



INDIA भारत

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Statement

by

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at

**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

26 June 2006

Mr. President,

Allow me to congratulate you on your assumption of the post of the President of the Conference and assure you of our full cooperation. We would like to commend your enormous efforts in holding extensive consultations, preparing a draft declaration and allowing States and other stakeholders the opportunity to present various proposals and suggest amendments. We hope that under your able guidance the Conference will have a positive outcome.

Mr. President,

2. The international community has long recognized that the illicit trade in small arms and light weapons (SALW) poses a grave danger to the security of States. In the hands of terrorists, insurgents and criminals, such weapons have disrupted political and social stability, derailed pluralistic and democratic political processes and hampered economic growth and development. They have fueled international terrorism and provide sustenance to organized crime, including trafficking in drugs. In many States, easy availability of SALW to rival factions and insurgent groups has protracted civil wars resulting in enormous loss of lives and livelihood.

3. India has been a victim of transnational terrorism and other organized crimes, sustained by illicit trade in SALW. Continuing seizures of a large number of illicit SALW by security forces from various terrorist groups indicates that the channels for the supply of illicit SALW continue to exist and remain active. We have taken measures to arrest such illicit flows of SALW. At the same time, we have also taken effective measures to ensure that the weapons confiscated/seized by security forces do not find their way back into the illicit trade channels or fall into the hands of unscrupulous or criminal elements. India sees the international efforts to prevent and eradicate the illicit trade in SALW as an integral part of the global fight against terrorism. We believe that success in eliminating the illicit trade in SALW would contribute immensely to the elimination of the scourge of terrorism.

4. The first UN Conference on Small Arms and Light Weapons in 2001 was a reflection of the importance attached to this issue by the international community. The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted by consensus, manifests the international community's recognition of the dangers posed by the illicit trade in SALW to international peace and security. It also embodies the resolve of the member States to prevent, combat and eradicate this illicit trade. Through the Programme of Action, member States have committed to undertake various measures at the national, regional and global levels to prevent, combat and eradicate the illicit trade in SALW in all its aspects.

5. Even though the Programme of Action is not a perfect document that could meet all our expectations, it represents the political consensus among the member States to prevent, combat and eradicate the illicit trade in SALW in all its aspects. It also secures their commitment to a set of clearly elucidated measures to achieve that

goal. India, therefore, accords high priority to full implementation of the Programme of Action as a means to combat transnational terrorism and other organized crime.

6. It is evident that some progress has been made in the implementation of the Programme of Action. However, much remains to be done. The two Biennial Meetings of States held in 2003 and 2005 provided the member States the opportunity to share information with fellow States on the measures undertaken by them nationally, as well as regionally and globally, to implement the Programme of Action. These Meetings enabled States to learn from one another's experience in implementing the Programme. They also allowed States to highlight the shortcomings in its implementation and to engage in thematic debate on various issues related to the prevention, combating and eradication of the illicit trade in SALW.

7. Furthermore, Reports submitted by States on their implementation of the Programme of Action proved to be an important tool for exchanging information on their implementation of the Programme and we would like to encourage the member States to submit their reports to promote the implementation of the Programme.

8. There has also been significant progress in implementation of the Programme of Action at the international level. On the basis of the recommendations made by the Group of Governmental Experts, which India had the honour to chair, the Open-Ended Working Group successfully negotiated an international instrument to enable States to identify and trace in a timely and reliable manner illicit SALW, which was adopted by the General Assembly at its 60th Session. This was not an insignificant achievement, given the impasse in various other disarmament fora.

9. Even though India, like many other States, would have preferred a legally binding Instrument and would have liked the Instrument to cover within its scope ammunitions, used in SALW, we believe that the Instrument, if implemented fully, would make a vital contribution to preventing, combating and eradicating the illicit trade in SALW. India has already begun, in earnest, implementation of the Instrument and various concerned establishments have taken steps to conform the markings on SALW produced by them to the requirements of the Instrument. We encourage fellow member States to do their utmost, despite their reservations on its nature or scope, to implement the Instrument. Success in tracing the provenance of illicit SALW will help States, engaged in export or import of SALW, to identify the points of diversion from the licit trade to the illicit trade and the shortcomings in their implementation of controls over export, import, transit and retransfer.

Mr. President,

10. The Review Conference provides the member States a valuable opportunity to reaffirm their commitment to the Programme of Action. It is important that we preserve the consensus, which was carefully arrived at in 2001 and has been nurtured since. Given the different situations and capacities of States and regions any exercise to further elaborate the provisions of the Programme may not be very

conducive to preserving this consensus. On the other hand, the Programme is flexible to allow any state or region to adopt measures, which go beyond its provisions. These efforts could be encouraged and would in time allow states to learn and implement further measures based on each others' experience. In our deliberations during these two weeks, our focus should remain on a comprehensive assessment of the implementation of the Programme of Action so as to identify gaps in implementation of the Programme by states, the steps which need to be taken by states to fulfill their commitments as well as concrete measures, consistent with the provisions of the Programme, that member States, acting nationally, regionally or globally could undertake in order to fully implement it.

11. We believe that effective national measures for exercising full control over the export, import, transit and retransfer of SALW are *sine qua non* for preventing, combating and eradicating the illicit trade in them. The Programme of Action obliges States to assess applications for export authorizations according to strict national regulations and procedures that cover all SALW and are consistent with the existing responsibilities of State under relevant international law, taking into account in particular the risk of diversion of these weapons in the illegal trade. This obligation needs no elaboration but effective implementation by states. In fact, the Programme of Action goes on to stipulate further measures for establishing national control over the trade in SALW. These measures, together with adequate marking on all SALW, mechanisms for tracing illicit SALW in a timely and reliable manner and effective control over illicit brokering, provide the basic framework for preventing, combating and eradicating the illicit trade in SALW.

