Indicative non-paper 1

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

The Programme of Action (PoA), in its preamble, recognizes that illicit trade in small arms and light weapons (SALW) sustain conflicts, exacerbates violence, displaces civilians, and fuels crime and terrorism (para. I.5). The PoA also expresses concerns about the devastating consequences of the illicit trade in SALW on children and the negative impact on women and the elderly (para. I.6).

The PoA catalogues various measures to be taken to prevent, combat and eradicate the illicit trade in SALW in all its aspects. Commitments at the national level include:

– to put in place adequate laws, regulations and administrative procedures to exercise effective control over SALW (para. II.2-3), and to establish adequate national coordination mechanisms (para. II.4-5);

– to exercise effective control over the production of SALW, and establish as criminal offence the illegal manufacture of SALW (para. II.2-3);

– to exercise effective control over the export, import and transit of SALW (para. II.11-13, 15);

– to regulate the activities of SALW brokers (para. II.14);

– to destroy all confiscated, seized and collected weapons (para. II.16);

– to ensure, subject to national laws, the effective management of stockpiles of weapons held by armed forces, police, etc. (para. II.17); to regularly review these stockpiles and responsibly dispose of surplus (para. II.18-19).

**(a) Laws, regulations and administrative procedures/national and international coordination mechanisms**

- Many States have enacted new legislation, amended and strengthened existing legislation\(^1\)
- 168 States have communicated information on their National Points of Contacts (NPC) to the UN Office for Disarmament Affairs (UNODA)\(^2\)

Further achievements?

**Possible issues for consideration**

- Developing national action plans on SALW\(^3\)
- Financial, technical and human resources to establish or strengthen and to operate a National Coordination Bodies (NCB)\(^4\)
- Sharing of experiences and lessons learned on the operation of NCB
- Other issues?

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\(^1\) UNIDIR analysis of 2008 on national reports 2002-2008.
\(^2\) www.poa-iss.org.
\(^3\) A/RES/60/68.
\(^4\) UNIDIR analysis of 2011 on implementation challenges.
(b) Control over the manufacturing of SALW

- Many States have put in place laws/regulations to exercise control over the manufacture of SALW\(^5\)
- Further achievements?

Possible issues for consideration

- Challenges posed by the artisanal production of SALW
- Illicit manufacturing, including unlicensed manufacturing\(^6\)
- Other issues?

(c) Regulate activities of SALW brokers

- More than 50 States have put in place legal controls on arms brokering\(^7\)
- Further achievements?

Possible issues for consideration

- Brokering controls are not in place in the majority of States
- Better use of existing mechanisms with the potential of enhancing international cooperation in enforcing brokering controls and prosecuting illicit activities\(^8\)
- Integrate laws, regulations and administrative procedures into national export control systems\(^9\)
- More attention needed on enforcement and international cooperation,\(^10\) and financing of illicit SALW acquisition\(^11\)
- Other issues?

(d) Disposal and destruction of confiscated, seized or collected SALW

- Several projects have been developed by intergovernmental and regional organizations to facilitate the voluntary collection of SALW and the destruction of confiscated, seized or collected SALW\(^12\)
- Further achievements?

\(^5\) www.pea-iss.org, national reports.
\(^6\) A/CONF.192/BMS/2010/3 (BMS4 Outcome document), page 15.
\(^7\) A/CONF.192/BMS/2008/3 (BMS3 Outcome document), page 11, II.9.
\(^8\) UNIDIR analysis of 2008 on national reports 2002-2008.
Possible issues for consideration

• Lack of financial resources, equipment, and expertise for collection and destruction of weapons
• Other issues?

(e) Stockpile management and security/Surplus identification and disposal

• Many States established national laws, regulations and administrative procedures or reviewed existing management, safety and security measures
• Programmes were put in place in many States to identify surplus stocks
• Further achievements?

Possible issues for consideration

• Establish adequate stockpile management systems
• Need for international assistance to improve the security of SALW stockpiles
• Raising awareness among relevant national authorities
• More information needed in national reports on how surplus is determined or what criteria are applied
• Other issues?

(f) Other issues?

• Any other issues to be raised by States under the PoA implementation at the national level?

WHICH OF THE ABOVE SUBSTANTIVE ELEMENTS SHOULD BE REFLECTED IN THE PREPCOM OUTCOME DOCUMENT, AND HOW SHOULD THESE BE FORMULATED?

