Serve as a finder of business opportunities to one or more parties;
- (b) Put relevant parties in contact;

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<sup>10</sup> *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001 (A/CONF.192/15)*, chap. IV, sect. II, paras. 14 and 39.

(c) Assist parties in proposing, arranging or facilitating agreements or possible contracts between them;

(d) Assist parties in obtaining the necessary documentation;

(e) Assist parties in arranging the necessary payments.

10. Some activities closely associated with brokering in small arms and light weapons that do not necessarily in themselves constitute brokering might be undertaken by brokers as part of the process of putting a deal together to gain a benefit. These activities may include, for example, acting as dealers or agents in small arms and light weapons, providing for technical assistance, training, transport, freight forwarding, storage, finance, insurance, maintenance, security and other services.

11. Brokering activities can take place in the broker's country of nationality, residence or registration; they can also take place in another country. The small arms and light weapons do not necessarily pass through the territory of the country where the brokering activity takes place, nor does the broker necessarily take ownership of the small arms and light weapons.

#### *Illicit brokering*

12. The illicit nature of brokering in small arms and light weapons is determined by the State concerned in accordance with its national laws and regulations, as well as in accordance with the State's international obligations.

13. The illicit or licit nature of closely associated activities as referred to in paragraph 10 above, whether or not undertaken by a broker, may also be determined on the basis of other national laws and regulations.

## **II. Recent efforts in preventing, combating and eradicating illicit brokering in small arms and light weapons**

### **A. National steps**

14. By mid-2007 about 40 States had enacted national laws, regulations and procedures that enable various forms of control of arms brokering, including of small arms and light weapons brokering transactions.<sup>11</sup> The control of brokering in small arms and light weapons is usually dealt with as part of broader legislation on arms brokering, arms transfers, financial transactions and related commercial trade issues. In some national systems of control, the term "brokering" is not explicitly used, but the brokering activity is nevertheless covered by the interpretation of these laws. The essential features of national legislation and regulations of some States are described in section III below.

15. National legal systems differ in how they define and regulate brokering activities. Some national legal systems refer to intermediation between relevant parties, putting relevant par-

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<sup>11</sup> Silvia Cattaneo, "National Systems of Licensing and Registration" in *Developing a Mechanism to Prevent Illicit Brokering in Small Arms and Light Weapons — Scope and Implications*, United Nations Institute for Disarmament Research, United Nations Office for Disarmament Affairs, Small Arms Survey, 2006 (United Nations publication, Sales No. 6VE.06.0.17).

ties in contact, as well as arranging payment or transportation necessary for the transfer of a consignment of arms. National legal systems vary in the way they refer to activities that are closely related to brokering in small arms and light weapons, such as the actual provision or brokering of arms transportation and financing, particularly when these closely associated activities are an integral part of the brokered transaction. Negotiating and trading in small arms and light weapons as an intermediary may be part of the same legal definition as that covering brokering in small arms and light weapons, in recognition of the fact that the same actors may carry out all such functions.

## **B. Regional steps**

16. A significant degree of convergence has emerged in recent years regarding key elements of regulating arms brokering as shown in a number of regional, subregional and other multilateral instruments (see annex to the present report for the current list of such instruments). The measures taken at the regional level on preventing, combating and eradicating illicit brokering in small arms and light weapons have been important from a norm-setting perspective. Implementation of these norms in national laws and regulations often remains a challenge, however. Measuring progress in the implementation of such regional instruments might be possible if follow-up procedures are also agreed and implemented.

17. In Africa, a general commitment to control the brokering of small arms and light weapons has been made by all member States of the African Union. Legally binding commitments have also been made at subregional level by the States of East Africa, the Great Lakes and the Horn of Africa (the Nairobi Group), the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS).

18. The Organization of American States (OAS) adopted the Inter-American Drug Abuse Control Commission Model Regulations for the Control of Brokers of Firearms, Their Parts, Components and Ammunition. States in the Andean region adopted the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

19. Standards for the control of arms brokering were agreed upon by the Organization for Security Cooperation in Europe (OSCE) and by the European Union.

20. Within the Asia-Pacific Economic Cooperation (APEC), States agreed to ban the use of brokers and brokering services not authorized by Governments for transfers of certain types of small arms and light weapons. An explicit reference was made by the Association of Southeast Asian Nations to prevent arms smuggling as part of transnational crime.

21. The Wassenaar Arrangement, a multilateral initiative, agreed a set of common Elements for Effective Legislation on Arms Brokering, which covers the brokering of international transfers of all conventional arms.

## **C. Global steps**

22. The United Nations Disarmament Commission in 1996 agreed on the Guidelines for international arms transfers, according to which “States should maintain strict regulations on the activities of private international arms dealers and cooperate to prevent such dealers from

engaging in illicit arms trafficking”.<sup>12</sup> This was the first time that an agreed-upon United Nations document referred to the need to regulate the activities of private arms dealers.

23. Both the 1997 report of the Panel of Governmental Experts on Small Arms (A/52/298) and the 1999 report of the Group of Governmental Experts on Small Arms (A/54/258) identified the role played by arms dealers and brokers, transportation agents and financial institutions in smuggling, concealment, mislabelling and false documentation of arms transfers. They also noted that negligent or corrupt government officials sometimes aided and abetted illicit arms trafficking. The 2001 report of the Group of Governmental Experts established pursuant to General Assembly resolution 54/54 V (A/CONF.192/2), on the feasibility of restricting the manufacture and trade of small arms and light weapons to manufacturers and dealers authorized by States, suggested that States should implement and develop national regulations and controls; identify good practices and develop common approaches or agreed minimum standards; and make resources available nationally and through appropriate programmes for international cooperation and assistance.

24. The Programme of Action, on which recommendation the General Assembly based the mandate of this Group, forms a comprehensive framework for action at the national, regional and global levels, against the illicit trade in small arms and light weapons, including illicit brokering in small arms and light weapons. The Programme of Action is unequivocal about the critical need to combat such brokering, as an essential aspect of the efforts to curb the illicit trade in small arms and light weapons.

25. Reporting on the implementation of the Programme of Action, including measures addressing illicit brokering in small arms and light weapons, is voluntary. One hundred thirty-seven States have submitted at least one national report. More than half of States which have submitted reports have addressed the issue of illicit brokering in small arms and light weapons in all its aspects.<sup>13</sup>

26. The United Nations 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 (General Assembly resolution 55/255, annex), in its article 15 (1) suggests one or more measures that could be included in a system for regulating the brokering of firearms, their parts and components and ammunition, such as: (a) requiring registration of brokers operating within their territory; (b) requiring licensing or authorization of brokering; or (c) requiring disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction.