12. Several States and NGOs have underlined the role that illicit brokers play in facilitating and encouraging the illicit trade in SALW. They subvert the export control mechanisms established by States and use fraudulent documents for diverting licit consignments of SALW to illicit channels. Since illicit brokers engage in various criminal activities and violate the laws of States, it is the primary responsibility of States to institute national, legal and administrative frameworks to curb their activities and to prosecute and punish them. We are satisfied that the broad-based consultations held by the Department of Disarmament Affairs on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in SALW, as envisaged in the Programme of Action, has led to a consensus among the member States on setting up a Group of Governmental Experts. The General Assembly Resolution 60/81 provides that a Group of Governmental Experts be set up, 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 SALW. We look forward to participate in the work of the Group and hope that it would enable full deliberations on various aspects of the problem of illicit brokering and would be able to reach consensus on a set of recommendations. We would like to caution against any suggestions that could prejudice or influence the future deliberations in the GGE.

13. While the primary responsibility for implementing the Programme of Action falls on States, the Programme of Action recognizes that States need close

international cooperation to prevent, combat and eradicate the illicit trade in SALW. The member States have committed to cooperate and to ensure coordination, complementarity and synergy in their efforts to deal with the illicit trade in SALW at the global, regional, sub-regional and national levels. However, a number of States, particularly the developing and underdeveloped countries from various regions, highlighted, during the 2003 and 2005 Biennial Meeting of States, the need for enhanced international assistance and cooperation in implementation of the Programme. States, members of the NAM, have presented a proposal on further measures to ensure adequate international assistance, enabling needy States to take measures to implement their obligations under the Programme. We would like the Review Conference to focus its deliberations on international assistance and cooperation.

14. India has long recognized that close international cooperation is required to prevent, combat and eradicate the illicit trade in SALW. India holds the view that efforts to prevent, combat and eradicate the illicit trade in SALW should be seen as an integral part of the international efforts to combat terrorism. Considering that the illicit trade in SALW is also closely linked to drug trafficking, money laundering and other transnational organized crime, India has taken bilateral and regional initiatives to put in place arrangements for enhanced cooperation in fighting terrorism and organized crime, as a corollary to the efforts to prevent, combat and eradicate the illicit trade in SALW. These are illustrated in our Reports.

15. Regional initiatives have played an instrumental role in implementation of the Programme of Action. They not only encourage effective implementation of the Programme at the national and regional levels but also catalyze action at the global level. They create a web of measures that States in a region, and acting together, can take to fulfill the objectives of the Programme. India has been involved in various regional initiatives and we compliment other States, which have been proactively involved in leading such initiatives. We would also like to place on record our appreciation for the role that the inter-governmental organizations and various NGOs have played in promoting implementation of the Programme of Action.

Mr. President,

16. As we focus our deliberations on reaching consensus on a final outcome of this Review Conference, we need to bear in mind that the process of reaching consensus on the Programme of Action was protracted and required compromises by all member States, as reflected in the delicate balance reached in crafting its text. We would do well to remember that and temper our ambitions, taking into account the concerns and priorities of all member States. Any hasty effort to elaborate or augment various existing obligations under the Programme may erode this consensus and disturb the delicate balance reached in reconciling the various priorities and concerns of the member States. We should rather keep our focus on the 'root' problem of the illicit trade in SALW, which is the main concern of the Programme of Action, and desist from expanding it to cover the 'licit trade' in SALW among States or dealing with the 'consequences' of the illicit trade in SALW, like

armed violence, internal conflicts, under development etc. Moreover, within the UN framework, there are various mechanisms to deal with the issues related to development, protection and promotion of human rights, prevention and resolution of conflicts and post-conflict peace-building.

17. As regards our expectations from this Conference, we would like it to reaffirm the obligations stipulated in Programme of Action and to reiterate the commitment of States to implement them. The Conference should stress that the primary responsibility for preventing, combating and eradicating the illicit trade in SALW falls on States. It should indicate the way ahead on strengthening international cooperation and assistance for enabling States, which lack the capacity and seek international assistance, to implement the Programme. It should encourage the inter-governmental organizations and NGOs to contribute to the efforts of States in implementing the Programme. It also needs to reach agreement on the future meetings of States to assess the implementation of the Programme. We hope that our non-paper, submitted together with South Africa and the Netherlands, will contribute to deliberations on this issue.

18. A vast majority of States have emphasized the need to deny terrorists and groups/individuals engaged in organized criminal activities access to SALW. The Review Conference we believe should also address the issue of supply of SALW to non-state actors. International community has accepted in the past the principle of non-transfer to non-State actors. Under the Amended Protocol II to the CCW Convention, High Contracting Parties have undertaken "not to transfer any mine to any recipient other than a State or a State agency authorized to receive such transfers". Further, paragraph 6 (e) of the international Instrument on marking and tracing of SALW provides that, for the purposes of that instrument, small arms and light weapons are illicit if "they are transferred without a license or authorization by a competent authority". Similarly, UN Security Council Resolution 1540, adopted by consensus, has enjoined on all States that they "shall refrain from providing any form of support to non-state actors that attempt to develop acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery". We see no reason why we should not prohibit transfer of SALW to terrorists. We call upon all States to agree, as part of their efforts to combat global terrorism, on taking all necessary measures to deny terrorists access to SALW. We look forward to working with the member States to reach a common understanding on this issue.

Thank you Mr. President.