

PRESIDENT'S NON-PAPER FOR INFORMAL CONSULTATION PURPOSES

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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, 26 June – 7 July 2006

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.

II. Concrete Measures to Strengthen Implementation at National, Regional and Global Levels

1. Having reviewed progress made in the implementation, since 2001, of the Programme of Action at the national, regional and global levels, the Conference reaffirms the continued relevance of all agreed commitments and measures of all parts of the Programme of Action, and further resolves that the States participating in this Conference undertake the following concrete measures for the strengthened future implementation of the Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects:

At the national level

2. To intensify efforts to put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons or, where they do exist, to urge their strict enforcement in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients.
3. To urge States that have not already done so, to take immediate steps to adopt and implement the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes. To this effect, States are encouraged to include provisions in national laws and regulations which enable the investigation, prosecution and punishment of export control violations, including violations of United Nations Security Council arms embargoes and the illicit use of end-user certificates.

4. To promptly and fully implement the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, in particular,
 - (a) by putting in place, where they do not exist, the laws, regulations and administrative procedures needed to ensure the effective implementation of this instrument;
 - (b) by designating one or more national points of contact to exchange information and act as a liaison on all matters relating to the implementation of this instrument; and
 - (c) by cooperating on a bilateral and, where appropriate, on a regional and international basis to support the effective implementation of this instrument.
5. Noting that over 49 States have signed and ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, to urge those States that have not already done so to accede to, ratify and fully implement the Protocol.
6. Noting efforts made to strengthen the capacity of States to assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, to call upon all States to continue their efforts in this respect and to establish or maintain an effective national system of export and import licensing or authorization, as well as measures on international transit and transshipment, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons.
7. To exercise the highest degree of responsibility in the import, export, transfer and re-transfer of small arms and light weapons, according to States' existing responsibilities under relevant international law and including the use of authenticated end-user certificates.
8. To strengthen their capacity to monitor the authenticity of end-user certificates, including ensuring that the relevant authorities receive adequate training and resources for the analysis and recognition of false documentation.
9. Noting that more than 80 States have set up national coordination mechanisms, to enhance efforts to establish, where they do not exist, or, where they do exist, to ensure the proper functioning of national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.
10. Noting that 133 States have designated national points of contact since 2001, to enhance efforts to establish or designate, where they do not exist, national points of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.
11. To enact or improve, pursuant to General Assembly Resolution A/RES/60/77, legislation, regulations and procedures to ban the transfer of man-portable air defence

systems to non-State end-users and to ensure that such weapons are exported only to Governments or agents authorized by a Government.

12. To further take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations.
13. To intensify efforts to develop and enforce adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering, including measures such as registration of brokers, licensing or authorization of brokering transactions as well as appropriate penalties for offences. Likewise, States should include provisions in national laws and regulations which enable the effective investigation, prosecution and punishment of illicit arms brokering activities within their national jurisdiction and control.
14. To consider regulating, as appropriate, activities associated with brokering in small arms and light weapons, including transportation, financial, technical and insurance services.
15. To urge greater efforts to improve the efficiency and effectiveness of border and customs controls.
16. Noting that a significant number of destruction exercises of illicit small arms and light weapons has taken place since 2001 and noting initiatives to develop guidelines on national procedures to help reduce the amount of illicit small arms and light weapons in circulation, to intensify efforts to destroy surplus small arms and light weapons designated for destruction and to continue efforts to implement best practices and methods for destruction.
17. To intensify efforts to ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the effective management and security of their stocks of these weapons, including maintaining complete inventories of small arms and light weapons held by such bodies.
18. To provide adequate training for, and enhance the capacity of, relevant officials, including law enforcement officials, on issues related to the illicit trade in small arms and light weapons and on practical methods and tools for the effective implementation of the Programme of Action, including marking, record-keeping, stockpile management, weapons collection and destruction as well as customs and border controls.
19. To encourage the implementation of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as well as the Code of Conduct for Law Enforcement Officials.
20. Taking into account that a number of disarmament, demobilization and reintegration programmes have yielded positive results, to urge the further development and implementation of effective disarmament, demobilization and reintegration programmes.

21. Noting the fact that more than 30 States have developed, or are in the process of developing, specific national strategies on small arms and light weapons, including national action plans, to urge support for the sustainability of such national initiatives including, *inter alia*, by carrying out needs and resources assessments and, where possible, the further development of national action plans for the implementation of the Programme of Action.
22. To improve, where needed, the operational capacity for the enforcement of laws, regulations and administrative measures, including in the areas of import, export, transit and transshipment controls, stockpile management and security, marking, record-keeping and customs and border controls.
23. To identify lessons learned and best practices, at the national level, on the implementation of the Programme of Action and to utilize these lessons by integrating them into future measures to prevent, combat and eradicate the illicit trade in small arms and light weapons and to encourage the dissemination of such information.
24. To mainstream action to eliminate illicit small arms and light weapons, as appropriate, in national and local plans and strategies related to national security, development, poverty reduction, crime prevention and reconstruction.
25. To develop, where appropriate, armed violence prevention programmes integrated into national development strategies, including poverty reduction strategies.
26. To fully implement, where appropriate, the recommendations of the World Health Organization's 2002 World Report on Violence and Health.
27. To enhance efforts to develop and implement, including in conflict and post-conflict situations, public awareness, education and confidence-building programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects.
28. To cooperate, as appropriate, with civil society, including non-governmental organizations and industry, in activities related to the prevention, combat and eradication of the illicit trade in small arms and light weapons in all its aspects.
29. Noting that 103 national reports were submitted to the United Nations Department for Disarmament Affairs in 2003 and in 2005, respectively, to encourage States to enhance their national reports by
 - (a) updating previous information,
 - (b) providing more detailed information on the implementation of the Programme of Action and increasing the depth and breadth of the reports, and
 - (c) addressing gaps and challenges in the implementation of the Programme of Action.

