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**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-7 July 2006

Working paper submitted by the President

**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**

I. Preamble

1. We, the States participating in 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, having met in New York from 26 June to 7 July 2006,
2. Reaffirm our strong commitment to fully implement and uphold the principles contained in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects on 20 July 2001,¹ and resolve to undertake the measures elaborated in sections II to IV below for its strengthened future implementation,
3. Welcome the adoption of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons by the General Assembly at its sixtieth session as an important step in the follow-up to the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,
4. Welcome the entry into force of 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

¹ See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV, para. 24.



Crime, on 3 July 2005, and recognize that the Protocol establishes standards and procedures that complement and reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

5. Acknowledge that progress has been made at the national, regional and global levels, but recognize that much more is required to be done to address the illicit trade in small arms and light weapons in all its aspects and to fully implement the Programme of Action.

II. Concrete measures to strengthen implementation at the national, regional and global levels

1. We, the States participating in this Conference, resolve to undertake the following concrete measures to strengthen implementation at the national, regional and global levels:

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 and retransfer of such weapons and, 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 urged to include provisions in national laws and regulations which enable the investigation, prosecution and punishment of export and import control violations, including violations of Security Council arms embargoes and the illicit use of end-user certificates.

4. To encourage States that have not already done so to adopt adequate laws, regulations and administrative procedures to regulate the possession of small arms and light weapons.

5. To improve, where needed, the operational capacity for the enforcement of laws, regulations and administrative measures, including in the areas of import, export, licensing, transit and trans-shipment controls, stockpile management and security, weapons collection and destruction, marking, record-keeping and customs and border controls.

6. 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 that Instrument;

(b) By designating one or more national points of contact to exchange information and act as liaison on all matters relating to the implementation of the Instrument in accordance with their constitutional processes;

(c) By cooperating on a bilateral and, where appropriate, on a regional and international basis to support the effective implementation of the Instrument;

(d) By submitting reports on their implementation of the Instrument to the Secretary-General.

7. Noting that 53 States are parties to 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 call upon those States that have not already done so to accede to, ratify and fully implement the Protocol.

8. Noting efforts made by States to strengthen the capacity to assess applications for export authorizations according to national regulations and procedures that cover all small arms and light weapons, 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 trans-shipment, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons.

9. To exercise the highest degree of responsibility in the import, export, transfer and retransfer of small arms and light weapons, according to States' existing commitments under relevant international law, as well as to apply an end-user certification process, and to consider applying global guidelines for national controls governing transfers of small arms and light weapons.

10. To recognize that guidelines for national controls must contain technical and normative aspects, acknowledging that they need to be objective, non-discriminatory and transparent, adopted at the multilateral level and take into account the particularities of each region. These guidelines must also include a clear prohibition of the transfer of small arms and light weapons, understood as exports, imports and transit, which are not expressly authorized by the competent authorities in the country of export, import or transit.

11. Noting that over 80 States have set up national coordination mechanisms, to encourage States to take the necessary measures to ensure their proper functioning. Furthermore, where appropriate, to urge the establishment of such mechanisms in those States that have yet not done so.

12. To strengthen the capacity of States to implement effective end-user certification processes, including the authenticity of end-user certificates and ensuring that the relevant authorities receive adequate training and resources for the verification of end-use.

13. Noting that over 30 States have developed, or are in the process of developing, specific national strategies for preventing and combating the illicit trade in small arms and light weapons, including national action plans, to urge support for the sustainability of such national initiatives, including by carrying out needs and resource assessments and, where possible, the further development of national action plans for the implementation of the Programme of Action.

14. Noting that 137 States have designated national points of contact since 2001, to urge those that have not done so to take the necessary steps as soon as possible.

15. To enact or improve, pursuant to General Assembly resolution 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.

16. To further take appropriate measures, including by all legal or administrative means, against any activity that violates a Security Council arms embargo established in accordance with the Charter of the United Nations.

