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English only

**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
New York, 9-20 January 2006**

Conference room paper submitted by the Chairman

The following draft outline, issues and recommendations are submitted with a view to facilitating the work of the Review Conference. These are forwarded without prejudice to States' national positions, any other proposals and decisions of the Review Conference.

***“The United Nations Programme of Action to Prevent, Combat and Eradicate the
Illicit Trade in Small Arms and Light Weapons in All Its Aspects –
a strategy for further implementation” –
draft proposal for submission to the 2006 Review Conference***

Part A

Outline of strategy

- I. Declaration** (Reaffirmation of principles, acknowledgement of progress achieved and expression of stronger commitment to implement the Programme of Action)
- II. Concrete measures to strengthen the implementation of the Programme of Action at the national, regional and global levels**
- III. International cooperation and assistance**
- IV. Follow-up**

Part B Issues

Link to development and humanitarian issues

- Importance of General Assembly Resolution 60/68;
- Need to integrate SALW into national development frameworks and poverty reduction strategies;
- Relevance of existing human rights norms.

Assistance to survivors

- Greater attention required and increased support.

Gender, women, children and the elderly

- Relevance of Security Council Resolutions 1325 and 1612.

SALW in post-conflict situations

- Specific risk of SALW in post-conflict situations;
- Role of the Peacebuilding Commission/PBSO with relevance to SALW;
- SALW and Security Sector Reform processes;
- Link between DD&R and Voluntary Weapons Collection Programmes.

Other linkages

- Terrorism;
- Drug-trafficking;
- Crime;
- Resource conflicts.

Border control

- Importance of border control and addressing the illicit trade in SALW.

Marking and tracing

- Implementation of the instrument;
- Capacity-building/assistance to support implementation of the instrument.

Ammunition and explosives

- Acknowledgement of the importance of ammunition;
- Need to address issue of ammunition in a separate process within the UN.

Illicit brokering

- Common understanding on issues related to brokering;
- GGE on brokering;
- International instrument on brokering.

Export/import/transit control

- Criteria and guidelines;
- Effective enforcement of regulations and controls, e.g. licensing;
- TCI and its relevance for PoA;

- Obstacles to implementation;
- National regulations and controls;
- Support for regional/sub-regional guidelines and criteria.

End-user certificates

- Common norms/standards for end-user certificates.

Non-state actors

- Remains a matter of concern;
- Transfer to non-state actors and unauthorized entities;
- Transfers of MANPADS.

Civilian possession

- National regulations;
- Issue of military-style SALW in civilian hands.

DDR and weapons collection

- Link between development and DDR efforts;
- Addressing weapons in post-conflict contexts;
- Regional and trans-border dimensions of DDR;
- Importance of reintegration component of DDR.

Supply-perspective

- Importance of national export measures;
- Development of international guidelines on transfer controls.

Demand-perspective

- Conflict prevention and peaceful settlements to minimize demand;
- Root causes/demand factors – underdevelopment and injustice;
- Efforts to reduce demand;
- National security needs.

Stockpiles and surplus

- Sharing of expertise;
- Importance of stockpile management and destruction of excess stock;
- Capacity-building.

Appropriate use

- Misuse of SALW by state-security forces.

International cooperation and assistance

- Key to the effective implementation of the Programme of Action;
- Importance of capacity-building, training of supply and equipment, cross-border cooperation, mutual legal assistance improved coordination.

Engagement of civil society

- Essential role of civil society, including NGOs and faith communities;
- Role of parliamentarians;
- Relationship between UN and civil society;
- Level of engagement with civil society.

Public awareness and education programmes

- Acknowledgement of significance of public awareness programmes;
- Importance of communication.

Mobilizing political will of states

- Use of communication to mobilize political will.

Promotion of dialogue and culture of peace

- The role of NGOs in promoting dialogue and a culture of peace through education.

Review processes

- Synchronization of the Review Conference and Biennial Meetings;
- Timing;
- Periodicity of reports;
- Voluntary nature of reporting;
- Analysis of national reports;
- Content of national reports;
- Reporting format/template;
- Usefulness of reporting;
- Synchronizing reporting requirements for BMS and instrument on marking and tracing;
- Schedule of Meetings;
- Intersessional Meetings;
- Points of contact and national coordination agencies in promoting effective implementation of PoA;
- Cross-regional enhancement.

