

14 July 2008

**Statement by the Delegation of Turkey
(Third biennial meeting 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, New York, 14-18 July 2008)**

The issue of preventing illicit trade of small arms and light weapons, and therefore eliminating its negative impacts on security and safety thereof, maintains its importance and relevance for the international community as a whole.

The topic could be taken up from two broad and separate, nevertheless closely interrelated dimensions: first being the international, regional and national security, and the second being human life and safety, including the socio-economic development. Among all types of arms and weapons, SALW are certainly the most suitable for individual and non-professional use; a fact that brings the need to set our minds into a line of thinking which is multidimensional and multifaceted. On the one side, proliferation of SALW is considered a disarmament issue; on the other, a humanitarian one.

As a country who has taken its own share from all these negative impacts of illicit trafficking, uncontrolled proliferation and unauthorized use of small arms and light weapons in the context of fight against terrorism, we hope that this Third Biennial Meeting of States on the issue will bring more light on the topic in its totality and create a chance to analyze the root-causes of the problem

Implementation of existing measures and creating solutions to the areas where we face difficulties regarding implementation is our core task as the international community.

Moreover, the complementary efforts of certain regional organizations and initiatives to the United Nations in the area of small arms and light weapons bear significant importance. The trans-boundary and trans-national nature of the problem brings the necessity to follow day-to-day the developments on the ground and this is where regional undertakings would be of enormous help.

While developing necessary tools and implementing certain practices to prevent and eradicate illicit trade in SALW, our approach should be **comprehensive**. That is to say, the measures should include the whole series of steps that start with **manufacture** and ends with seizure and destruction.

Transfer controls over arms and ammunition lie at the heart of the matter. There already exists a wide range of instruments, guidelines, and best practice documents that address transfer controls and most of them contain a significant amount of common elements that provide guidance in making transfer-licensing decisions.

Effective transfer control systems must include clear criteria that States should consider in transfer licensing decisions, as well as in the administration and enforcement of the transfer authorization process. Authorizations should be consistent with States' obligations under international law. Peace and security, regional stability, governance and sustainable development and risk of leakage/diversion of arms are among the factors to be considered in deciding on a particular transfer.

On the other hand, in spite of the many instruments that address transfer controls, large numbers of weapons are still being transferred illicitly, pointing to the need to focus on effective implementation of such instruments. This leads us to the conclusion that preventing the illicit trade in all its aspects necessarily involves the implementation of effective regulations over the legal transfers of arms, weapons and ammunition; dealing only with the measures to curb illicit activities would not be sufficient.

A well-functioning transfer control system should be based in law and supported by comprehensive **enforcement mechanisms**. Law enforcement agencies, in particular Customs authorities, play an important role. Training and capacity development for these authorities do also have special importance. Inter-departmental consultations should be placed among the issues of critical importance in enforcement.

End-user documentation, has fundamental importance for the prevention of diversion. In cases of uncertainty regarding the end-use or end-user of the proposed transfer, States should refrain from authorizing a transfer, as a measure to prevent diversion or a destabilizing arms build-up.

Stockpile management and security, brokering regulations, and marking and tracing are other issues that the international community has been dwelling upon. We believe that these issues should continue to be among the priorities of international or regional initiatives. Thus, we hope that the discussions within this very meeting would produce the necessary guidelines for the states in conducting their national policies as well as their international and regional undertakings.

Transparency and information sharing would certainly help promote consistency in the implementation of agreed multilateral standards for arms and weapons. The United Nations, as well as regional undertakings in this field, such as the OSCE and the Wassenaar Arrangement, have already in place their own

mechanisms for information exchange and transparency that we, as member/participating states to these processes could be proud of. The Third UN Biennial Meeting will improve each participant's individual knowledge on the topics of discussion and, in the long run, would bring more consistency and confidence to the implementation of existing measures and criteria.

International cooperation and assistance are fundamental to the successful implementation of the UN Programme of Action and other relevant documents and measures. Although resources available for cooperation and capacity-building have been increasing, there still seems to be a gap between available resources and needs. Increased cooperation and assistance is needed in stockpile management, especially physical security of stocks; training of border and customs officials; technical support for legislative measures; awareness-raising, including on the size/origins of the illicit trade and misuse of small arms and reducing the humanitarian impact of the proliferation and misuse of small arms and light weapons.

As per **Turkey's national practice** pertaining to the implementation of UN Programme of Action and other relevant international and regional commitments, we will have the following remarks:

We have submitted this information in detail in our report to the United Nations in preparation of the Third Biennial Meeting.

With regard to national procedures for the control over manufacture, *Law no. 5201 dated 3 July 2004 on "Control of Industrial Enterprises Producing Vehicles and Equipment of War and Arms, Ammunition and Explosive Material"* draws the legal framework for granting production licenses and the Ministry of National Defence has the authority to issue production licenses. The Ministry of National Defence annually reviews the "List of the Materials in Arms, Munitions, War Material, Military Explosive Materials and Technologies" which also comprises the Wassenaar Arrangement munition list. The Control List is published in January of each year in the Official Gazette in accordance with Law no. 5201. In order to producing any equipment included in the Control List, licences by the issued Ministry of National Defense are required.

The Ministry of Defense is the authority to approve, in consultation and coordination with Ministries of Health, Environment and Forestry, the requests submitted by private companies regarding the establishment of weapons production, stockpile and sales facilities. Production Permission Certificate is obligatory in order to produce arms and weapons in a facility and the facility for which the production permission is sought for has to meet the requirements of Facility Security Certificate granted by Law no. 5202, "Defense Industry Security".

