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Presentation on the History and Context of the International Tracing Instrument

Swiss Statement

presented by
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Mr. Chairman,

As a representative from the country that chaired the negotiations, I have been asked to briefly recapitulate the history and context of the International Tracing Instrument to Enable States to identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, also known as I.T.I.

The agreement on the International Tracing Instrument which the United Nations General Assembly adopted in late 2005 marked the culmination of a process that began a decade earlier. Marking and tracing became an international priority in the late 1990s, with the recommendation of a UN Panel of Experts for a study on marking\(^1\). The UN Programme of Action (UN PoA), adopted in 2001, addresses the issues of marking, record-keeping and tracing in fairly general terms. But UN Member States did identify the need for further work on this issue. As a result, the Programme of Action asked the UN to examine the feasibility of developing an international instrument for small arms tracing\(^2\). Two years later, a UN Group of Governmental Experts unanimously concluded in its report that it was both desirable and feasible to develop such an instrument, and recommended that it be negotiated under UN auspices\(^3\).

Switzerland had both the privilege and honour to chair these negotiations in 2004 and 2005. After much hard work by participating delegations, we reached agreement on the contents of the Instrument in June 2005\(^4\). And on 8 December 2005, the UN 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. As of that date, it is a politically binding instrument for all UN Member States.

As UN Member States intended, the International Tracing Instrument complements Programme of Action and UN Firearms Protocol norms on small arms marking, record-keeping and tracing. The ITI offers a detailed definition of small arms and light weapons, incorporating language from the law enforcement and arms control communities\(^5\). The ITI definition encompasses both civilian and military small arms. As a result, it can be used to trace small arms and light weapons in both crime and conflict settings. The new definition is clear, relatively comprehensive, and adaptable.

At the core of the ITI lie its three sections on marking, record-keeping and tracing. It has been said many times, but it is worth repeating it, that small arms and light weapons cannot be traced without adequate marking, record-keeping and international cooperation. These three elements are, in essence, the three “pillars” of tracing. Marking in accordance with ITI requirements allows for the unique identification of the small arm or light weapon a State wishes to trace. Adequate records allow investigators to follow the weapon’s history of ownership to the point of its diversion to the illicit sphere. Last, but not least, it is important to have a set of rules—such as those found in the ITI—allowing states to request and receive tracing information.

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\(^1\) A/52/298.
\(^2\) A/CONF.192/15.
\(^3\) A/58/138.
\(^4\) A/60/88.
\(^5\) See the definitions contained in the UN Firearms Protocol and the 1997 Report of the Panel of Governmental Experts on Small Arms. Both were used and adapted for the ITI.
The ITI fulfils each of these core functions. Overall, it consolidates, strengthens and extends the standards for marking, record-keeping and tracing found in the Programme of Action and the UN Firearms Protocol. Its section on \textit{marking} prescribes the content, placement and physical characteristics of small arms marks at—and after—the time of manufacture. It addresses marking at import, as well as the marking of weapons held by government armed and security forces.

ITI provisions on \textit{record-keeping} acknowledge that the choice of methods for record-keeping is a national prerogative. But it does commit States to establish accurate and comprehensive records. The ITI extends UN Firearm Protocol standards governing the length of time that records are to be maintained.

The ITI sets out detailed modalities for \textit{tracing} cooperation and in so doing added greatest value to existing small arms measures. These modalities, which form the operational core of the ITI and have no parallel elsewhere, include the commitment States have made to respond to tracing requests with all available information sought by the requesting State—in all but the most exceptional cases.

The ITI’s section on \textit{‘Implementation’} underlines the importance of international cooperation and assistance to effective tracing, including the nomination of points of contact and the exchange of key information. As States unanimously stressed the primacy of existing arrangements and organizations in underpinning ITI implementation at the international level, this section also outlines important roles for the United Nations and INTERPOL in facilitating ITI implementation.

In the Instrument’s final section, on \textit{follow-up}, States undertake to issue regular reports on their ITI implementation and to meet on a biennial basis to consider ITI implementation within the framework of relevant meetings convened for the Programme of Action. They also provide for the future development of the ITI within the framework of the Programme of Action review conferences.

This, Mr. Chairman, concludes my presentation.