17. 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, where required, measures such as registration of brokers, licensing or authorization of brokering transactions and appropriate penalties for offences. Likewise, States should include provisions in national laws and regulations which enable the effective investigation, prosecution and punishment of all illicit arms-brokering activities performed within their national jurisdiction and control.

18. Noting that a significant number of exercises for the destruction of illicit small arms and light weapons have taken place since 2001, and taking note of initiatives to develop guidelines on national procedures to help reduce the number of illicit small arms and light weapons in circulation, to intensify efforts to destroy surplus small arms and light weapons designated by national authorities for destruction and to continue efforts to implement best practices and methods for destruction.

19. 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.

20. To urge greater efforts to improve the efficiency and effectiveness of border, trans-shipment and customs controls.

21. Taking into account that a number of disarmament, demobilization and reintegration programmes have yielded positive results, to urge the further development and implementation, where needed, of effective disarmament, demobilization and reintegration programmes.

22. To enhance efforts to address the special needs of children affected by armed conflict, including those who are forced to become child soldiers, in particular reunification with their families, their reintegration into civil society and their appropriate rehabilitation.

23. Noting that 103 national reports were submitted to the United Nations Department for Disarmament Affairs in 2003 and in 2005 as well, to encourage States to enhance their national reports by:

(a) Updating previous information;

(b) Providing more detailed information on their implementation of the Programme of Action and increasing the depth and breadth of the reports;

(c) Addressing gaps and challenges in their implementation of the Programme of Action.

At the regional level

24. Welcoming the adoption of instruments such as the Organization of American States/Inter-American Drug Abuse Control Commission Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition, the Inter-American Convention against the Illicit Manufacturing of 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, 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 and the Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition and Other Associated Material, 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 already exist, to ratify and fully implement them.

25. To take all necessary measures to ensure the full implementation of existing regional and subregional agreements, including guidelines and standards, as appropriate.

26. 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.

27. Taking note of the adoption of codes and initiatives on transfer controls, to further encourage, on a voluntary basis, the development of regional and subregional guidelines and criteria on transfer controls.

28. To enhance cooperation, on a voluntary basis, at the regional and subregional levels in the following areas and, where possible, to establish agreements to this end:

(a) Police, customs and border control services, including training and exchange of information to support common action to address trafficking across borders and trans-shipment of illicit small arms and light weapons;

(b) Investigation and prosecution of groups and individuals engaged in the illicit manufacture, trade, brokering, stockpiling, transfer, possession, trans-shipment, and financing for the acquisition of illicit small arms and light weapons;

(c) Weapons collection and destruction and disarmament, demobilization and reintegration programmes;

(d) Exchange of information and experience on national laws, regulations and administrative procedures for exercising effective control over the production, import, export, transit, trans-shipment and retransfer of small arms and light weapons.

29. To identify lessons learned and best practices, at the national level, on the implementation of the Programme of Action, to utilize these lessons in future

regional measures to prevent, combat and eradicate the illicit trade in small arms and light weapons and to encourage the dissemination of such information.

At the global level

30. Taking note of the 2005 broad-based consultations on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering of 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 its work in November 2006, 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.

31. 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 certification.

32. 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 or measures, taking into account the different contexts and approaches of States.

33. To request the Secretary-General, with assistance from States that are in a position to provide such assistance, to compile lessons learned and best practices on stockpile management and destruction with a view to developing practical guidelines, including standards and procedures for stockpile management and security and for weapons destruction.

34. 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 in the report of the Open-ended Working Group on Tracing Illicit Small Arms and Light Weapons.

35. Recognizing the support provided by civil society and non-governmental organizations in the implementation of the Programme of Action, inter alia, through advocacy, awareness-raising and education, research, support for national coordinating bodies and field projects, to encourage them to engage, as appropriate, in all aspects of international, regional and national efforts to further implement the Programme of Action.

36. 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, involving all sectors of society.

III. International cooperation and assistance

1. We, the States participating in the Conference, reaffirm that the primary responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls to all States, and stress that further

international cooperation is needed to enhance ongoing efforts to prevent, combat and eradicate this illicit trade.