27. In a statement by its President of 31 October 2002 (S/PRST/2002/30), the Security Council stressed the importance of further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons and called upon States that had not already done so to establish, where applicable, a national register of arms brokers and, in the case of the supply of arms to embargoed destinations,

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<sup>12</sup> See *Official Records of the General Assembly, Fifty-first Session, Supplement No. 42* (A/51/42), annex I, para. 39.

<sup>13</sup> Information in this paragraph comes from E. Kytömäki and V. Yankey-Wayne, *Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports* (United Nations publication, Sales No. G.V.E.06.0.8) (UNIDIR/2006/6).

of intermediary firms, including transport agents. The Council also urged States to impose appropriate penalties for all illicit brokering activities, as well as arms transfers that violate Security Council embargoes, and to take appropriate enforcement action.

28. The investigative teams (panels, mechanisms and groups) of the United Nations sanctions committees established by the Security Council have consistently identified in their reports violations of United Nations arms embargoes. Their reports show that the challenges to effective international cooperation in preventing and combating illicit arms brokering are mainly in the field of cooperation and information exchange between Member States and between them and international organizations.

29. The recent inclusion of arms embargoes monitoring functions in the mandate of United Nations peacekeeping operations represents an additional advancement in the prevention, combat and eradication of illicit brokering in small arms and light weapons.

30. Both the International Criminal Police Organization (Interpol) and the World Customs Organization (WCO) have undertaken steps to counter illicit trafficking in arms, including illicit brokering.

31. Interpol has developed its “I-24/7” global police communications system. This global network for the exchange of police information provides law enforcement authorities in its member countries with instant access to the organization’s databases. It also enables national authorities to access each others’ national databases through designated officials, while always remaining in control of their own national criminal data. If they so choose, national authorities in member countries can extend I-24/7 access to authorized entities such as border control units or customs officials.

32. Moreover, Interpol is setting up an information system to help national law enforcement agencies track illicit movements and uses of firearms. This system can be complemented with the Interpol system of international Notices (alerts) to assist national law enforcement agencies. Queries by national police may be linked to other criminal records, for example, records related to international organized crime, terrorism and money-laundering, which could help in combating the illicit brokering of small arms and light weapons.

33. The Customs Cooperation Council of WCO recommended in 2002 that States and customs authorities “consider designating specific offices/sites for the processing of legitimate firearms shipments in order to enhance control over their transborder movement.”<sup>14</sup> WCO has since set up a comprehensive approach to customs capacity-building with its programme to assist member countries with implementing the WCO SAFE Framework of Standards to Secure and Facilitate Global Trade.<sup>15</sup> This programme will be important for enhancing capacity of relevant national authorities to prevent, combat and eradicate illicit brokering in small arms and light weapons.

34. In addition, the International Civil Aviation Organization and the International Maritime Organization, as well as non-governmental industry associations such as the International Air

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<sup>14</sup> See Recommendation of the Customs Cooperation Council concerning the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, 29 June 2002.

Transport Association, have set out and regularly updated standards for the transport of dangerous cargoes and for the conduct of their members. The enforcement of such standards by national authorities may be important for the prevention and suppression of illicit brokering in small arms and light weapons.

### **III. Elements of existing national legislation and regulation systems to prevent, combat and eradicate illicit brokering activities in small arms and light weapons**

35. The United Nations Programme of Action recommends States to “develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering” (see para. 4 above). The present section offers recurring elements drawn from existing national legislation and regulation systems of some States to prevent, combat and eradicate illicit brokering activities in small arms and light weapons.

#### **Definition of broker and brokering activities**

36. National legislation applicable to the brokering of transactions in small arms and light weapons normally includes a definition of “broker” and/or what constitutes “brokering activities”. In addition, some other national legislation might also contain definitions relevant for brokering activities (see para. 10 above).

#### **Registration and screening potential brokers**

37. Some States limit the number of small arms and light weapons brokers and may restrict it to one or more State-controlled entities, while others allow applications from private individuals and/or entities. Some national systems may impose a general registration requirement on brokers as a precondition to receiving a license or authorization to engage in specific brokering activities, thus establishing a level of screening that precedes, and is additional to, the licensing or authorization process.

38. The registration and screening of a prospective broker in small arms and light weapons by the regulatory authorities may include the submission of information inter alia on:

- (a) The broker’s country of residence and citizenship;
- (b) The broker’s ownership of any entity or involvement in relevant businesses that may be used to facilitate brokering activity;
- (c) The range of small arms and light weapons that the broker may wish to be involved in brokering.

39. Such screening by the State may also include a range of official checks of the information provided by the potential broker. These checks could include reviewing whether a proposed broker has been indicted or convicted of crimes subject to national discretion.

### **Record-keeping by Governments**

40. Governments generally keep data regarding persons or entities having obtained a license to perform brokering activities and transactions for the duration that they deem necessary. In most States records on granted/refused licences are shared among national agencies involved in the licensing enforcement and record-keeping processes, as applicable to national regulations.

### **Record-keeping by brokers**

41. Brokers are usually required to keep adequate records for a specific length of time of their brokering activities, including commercial and official documents on brokered transactions and transfers in small arms and light weapons in which they have been authorized to engage. In addition, they may be required to submit periodically specific reports on their arms brokering activities to national authorities. National practices vary with respect to how long these records should be kept. Some national systems require that brokers who go out of business forward their records pertaining to their brokering activities to the Government in accordance with its national legislation.

### **Licensing**

42. The use of the terms license, authorization or permit may vary according to national regulations, but essentially for the purpose of this report these terms refer to the same practice.

43. An application for a license to broker may include one brokering activity or a series of brokering activities. Such license applications are considered for approval by competent authorities on a case-by-case basis.

44. Alternative means of providing authorizations to brokers may also be considered, such as the exceptional use of exemptions that would be included in the regulations. Such exemptions may cover the activities of armed and police forces or other governmental officials.

### **Licensing criteria**

45. States that have criteria for deciding whether to grant a small arms and light weapons brokering license have generally based them on their existing national law and on international commitments of the State regarding the control of international arms transfers. States often apply the same general criteria used for arms export control to the authorization of brokering activities.

### **Brokering and closely related activities**

46. National provisions may also include the control of financial, transport and other services when these are arranged or facilitated by a broker as an integral part of a small arms and light weapons transaction designed to benefit the broker.