Part C**Specific recommendations****HUMAN/HUMANITARIAN, SOCIO-ECONOMIC AND OTHER DIMENSIONS****The need for an integrated approach to SALW, development and humanitarian issues**

- achieve a clearer understanding of the link between small arms, security, development and humanitarian needs;

- work on more elaborate principles and programmes regarding the link between small arms, security, development and humanitarian needs;
- incorporate a reference to relevant international human rights instruments;
- incorporate the UN Basic Principles;
- reach agreement on specific commitments/text addressing other issues such as the relevance of certain existing human rights norms to the UN small arms process and their operationalization within the UN small arms framework;
- the OECD DAC and relevant UN agencies should formulate guidance that examines how best to integrate SALW measures into development frameworks, how interventions should be designed and implemented, which indicators should be used to measure success, and how donors can ensure better coordination.

Assistance to survivors

- more detailed action-oriented research is needed on assistance to survivors to identify the impact of firearms effects, the precise needs of victims and other issues related to survivor assistance in order to inform policy-making at national, regional and global levels;
- affirm responsibility for adequate health facilities, increase and concretize multilateral assistance in this area and strengthen the links between the small arms process, prevention and victim assistance;
- elaborate references on the issue of survivor assistance to promote greater understanding of the policy concerns;
- identify gaps in the provision of emergency response systems, trauma care and rehabilitation services for survivors of small arms violence as part of National Action Plans and to work towards the establishment of firearm-related injury surveillance systems to collect accurate information;
- call for the full implementation of the recommendations of the WHO Global Campaign for Violence Prevention as well as the coordination of measures to prevent sexual violence and to address the specific needs of women and girls surviving this form of violence;
- ensure interaction and coordination of stakeholders for both efficient injury prevention and assistance to survivors;
- include gun violence survivors in programme design and intervention activities;
- further investigate the effectiveness of prevention programmes as the most cost-effective way to limit injuries and disabilities.

Gender, women, children and the elderly

- duly reflect UN relevant resolutions on these issues;
- adequately reflect gender, children and elderly aspects.

SALW in post-conflict situations

- guidance in linking formal DDR and wider voluntary weapons collection programmes;
- DDR programmes should take into account weapons management in newly created state security structures;
- the newly established Peace Building Commission should ensure that measures to reduce illicit small arms availability are factored into post-conflict reconstruction plans;
- welcome the significant progress that has been made during the last year to build the capacity of the UN and its agencies.

Border control

- a clear reference to border control and linkages to the illicit trade in SALW such as drug trafficking, international organized crime and terrorism.

Other

- identify best practices and lessons learned for national commissions and with regard to awareness raising campaigns;
- launch a coordinated process with the Security Council and the Sanctions Committee on arms embargoes, for instance, and pursue better coordination with the Third Committee of the General Assembly.

NORMS, REGULATIONS AND ADMINISTRATIVE PROCEDURES

- Clear request that Member States implement all relevant Security Council Resolutions;
- Identify items that are not mentioned in the PoA for consideration during the second Review Conference;
- Make an appeal to regional and sub-regional organizations to conclude legally-binding instruments on the SALW trade;
- Include new documents as annexes during the Review Conference or recognize the need to draft further documents to be considered at later Biennial Meetings of States. Such annexes could include the following:
 - Best practices for regulating production (paragraph 2, Section II);
 - Best practices for regulating control of transfers (granting of licenses, types of licenses, standard model of end-user certificates or exchange of information on used certificates, end-user verification, common customs control standards,

cooperation between States for information exchange, controls on transit and trans-shipment, among others) (paragraph 2 and 11, Section II);

- Common global principles applicable to the assessment of export applications that reflect their compatibility with relevant international law, taking into account the risks of diverting them to an illicit market (paragraph 11, Section II);
- Best practices for regulating control over intermediation (paragraph 3, Section III) taking into account the conclusions of the Group of Government Experts summoned to study the question;
- Common formats for information exchange on production, illicit trade and criminal groups (paragraph 6 y 37, Section II);
- Best practices on the question of ammunition, in accordance with global (Protocol III) and regional provisions addressing the question (CIFTA) and taking into account the recommendation of the Chairman of the Open-Ended Working Group on Tracing and Marking (paragraph 27) as well as the consolidation of recommendations contained in the Secretary General's Report (S/2000/1092) on destruction methods (paragraph 19, Section II).

