EU Working Paper in Preparation of the 2012 Review Conference on the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

1. Ever since its adoption in 2001, the EU has actively promoted the implementation of the UN Programme of Action to prevent, combat and eradicate the illicit trade in SALW in all its aspects (PoA). In order to further strengthen its action against the destabilizing accumulation and spread of SALW and their ammunition the EU adopted a Strategy on SALW on 2005. After the review of its 1998 Code of Conduct on Arms Exports, the EU adopted in 2008 the Common Position on the control of exports of military technology and equipment, including SALW.

2. The PoA remains the key universal starting point for further action on SALW at national, regional and international levels. The Review Conference provides the opportunity to reaffirm the commitment to fully implement the PoA and the ITI, to review progress made in the implementation of the PoA and the ITI and to explore ways to strengthen their implementation. Given the timing of meetings this year, the Review Conference should also examine how the PoA process and an agreed ATT could mutually reinforce each other in a complementary way.

3. The EU would like to propose the following initial recommendations for the consideration of the Preparatory Committee and their inclusion in the draft outcome document of the Review Conference:

Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects at the national level

- States should enhance their transfer controls on SALW and ammunition in relation to the transfer provisions as contained in the PoA.

- States should improve national coordination mechanisms among all relevant national authorities in the implementation of the PoA, including the establishment or strengthening of National Coordination Bodies, sharing of lessons learned on the operation of such bodies and, in particular, enhanced cooperation and coordination among customs, border control, police, judicial and arms transfer licensing authorities.

- States should affirm their primary responsibility to take all necessary steps to prevent the illicit proliferation of MANPADS and their components, including specific measures with regard to stockpile security and transfer controls.

- States should be encouraged to increase their efforts with regard to the establishment of adequate stockpile management, stockpile security and, as appropriate, stockpile destruction.

- States should be encouraged to implement the International Ammunition Technical Guidelines.
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– States should be encouraged to effectively implement the UN Firearms Protocol.

– States should be encouraged to effectively implement the International Instrument on Marking and Tracing.

– States should be encouraged to better address the devastating consequences of the illicit trade and misuse of SALW on children.

– States should be encouraged to ensure increased representation of women at all decision-making levels in security sector institutions dealing with SALW-related issues and to take into account the specific link between the PoA and Security Council Resolution 1325 (2000) when implementing the PoA at national level.

– States should be encouraged to report regularly about the implementation of the UN PoA and the ITI and to designate national points of contact in this regard.

Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects at the regional level

– States should support the effective role that regional and sub-regional organizations can play in building capacity of its Member States, including through enhanced cooperation and increased exchange of information, inter alia on model legislation, best practices and other relevant data.

– States should acknowledge the contribution made by all legally and politically binding instruments that have been adopted at regional and sub-regional levels to assist States on various aspects of the implementation of the PoA, such as the OSCE documents on SALW and on stockpiles of conventional ammunition, and the 2008 EU Common Position on common rules governing exports of military technology and equipment, including SALW.

– Complementing increased efforts at national level, States should be encouraged to reinforce inter-agency cooperation among customs, border control, police and judicial authorities at regional level to effectively prevent and combat the illicit trade in SALW across land, sea and air borders.

– States should encourage all efforts made by regional and sub-regional organizations to adjust their reporting requirements to those of the PoA.

Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects at the global level

– States should recommend the development of further mechanisms at the national, regional and international levels to assess the concrete risk of diversion in the context of transfer authorizations of SALW to ensure, for example, the effective implementation of arms embargoes decided by the UN Security Council.

– States should recommend concrete measures to enable peace support operations to contribute as needed to the safe storage, disposal and tracing of illicit SALW,
including specific mandates, the establishment of a pool of civilian and military experts and possible changes to mission structures.

- States should recommend concrete ways of enhancing cooperation between panels of experts and peacekeeping missions to facilitate information sharing.

- States should be encouraged to increase their cooperation with the World Customs Organization and INTERPOL and to take full advantage of the benefits that can be offered by the World Customs Organization and INTERPOL, including, the increased use of INTERPOL's illicit arms records and tracing management system (iARMS) and INTERPOL’s Ballistic Information Network (IBIN).

- States should support the formal inclusion of SALW as a category of the UN Register of Conventional Arms.

- States that have not yet done so should be encouraged to ratify or accede to the UN Firearms Protocol.

- States should acknowledge the work of civil society at all levels of implementation in preventing, combating and eradicating the illicit trade in SALW.

Implementation, international cooperation and assistance

- States should reaffirm that the primary responsibility for solving the problems associated with the illicit trade in SALW falls on all States and stress that international cooperation is still needed to strengthen the implementation of the PoA.

- States should encourage further development of the PoA Implementation Support System to identify specific needs and available resources to achieve the universal implementation of the PoA.

- States should encourage further development and increased use of mechanisms to prevent the illicit trade of SALW via land, sea and air, including developing and improving tools and techniques for international, regional and national actors to effectively screen and target suspect aircrafts and vessels likely to be involved in the illicit trade of SALW.

- States should encourage increased information-sharing among all appropriate agencies to solve cases of illicit trade, prevent diversion and improve coordination with peace support missions on monitoring transport actors and flows of SALW.

- States should encourage the full development of a single global repository of information for lost, stolen, smuggled and trafficked small arms.

- States and appropriate international and regional organisations that are in a position to do so should, upon request, seriously consider rendering assistance to further support the implementation of the PoA and the ITI.
− States should affirm the central role played both by the United Nations System, in particular the Office of Disarmament Affairs with the help of the PoA Implementation Support System, and by regional organizations in helping to coordinate the implementation of the PoA and in matching needs and resources.

− States should encourage further efforts by the Office for Disarmament Affairs, in the context of the PoA ISS, to assist States, upon request, in preparing project outlines identifying country-specific needs.

− States should encourage the efforts made by the Group of Interested States to effectively support the implementation of the PoA.

− States should encourage the increased use of tools such as the OECD Development Database on Aid from DAC Members to effectively support the implementation of the PoA.

− Recognizing that effective international cooperation and assistance require appropriate national needs assessments to set adequate priorities, States should encourage the development of assessment tools.

**Follow up to the United Nations Conference on the Illicit Trade in Small arms and Light Weapons in All Its Aspects**

− States should reaffirm relevant measures mentioned in the BMS4 outcome document, in the section on the way forward regarding the strengthening of the follow-up mechanism of the Programme of Action.

− States should adopt an implementation action plan for the next review cycle and set specific mandates and, as appropriate, specific themes, programmes of work and a calendar for the next Review Conference, Meetings of Experts and Biennial Meetings of States.

− States should agree holding meetings among technical experts as part of a revitalized PoA and in order to successfully continue the pragmatic and operational approach shown by the meeting of governmental experts in 2011.

− States should recommend specific technical issues on which individual meetings of experts should be held, including, among others, physical security and stockpile management; the examination of mechanisms to share diversion track records on the basis of traced illicit SALW; the role of peace support operations in tracing SALW and in establishing stockpile management in conflict and post-conflict areas; and the establishment of proper assessment mechanisms, such as performance indicators and measurable benchmarks, for the implementation of the PoA.

− States should be encouraged to further explore possibilities for self-assessment and peer review mechanisms to assess the implementation of the PoA. States may consider, to that purpose, the recommendations of the International Small Arms Control Standards (ISACS) to be published during the Review Conference.
The control of ammunition should be an integral part of the efforts to combat the illicit trade in SALW in all its aspects.

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

- States should recommend full implementation of the ITI, in particular with regard to marking, record keeping and tracing requirements.
- States should recommend increasing national, regional and global efforts on the establishment of the necessary legal, administrative and technical infrastructure to allow for full compliance with the requirements of the ITI.
- States and appropriate international and regional organisations that are in a position to do so should, upon request, seriously consider rendering technical assistance to further support the implementation of the ITI, including the provision of marking machines as well as expertise for the development of appropriate regulatory and legal measures.
- States should recommend continuous and sustainable training of law enforcement officials inter alia in registering the marks on SALW.
- States should encourage wider exchange of relevant information on traced SALW, including sharing relevant information at regional and international level and the harmonization of appropriate tools and practices at regional and international level, inter alia to prevent future diversion.
- States should recommend concrete measures to enable peace support operations, as appropriate, to effectively contribute to the tracing of SALW, including, inter alia, the need for explicit mandates, appropriate equipment and a pool of civilian and military experts.