

Preparatory Committee for 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, 9-20 January 2006



United Kingdom Mission
to the United Nations
New York

Statement by

H.E. Ambassador John Freeman

Head of the Delegation of the United Kingdom

To the UNPoA Preparatory Committee

Thematic Debate, Cluster II

Transfer Controls

13 January 2006

Mr Moderator,

The United Kingdom fully associates itself with the views expressed by the distinguished delegate of Austria, Ambassador Auer, in her capacity as the Presidency of the European Union. The regulation of SALW transfers represents a significant component of the UN Programme of Action and therefore the issue of transfer controls is an issue to which the UK attaches particular importance. I want now to provide further amplification of our thinking and our work in this area.

Since 2003 many states have supported a broad-based, inclusive, regional partnership focussed on the implementation of effective controls over SALW, including export, import, transit or re-transfer, through a number of regional and international workshops. This process, which has become known as the Transfer Controls Initiative, has helped states to build, from the bottom up, a variety of models or instruments relating to transfer guidelines that reflect both domestic and regional security needs and concerns.

The UN PoA refers to the need for consistency with States' existing responsibilities under relevant international law and the UK sees this as the essential bedrock we established back in 2001. Since then, however, it has become increasingly clear that transfer controls is one area of the UN PoA that many states believe would benefit from further elaboration.

A significant, and increasing, number of countries from all regions have expressed support for transfer controls. This support for work on developing common international standards for SALW transfer controls continues to build momentum. As many of you may know, at a meeting in Geneva in November last year, representatives from many countries from all regions, favoured further discussion of transfer controls at the Review Conference with a view to agreeing conclusions complementary to the UN PoA.

Mr Moderator,

Since the Biennial Meeting of States in 2003, the UK and its many partners have, within the scope of Section III, been engaged in a process of consultation, co-ordination and implementation focused on the two inter-related undertakings in paragraphs 2 and 11 of Section II of the UN PoA. That is effective regulation and assessment of SALW transfers.

The regulation of SALW transfers requires not just legislation and enforcement. As required in paragraph 2 of Section II, the assessment of applications for export authorisation must ensure that decisions are consistent with the existing responsibilities of States under relevant international law. Focusing on the primary purpose of the UN PoA, this must also include, inter alia, the risk of diversion of legally transferred weapons into the illicit trade. Effective national regulation, that is consistent with the objectives of the UN PoA, requires all States to make policy judgements covering a wide range of factors that relate to their international obligations.

It is clear from our wide consultations and through the regional workshops that we have supported that there are differences in capacity in establishing effective regulation of SALW transfers. The UK believes that a regionally-based approach can, and has, helped to clarify regional, sub-regional and national needs, in a form that also acknowledges and takes account of security interests.

Mr Moderator,

We are pleased that a partnership has been established amongst a broad range of States to share the organisation of regional workshops, to co-ordinate the effective delivery of assistance. The UK would like to thank all those who have played such a crucial role, including the Department for Disarmament Affairs who also gave their support to the process of regional workshops.

Mr Moderator,

I would like to take this opportunity to make very clear that the UK and other partner States in the Transfer Controls process see no necessity, and are not proposing, to open up the UN PoA for re-negotiation at the upcoming Review Conference. We believe the UN PoA as it stands is a solid foundation for international action on SALW, including the opportunity to build on what has been achieved so far.

In essence, Mr. Moderator, let me conclude by summing up the three key points that the UK would like to see taken forward at the Review Conference:-

- First, we would like to see account taken of the contribution that, we believe, the Transfer Control Initiative has made towards identifying the need for an elaboration of transfer controls within the PoA and the further development of regionally-based transfer guidelines and criteria.
- Second, we would also like to see some acknowledgement of what has already been achieved by a number of regions, most notably the Nairobi declaration countries, the Andean Pact, MERCOSUR, ECOWAS and CARICOM, and the initiatives in other countries such as Cambodia and Sri Lanka, which is being complemented through the Consultative Group Process.
- Third and lastly, we feel it essential that the Preparatory Conference recommend for inclusion at the Review Conference the further development of transfer control guidelines at regional, sub-regional, and national level. The purpose of which should contribute to the overall objective of the PoA, to allow all States to, as effectively as possible, assess their export authorisations, to help States in meeting their existing responsibilities under relevant international law, and to further combat the illicit trade in SALW.

Finally, Mr Moderator, let me emphasise that our work on transfer controls is firmly embedded within the PoA, is limited to SALW and is based on the politically binding nature of that important document.

Thank you.