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

Commitments of the PoA at the regional level include:

– to designate a point of contact to act as liaison on matters relating to the implementation of the instrument (para. II.24);
– to develop legally binding instruments (para. II.25) and to strengthen moratoria or similar initiatives (para. II.26);
– to establish regional or subregional mechanisms, in particular for transborder customs cooperation and networks for information-sharing among law enforcement officials (para. II.27);
– to strengthen relevant laws on illicit trade in SALW (para. II.28);
– to promote safe, effective stockpile management and security (para. II.29);
– to support national disarmament, demobilization and reintegration programmes, particularly in post-conflict situations (para. II.30);
– to enhance transparency (para. II.31).

(a) Point of contact within regional organization

• Regional and subregional organizations facilitated the exchange of information among States and provided technical assistance and expertise. Further achievements?

Possible issues for consideration

• Encourage interactions between regional organizations and civil society or industry

• Regional organizations could encourage and assist States to prepare national reports.

• Possibility for regional organizations to send reports to the UN on regional implementation efforts

• Other issues?

(b) Regional instruments/Action plans

• Legally-binding instruments at regional level inspired by the commitments of the PoA, have been adopted.

• Several regional action plans have been adopted.

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• Regional agreements on measures to control arms brokering activities have been developed, and regional or multilateral meetings on the issue of illicit arms brokering were held.

Further achievements?

Possible issues for consideration

• Lack of legal harmonization of national legislations in certain regions, and the lack of legal regulation in certain issue areas

• Promote and enhance regional and subregional action plans and programmes to help implement regional instruments on SALW

• Regional cooperation and assistance to combat illicit brokering

• Other issues?

(c) Customs and borders

• States enacted national legislation to criminalize arms smuggling, enhanced border measures, such as monitoring of shipment across borders

• Joint border exercise, exchange and sharing of information, and provision of training undertaken

Further achievements?

Possible issues for consideration

• Controlling cross-border activities in difficult terrain

• Insufficient coordination between law enforcement agencies, importers, exporters and manufacturers; need to enhance coordination among customs, border control and police authorities

• Role of regional organizations in coordinating and facilitating border cooperation activities

• Cooperation with the World Customs Organization

• Other issues?

(d) Laws, regulations and administrative procedures

• Regional organizations assisted States in coordinating national action at the regional and subregional levels

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24 A/66/157 (MGE Chair’s summary), page 13.
26 UNDIR analysis of 2010 on national reports 2009-2010.
27 UNDIR analysis of 2010 on national reports 2009-2010.
30 UNDIR analysis of 2010 on national reports 2009-2010.
31 S/2011/255, para. 70.
• Regional organizations assisted States in developing model legislation, regional implementation standards and best practices33

Further achievements?

Possible issues for consideration

• Possibility of developing standards to guide subregional cooperation

• Possible regional coordination of systems for the registration of legal and confiscated weapons

Other issues?

(e) Stockpile management and security

• Several projects developed by regional organizations to facilitate SALW destruction34

• Regional initiatives taken to promote safe, effective stockpile management and security35

Further achievements?

Possible issues for consideration

• Lack of financial resource and equipment, expertise for collection and destruction of weapons

Other issues?

(f) Support to national disarmament, demobilization and reintegration (DDR) programmes

• Increased involvement of regional organizations in DDR programmes

Further achievements?

Possible issues for consideration

• Take full account of the roles that women play in DDR processes36

Other issues?

(g) Other issues?

• Any other issues to be raised by States under the PoA implementation at the regional level?

WHICH OF THE ABOVE SUBSTANTIVE ELEMENTS SHOULD BE REFLECTED IN THE PREPCOM OUTCOME DOCUMENT, AND HOW SHOULD THESE BE FORMULATED?

32 A/66/157, page 12.
33 A/66/157, page 12.
36 A/RES/60/68.
Indicative non-paper 3

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

Commitments of the PoA at the global level include:

- to cooperate with the UN system to ensure the effective implementation of Security Council arms embargoes (para. II.32);
- to cooperate with the World Customs Organization and INTERPOL (para. II.37);
- to develop common understandings of the problems related to illicit brokering in SALW (para. II.39);
- to cooperate with civil society (para. II.40).

(a) **Arms embargo/Disarmament, Development and Reintegration (DDR)**

- Electronic data management system developed for information collected by the various UN arms embargo monitoring groups
- Agreement on cooperation between INTERPOL and the UN in relation to arms embargo
- Further achievements?

**Possible issues for consideration**

- UN peacekeeping operations to address the safe storage and disposal of SALW as an integral part of DDR programmes
- Enhance cooperation between panels of experts and peacekeeping missions to facilitate information sharing and synergy of efforts
- Other issues?

(b) **Cooperation with United Nations**

- The PoA-ISS contains a database on national reports
- New online reporting template developed
- Matching needs and resource toolkit developed
- International Small Arms Control Standards (ISACS) being developed for voluntary use by interested stakeholders
- Further achievements?