### **Jurisdiction**

47. National legislation allows a State to exercise jurisdiction over individuals and entities brokering small arms and light weapons transactions from its own territory. Some States have

explicit provisions expanding jurisdiction to cover their nationals, permanent residents and companies when they conduct arms brokering activity abroad, while others do not.

### **Penalties and fines**

48. The penalties and fines that States can impose for the violation of brokering laws and regulations vary between States. National penalties may include imprisonment, the imposition of a monetary fine, or losing the privilege to engage in brokering activities, export activities or even bidding on government contracts. Some States publish information on convictions and debarments. In some States, sanctions applied to illicit trade activities are the same as those applied to illicit brokering activities.

49. Some States enforce the provisions of United Nations mandatory arms embargoes through specific legislation enabling them to pursue cases of illicit small arms and light weapons brokering involved in the violation of such sanctions. Some national laws and regulations make those who carry out such illicit brokering activities subject to more severe penalties.

### **International cooperation**

50. Arms brokering frequently involves the conduct of activities in more than one country, and therefore may require cooperation among regulatory and law enforcement authorities. National legislation may contain provisions to guide relevant authorities when they share evidentiary information for law enforcement and prosecution purposes and when they assist other national authorities to determine the eligibility of a broker or the legitimacy of a potential brokering activity. States share information through official government channels on the basis of supporting agreements, such as mutual legal assistance treaties.

## **IV. Further steps to enhance international cooperation to prevent, combat and eradicate illicit brokering in small arms and light weapons**

51. Further steps to enhance international cooperation to prevent, combat and eradicate illicit brokering in small arms and light weapons should serve to reduce such brokering through, inter alia, the establishment of national laws and regulations where they do not exist, the improvement of existing national laws and regulations, increased enforcement efforts, and enhanced regional and international cooperation. Such laws and regulations, accompanied by enforcement actions, can have a strong deterrent effect on illicit brokering activities. Measures at the regional and global level could complement national action.

52. As illicit arms brokering is profoundly globalized in character, it cannot effectively be prevented solely through the adoption of national laws and regulations alone. That is why States have endeavoured to cooperate internationally, at the regional and global level. The challenge is to effectively and comprehensively organize action through existing structures and processes, under which national, regional and global measures become mutually enhancing. To this end, States may be guided by their commitment, as stated in section III, paragraph 2, of the Programme of Action, that “States undertake to cooperate and to ensure coordination, complementarity and synergy in efforts to deal with the illicit trade in small arms and light weapons in all its aspects”.

**A. Adequate national legislation or administrative procedures**

53. National controls on brokering are most effective when they form part of a comprehensive export control system. A set of elements that some States have considered in developing their laws and regulations is included in section III above. States and regional organizations may choose to see these as optional elements in developing their national laws and regulations or regional instruments, taking into consideration their specific situations and needs.

54. To complement the introduction of laws and regulations, it is necessary to ensure that there is sufficient capacity to enforce measures effectively. Also, with the introduction of proportionate and dissuasive penalties for offences, it is necessary to ensure that all agencies involved in national control of small arms and light weapons are able to communicate effectively with each other.

**B. International cooperation on sharing of information**

55. Information sharing among States can take place bilaterally and on a multilateral basis as appropriate. States can share information about the design and practices used in national systems of control. The sharing of information on the authenticity of the documents submitted as part of a license application, and the cross-checking of this information on a case-by-case basis, would assist the prevention and combating of illicit brokering activities. Such information sharing could include cooperation to facilitate the authentication of end-user certificates provided by a broker if applicable.

56. Judicial cooperation among States could allow the prosecuting authorities of a country to obtain the necessary evidence to bring to court an investigated brokering case. Exchanges of information, directly or through Interpol, could be instrumental in earlier stages of evidence gathering for purposes of investigation and prosecution. National points of contact would greatly facilitate such exchange of information. Bilateral mutual legal assistance agreements are essential for effective cooperation between judicial authorities of States, as are the relevant multilateral instruments for international legal cooperation to which States are parties.

**C. International assistance and capacity-building**

57. Requests for assistance to build capacity to prevent, combat and eradicate illicit brokering should be based on a thorough assessment of the situation in order to determine the specific needs to be targeted. For example, it should be determined whether assistance is needed to develop or review national legislation and procedures; to strengthen national licensing control systems; to enhance the capacity of law enforcement agencies; or other needs. States in a position to do so and appropriate international and regional organizations should, upon request and as appropriate, assist in the formulation of assistance and capacity-building programmes. A national action plan on small arms and light weapons, including on brokering controls, would greatly facilitate effective arrangements for assistance and cooperation. The United Nations could help to facilitate that assistance is provided in a coordinated and synergistic manner, in order to minimize duplication of assistance efforts.

#### **D. Promoting effective reporting**

58. Voluntary national reporting under the Programme of Action could include reporting on national measures to prevent, combat and eradicate illicit brokering in small arms and light weapons, on the sharing of information on brokering, and on the needs for international cooperation and assistance for capacity-building. This could be accomplished by dedicating a specific section of the national reports on the implementation of the Programme of Action to the issue of brokering. Such reporting would provide an important vehicle for awareness-raising and for action at the national, regional and global levels.

59. The information-sharing potential of such reporting could be better harnessed if it were subject to structured consideration by States in meetings at the global level. This could be accomplished in the context of the meetings to consider the implementation of the Programme of Action.

#### **E. Enhancing international cooperation on preventing, combating and eradicating illicit brokering of small arms and light weapons in violation of United Nations Security Council arms embargoes and sanctions**

60. Given the persistent violation of United Nations arms embargoes by international trafficking networks involving illicit small arms and light weapons brokering activities, as reported by United Nations investigative teams to the sanctions committees of the Security Council, States are encouraged to cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the Security Council in accordance with the Charter of the United Nations.

61. The nature of illicit small arms and light weapons brokering activities is a reason for enhancing national implementation, where appropriate, to support Security Council arms embargoes.

62. Improving the ability of United Nations peacekeeping operations, where appropriate, would further help prevent and combat illicit arms brokering activities that contribute to the violation of Security Council arms embargoes.

#### **V. Recommendations**

63. The following recommendations are intended to form a mutually reinforcing set of measures which could be undertaken at the national, regional and global levels for the purpose of preventing, combating and eradicating illicit brokering in small arms and light weapons:

##### **National implementation of legislation and administrative procedures**

- (i) States which have not already done so are encouraged to develop adequate national laws, regulations and administrative procedures to control small arms and light weapons brokering activities. Such laws, regulations and administrative procedures would be more effective if they were integrated into national export control systems;
- (ii) When establishing or improving their legislation or administrative procedures, where appropriate, and regulating the activities of those who engage in small arms and

light weapons brokering, States may wish to make use of the optional elements in section III of the present report, depending on the need defined by them;

(iii) Given that brokers in small arms and light weapons may engage in closely associated activities referred to in paragraph 10 of the present report, States are encouraged to ensure that such closely associated activities are adequately regulated by law, in cases of illicit brokering in small arms and light weapons involving in particular violations of United Nations Security Council arms embargoes;

(iv) International, regional, and subregional organizations are encouraged to organize training courses and workshops for national experts and relevant law enforcement officials to share information on lessons learned and practices regarding national arms brokering legislation and enforcement. For this purpose, States and appropriate international and regional organizations in a position to do so should seriously consider rendering assistance;

(v) States are encouraged to put in place measures aimed at preventing the forgery and misuse of end-user certificates or other documents which might be relevant for the conduct of brokering activities;

(vi) States are encouraged to put in place internal measures as appropriate for validating the authenticity of documentation submitted by the broker, such as import license or end-user certificates and/or letters of credit;

### **International cooperation on sharing of information**

(vii) The information sought or provided in the context of a request for cooperation to prevent, combat and eradicate illicit brokering in small arms and light weapons should be requested with due respect for the State's constitutional and legal system. Information provided could be limited by national laws on protection of personal data, States' security considerations, and commercial confidentiality;

(viii) States are encouraged to voluntarily cooperate with other States with a view to facilitating national decision-making and national cross-checking procedures, including the validation of relevant documents for screening the legitimacy of all parties involved in a proposed small arms and light weapons brokering activity;

(ix) In order to facilitate international cooperation, States are encouraged to designate a national point of contact on brokering in small arms and light weapons, which could be the national points of contact under the Programme of Action. The United Nations Office for Disarmament Affairs could facilitate communication between national points of contact;

(x) States are encouraged to voluntarily cooperate with other States in law enforcement efforts to investigate illicit brokering activities in small arms and light weapons;

(xi) States are encouraged to voluntarily engage in or strengthen bilateral or, where appropriate, multilateral cooperation pertaining to the investigation and prosecution of an individual or a legal entity allegedly involved in illicit brokering in small arms and light weapons;

(xii) If required, States are encouraged to voluntarily cooperate in law enforcement and to conclude bilateral mutual arrangements for the sharing of evidentiary information on illicit brokering in small arms and light weapons. Such cooperation could be conducted through national points of contact as appropriate, or as identified in mutual agreements or otherwise;

(xiii) States are encouraged to share information about systems of brokering control and on how to maintain and operate such systems to enhance bilateral and multilateral understanding in order to prevent, combat and eradicate illicit brokering in small arms and light weapons;

### **International assistance and capacity-building**

(xiv) States and relevant international, regional and subregional organizations in a position to do so should, upon request, seriously consider rendering technical, legal, financial and other support to interested States to reinforce national measures to prevent, combat and eradicate the illicit brokering in small arms and light weapons in all its aspects;

(xv) States may request assistance in relevant areas they consider of concern. Such assistance may, *inter alia*, take the form of joint projects for increasing the capacity of relevant authorities, including licensing authorities, law enforcement agencies and border control units, as well as awareness-raising;

(xvi) States requesting assistance are encouraged to base such requests on their respective assessments of national needs;

(xvii) States and relevant international, regional and subregional organizations in a position to do so could, upon request, assist in the formulation of national action plans and related concrete project proposals;

(xviii) States and subregional, regional and international organizations are encouraged to explore possible synergies with the WCO SAFE customs capacity building programme in preventing, combating and eradicating illicit brokering in small arms and light weapons;

(xix) States in a position to do so are encouraged to explore with Interpol possibilities for strengthening capacity-building in operationalizing Interpol databases;

### **Promoting effective reporting**

(xx) States are encouraged to report, on a voluntary basis, on their efforts to prevent, combat and eradicate illicit brokering in small arms and light weapons as well as on their actions aimed at enhancing international cooperation for this purpose. Such information could be included under a dedicated heading of their national reports on the implementation of the Programme of Action. In their reporting, States could also identify their needs for international cooperation and assistance for capacity-building on brokering controls and national enforcement;

(xxi) The United Nations Office for Disarmament Affairs could enhance its internet resources to specifically include a section on small arms and light weapons brokering.

This section could include relevant United Nations reports, national legislation submitted by States, requests and offers for assistance, lists of national coordinating agencies and points of contact, regional and global instruments and initiatives, as well as information on resources that could be available through international organizations such as WCO and Interpol;

(xxii) States are encouraged to carry out periodic consideration of national reporting on small arms and light weapons brokering, preferably in the framework of meetings to consider the implementation of the Programme of Action, the first possibility being in 2008 at the Biennial Meeting of States;

### **Enhancing international cooperation in preventing, combating and eradicating illicit brokering of small arms and light weapons in violation of United Nations Security Council arms embargoes and sanctions**

(xxiii) States should take immediate steps to effectively implement and enforce within their jurisdiction all arms embargoes and sanctions decided by the United Nations Security Council, in accordance with the Charter of the United Nations, including the imposition of appropriate penalties in national law for the illicit brokering of small arms and light weapons in violation of such arms embargoes;

## **VI. Procedural matters**

64. Acting on a recommendation contained in the Programme of Action, the General Assembly, in its resolution 60/81 decided to establish a group of governmental experts, appointed by the Secretary-General on the basis of equitable geographical representation, to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, and asked the Secretary-General to submit the report on the outcome of its study to the Assembly at its sixty-second session.

65. Accordingly, on 7 June 2006, the Secretary-General appointed, on the basis of equitable geographical representation, the following governmental experts:

Linval Bailey  
Deputy Commissioner of Police  
Police Department  
Ministry of National Security  
Kingston

Daniela Boudinova (first session)  
State Expert at NATO and International Security Directorate  
Ministry of Foreign Affairs  
Sofia

Spencer Chilvers  
Head, International Policy Unit  
Export Control Organisation  
Department for Trade and Industry  
London

Peter Elaini Eregae  
Coordinator of the Kenya National Focal Point on Small Arms and Light Weapons  
Ministry of the Provincial Administration and Internal Security  
Office of the President  
Nairobi

Saja Sattam Habes Majali (second and third sessions)  
Counsellor  
Permanent Mission of the Hashemite Republic of Jordan to the United Nations  
New York

Erik af Hällström (first session)  
Counsellor, Unit for Arms Control  
Ministry of Foreign Affairs  
Helsinki

Khalil Hashmi (first session)  
First Secretary  
Permanent Mission of Pakistan to the United Nations  
New York

José Leonel Herrera Cruz  
Director of Politics  
Ministry of Defence  
Managua

Emad Hussein  
Police Academy, 5th Aggregation  
Ministry of Interior  
Cairo

Christophe Jacquot  
Head of the Section of Sensitive Goods and War Materials  
Ministry of Defence  
Paris

Kari Kahiluoto (second and third sessions)  
Permanent Representative of Finland to the Conference on Disarmament  
Geneva

Qazi Khalilullah (second and third sessions)  
Director General  
Ministry of Foreign Affairs  
Islamabad

Jan Arve Knutsen (first and third sessions)  
Senior Adviser (Disarmament and Non Proliferation)  
Department for Security Policy  
Ministry of Foreign Affairs  
Oslo

Kwang-chul Lew  
Ambassador of the Republic of Korea to the Republic of Azerbaijan  
Baku

Song Li (first and third sessions)  
Counsellor, Department of Arms Control and Disarmament  
Ministry of Foreign Affairs  
Beijing

Zhou Long (second session)  
Division Director  
Department of Arms Control and Disarmament  
Ministry of Foreign Affairs  
Beijing

María Josefina Martínez Gramuglia (second and third sessions)  
First Secretary  
Permanent Mission of Argentina to the United Nations  
New York

Gabriela Martinic (first session)  
Counsellor  
Permanent Mission of Argentina to the United Nations  
New York

Grigory I. Mashkov  
Deputy Director  
Department for Disarmament and International Security  
Ministry of Foreign Affairs  
Moscow

Cláudio Medeiros Leopoldino  
Disarmament and Sensitive Technologies Division  
Ministry of External Relations  
Brasilia

Paul Pasnicu  
Director, Conventional Arms Division  
National Agency for Export Controls  
Ministry of Foreign Affairs  
Bucharest

Petio Petev (second and third sessions)  
Director of NATO and International Security Directorate  
Ministry of Foreign Affairs  
Sofia

Stephanie Pico  
Small Arms and Light Weapons Policy Advisor  
Office of Weapons Removal and Abatement  
Bureau of Political-Military Affairs  
United States Department of State  
Washington, D.C.

Daniël Prins  
Deputy Permanent Representative of the Kingdom of the Netherlands  
to the Conference on Disarmament  
Geneva

Coly Seck  
Counsellor  
Permanent Mission of the Republic of Senegal to the United Nations  
New York

Rima Volf  
Chief, International Cooperation Division  
Lithuanian Weaponry Fund  
Ministry of Defence  
Vilnius

Haim Waxman  
Director of Export Control Department  
Ministry of Foreign Affairs  
Jerusalem

David Robin Wensley  
Deputy Director, Conventional Arms  
Department of Foreign Affairs  
Pretoria

Przemyslaw Wyganowski  
Counsellor, Head of European Defence and Security Policy Section  
Permanent Representation of the Republic of Poland to the European Union  
Brussels

Keiko Yanai  
Deputy Director  
Non-proliferation, Science and Nuclear Energy Division  
Ministry of Foreign Affairs  
Tokyo

66. The Group of Experts conducted its work in three sessions of one week duration each. The first session was held in Geneva from 27 November to 1 December 2006. The second and third sessions were convened in New York from 19 to 23 March and from 4 to 8 June 2007, respectively. At its first session, the Group unanimously elected as its Chairperson Daniël Prins.

67. The Group received contributions from a number of independent experts and representatives from international organizations on issues relevant to the illicit brokering in small arms and light weapons in all its aspects. The Group also heard the views of relevant civil society organizations. In all, the Group interacted with the following persons:

Mujahid Alam, Principal Adviser and Coordinator of Heads of Office of the Special Representative of the Secretary-General at the United Nations Organization Mission in the Democratic Republic of the Congo

Jacqueline Arango, Assistant United States Attorney

Ernst Jan Hogendoorn, former Member of the Panel of Experts on Somalia and former Member of the Panel of Experts on the Sudan

Joe Kelly, Deputy Director for Capacity Building Directorate, World Customs Organization

Keith Krause, Programme Director, Small Arms Survey

Klaas Leenman, Account Manager, Strategic Goods and Embargoes, Netherlands Customs Administration

Agnès Marcaillou, Chief, Regional Disarmament Branch, United Nations Office for Disarmament Affairs

Nicholas Marsh, Researcher, International Peace Research Institute, International Action Network on Small Arms

Mark Barnes, World Forum on the Future of Sport Shooting Activities

Michaela Ragg, Assistant Director at the Office of the Special Representative for the International Criminal Police Organization to the United Nations

A Senior Political Affairs Officer and a Political Affairs Officer in the Security Council Subsidiary Organs Branch, Security Council Affairs Division, Department of Political Affairs of the United Nations Secretariat

68. The Group took into account various relevant documents on small arms and light weapons, issued by the United Nations, by regional, subregional and other multilateral organizations, as well as relevant materials issued by civil society organizations and authoritative experts on brokering in small arms and light weapons.

## **Annex**

### **Existing regional and multilateral instruments and arrangements enhancing international cooperation to prevent, combat and eradicate the illicit brokering in small arms and light weapons**

Organization of American States/Inter-American Drug Abuse Control Commission (OAS/CICAD) Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition (adopted in 1998, amended in 2003)

Organization of African Unity Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000)

OSCE Document on Small Arms and Light Weapons (2000)

Southern African Development Community Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community (SADC) Region (2001)<sup>a</sup>

United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001)

Council of the European Union Joint Action on the European Union's contribution to combating the destabilizing accumulation and spread of small arms and light weapons (2002)

Wassenaar Arrangement Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW) (2002)

Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2003)

Council of the European Union Common Position on the control of arms brokering<sup>a</sup> (2003)

OAS/CICAD Model Regulations for the Control of Brokers of Firearms, Their Parts and Components and Ammunition (2003)

OSCE Handbook of Best Practices on Small Arms and Light Weapons (2003)

Wassenaar Arrangement Elements for Effective Legislation on Arms Brokering (2003)

Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa<sup>a</sup> (2004)

OSCE Principles on the Control of Brokering Small Arms and Light Weapons (2004)

Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on Small Arms and Light Weapons (2005)

United Nations 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<sup>a</sup> (2001)

Code of Conduct of Central American States on the Transfer of Arms, Ammunition, Explosives and Other Related Material (2006)

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<sup>a</sup> Indicates a legally binding instrument.

