

**Preparatory committee for the United Nations Conference to
Review Progress made in the implementation of Programme
of Action to Prevent, Combat and Eradicate the Illicit Trade
in Small Arms and Light Weapons in all its aspects**

Contribution to Cluster II

By

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Mr. Moderator,

The Regional Centre on Small Arms (RECSA) has the honour in report on behalf of the twelve Member States of the Great Lakes Region and the Horn of Africa – namely Burundi, Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Rwanda, Sudan, Kenya, Tanzania, Seychelles, Uganda and Somalia. These are states signatory to Nairobi Protocol for the Prevention, Control and Reduction of SALW in the region. The centre attaches great importance to various issues identified for discussions in this cluster with a belief that a pragmatic agenda will be formulated at the end of this Preparatory Committee meeting for the forthcoming Review Conference.

Mr. Moderator,

The development of the best practice guidelines which I had circulated earlier operationalizes the Nairobi Protocol. The guidelines have been developed following a series of workshops facilitated by the Regional Centre on Small Arms (RECSA) and involves all signatory states. It takes into account existing norms and responsibilities in relation to a wide range of SALW including the Transfer Controls, brokering and Marking/Tracing which I will briefly comment on:

Transfer Controls

The Member States signatory to the Protocol recognize that an effective regulation and control transfer of SALW is an essential component in the effort to prevent, reduce and combat the illicit SALW trafficking in all its aspects. It is well established that many of SALW enter illicit circulation through diversion from legal transfers which eventually is misused or contribute to conflict, violence and insecurity.

The best practice guidelines developed in Great Lakes Region provide a useful basis for the elaboration of International Guidelines relating to national authorization of transfer controls. These guidelines commit each State Party to the Protocol to assess import, export and transfer licence applications of SALW on a case to case basis against a number of criteria. These criteria recognize the need for some of the states to import arms in order to exercise their right to individual or collective self defence in accordance with article 51 of United Nations Charter, or enforcements needs in accordance with recognized standards of human rights and International Humanitarian Law amongst other criteria. In elaborating on the issues of transfer controls with the UNPoA process, it is desirable to elaborate the provisions of transfer to include possible international guidelines to be applied by all states involved in authorizing an SALW transfer by importing, exporting and transiting states.

This elaboration will recognize the responsibilities roles and concerns of all parties to an SALW transfer process under international law and building upon the progress and experience gained in the implementation of UNPoA by the states of the Great Lakes Region and the Horn of Africa.

Mr. Moderator,

The UNPoA contains a number of important norms and commitments relating to ensuring unique marking, effective and reliable record keeping that allows systematic tracing of weapons from their point of manufacture, importation or diversion to illegal markets.

The member state of the Great Lakes Region welcomes the adoption of an International Instrument in December 2005 on marking and tracing. This will enable states to identify illicit SALW. The Member States signatory to the Nairobi Protocol are in the process of harmonizing the legislation in all 12 states on marking and tracing in line with the best practice guidelines.

In order that the agenda could be generated in this meeting on marking, and tracing, we propose that the delegates should consider:-

- ❖ Ways and means to ensure early and effective, implementation of the new instrument on tracing of illicit SALW
- ❖ Initiative to encourage practice cooperation approach in the implementation of the new instrument including ways of providing relevant technical support and information exchange

Arms Brokering

The issue of arms brokering needs to be addressed. The UNPoA calls upon states to develop adequate national legislation on administrative procedure in regulating the activities of those who are engaged in illicit brokering of SALW. The member states of the Great Lakes Region and the Horn of Africa have realized the inadequacy of legislation on illicit brokering in almost all states parties and on implementing the provisions of the Nairobi Protocol. All member states in the Great Lake Region are in the process of harmonizing legislation on Arms brokering.

Some of the issues that the delegates could discuss for the inclusion in the Review on conference agenda could include:

Examining how existing best practice on control of arms brokers at national and regional level can be incorporated into the UN Process.

How the Review Conference might be used to support and focus the work of group of experts to be established shortly after the Review conference to allow the acceleration progress towards the common understanding by member states on an effective international instrument on brokering.

Finally The Nairobi Protocol contains strong provisions to address guns in the hands of civilians. This is important as the Small Arms survey tells us that 607 million of the worlds guns are in civilian

hands. We are keen to see this issue discussed at the Review Conference as norms and standards are developing all over the world.

I thank you Mr. Moderator.