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37 S/2011/255.
38 S/2011/255.
39 A/RES/60/68.
40 S/2011/255.
41 www.poa-iss.org.
42 www.poa-iss.org.
43 www.poa-iss.org.
Possible issues for consideration

- Relevance of the work done by the open-ended working group on firearms under the UN Firearms Protocol
- Role of the UN and regional and subregional organizations in assisting States to identify and communicate assistance needs, and in following up on assistance requests
- Other issues?

(c) Cooperation with INTERPOL and the World Customs Organization

- Enhanced cooperation with INTERPOL, in particular with regard to tracing
- Cooperation with the World Customs Organization
- Further achievements?

Possible issues for consideration

- Other issues?

(d) Civil society

- Instrumental in providing assistance to implementing and monitoring the PoA
- Further achievements?

Possible issues for consideration

- Potential contribution of civil society in an independent evaluation of the PoA implementation, to address the lack of formal evaluation mechanisms for the PoA implementation
- Other issues?

(e) Brokering

- The Group of Governmental Experts examined the issue of brokering and presented a report in 2007
- Regional agreements on measures to control arms brokering activities have been developed, and regional or multilateral meetings on the issue of illicit arms brokering were held
- Further achievements?

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44 S/2011/255, para. 70
45 A/CONF.192/BMS/2010/3, para. 30 (g).
47 S/2011/255, para. 70.
48 UNIDIR analysis of 2011 on implementation challenges.
49 A/62/163.
Possible issues for consideration

• Exchange information on arms brokering activities\(^{52}\)
• Exchange lists of registered brokers and information on disbarred brokers
• Other issues?

(f) Women, youth, elderly

• Acknowledgement and discussion of issues in other UN frameworks including SC resolution 1325 and the establishment of the Special Representative on Children and Armed Conflicts\(^{53}\)
• Further achievements?

Possible issues for consideration

• Take full account of the roles that women play in DDR processes, and the commitment to promote and protect the rights and welfare of children in armed conflicts
• Other issues?

(g) Other issues?

• Any other issues to be raised by States under the PoA implementation at the global level?

WHICH OF THE ABOVE SUBSTANTIVE ELEMENTS SHOULD BE REFLECTED IN THE PREPCOM OUTCOME DOCUMENT, AND HOW SHOULD THESE BE FORMULATED?

\(^{52}\) UNIDIR analysis of 2008 on national reports 2002-2008.
\(^{53}\) A/RES/60/68.
Indicative non-paper 4

Implementation, international cooperation and assistance

With regard to international cooperation and assistance, the PoA encourages States:

– to establish and strengthen cooperation and partnerships at all levels (para. III.2);
– to provide technical and financial support (para. III.5);
– to provide expertise and technology (para. III.6-7), as well as networking and information-sharing on implementation experience (para. III.8).

(a) Provision of international assistance

• Establishment of mechanisms to help match needs and resources (the Group of Interested States and the PoA-ISS)\(^{54}\)
• Increased focus and level of detail on international assistance and cooperation in national reports by States,\(^{55}\) and communicating of assistance needs through national reports\(^{56}\)
• Provision of equipment, technical and financial assistance at the bilateral, regional and international levels\(^{57}\)
• Technical cooperation on SALW issues included in the OECD DAC guideline on the Official Development Assistance\(^{58}\)
• Further achievements?

Possible issues for consideration

• National coordinating bodies’ role in facilitating and furthering the assistance and cooperation process\(^{59}\)
• Imposition of conditions on assistance provided in some cases\(^{60}\)
• Importance of national ownership to the success and effectiveness of assistance\(^{61}\)
• Coordination, harmonization and effectiveness of international assistance and capacity-building\(^{62}\)
• Sustainability of knowledge and technology transferred through assistance\(^{63}\)

^{55}\) UNIDIR analysis of 2008 on national reports 2002-2008.
^{57}\) A/66/157, page 14.
^{58}\) OECD DAC High Level Meeting of Ministers and Heads of Aid Agencies on 3 March 2005.
^{60}\) A/66/157, page 15.
^{61}\) A/66/157, page 15.
^{62}\) A/66/157, page 15.
^{63}\) A/66/157, page 15.
• Further information exchange on national experiences and lessons learned in the implementation of the PoA\textsuperscript{64}

• More details in national report on assistance needed/provided to facilitate cooperation\textsuperscript{65}

• A lack of common understanding of what constitutes “international cooperation” under the PoA\textsuperscript{66}

• Assistance to States in preparing national action plans/identifying the types of assistance needed\textsuperscript{67}

• Projects/programmes to take into account the multi-faceted nature of SALW issues and tie them into larger development framework\textsuperscript{68}

• Need for increased coordination between donor and recipient States in identifying assistance needs and available resources

• Role of the UN and regional and subregional organizations in assisting States to identify and communicate assistance needs, and in following up on assistance requests\textsuperscript{69}

• Other issues?

WHICH OF THE ABOVE SUBSTANTIVE ELEMENTS SHOULD BE REFLECTED IN THE PREPCOM OUTCOME DOCUMENT, AND HOW SHOULD THESE BE FORMULATED?

\textsuperscript{64} A/CONF.192/BMS/2008/3, page 9, I.7(a).
\textsuperscript{65} UNIDIR analysis of 2008 on national reports 2002-2008.
\textsuperscript{66} UNIDIR analysis of 2008 on national reports 2002-2008.
\textsuperscript{67} UNIDIR analysis of 2008 on national reports 2002-2008.
\textsuperscript{68} A/RES/60/68.
\textsuperscript{69} A/CONF.192/BMS/2010/3, para. 30 (g).
Non-paper by Chair-designate

Indicative non-paper 5

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

The follow-up section of the PoA envisages:
– the convening of biennial meetings of States (BMS) (para. IV.1b);
– the convening of “a conference to review progress made in the implementation of the Programme of Action” (para. IV.1a);
– a UN study on tracing of illicit SALW (para. IV.1c), which led to the adoption of the ITI in 2005 and further steps to deal with illicit brokering of SALW (para. IV.1d), which led to the 2007 GGE report on illicit brokering.

(a) Follow up mechanisms

• A series of global meetings on the PoA were held (BMS1 in 2003, BMS2 in 2005, ITI meeting in 2005, 1st RevCon in 2006, BMS3 in 2008, BMS4 in 2010)
• An open-ended meeting of governmental experts (MGE) was held in 2011
• Regional meetings were held to support preparation for the UN meetings on the PoA
• Early designation of Chairperson, development of agenda, and selection of priority issues or topics of relevance well in advance of meetings70
• 158 States have submitted national reports to the UNODA at least once
• Shifting the reporting schedule to a biennial basis, to coincide with the BMSs and review conferences71
• Development of a standardized reporting template72
• Further achievements?

Possible issues for consideration

• Possibility of convening further MGEs73
• Clear definition and delineation of mandates for various global meetings on SALW, such as the Review Conference, the BMS, and the MGE74
• Identification of the PoA/ITI commitments that require further elaboration in a diplomatic setting
• Identification of the PoA/ITI commitments which could benefit from exchange of experiences/lessons learned at experts’ level

70 A/CONF.192/BMS/2010/3, para. 34, 46.
72 A/CONF.192/BMS/2010/3, para. 35.
74 A/CONF.192/BMS/2010/3, para. 34.
• Clearer link between regional meetings and the global PoA processes, including consideration of aligning regional with global cycle
• Large variance in frequency of submissions of national reports among regions\textsuperscript{75}
• Regional organizations’ role in encouraging and assisting States to prepare national reports
• Possibility for regional organizations to send reports to the UN on regional implementation efforts
• National reports to be submitted in advance of the start of preparations for the global meetings
• Cooperation and assistance to States, upon request, in the preparation of national reports\textsuperscript{76}
• Voluntary sponsorship fund to States’ participation in meetings\textsuperscript{77}
• Development of tools that allow States to assess the PoA/ITI implementation\textsuperscript{78}
• Follow-up on the proposals tabled at the MGE\textsuperscript{79}
• Other issues?

WHICH OF THE ABOVE SUBSTANTIVE ELEMENTS SHOULD BE REFLECTED IN THE PREPCOM OUTCOME DOCUMENT, AND HOW SHOULD THESE BE FORMULATED?

\textsuperscript{75} 70\% of states in Africa, 74\% of states in the Americas, 70\% of states in Asia, 95\% of states in Europe, and 43\% of states in Oceania have submitted at least one report between 2002 and 2008 (UNIDIR analysis of 2008 on national reports 2002-2008).
\textsuperscript{76} A/CONF.192/BMS/2010/3, para. 42.
\textsuperscript{77} A/CONF.192/BMS/2010/3, para. 43.
\textsuperscript{78} A/CONF.192/BMS/2010/3, para. 36, 40, UNIDIR analysis of 2011 on implementation challenges, page 33, 34.
\textsuperscript{79} A/66/157.
Indicative non-paper 6

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

The International Tracing Instrument (ITI) sets out comprehensive and detailed international standards and measures to be adopted by States in three core areas:

– marking (para. 7-10);
– record-keeping (para. 11-13);
– cooperation in tracing (para. 14-23).