Records of firms which have received production licenses from the Ministry of National Defence are kept in the Ministry. These firms are controlled with or

without prior notification at least twice a year in order to check whether they act in conformity with the licence requirements. Individuals violating Law no. 5201 are subject to imprisonment from two months up to five years or fines according to the nature of the violation.

As for marking, record-keeping and tracing, again Law no. 5201 provides the basic framework. In accordance with the relevant provisions of the OSCE SALW Document, the Ministry of National Defence prepared and circulated a regulation regarding the marking standards to relevant government agencies and national arms manufacturers.

Procedures for stockpile management and security are regulated by Law. No. 5202 dated 3 July 2004 on "Defence Industry Security" and the relevant authority is the Ministry of National Defence. Every individual working stockpile facilities needs to have a "Personnel Security Document" and every location/building should have a "Facility Security Document". These documents are issued by the Ministry of National Defence. Non-implementation at the facility of the physical security precautions are subject to punishment defined by various laws.

"Arms brokering" is not specified as a separate activity in the Turkish legislation. However, "brokering" and "broker" are defined both in Turkish Law No.818 (Code of Obligations) and Law No.6762 (Commercial Code). Moreover, according to Law no.5201, transfer and sale of illegally brought/produced fire arms in Turkey and to willingly assist those who commit such crimes, and carry illegal fire arms, face severe prison sentences of up to 8 years, and in cases of organized violation up to 12 years. Law no. 5607, on "Fight against Smuggling" adopted on 21 March 2007, also contains provisions that foresee punishments as imprisonment or fines for those who are engaged in trafficking activities of arms. The Turkish criminal justice system provides that national jurisdiction for the Turkish nationals extend beyond the national boundaries. There is not a specific legislation in Turkey that deals with arms brokering since "arms brokering" is not regulated as a specific practice. However, the scope of existing legislation provides the necessary legal basis for the regulation and control of arms brokering and the current legal framework allows for the implementation of an effective control and licensing system.

In Turkey, export procedures are governed again by the Law no. 5201. According to this Law, the Ministry of National Defence is authorized to issue export licences; without the licence of the Ministry of National Defence, such weapons cannot be exported. Ministry of National Defence consults the Ministry of Foreign Affairs on the political aspects of the intended sale and the Turkish General Staff on its technical aspects. In issuing an export licence, the recipient country's being subject to any UN-imposed restrictions or embargoes; conformity with export control arrangements to which Turkey is a party and the overall implications of the export transaction on regional or global security and stability are taken into account.

Export of a weapon and related material, which was previously approved, can be suspended by the Council of Ministers. In line with the above-mentioned Law, a list covering all defence items whose export is subject to the permission of the Ministry of National Defence, is reviewed and published once a year in the Official Gazette. Under this legislation, the export of such materials is strictly supervised by five Government agencies, namely the Ministry of Foreign Affairs, the Ministry of National Defence, the General Staff, the Undersecretariat for Foreign Trade and the Undersecretariat for Customs.

The Undersecretariat for Foreign Trade, through Exporters' Unions, is responsible for registering all export applications. If any defence item, which is included in the list published by the Ministry of National Defence is discovered by the Exporters' Unions in the course of registration process, applications are directed to the Ministry of National Defence to obtain export licence.

As for the role of the Undersecretariat for Customs in export controls, in accordance with the Customs Law no. 4458, the Customs Automation System has been completed in October 2002 within the context of the project on the modernization of the customs administration. In this framework, in the export of conventional weapons, the physical checks are not carried out only on the permission for the goods or the authority that has provided such permission but also they are determined in accordance with the results of the risk analysis.

For the export of arms, an "end-user certificate" is required. This requirement is applicable also for the transfer of exported SALW to third parties. The end-user certificates also include the commitments of the (the exporting company) consignee, the end-user and the government.

The import of arms, ammunition and related equipment that are stipulated in the Control List could only be realized by the Ministry of National Defence or a company or an institution that has been given authorized by the Ministry of National Defence.

Destruction of weapons and ammunition is another priority subject of work for relevant agencies in Turkey. In accordance with "Directive on Confiscation of Personal Arms", "crushing" method is applied in the destruction. Crushing method is also applied in the destruction of seized weapons, In 2007, 864 long-barrel rifles, 120 revolvers, 1334 bombs and explosives and 79.324 pieces of ammunition have been seized. There is no designated surplus arms and ammunition in Turkey and up to date, Turkey has not requested or received any technical assistance regarding destruction.

On the other hand, control of firearms remain high on Turkey's agenda in view of the close interrelationship between the illicit trade in arms and terrorism, organized crime, drug trafficking as well as the negative impact of arms and

weapons proliferation on social and economic development. Turkey places its efforts within the UN, the OSCE, NATO and various regional to help the international community in constantly developing innovative strategies to cope with the problem. These strategies, we believe, should be comprehensive and cover all the aspects of illicit trade and proliferation, from the initial production stage to the destruction of surpluses.

States should not stop seeking more practical and effective methods for implementation of existing documents and measures. Enhanced cooperation between and among exporting, importing and transit States will render implementation more effective and efficient, thus leaving a more secure and a safer world for future generations. Turkey intends to continue, as much as it could, to contribute to the efforts within the UN and other fora to foster international cooperation and when necessary, the adoption and implementation of additional norms and rules.