2. States undertake to strengthen cooperation and to enhance coordination, complementarity and synergy in efforts to deal with the illicit trade in small arms and light weapons in all its aspects at the global, regional, subregional and national levels and to establish and strengthen cooperation and partnerships at all levels among international and intergovernmental organizations and civil society, including non-governmental organizations, industry and international financial institutions.

3. States and appropriate international and regional organizations that are in a position to do so should, upon request of the relevant authorities, actively consider rendering strengthened assistance, including technical and financial assistance and assistance in capacity-building, to further support the implementation of all measures contained in the Programme of Action and in the present outcome document of the Review Conference, including in the following:

- (a) The development and implementation of appropriate legislation and regulations;
- (b) Import, export, transit and trans-shipment controls;
- (c) The operational capacity for law enforcement;
- (d) Stockpile management and security;
- (e) Destruction of surplus small arms and light weapons designated by national authorities for destruction;
- (f) Transfer of technologies;
- (g) Disarmament, demobilization and reintegration of ex-combatants, including assistance for former child soldiers;
- (h) The establishment and effective functioning of national coordination agencies or bodies.

4. States and appropriate international and regional organizations should consider rendering technical, financial and other assistance, both bilaterally and multilaterally, in building national capacity in the areas of marking, record-keeping and tracing, in order to support the effective implementation of the International Instrument to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons:

- (a) By building national capacity in the areas of marking, record-keeping and tracing;
- (b) By examining technologies that would improve the tracing and detection of illicit small arms and light weapons, as well as facilitating the transfer of such technologies.

5. States are encouraged to increase cooperation and the exchange of information to prevent the use of unauthenticated end-use documentation, including assistance, upon request, in monitoring, developing and strengthening effective end-user certification processes and in investigations and prosecutions of import and export

control violations in accordance with their respective national constitutional and legal systems.

6. States and appropriate international or regional organizations that are in a position to do so should, upon request, provide technical, financial and other assistance to enable other States to develop and implement adequate national controls on brokering of small arms and light weapons.

7. States that are in a position to do so are encouraged to provide assistance, upon request, to interested States in strengthening their capacity to enforce Security Council arms embargoes.

8. States and international and regional organizations are encouraged to exchange information and experience, on a voluntary basis, inter alia, on their national laws, regulations and practices relating to the export, import, transit, trans-shipment and brokering of small arms and light weapons.

9. Noting the contribution of the United Nations project on capacity development for reporting on the implementation of the Programme of Action, the Conference encourages States that are in a position to do so to continue to support the project.

10. States are encouraged to reinforce the capacities of regional and international mechanisms, including the International Criminal Police Organization and the World Customs Organization, in order to strengthen their ability to prevent, combat and eradicate the illicit trade in small arms and light weapons and to intensify their coordination regarding transborder, transit and trans-shipment controls.

11. States are encouraged to make intensified use of existing structures within the United Nations, in particular the Department for Disarmament Affairs and its Coordinating Action on Small Arms mechanism in order to facilitate all aspects of the further implementation of the Programme of Action. In this regard, States that are in a position to do so are encouraged to provide the necessary assistance to these structures.

12. States request the Department for Disarmament Affairs to enhance the Coordinating Action on Small Arms database to incorporate information, provided on a voluntary basis by Member States and international, regional and other relevant organizations, on the needs of affected countries, including their technical and financial needs, lessons learned regarding the implementation of the Programme of Action and other information that could improve coordination and help match resources with needs.

13. States that are in a position to do so are encouraged to strengthen the United Nations Department for Disarmament Affairs trust fund for global and regional disarmament activities and the United Nations Development Programme voluntary trust fund for small arms and light weapons in order to enable them to provide effective support to programmes and projects for the implementation of the Programme of Action at the national, subregional, regional and global levels. States are encouraged to establish similar trust funds in regional and subregional organizations.