With regard to its implementation, the ITI encourages:

– provision of international cooperation and assistance (para. 27-29);
– cooperation with the UN system (para. 30-32);
– cooperation with INTERPOL (para. 33-35).

The implementation and the future development of the ITI will be reviewed within the framework of the conferences that review the PoA (para. 38).

(a) **Marking**

– New marking technologies were developed, such as laser engraving for import marking
– Many States enacted adequate legislation and procedures for SALW marking, including penalties and evidentiary rules\(^80\)
– Projects to help States develop capacity in marking, including provision of marking machines and related training
– Further achievements?

**Possible issues for consideration**

– Challenges posed by weapons families with similar design features and the trend towards modularity in weapons design\(^81\)
– Falsification, alteration or erasure of markings; difficulty of marking on certain materials\(^82\)
– Practical problems inherent to ensuring durable marks on polymer frames\(^83\)
– Temporary export and re-import of weapons\(^84\)
– Lack of equipment, expertise and other capacity shortfalls related to marking\(^85\)

\(^{80}\) A/66/157, page 5.
\(^{81}\) A/66/157, page 3.
\(^{82}\) A/66/157, page 4.
\(^{83}\) A/66/157, page 4.
\(^{84}\) A/66/157, page 4.
\(^{85}\) A/66/157, page 4.
• Few States exchange information on national marking systems, and fewer still exchange beyond regional frameworks

• Establishment of a technical committee to draft recommendations for marking in light of new developments in weapons manufacture and design\textsuperscript{86}

• Consideration of the technical differences between marking of small arms and of light weapons\textsuperscript{87}

• Inclusion of information on national marking practices in national reports on ITI implementation\textsuperscript{88}

• Other issues?

(b) Record-keeping

• Many States meeting or exceeding the ITI’s minimum standards for record-keeping\textsuperscript{89}

• Some States have set up firearms record-keeping systems,\textsuperscript{90} or adopted digitalized systems for record-keeping\textsuperscript{91}

• Further achievements?

Possible issues for consideration

• Lack of qualified personnel, equipment, and technologies\textsuperscript{92}

• Access to available databases to prevent trafficking

• Challenges associated with the conversion of a paper-based system into an electronic one

• Other issues?

(c) Cooperation in Tracing

• Use of digital photography for accurate weapons identification

• High success rates in tracing operations in some cases, especially for weapons produced in recent decades\textsuperscript{93}

• Many States use INTERPOL firearms tracing system or are developing systems that complement it

• Further achievements?

\textsuperscript{86} A/66/157, page 4.
\textsuperscript{87} A/66/157, page 5.
\textsuperscript{88} A/RES/66/47.
\textsuperscript{89} A/66/157, page 6.
\textsuperscript{90} A/66/157, page 6.
\textsuperscript{91} A/66/157, page 6.
\textsuperscript{92} A/66/157, page 6.
\textsuperscript{93} A/66/157, page 8.
Possible issues for consideration

- Insufficient/inaccurate record-keeping leading to tracing failures
- Insufficient/inaccurate identification of weapons leading to tracing failures
- Misidentification of the manufacturer/country of manufacture in the case of weapons produced under foreign license
- Legal and bureaucratic impediments to the timely provision of data
- Conflicts between confidentiality requirements for tracing operation and judicial proceedings that require disclosure of information
- Delays in processing of tracing requests that could result in release of suspects due to lack of evidence
- Tracing weapons that crossed multiple borders
- Long and complex chain of ownership of many SALW
- Access to information by national points of contact
- Other issues?

(d) Implementation

- Laws, regulations and administrative procedures related to the implementation of the ITI integrated into the national processes in many States
- 97 States have communicated NPC for the ITI to UNODA
- Further achievements?

Possible issues for consideration

- Greater resources for international assistance programmes in capacity-building and training of relevant personnel
- Confusion/delineation of roles between national points of contact for the PoA and the ITI
- Relatively low rate of reporting on the ITI implementation, despite the firm commitment in the ITI to provide a report every two years
- Low rate of reporting on provision of technical, financial and other assistance, and no report on international cooperation in technology development
- Other issues?

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95 A/66/157, page 8.
97 www.poa-iss.org.
100 UNIDIR analysis of 2008 on national reports 2002-2008.
(e) Other issues?
   • Any other issues to be raised by States under the ITI implementation?

WHICH OF THE ABOVE SUBSTANTIVE ELEMENTS SHOULD BE REFLECTED IN THE PREPCOM OUTCOME DOCUMENT, AND HOW SHOULD THESE BE FORMULATED?