Marking and tracing

- include a specific reference to objectives and concrete cooperative measures;
- make a strong call for the prompt, full and universal implementation of the instrument on marking and tracing;
- urge cooperation with both the United Nations and the Interpol;
- turn the instrument on marking and tracing into legally-binding instrument in the future;
- recommend how issues of tracing could best be linked to peacekeeping operations.

Illicit brokering

- a legally binding instrument on illicit brokering;
- a politically binding instrument on illicit brokering;
- sketch out a road map of the GGE's conduct of work by examining the scope and key issues of the group;
- the GGE should recommend measures necessary to combat damage caused by the activities of illicit SALW brokers;
- formulate common understandings on issues such as the definitions of brokers, brokering and brokering-related activities, options for extraterritorial controls, minimum standards for effective controls as well as international assistance and cooperation;

- consider incorporating existing practices on control of arms brokers at national and regional levels into an effective international instrument on brokering;
- request gun manufacturers to contribute to the work of the GGE on illicit brokering.

Export/import/transit control

- address the issue of transfer controls;
- consider and develop criteria and guidelines to govern the import, export and transit of SALW;
- acknowledge the contribution that the TCI has made to advance the issue at the regional level;
- acknowledge the achievements of regional initiatives, such as those of the Nairobi Declaration Countries, the Andean Pact, MERCOSUR, ECOWAS, CARICOM and the ongoing work by Cambodia and Sri Lanka;
- encourage the use of minimum common standards including criteria or guidelines to determine whether a proposed transfer of SALW will aggravate conflict, repress human rights or undermine development;
- strive to achieve a balanced export/import control system, such as transparent export licensing procedures (in this context, a technical review of both commodity classification and end-use/user components for exports/imports of SALW); effective enforcement of licensing and export/import laws that includes (a) a comprehensive system of border controls, including targeting and risk analysis of transactions and professional customs agencies; (b) primary and secondary inspections of licensed and unlicensed cargos; (c) action against criminal and administrative violations; and (d) tough sentencing guidelines that include incarceration, monetary fines, and/or export/import debarment for convicted violators; interagency cooperation that ensures a coordinated effort in implementing the export/import control laws and regulations; government outreach to industry to ensure that the industry serves as the front line of defense against the threat of SALW proliferation;
- specify concrete steps to ensure the implementation of international standards for the transfer of small arms, such as regular exchange of information and a schedule for reviewing progress over the coming five years;
- recommend that States involved in transfers (import, export or transit) of SALW should:
 - Ensure the existence of appropriate national controls in the recipient country, such as: licensing and registering of arms exporters and importers; the use of end-user certificates; adequate stockpile management and security of the stocks in order to avoid the risk of loss, theft or diversion of the arms to other uses or actors other than the authorized ones;

- Ensure that all shipments of small arms and light weapons exported from, imported into, or in transit throughout their territory are subject to effective national licensing or authorization procedures in order to prevent their diversion to any party other than the declared end-user;
 - Ensure that such procedures include the need for previous registration and express authorization of importers and exporters by competent national authorities of the States involved in transfers of small arms and light weapons (including exporting, importing and transit States);
 - Ensure that shipments of small arms and light weapons undergo documentary and physical inspection procedures prior to dispatch and upon arrival, to be undertaken by competent customs or border protection authorities, with a view to verifying consistency with amounts, types and final destination declared in the corresponding authorizations/licenses/end-user certificates;
 - Ensure that shipments of small arms and light weapons are securely stored upon arrival, with a view to preventing theft or unauthorized access prior to customs clearance;
 - By means of simplified notification procedures, confirm receipt of shipments of small arms and light weapons to competent national export control authorities of the countries of origin;
 - Ensure cooperation with the competent national authorities of the countries involved in the transfer in case of theft or diversion of such shipments, with a view to identifying the groups or individuals responsible for such theft or diversion, and applying relevant penal or administrative sanctions (in accordance with paragraph 6 of part II of the Programme of Action);
 - Without prejudice to the rights of States to re-export small arms and light weapons that they have previously imported, ensure that the original exporting State will be notified before re-export or re-transfer of these weapons.
- address the establishment of a national system of licensing and national procedures;
 - emphasize the primary responsibility of Governments for preventing legally transferred SALW from ending up in illegal channels.

