

Preparatory Committee to 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

**Uganda Mission to the United Nations, New York**

Statement by Commissioner Richard Nabudere  
Delegation of Uganda to the UN Preparatory Committee

**Thematic Debate, Cluster II**  
**Transfer Controls**  
**16 January 2006**

Mr Moderator,

Uganda is supporting regional and international efforts to enhance controls on the transfer of small arms. Uganda has been an active participant in the Biting the Bullet Consultative Group Process and fully supports the progress that it has enabled towards the development of norms and principles relating to national controls on small arms transfers and transfers to non-state actors.

In addition, Uganda has been at the centre of the very significant progress that has been made in the Great Lakes Region and Horn of Africa with regard to transfer controls. The Nairobi Protocol contains legally binding provisions on transfer controls, and the Best Practice Guidelines for the Implementation of the Protocol, which have been developed by states in the region with support from the Regional Centre on Small Arms (RECSA), provide a very comprehensive set of guidelines for States to follow when implementing these provisions and developing national policy and legislation on small arms control.

The Best Practice Guidelines take into account existing norms and responsibilities in relation to transfer controls, including States' existing responsibilities under international law. They commit each State Party to the Nairobi Protocol to assess whether to authorize transfers on a case-by-case basis against a number of detailed criteria.

The criteria include the following:

- States Parties shall not authorise transfers which would violate their direct obligations under international law.
- State Parties shall not authorize transfers which are likely to be used for the violation of human rights or the serious violation of international humanitarian law.

- States Parties shall take into account other factors before authorizing an arms transfer, including the likelihood that they will be used to commit serious violations of international humanitarian law or crimes against humanity, and the likelihood that transfers will affect regional security or sustainable development.
- States Parties shall not authorize transfers if the arms have not been marked according to requirements under the Nairobi Protocol.

Mr Moderator,

In addition to supporting this progress at the regional level, Uganda strongly believes that the UN PoA process provides an opportunity to strengthen and elaborate upon controls at the international level. Uganda therefore recommends the development of international guidelines to assist States in implementing the PoA as effectively as possible. Such guidelines should codify States' existing responsibilities under international law and serve to inform States' national decision making regarding authorizations for small arms transfers. Uganda therefore recommends that the PrepComm highlight transfer controls as a crucial issue for further elaboration at the Review Conference, and that the PrepComm mandates the development of draft international guidelines and their consideration and adoption at the Review Conference. Such guidelines should be informed by international law and include those criteria which have already been codified within the Nairobi Protocol Best Practice Guidelines. Such guidelines should apply to all small arms transfers, including not only the export of small arms but also their import and transit.

Thank you