At the regional level

30. Welcoming the adoption of instruments such as, *inter alia*, the Inter-American Convention Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition,

Explosives, and Other Related Materials, the Southern African Development Community Protocol on the Control of Firearms, Ammunition and Other Related Materials, and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, to further encourage negotiations, where appropriate, with the aim of concluding relevant legally binding instruments aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, and, where they do exist, to ratify and fully implement them.

31. To take all necessary measures to ensure the full implementation of existing regional and subregional agreements, including guidelines and standards, as appropriate.
32. To further promote the establishment, where appropriate, of subregional or regional mechanisms, in particular transborder customs cooperation and networks for information-sharing among law enforcement, including border and customs control agencies, with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders.
33. States are encouraged to strengthen regional cooperation among police, customs and border control services to address the illicit proliferation, circulation and trafficking of small arms and light weapons. These efforts should include, but not be limited to, training, the exchange of information to support common action to contain and reduce illicit small arms and light weapons trafficking across borders and in transshipment, and the conclusion of necessary agreements in this regard.
34. Taking note of the adoption of codes and initiatives on transfer controls, to further encourage, on a voluntary basis, the development of regional and sub-regional guidelines and criteria on transfer controls.
35. To enhance cooperation at the regional and subregional level in the investigation and prosecution of groups and individuals engaged in the illicit manufacture, trade, brokering, stockpiling, transfer, possession and transshipment, as well as financing for acquisition, of illicit small arms and light weapons.
36. To exchange information and experience, on a voluntary basis, on national procedures for the production, import, export, transit, transshipment and retransfer control over small arms and light weapons with a view to preventing, combating and eradicating the illicit trade therein.
37. To encourage the establishment, as appropriate, of regional and subregional mechanisms for cooperation and coordination in weapons collection and destruction and disarmament, demobilization and reintegration programmes.
38. To encourage regions to develop measures, on a voluntary basis, to enhance transparency to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.
39. To strengthen the capacity of regional and subregional organizations, particularly in those regions most affected by cross-border flows of illicit small arms and light

weapons, to provide support to States in their efforts to implement the Programme of Action.

At the global level

40. Taking note of the 2005 broad-based consultations on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons and recalling General Assembly Resolutions 59/86 and 60/81, to encourage the Group of Governmental Experts, which will commence after the Review Conference and no later than 2007, to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons to take a practical approach to its work, with a view to making concrete recommendations on further steps that need to be taken within the framework of the United Nations.
41. To request the Secretary-General of the United Nations to undertake a United Nations study aimed at developing common understandings on basic issues and options related to the establishment of common standards and reliable systems for end-user certificates.
42. To continue exchanging views on the policies, practices and considerations related to the transfer of small arms and light weapons to actors not authorized by the recipient State, with a view to developing common understandings, taking into account the different contexts and approaches of States, and to establish a group of governmental experts to further clarify the concept of non-state armed groups and to determine which of the existing commitments in the Programme of Action are of particular significance for the prevention, combat and eradication of illicit small arms and light weapons to non-state armed groups.
43. To request the Secretary-General to establish a working group to further study the issue of stockpile management and destruction with a view to developing practical guidelines.
44. To initiate a process, within the framework of the United Nations, to consider the issue of the applicability of provisions of the international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons to United Nations peacekeeping operations, as recommended by the report of the Open-Ended Working Group on Tracing Illicit Small Arms and Light Weapons.
45. To initiate a process, within the framework of the United Nations, to address the issue of illicit small arms and light weapons ammunition in a comprehensive manner, as recommended by the report of the Open-Ended Working Group on Tracing Illicit Small Arms and Light Weapons, as part of a separate process conducted within the framework.
46. To examine the need for further consideration at the international level of the illicit trade in particular categories of light weapons, including man-portable air defense systems.

47. To encourage United Nations peacekeeping operations to address the safe storage and disposal of small arms and light weapons as an integral part of disarmament, demobilization and reintegration programmes.
48. To encourage the relevant international and regional organizations and States to facilitate the appropriate cooperation of civil society, including non-governmental organizations and industry, in activities related to the prevention, combat and eradication of the illicit trade in small arms and light weapons in all its aspects, in view of the important role of civil society in this field.
49. To support action-oriented research aimed at facilitating greater awareness and better understanding of the factors fuelling the supply and demand for illicit small arms and light weapons.
50. To enhance the promotion of dialogue and a culture of peace by encouraging, as appropriate, education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects.