

COLOMBIA



COLOMBIAN MISSION TO THE UNITED NATIONS

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STATEMENT BY THE DELEGATION OF COLOMBIA

On behalf of the following countries:
**Chile, Ecuador, Guatemala, El Salvador, Paraguay, Peru, Dominican Republic and
Colombia.**

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, 11 January 2006

Mr. Chairman,

The Colombian Delegation would like to deliver the present statement on behalf of the following countries: Chile, Ecuador, Guatemala, El Salvador, Paraguay, Peru, Dominican Republic, Uruguay and Colombia. We wish to congratulate you on your election as Chair of this meeting and assure you of our cooperation in successfully defining questions of procedure and substance.

Our statement seeks to draw attention to the objectives of the Review Conference, to the elements to be included on the agenda as well as to our own aims as regards the final document(s) emerging from it, both in form and in content.

Mr. Chairman,

During the first biannual meeting in 2003 we acknowledged the qualitative difference for Member States arising out of adoption of the UNPoA since, considering the content of the national reports and the speeches made during the two biannual meetings we, the States, have made considerable efforts to implement the recommended laws and measures.

However, we recognise that the significance of the 2001 Conference can be defined today, five years after the adoption of the UNPoA, as the starting point for the foundation of a common global solution which must gradually be constructed and, consequently, perfected. We believe that build up of this common reference framework must continue and we should be more demanding when assessing its content.

Firstly, there are still many tasks pending in achieving full implementation of the recommendations already contained in the UNPoA. We believe that this shortcoming is due to two questions: a) The existence of recommendations that have no correlation in a clear manner on the type of measures required to put them into practice, and b) The existence of certain voids which prevent an integral response on ALL aspects that have a bearing on the illicit trade in small arms and light weapons.

Although the name of the instrument makes it clear that it is a programme of action to address ALL ASPECTS of the matter, we believe that many of these aspects either arise from a general reference with little specification (frequently only mentioned in the preamble) or are completely absent from the instrument.

Mr. Chairman,

For these reasons, we are convinced that the Review Conference must go beyond the objectives pursued by the Biennial Meetings. Nevertheless, we are realistic when defining our priorities and we are flexible as regards the expected results of the Review Conference: it cannot be limited merely to a simple review of the implementation of what has already been agreed as has been done for the last five years in the framework of the Biennial Meetings or to the complete opening of the instrument.

Consequently, we propose the following possible courses of action, which are developed in a document that is attached to this statement:

- a) To review progress in implementation taking the two reports of the Biennial Meetings of 2003 and 2005 as a foundation and identifying the topics that have faced greatest difficulty in allowing full implementation of the instrument.

In reviewing the progress made in implementing UNPoA attention should first be drawn to implementing the recommendations adopted in the framework of the instrument on tracing and marking recently adopted by the General Assembly.

Secondly, in relation to the topics facing greatest difficulty we believe that progressive measures could be adopted in two aspects of the UNPoA, which are transversal to its application:

a.1) the recommendations on assistance and cooperation through the establishment of a permanent United Nations mechanism which is able to channel assistance programmes efficiently in response to the - often integral - needs of Member States.

a.2) the recommendations on transparency and information exchange through a qualitative analysis of national reports made by the United Nations and a data base to publish model documents used by Member States in their national small arms and light weapons controls.

b) To identify additional measures to strengthen and/or clarify the commitments already made in the UNPoA framework (e.g. adoption of new documents on best practices or lessons learnt to be included in the UNPoA during the next meetings of the instrument Biannual or II Review Conference).

c) To agree on the identification of topics absent in the UNPoA and decide on the launch of a negotiation process to promote discussion of them in the II Review Conference.

d) To define the 2006-2011 calendar of meetings and review the mandate granted them in order to make them true intersessional periods with the capacity to negotiate on topics of substance in view of the subsequent Review Conferences.

Mr. Chairman,

Achieving these objectives will require settling questions of procedure as simply as possible and attempting to facilitate through them the greatest possible interaction between Member States, the representatives of international and non-governmental organisations. In particular, we propose the following:

1. Regarding the rules of procedure, we request that this meeting decide to use the rules of procedure adopted during the 2001 Conference, which are still useful in carrying out the work of the Biennial Meetings and the Open-Ended Working Group on tracing and marking.

2. We would also like to pause to consider a question we believe is vitally important for the success of the Review Conference: the use of the rule of consensus as a basis for decision-making.

We, the countries delivering this statement, are passionate defenders of the rule of consensus, which we believe is the most appropriate way of achieving strong instruments of commitment that reflect the interests of all the States involved. This is based upon the interpretation we have of consensus: a space to achieve flexibility of minorities provided their immediate interests are not affected. Consequently, we request that this valuable instrument not be used as a potential veto right but as a vehicle to make specific progress on common and beneficial bases for all Member States.

This request becomes all the more urgent if we consider the poor results obtained during the II Biennial Meeting which was unable to adopt a document on topics of substance as well as the negotiations of the Open-Ended Working Group on tracing and marking. We request that recent experiences in other international instruments which might endanger the efficiency of United Nations as a space for progress to resolve the problems of security in our societies (e.g. the NPT Review Conference) not be reproduced during the First UNPoA Review Conference.

3. Regarding the election of the Chairman of the Review Conference, we support the appointment as Chair of the Representative of Sri Lanka. We trust his capacity to carry out the important tasks the July meeting will require.

Similarly, we believe that it is vital for the appointed Chairman to begin an intense search for consensus through informal consultations between this meeting and the Review Conference with the aim of defining as soon as possible the agenda and content of the final documents.

Concerning this process of informal consultations, should it not be possible to adopt a first draft during the preparatory meeting, we suggest that the Chair prepare the drafts at his earliest convenience to be circulated among the regional groups in order to facilitate the greatest agreement possible at each stage of consultation.

Similarly, consideration could be given to the establishment of a Group of Friends of the Chairman to assist him in the consultation process and in the preparation of the Conference documents. We hereby offer all our collaboration to carry out these tasks.

Mr. Chairman,

We wish to express suggestions regarding the form and content of the final documents, bearing in mind the objectives we hope to achieve through the Meeting, as mentioned above.

Firstly, we would welcome the adoption of two documents, which could take the form of a Political Declaration and an Agenda for Action for the period 2006-2011. Although we are flexible as regards this question, we call upon all Member States to recognise that July 2006 is as important a turning point in the fight against small arms and light weapons as July 2001.

Secondly, bearing in mind the objectives of the Conference, we consider that a Conference Declaration similar to the one adopted by the chairman of the 2001 Conference could reaffirm the commitment of the Member States to the objectives of UNPoA, the conclusions of the two Biennial Meetings to assess the current implementation of the instrument, and a recognition by Member States of the need to continue preparing new documents to achieve full implementation of UNPoA recommendations with the aim of clarifying their contents and covering the existing voids.

A possible Implementation Agenda for 2006-2011 could contain the launch of a preparation process on better practices in a set of predetermined questions to be included or submitted to the UNPOA at the next meetings.

As regards tasks pending, we are aware that not all of them can be addressed during the First Review Conference, as was expressed by various delegations in the framework of the informal meetings convened by Under-Secretary-General Abe last December.

However, we consider that there should be recognition of the existence of pending topics and that a commitment should be made to work on their inclusion in the future with the aim of reaffirming the character of the UNPoA not only as an agreement on disarmament and arms control but also as a humanitarian instrument.

Thank you very much, Mr. Chairman.

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A. To review progress in implementation taking as a base the two reports from the 2003 and 2005 Biennial Meetings and to identify the topics that have encountered greatest difficulty in achieving full implementation of the instrument.

OBJECTIVE I: To establish a permanent assistance and cooperation mechanism on the basis of donor countries and non-governmental organisations for areas identified as being of poorly implementation (implementation of paragraph 3 to 6 Section III).

Bearing in mind the comments made by a majority of countries in the framework of the Biannual Meetings and in several national reports, international and regional assistance may still be considered to be deficient and to have inappropriate access.

Consequently, it is thought necessary to adopt a permanent assistance and cooperation mechanism established on the basis of donations from countries, international organisations and non-governmental organisations through a pool of pre-established questions. These questions would consider the reports from the two biannual meetings which assessed the areas contained in the UNPoA and that require strengthening.

We are aware that there are countries with special interest in strengthening specific areas of UNPoA. Therefore, a possibility to find a common space for facilitation and meeting would be offered to donor countries in a position to do so and to the countries that need assistance.

The financial implications of the establishment of these mechanisms for the UN would not seem to be important inasmuch as it would become a vehicle for facilitation. The available human resources in the small arms branch of the DDA could be sufficient to carry forward the enterprise. The existence of CASA should not be forgotten either.

In a first stage, assistance and cooperation will be considered necessary in the following spheres:

- a) Establishment of measures for effective control of production and transfers (paragraph 2, 11, 12, 13 Section II), including the question of intermediation (paragraph 14, Section II); and assistance for the development of criminal legislation (paragraph 3 and 14 Section II)
- b) Establishment of units of national coordination (paragraph 4 Section II) guaranteeing the holistic view proposed by the UNPoA (paragraph 2, 4, 5, 15, 17 of the Preamble) and the development of national plans of action.
- c) Establishment of appropriate intelligence controls (paragraph 6, Section II) and facilitation for international coordination.
- d) Establishment of the measures agreed in the framework of the instrument on tracing and marking as established in paragraph 7, 9, 10, Section II)
- e) Destruction of arsenals and security measures for stockpiles (paragraph 16, 17, 18, 19 Section II)
- f) Establishment of campaigns on awareness raising, disarmament, demobilisation and reintegration of ex combatants (paragraph 20, 21, 22 Section II).
- g) Preparation of national reports and mechanisms of information exchange in the regional sphere (paragraph 23, Section II)
- h) A Unit for Coordination with the assistance mechanisms existing in the regional sphere.

The questions over which the permanent assistance mechanism is competent could be progressively broadened as they become included or addressed by UNPOA.

OBJECTIVE II: Improvement of the mechanism for transparency and exchange of information between Member States.

We consider it essential to improve the transparency and information exchange mechanism within the UNPOA. So far, the only tools we have are the national reports submitted voluntarily by States to the DDA. However, these national reports are not prepared according to similar criteria, despite the existence of a practical guide prepared by the UNDP. It would also be advisable to have a document of analysis prepared by the DDA on the content of the reports. That document should contain tables in which the measures adopted by Member States on each one of the questions addressed by UNPoA are easily identifiable. This would act as a sort of incipient follow-up mechanism.

The DDA should also have a data base in order to publish the documents used nationally for the control of transfers, brokering activities, requirements for marking and registration of weapons, among others, as established by the instrument on tracing and marking (paragraph 31.b).

B. Identification of additional measures to strengthen and/or clarify the commitments already assumed in the UNPoA (e.g. adoption of new documents on best practices for inclusion in the UNPoA at the next meetings of the instrument (Biannual or II Review Conference)).

Although the ideal situation would be the adoption of annexes to be incorporated into UNPoA during the First RevConf, realistically speaking at least a commitment could be made to launch a process for preparation of documents that could be incorporated into the next biannual meetings of the UNPoA.

These new documents do not necessarily require the express adhesion of all the Member States since they could be used as action guides as occurs in CIFTA with CICAD model regulations.

The questions identified are:

- a. Best practices and lessons learnt for the establishment of national commissions (to guarantee an integral view of the problem through the involvement of non-traditional agencies such as the Ministries of Education, Health, Human Rights, etc).
- b. Best practices for regulating production (paragraph 2, Section II)
- c. Best practices for regulating control of transfers (granting of licences, types of licences, 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 transshipment, among others). (paragraph 2 and 11, Section II).
- d. 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).
- e. 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.
- f. Common formats for information exchange on production, illicit trade and criminal groups (paragraph 6 y 37, Section II).
- g. Best practices and lessons learnt for the safety of arsenals, destruction of stocks and collection of arms (paragraph 19, Section II).
- h. Best practices on the question of munitions 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).
- i. Suggestions and lessons learnt to improve the link between governments and non-governmental organizations in the national, regional and global fields and their links with the United Nations (paragraph 16, Section I; paragraph 20 and 40 Section II and paragraph 2 and 2.c of sections III and IV).
- j. Best practices and lessons learnt for greater information exchange with regional organizations.
- k. Best practices and lessons learnt for development of campaigns of awareness-raising and disarmament in peace scenarios (paragraph 23, Section II) as well as in questions related to the programmes of demobilisation and reinsertion of ex combatants in post-conflict scenarios (paragraph 20, 21 and 22 Section II).

- l. Launch of 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 (paragraph 15 and 32, Section II) and the Committee against Terrorism in themes referring to the fight against terrorism in general (paragraph 5 and 7 of the preamble and paragraph 15, Section III).
- m. Best practices and lessons learnt for the establishment of legislation and internal procedures to guarantee that the problem of small arms is addressed by taking into account its implications in matters of socio-economic development for States and their citizens (paragraph 2, 4, 5, 15, 17 of the Preamble).
- n. Suggestions to achieve greater coordination with the Third Commission of the UNGA in the UNPOA process and greater exchange with the questions addressed in that body with the aim of taking a holistic view of the problem while taking into account the particularities of the questions referring to human rights and international humanitarian law (paragraph 2, 4, 5, 15, 17 of the Preamble).
- C. Agree on the identification of topics absent in the UNPOA and decide on the launch of a process towards their inclusion in the framework of the future meetings of the instrument (e.g. II Review Conference).
- a. Prohibition on authorizing transfers for non-state actors not authorised by the competent authority in the destination country.
- b. Regulation of civil possession of firearms.
- c. Questions related to the demand for small arms and light weapons.
- d. Establishment of a follow-up and assessment mechanism of national reports.
- e. Establishment of programmes of assistance to victims (which could be included in the future assistance mechanism described in point I above).
- D. Define the 2006-2011 calendar of Meetings and review the mandate granted to them with the aim of converting them into true intersessional periods with negotiating capacity on topics of substance in view of the subsequent Review Conferences.