African Common Position to the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2005)

ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials<sup>a</sup> (2006)

Wassenaar Arrangement Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS) (2003)

APEC Guidelines on Controls and Security of Man-Portable Air Defence Systems (MANPADS) (2004)

OAS Principles for Export Controls of Man-Portable Air Defence Systems (MANPADS) (2004)

OSCE Principles for Export Controls of Man-Portable Air Defence Systems (MANPADS) (2004)

## **Resolutions**

### **Resolution adopted by the 62nd General Assembly session on the illicit trade in small arms and light weapons in all its aspects (A/RES/62/47)**

#### **Resolution adopted by the General Assembly**

*[on the report of the First Committee (A/62/391)]*

#### **62/47. The illicit trade in small arms and light weapons in all its aspects**

*The General Assembly,*

*Recalling* its resolutions 56/24 V of 24 December 2001, 57/72 of 22 November 2002, 58/241 of 23 December 2003, 59/86 of 3 December 2004, 60/81 of 8 December 2005 and 61/66 of 6 December 2006,

*Emphasizing* the importance of the continued and full implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,<sup>1</sup>

*Welcoming* the efforts by Member States to submit, on a voluntary basis, national reports on their implementation of the Programme of Action,

*Noting with satisfaction* regional and subregional efforts being undertaken in support of the implementation of the Programme of Action, and commending the progress that has already been made in this regard, including tackling both supply and demand factors that are relevant to addressing the illicit trade in small arms and light weapons,

*Recognizing* the efforts undertaken by non-governmental organizations in the provision of assistance to States for the implementation of the Programme of Action,

*Recalling* that, as part of the follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, it was agreed that meetings of States should be convened on a biennial basis to consider the national, regional and global implementation of the Programme of Action,<sup>2</sup>

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<sup>1</sup> See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

<sup>2</sup> *Ibid.*, sect. IV, para. 1 (b).

*Recognizing* that illicit brokering in small arms and light weapons is a serious problem that the international community should address urgently,

*Bearing in mind* the importance of regular national reporting, which could greatly facilitate the rendering of international cooperation and assistance to affected States,

*Taking note* of the report of the Secretary-General on the implementation of resolution 61/66,<sup>3</sup>

*Welcoming* the fact that the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held from 26 June to 7 July 2006, highlighted the commitment of States to the Programme of Action as the main framework for measures within the activities of the international community to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, beyond 2006,<sup>4</sup>

*Taking note* of the reports submitted to the General Assembly by the Secretary-General dealing with the issue of the illicit trade in small arms and light weapons in all its aspects,<sup>5</sup>

1. *Encourages* all initiatives, including those of the United Nations, other international organizations, regional and subregional organizations, non-governmental organizations and civil society, for the successful implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,<sup>1</sup> and calls upon all Member States to contribute towards the continued implementation of the Programme of Action at the national, regional and global levels;

2. *Calls upon* all States to implement the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,<sup>6</sup> among others, through the provision of information to the Secretary-General on the name and contact information of the national points of contact and on national marking practices related to markings used to indicate country of manufacture and/or country of import, as applicable;

3. *Takes note* of the report submitted to the General Assembly by the Group of Governmental Experts established pursuant to resolution 60/81 to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons,<sup>7</sup> and encourages States to implement its recommendations;

4. *Decides* that, in conformity with the follow-up to the Programme of Action, the next biennial meeting of States to consider the national, regional and global implementation of the Programme of Action shall be held from 14 to 18 July 2008, in New York;

5. *Recalls* that the meeting of States to consider the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, shall be held within the framework of the biennial meeting of States;

<sup>3</sup> See A/62/162.

<sup>4</sup> See A/CONF.192/2006/RC/9.

<sup>5</sup> A/62/162 and A/62/163.

<sup>6</sup> A/60/88 and Corr.2, annex; see also decision 60/519.

<sup>7</sup> See A/62/163.

6. *Encourages* States to submit, well in advance of the next biennial meeting of States, national reports on their implementation of the Programme of Action and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons in accordance with these instruments, and requests the Secretary-General to collate and circulate such data and information provided by States;

7. *Also encourages* States to include in their national reports, on a voluntary basis, information on their efforts to prevent, combat and eradicate illicit brokering in small arms and light weapons, as well as on their actions aimed at enhancing international cooperation for this purpose;

8. *Calls upon* States, in considering the implementation of the Programme of Action, to take full advantage of the biennial meetings of States to identify priority issues or topics of relevance in the illicit trade in small arms and light weapons in all its aspects and to highlight their implementation challenges and opportunities;

9. *Underlines* the fact that the issue of the illicit trade in small arms and light weapons in all its aspects requires concerted efforts at the national, regional and international levels to prevent, combat and eradicate the illicit manufacture, transfer and circulation of small arms and light weapons and that their uncontrolled spread in many regions of the world has a wide range of humanitarian and socio-economic consequences and poses a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels;

10. *Emphasizes* the need to facilitate the implementation at the national level of the Programme of Action through the strengthening of national coordination agencies or bodies and institutional infrastructure;

11. *Also emphasizes* the fact that initiatives by the international community with respect to international cooperation and assistance remain essential and complementary to national implementation efforts, as well as to those at the regional and global levels;

12. *Recognizes* the necessity for interested States to develop effective coordination mechanisms, where they do not exist, in order to match the needs of States with existing resources to enhance the implementation of the Programme of Action and to make international cooperation and assistance more effective;

13. *Encourages* States to consider, among other mechanisms, the coherent identification of needs, priorities, national plans and programmes that may require international cooperation and assistance from States and regional and international organizations in a position to do so;

14. *Encourages* civil society and relevant organizations to strengthen their cooperation and work with States at the respective national and regional levels to achieve the implementation of the Programme of Action;

15. *Requests* the Secretary-General to report to the General Assembly at its sixty-third session on the implementation of the present resolution;

16. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "The illicit trade in small arms and light weapons in all its aspects".