End-user certificates

- establish an effective national end-user certificate system at the regional and global levels as well as an information exchange and verification mechanism;
- establish a common norm for end-user certificates;
- recommend the establishment of a GGE on end-user certificates to be established soon, independently of progress in other fields.

Non-state actors

- make reference to transfers to non-state actors;
- ban transfers of man-portable air defense systems (MANPADS) to non-state actors;
- recommend the establishment of a GGE on non-state actors that focuses on the definition of non-state armed groups and the examination of existing obligations in the Programme of Action.

Civilian possession

- make reference to the regulation of civilian possession;
- strengthen national legislation on civilian possession to ensure basic common standards;
- express opposition to measures that would prohibit or restrict civilian possession of SALW since this topic is outside the mandate of the original Programme of Action as well as the PrepCom and the Review Conference;
- affirm that laws and procedures governing the possession of small arms by civilians are the prerogative of individual Member States;
- adopt a declaration of principles about the national regulation for firearm civilian possession that contains, inter alia, the following elements:
 - The property, possession and carrying of weapons should be authorized through the expedition of licenses that should consider the following criteria: (a) Minimal age; (b) Criminal record or any history of interfamilial violence; (c) Prove of a legitimate reason to acquire a weapon; (d) Knowledge of laws related to arms; (e) Prove the training in the use of the weapon in a safe way; (f) Prove that the weapon can be stored in a safe place;
 - Limit the sale of ammunitions to those who possess a valid license of property, possession and/or carrying of weapons. Ammunitions should be sold only for the type of weapon mentioned in the license and in a reasonable amount;
 - Licenses should have an expiration date and be subject to a periodical renewal, upon proof that the person has no criminal records, in addition to any other requirement;
 - It should be forbidden for civilians to possess weapons designed for military use, not suitable for legitimate self-defense purposes (i.e. automatic and semiautomatic assault rifles, machine guns and light weapons in general);
 - All weapons possessors should ensure a safe storage and keep separate storages for the weapon and the ammunition;
 - Establish measures that allow authorities to seize the weapon when the licenses are revoked or when it can be proved that the owners, subsequent to the license issuance, do not have the capacity of using them in a safe way;

- Have trustworthy records that contain information about the license of the salesman, the buyer, the type of weapon and the type of ammunition (brand, caliber and serial number), in addition to certificates for the final user;
- Establish criminal or administrative sanctions when the dispositions on possession are violated;
- Have amnesties to promote the handing over of legal weapons and the ones that are not being used in exchange for money or food. These programs should have gender perspective. In order to prevent their resale or diversion to the illicit market, weapons collected through these initiatives should be destroyed as soon as possible, where appropriate, and in accordance with national legislation;
- States should cooperate in the exchange of information, mobilization of resources for training and exploration of alternatives for the harmonization of national legislation;
- Involve international organizations and civil society in assisting States for the effective implementation of these principles.

Ammunition

- make reference to the problem of ammunition;
- consider recommending that the issue of SALW ammunition be addressed in a comprehensive manner as part of a process conducted within the framework of the United Nations;
- recommend that the issue of SALW ammunition be the subject for further deliberation;
- initiate a process to address the issue of the illicit trade of ammunition for SALW, with the objective of preventing, combating and eradicating such trade.

Terrorism

- take steps to eradicate the illicit trade in SALW within the broader campaign against terrorism;
- make reference to the prevention of access of terrorists to SALW.

Other issues

- affirm the principles of non-intervention and non-interference and to expedite progress towards the peaceful resolution of disputes.

EXCESSIVE ACCUMULATION, MISUSE AND UNCONTROLLED SPREAD

Supply perspective

- Recommend appropriate action against manufacturers and suppliers of illicit SALW;
- Address the links between the illegal exploitation of natural resources and the illicit trade in SALW.

Demand perspective

- Recommend ways and means to assist Governments in establishing programmes to help make the illegal possession of weapons a less attractive option;
- Emphasize the demand component of illicit trade and focus on national plans, such as community policing;
- Make reference to causes of conflict/underdevelopment to adequately address the issue of demand.

Stockpiles and surplus (management and destruction)

- Destroy all surplus weapons and ammunition held by security forces;
- Establish a working group to further study the issue of stockpile management and destruction with a view to developing practical guidelines.

DD&R and weapons collection

- Reaffirm support for DD&R programmes;
- Increase resources for DD&R programmes;
- Propose that the UN undertake a study on recruiting ex-combatants to serve in peacekeeping missions.

Appropriate use

- Establish effective sanctions against the misuse of SALW by state security forces;
- Incorporate reference to relevant international human rights instruments;
- Incorporate the *UN Basic Principles*.

INTERNATIONAL COOPERATION AND ASSISTANCE

Capacity building

- consider ways and means to strengthen the operational capacity of States;

- increase the channeling of capacity-building, training and supplying equipment for law enforcement agencies, cross-border cooperation and operation, mutual legal assistance as well as information sharing and exchange.

Coordination

- call for greater coordination in order to ensure the full and effective implementation of the PoA and to avoid duplication of activities;
- increase coordination between the donor community and regional organizations;
- establish a permanent coordination process with the Security Council and the Sanctions Committee with the aim of achieving a better implementation of questions related to arms embargoes and the Committee against Terrorism on themes related to the fight against terrorism in general;
- establish an appropriate support mechanism to facilitate all aspects of implementation of the Programme of Action, taking particular note of the need for a multidimensional approach to the challenges posed by illicit SALW;
- establish a permanent assistance and cooperation mechanism on the basis of donations from countries, international organizations and non-governmental organizations;
- use the following benchmarks for possible institutional changes: (a) matching requests and offers; (b) document lessons learned; (c) enhance visibility of SALW assistance; and (d) cost effectiveness.

Lessons learned

- identify best practices for SALW projects.

Action-oriented research

- strengthen the commitment to action-oriented research, especially through projects that contribute directly to evidence-based policy making;
- develop indicators to measure and assess the negative impact of SALW proliferation and misuse and to evaluate the effectiveness of SALW programmes, including those directed towards reducing armed violence and improving human, national and international security;
- request UNIDIR, in collaboration with the relevant UN agencies, to carry out a study on “the financial and technical needs of developing countries for full implementation of the PoA” and submit it to the next biennial meeting for its consideration and further action.

International technical and financial assistance

- consider establishing a “SALW Trust Fund” through regional organizations and/or United Nations Regional Centres for Peace and Disarmament dedicated

specifically to SALW programmes. This trust fund should be established by voluntary contributions specially devoted to SALW programmes and not through the relocation of resources devoted to economic and social development programmes;

- multilateral and regional institutions should include provisions for SALW programmes in their reconstruction and rehabilitation efforts in post-conflict areas, in the consolidation of governance issues, in the area of strengthening legislation and improving operational capacity of law enforcement agencies on SALW and in the promotion of socio-economic development agendas that include public awareness on SALW issues.

Transfer of technologies

- consider rendering transfer of technology that would improve marking and tracing, record-keeping and destruction.

Exchange of information

- improve mechanisms for transparency and information exchange among Member States by asking DDA to prepare a document of analysis on the content of the national reports that contains tables in which the measures adopted by Member States on each one of the questions addressed by the PoA are easily identifiable;
- DDA should create a data base containing information provided by Member States on, inter alia, transfer controls, brokering activities, requirements for marking and tracing of weapons.

Other

- assume strong commitments, targets and deadlines to assist SALW-affected States;
- consider rendering assistance, including technical and financial assistance in the following areas: (a) weapons collection, destruction; (b) DDR; (c) stockpile management, marking, record-keeping and security; (d) trans-border custom cooperation and networks for information sharing among law enforcement, border and custom control agencies; (e) cooperation in maritime border surveillance; (f) capacity building, public awareness, education, and confidence-building programmes; (g) legislation; (h) national coordination; (i) transparency; (j) and policy and action oriented research;
- consider establishing a mechanism for the mobilization of assistance under the auspices of the United Nations;
- each country and region should develop its own plan of action or programmes of work to implement the PoA, and then identify priority areas where they need assistance;

- engage the media and developing strategies to generate greater political will, private sector and general public support.

COMMUNICATION

Engagement of civil society, including NGOs and Parliamentarians

- Involve civil society in both the planning and review of the implementation of policies or legislation dealing with illicit trade in SALW;
- Encourage faith communities to advocate to their followers their cooperation in the implementation of the PoA, including an inter-faith dialogue;
- Reemphasize the role that civil society plays in the implementation of the PoA, in particular, participation in national commissions on small arms, and specifically of women's associations;
- Recommend a specific role to parliamentarians, who are empowered with legislative functions and can serve as a link to people at the grass-roots level, and recommend that the Inter-Parliamentarian Union retain the issue of SALW as part of the agenda;
- Increase the participation of civil society in developing, designing and the implementation of disarmament programmes in post-conflict situations and in peace time;
- Encourage the inclusion of NGOs in national delegations of Member States;
- Encourage participation of NGOs in the implementation of field projects.

Public awareness programmes

- Consider raising public awareness through appropriate communications media;
- Establish guidelines for communication campaign at the national, regional and international levels, with suggestions for content and specific ways to implement the communication strategy.

Confidence-building measures/programmes

- Encourage confidence-building measures such as improvements in law enforcement regimes, good governance, rule of law and effective assurances of personal security.

Mobilizing political will of States

- Establish a Communication and Resource Mobilization Contact Group, to assist in developing strategies to generate popular and political will in cooperation with the Government and civil society, including NGOs and parliamentarians.

FOLLOW-UP

Synchronization of the Review Conference and Biennial Meeting of States

Option 1: Continuing with the periodicity of Review Conference and Biennial Meetings of States from the 2001-2006 cycle:

2007	BMS
2008	—
2009	BMS
2010	—
2011	RevCon

This is in accordance with the existing format. Meetings of States will be held biennially and the Review Conference will be held after an interval of five years. However, the BMS in 2007 will be held only a year after this year's Review Conference.

Option 2: Repeating the same periodicity of Review Conferences and Biennial Meetings of States as in the 2001-2006 cycle:

2007	—
2008	BMS
2009	—
2010	BMS
2011	RevCon

Again, this would be as per the spirit of the existing format. Meetings of States will be held biennially and the Review Conference will be held after an interval of five years. Unlike in option 1, the first BMS will be held two years after the Review Conference. The drawback is that, like the present cycle, the Review Conference will be held only a year after the BMS in 2010.

Option 3: Stipulating a six-year cycle: even spacing of BMS, and a Review Conference after 6 years:

2007	—
2008	BMS
2009	—
2010	BMS
2011	—
2012	BMS and RevCon

This option foresees that a BMS will be held two years after the Review Conference of 2006. The BMS in 2012 will be held back-to-back with the Review Conference, clearly distinguishing their respective functions and offering financial and efficiency gains, both for States as well as for the UN Secretariat. This option suggests a six-year interval for the Review Conference, instead of the existing 5 years cycle.

Intersessional Meetings

- adopt an Intersessional Programme of Work;
- undertake work within thematic Standing Committees;
- establish ad hoc working groups or subcommittees of the General Assembly;
- set aside two or three days, during the First Committee, for discussions on specific SALW-related issues.

Operationalization of the PoA

- establish intersessional meetings in between Biennial Meetings of States, focusing on assistance and cooperation, where States could build partnerships on the themes identified in the Programme of Action;
- establish a small, effective implementation support cell that functions as a cost-efficient unit responsible for the management of PoA assistance and cooperation process;
- establish a simple sponsorship programme by States in a position to do so, which would enable relevant affected States to be represented at the ministerial level at these meetings.

Periodicity of national reporting

- align the submission of national reports with the BMS and the Review Conference;
- align the submission of national reports with the reporting provisions of the instrument on marking and tracing.

Content of national reports

- introduce a standardized reporting format;
- do not introduce a standardized reporting format/template.

Research and monitoring

- request DDA to analyze national reports with a view to identifying trends;
- request a study on the financial and technical needs of countries for the implementation of the PoA;
- adopt a monitoring mechanism that would also allow for regular exchange of views.