14. Taking note of the pilot sponsorship programme initiated to facilitate the participation of representatives of national coordinating bodies from developing countries at this Conference, States that are in a position to do so are urged to build on this initiative and establish sponsorship programmes to enable such

representatives to participate in future meetings on the implementation of the Programme of Action. Likewise, States that are in a position to do so are encouraged to sponsor participation by civil society at such meetings.

15. States and relevant international, regional and subregional organizations, as well as regional and country offices of international development organizations, should enhance cooperation and coordination to support the dissemination of best practices and lessons learned in the design and implementation of programmes and projects within the framework of the Programme of Action.

16. Recalling the Organization for Economic Cooperation and Development Development Assistance Committee guidelines and other steps taken by development partners that open up the use of official development assistance to implement the Programme of Action, the Conference encourages all States, agencies and institutions to take full advantage of this development, and calls for further review of such guidelines to enhance the use of official development assistance to support the implementation of the Programme of Action.

17. The Conference requests multilateral and regional financial institutions to include programmes under the Programme of Action, where appropriate, in:

- (a) Reconstruction and rehabilitation efforts in post-conflict areas;
- (b) Strengthening governance;
- (c) The strengthening of legislation and the improvement of the operational capacity of law enforcement agencies with regard to small arms and light weapons;
- (d) The promotion of socio-economic development agendas that include the subject of public awareness on issues relating to small arms and light weapons.

18. States are encouraged to support, upon request, efforts to mainstream action to eliminate illicit small arms and light weapons and integrate programmes for the prevention of armed violence, as appropriate, in national and local plans and strategies related to national security, development, poverty reduction, crime prevention and post-conflict reconstruction.

19. States are encouraged to support action-oriented research aimed at facilitating greater awareness and better understanding of the factors fuelling the supply of and demand for illicit small arms and light weapons.

20. States request the United Nations Institute for Disarmament Research, in collaboration with relevant United Nations agencies, to carry out a study on the financial and technical needs of developing countries for the full implementation of the Programme of Action, to be submitted for consideration and further action, to the next formal meeting of States to consider the implementation of the Programme of Action.

21. Recognizing the importance of reliable information and analysis on all issues related to the illicit trade in small arms and light weapons as a key aspect of the successful implementation of the Programme of Action, States, regional, subregional and international organizations, research centres, health and medical institutions, the United Nations system, international financial institutions and civil society are urged, as appropriate, to strengthen their commitment to the development of and support for action-oriented research, including the development of indicators to measure and assess the negative impact of the illicit trade in small arms and light

weapons in all its aspects and to evaluate the effectiveness of programmes to implement the Programme of Action.

IV. Follow-up 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

1. We, the States participating in the Conference, recommend to the General Assembly the following agreed steps to be undertaken for effective follow-up to the Conference:

2. To encourage States to submit in 2007, 2009 and 2011 national reports on a voluntary basis in accordance with the Programme of Action, and to consider incorporating in these national reports, inter alia and where appropriate:

(a) Steps taken to implement the Programme of Action and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons;

(b) Challenges met in implementing the Programme of Action and the International Instrument;

(c) Specific requests for assistance and cooperation.

3. To convene in 2008 and 2010 a one-week action implementation meeting in New York to consider the further implementation of the Programme of Action. On the basis of the above-mentioned national reports, those meetings will focus in particular on:

(a) International cooperation and assistance, matching needs with resources;

(b) Considering progress in the implementation of the Programme of Action, as well as the outcome of this Review Conference;

(c) Considering progress in the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.

The report by the Chairmen of the action implementation meetings can serve as a basis for further recommendations by the General Assembly, if appropriate, on the implementation of the Programme of Action.

4. To initiate a separate process, within the framework of the United Nations, on the issue of ammunition for illicit small arms and light weapons in a comprehensive manner, as recommended by the report of the Open-ended Working Group on Tracing Illicit Small Arms and Light Weapons.

5. To convene in 2012 a conference in New York to review the implementation of the Programme of Action and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. That conference will be prepared by a two-day preparatory committee meeting.