*61st plenary meeting  
5 December 2007*

## **Resolution adopted by the 62nd General Assembly session on assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them (A/RES/62/22)**

### **Resolution adopted by the General Assembly**

[*on the report of the First Committee (A/62/391)*]

#### **62/22. Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them**

*The General Assembly,*

*Recalling* its resolution 61/71 of 6 December 2006 on assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them,

*Deeply concerned* by the magnitude of human casualty and suffering, especially among children, caused by the illicit proliferation and use of small arms and light weapons,

*Concerned* by the negative impact that the illicit proliferation and use of those weapons continue to have on the efforts of States in the Sahelo-Saharan subregion in the areas of poverty eradication, sustainable development and the maintenance of peace, security and stability,

*Bearing in mind* the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, adopted at Bamako on 1 December 2000,<sup>1</sup>

*Recalling* the report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all”,<sup>2</sup> in which he emphasized that States must strive just as hard to eliminate the threat of illicit small arms and light weapons as they do to eliminate the threat of weapons of mass destruction,

*Taking note* of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, adopted on 8 December 2005,<sup>3</sup>

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<sup>1</sup> A/CONF.192/PC/23, annex.

<sup>2</sup> A/59/2005.

<sup>3</sup> A/60/88 and Corr.2, annex; see also decision 60/519.

*Welcoming* the expression of support in the 2005 World Summit Outcome for the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,<sup>4</sup>

*Welcoming also* the adoption, at the thirtieth ordinary summit of the Economic Community of West African States, held in Abuja in June 2006, of the Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, in replacement of the moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa,

*Welcoming further* the decision taken by the Economic Community to establish a Small Arms Unit responsible for advocating appropriate policies and developing and implementing programmes, as well as the establishment of the Economic Community's Small Arms Control Programme, launched on 6 June 2006 in Bamako, in replacement of the Programme for Coordination and Assistance for Security and Development,

*Taking note* of the latest report of the Secretary-General on assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them and the illicit trade in small arms and light weapons in all its aspects,<sup>5</sup>

*Welcoming*, in that regard, the decision of the European Union to significantly support the Economic Community in its efforts to combat the illicit proliferation of small arms and light weapons,

*Recognizing* the important role that civil society organizations play, by raising public awareness, in efforts to curb the illicit traffic in small arms and light weapons,

*Taking note* of the report of the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York from 26 June to 7 July 2006,<sup>6</sup>

1. *Commends* the United Nations and international, regional and other organizations for their assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them;

2. *Encourages* the Secretary-General to pursue his efforts in the context of the implementation of General Assembly resolution 49/75 G of 15 December 1994 and the recommendations of the United Nations advisory missions aimed at curbing the illicit circulation of small arms and light weapons and collecting them in the affected States that so request, with the support of the United Nations Regional Centre for Peace and Disarmament in Africa and in close cooperation with the African Union;

3. *Encourages* the international community to support the implementation of the Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials;

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<sup>4</sup> See resolution 60/1, para. 94.

<sup>5</sup> A/62/162.

<sup>6</sup> A/CONF.192/2006/RC/9.

4. *Encourages* the countries of the Sahelo-Saharan subregion to facilitate the effective functioning of national commissions to combat the illicit proliferation of small arms and light weapons, and, in that regard, invites the international community to lend its support wherever possible;

5. *Encourages* the collaboration of civil society organizations and associations in the efforts of the national commissions to combat the illicit traffic in small arms and light weapons and in the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;<sup>7</sup>

6. *Also encourages* cooperation among State organs, international organizations and civil society in supporting programmes and projects aimed at combating the illicit traffic in small arms and light weapons and collecting them;

7. *Calls upon* the international community to provide technical and financial support to strengthen the capacity of civil society organizations to take action to help to combat the illicit trade in small arms and light weapons;

8. *Invites* the Secretary-General and those States and organizations that are in a position to do so to continue to provide assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them;

9. *Requests* the Secretary-General to continue to consider the matter and to report to the General Assembly at its sixty-third session on the implementation of the present resolution;

10. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them".

*61st plenary meeting  
5 December 2007*

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<sup>7</sup> See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

## **Resolution adopted by the 61st General Assembly session on consolidation of peace through practical disarmament measures (A/RES/61/76)**

### **Resolution adopted by the General Assembly**

*[on the report of the First Committee (A/61/394)]*

### **61/76. Consolidation of peace through practical disarmament measures**

*The General Assembly,*

*Recalling* its resolutions 51/45 N of 10 December 1996, 52/38 G of 9 December 1997, 53/77 M of 4 December 1998, 54/54 H of 1 December 1999, 55/33 G of 20 November 2000, 56/24 P of 29 November 2001 and 57/81 of 22 November 2002, its decision 58/519 of 8 December 2003 and its resolution 59/82 of 3 December 2004 entitled “Consolidation of peace through practical disarmament measures”,

*Convinced* that a comprehensive and integrated approach towards certain practical disarmament measures often is a prerequisite to maintaining and consolidating peace and security and thus provides a basis for effective post-conflict peacebuilding; such measures include collection and responsible disposal, preferably through destruction, of weapons obtained through illicit trafficking or illicit manufacture as well as of weapons and ammunition declared by competent national authorities to be surplus to requirements, particularly with regard to small arms and light weapons, unless another form of disposition or use has been officially authorized and provided that such weapons have been duly marked and registered; confidence-building measures; disarmament, demobilization and reintegration of former combatants; demining; and conversion,

*Noting with satisfaction* that the international community is more than ever aware of the importance of such practical disarmament measures, especially with regard to the growing problems arising from the excessive accumulation and uncontrolled spread of small arms and light weapons, including their ammunition, which pose a threat to peace and security and reduce the prospects for economic development in many regions, particularly in post-conflict situations,

*Stressing* that further efforts are needed in order to develop and effectively implement programmes of practical disarmament in affected areas as part of disarmament, demobiliza-

tion and reintegration measures so as to complement, on a case-by-case basis, peacekeeping and peacebuilding efforts,

*Taking note with appreciation* of the report of the Secretary-General on prevention of armed conflict,<sup>1</sup> which, inter alia, refers to the role which the proliferation and the illicit transfer of small arms and light weapons play in the context of the build-up and sustaining of conflicts,

*Taking note* of the statement by the President of the Security Council of 31 August 2001<sup>2</sup> underlining the importance of practical disarmament measures in the context of armed conflicts, and, with regard to disarmament, demobilization and reintegration programmes, emphasizing the importance of measures to contain the security risks stemming from the use of illicit small arms and light weapons,

*Taking note also* of the report of the Secretary-General prepared with the assistance of the Group of Governmental Experts on Small Arms<sup>3</sup> and, in particular, the recommendations contained therein, as an important contribution to the consolidation of the peace process through practical disarmament measures,

*Welcoming* the work of the Coordinating Action on Small Arms, which was established by the Secretary-General to bring about a holistic and multidisciplinary approach to this complex and multifaceted global problem and to cooperate with non-governmental organizations in the implementation of practical disarmament measures,

*Welcoming also* the reports of the First and Second Biennial Meetings of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York from 7 to 11 July 2003<sup>4</sup> and from 11 to 15 July 2005,<sup>5</sup> respectively, as well as the report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,<sup>6</sup>

1. *Stresses* the particular relevance of the “Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N”, adopted by the Disarmament Commission by consensus at its 1999 substantive session;<sup>7</sup>

2. *Takes note* of the report of the Secretary-General on the consolidation of peace through practical disarmament measures, submitted pursuant to resolution 59/82,<sup>3</sup> and once again encourages Member States as well as regional arrangements and agencies to lend their support to the implementation of recommendations contained therein;

<sup>1</sup> A/55/985 S/2001/574 and Corr.1.

<sup>2</sup> S/PRST/2001/21; see *Resolutions and Decisions of the Security Council, 1 January 2001–31 July 2002*.

<sup>3</sup> A/61/288.

<sup>4</sup> A/CONF.192/BMS/2003/1.

<sup>5</sup> A/CONF.192/BMS/2005/1.

<sup>6</sup> A/60/88 and Corr.2.

<sup>7</sup> *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 42 (A/54/42)*, annex III.

3. *Emphasizes* the importance of including in United Nations-mandated peacekeeping missions, as appropriate and with the consent of the host State, practical disarmament measures aimed at addressing the problem of the illicit trade in small arms and light weapons in conjunction with disarmament, demobilization and reintegration programmes aimed at former combatants, with a view to promoting an integrated comprehensive and effective weapons management strategy that would contribute to a sustainable peacebuilding process;

4. *Welcomes* the activities undertaken by the Group of Interested States, and invites the Group to continue to promote, on the basis of lessons learned from previous disarmament and peacebuilding projects, new practical disarmament measures to consolidate peace, especially as undertaken or designed by affected States themselves, regional and subregional organizations as well as United Nations agencies;

5. *Encourages* Member States, including the Group of Interested States, to continue to lend their support to the Secretary-General, relevant international, regional and subregional organizations, in accordance with Chapter VIII of the Charter of the United Nations, and non-governmental organizations in responding to requests by Member States to collect and destroy small arms and light weapons, including their ammunition, in post-conflict situations;

6. *Welcomes* the synergies within the multi-stakeholder process, including Governments, the United Nations system, regional and subregional organizations and institutions as well as non-governmental organizations in support of practical disarmament measures and the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,<sup>8</sup> in particular, inter alia, through the Coordinating Action on Small Arms;

7. *Thanks* the Secretary-General for his report on the implementation of resolution 59/82,<sup>3</sup> taking into consideration the activities of the Group of Interested States in this regard;

8. *Welcomes* the report of the Secretary-General on disarmament and non-proliferation education,<sup>9</sup> as well as his report on the United Nations Disarmament Information Programme;<sup>10</sup>

9. *Requests* the Secretary-General to submit to the General Assembly at its sixty-third session a report on the implementation of practical disarmament measures, taking into consideration the activities of the Group of Interested States in this regard;

10. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Consolidation of peace through practical disarmament measures".

*67th plenary meeting  
6 December 2006*

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<sup>8</sup> See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

<sup>9</sup> A/61/169 and Add.1.

<sup>10</sup> A/61/215.

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**Resolution adopted by the 60th General Assembly session on addressing the negative humanitarian and development impact of the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation (A/RES/60/68)**

**Resolution adopted by the General Assembly**

[*on the report of the First Committee (A/60/463)*]

**60/68. Addressing the negative humanitarian and development impact of the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation**

*The General Assembly,*

*Reaffirming its respect for and commitment to international law and the purposes and principles enshrined in the Charter of the United Nations,*

*Recognizing that, as stated in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,<sup>1</sup> the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation 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,*

*Concerned by the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects, and determined to reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects and to enhance the respect for life and the dignity of the human person through the promotion of a culture of peace,*

*Reaffirming the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts at the local, national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,*

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<sup>1</sup> See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

*Recalling* the second biennial meeting of States to consider the implementation of the Programme of Action at which States, while welcoming the significant progress made in that regard, recognized that further action was required to fulfil the commitments undertaken in the Programme of Action,<sup>2</sup>

*Recognizing* that, in 2005, world leaders expressed grave concern at the negative effects on development, peace and security, and human rights posed by, inter alia, the illicit trade of small arms and light weapons, and that they committed themselves to supporting the implementation of the Programme of Action,<sup>3</sup>

*Noting*, in that regard, that the 2006 review conference on the Programme of Action represents an opportunity to address interconnected peace and security and development challenges, which are relevant to the agenda of the conference,

*Placing particular emphasis* on the regions of the world where conflicts have come to an end and where serious problems with the excessive and destabilizing accumulation of small arms and light weapons have to be dealt with urgently,

1. *Calls upon* States, when addressing the issue of the illicit trade in small arms and light weapons in all its aspects, to explore ways, as appropriate, to more effectively address the humanitarian and development impact of the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation, in particular in conflict or post-conflict situations, including by:

(a) Developing, where appropriate, comprehensive armed violence prevention programmes integrated into national development strategies, including poverty reduction strategies;

(b) Building on the commitment by States and appropriate international and regional organizations in a position to do so to, upon the request of the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, such as small arms funds, in order to support the implementation of measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, as contained in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;<sup>1</sup>

(c) Encouraging United Nations peacekeeping operations to address the safe storage and disposal of small arms and light weapons as an integral part of disarmament, demobilization and reintegration programmes;

(d) Systematically including national measures to regulate small arms and light weapons in longer term post-conflict peacebuilding strategies and programmes;

(e) Ensuring, where appropriate: that the activities mentioned in subparagraphs (c) and (d) above take full account of the roles that women and women's organizations could play in small arms disarmament, demobilization and reintegration processes; the requirement that the needs of women and girl combatants and dependants be addressed in disarmament, demobi-

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<sup>2</sup> A/CONF.192/BMS/2005/1, para. 17.

<sup>3</sup> See resolution 60/1.

lization and reintegration programmes; and the commitment to promote and protect the rights and welfare of children in armed conflicts.

*61st plenary meeting  
8 December 2005*