



4 May 2016

**Working paper of the
European Union**

**for the Sixth Biennial Meeting of States to Consider the Implementation of the UN
Programme of Action on Small Arms and Light Weapons.**

UN PoA BMS6 - 6-10 June 2016 - UN New York

1. Ever since its adoption in 2001, the European Union (EU) has actively promoted the implementation of the UN Programme of Action to prevent, combat and eradicate the illicit trade in SALW in all its aspects (UN PoA). In order to further strengthen its action against the destabilising accumulation and spread of SALW and their ammunition the EU adopted a Strategy on SALW in 2005.

2. The UN PoA and the International Tracing Instrument (ITI) remain the key starting point for further action on illicit SALW and their ammunition at national, regional and international levels. The Sixth Biennial Meeting of States (BMS6) provides the opportunity to not only review progress made in the implementation of the UN PoA and the ITI, but also to explore ways to strengthen their implementation.

3. In general the EU would like to see the following references in the outcome-document of BMS6:

- UN Security Council Resolutions on SALW (UNSCR 2117 of 2013 and UNSCR 2220 of 2015) and on Women, Peace and Security (UNSCR 1325 of 2000 and subsequent resolutions), with in this regard a special reference to UNSCR 2242 of 2015 that specifically encourages empowering women with the efforts related to the prevention, combating and eradication of the illicit transfer, and the destabilizing accumulation and misuse of small arms and light weapons.
- The UN 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 (UN Firearms Protocol).
- UNIDIR's publication "*Examining Options to Enhance Common Understanding and Strengthen End Use and End User Control Systems to Address Conventional Arms Diversion*" (UNIDIR 2016).
- Report of the Secretary-General on Small arms and light weapons to the UN Security Council of 27 April 2015 (S/2015/289).
- Sustainable Development Goals 16.1 and 16.4.

- Relevant OSCE-documents including the Document on SALW, adopted at the 308th Plenary Meeting of the OSCE Forum for Security Co-operation on 24 November 2000 and the Handbook of Best Practices on Small Arms and Light Weapons adopted as Decision No. 5/03 by the OSCE in 2003 including the Best Practice Guides on National Procedures for the Destruction of Small Arms and Light Weapons; on National Procedures for Stockpile Management and Security; on Marking, Record-keeping and Traceability of Small Arms and Light Weapons and on Small Arms and Light Weapons in Disarmament, Demobilization & Reintegration (DD&R) Processes.
- Relevant documents of the Wassenaar Arrangement including the Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW) (agreed at the 2002 Plenary and amended at the 2007 Plenary); Elements for Effective Legislation on Arms Brokering (agreed at the 2003 Plenary); Best Practice Guidelines on Subsequent Transfer (Re-export) Controls for Conventional Weapons Systems contained in Appendix 3 to the Wassenaar Arrangement Initial Elements (agreed at the 2001 Plenary) and the Introduction to End User/ End Use Controls for Exports of Military-list Equipment (agreed at the 2014 Plenary).
- The African Union Convention on the Prevention and Combating of Terrorism and other regional conventions, such as the 2004 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 Bordering States and the 2006 ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials.

4. With regard to the consideration of the implementation of **the UN Programme of Action** the EU would like to see the following elements in the outcome-document of BMS6:

- Consideration of an **assessment of the implementation of the UN PoA** by means of a global survey to be presented ahead of the Third Review Conference of the UN PoA in 2018. In this regard, points of contact at regional level can be involved in order to collect relevant national data and assess the state of play of the UN PoA.
- **Promotion of national implementation** by means of national interagency coordination bodies, national action plans, legislation including penal clauses, regulations, administrative procedures and monitoring with regard to the relevant aspects of the UN PoA including SALW-manufacturing, stockpiling and transfer control (import, export).
- Promotion of **transparency** by encouraging States to submit the biennial reports on the status of UN PoA and ITI implementation, the report for the UN Register of Conventional Arms including the category on SALW and share national points of contact.
- Enhancing the role and empowering **(sub-)regional organizations** for UN PoA implementation.
- Promotion of the role of **women** in implementation of the UN PoA.
- Support for the involvement of **civil society** in BMS6 and UN PoA-related activities in general.
- Promote involvement of and dialogue on a national, regional and international level with the **industry** that is involved in SALW production, transport and trade.
- Promotion and implementation of **standards** and best practices for the handling of small arms (International Small Arms Control Standards - ISACS) and ammunition (International Ammunition Technical Guidelines - IATG) and the OSCE-standards mentioned above;
- Consideration of synergies between the **UN PoA, the Arms Trade Treaty and the UN Firearms Protocol**.

- Highlight the role of the UN PoA in the **fight against terrorism**. The effective implementation of the UN PoA contributes to thwarting the acquisition of SALW by terrorists, thus reducing the potential impact of their attacks. In this light synergies (e.g. data exchange, OEWG) between UN PoA and UN counter terrorism initiatives should be considered.
- Addressing **illicit craft production** of SALW such as illicit production by means of additive manufacturing (3-D printing).
- Inclusion of **ammunition** in the scope of the UN PoA.
- promotion of SALW component in **bilateral and inter-regional security cooperation, including cross-border cooperation** and information sharing between law enforcement and customs agencies in order to curb the illicit trade in SALW.
- **Promotion of end-user certificates** in export control (UN PoA II.12).
- Address the growing importance of **internet and on-line transactions** with regard to the illicit trade in SALW and their parts and components.
- **Promotion of destruction as preferred option for the destination of surplus SALW** and ensuring that destroyed SALW are rendered permanently inoperable and illicit reactivation is physically impossible.
- Increase efforts for Physical Security and **Stockpile Management (PSSM)** including by application of new technologies (cfr. Chair's report of MGE2). Physical measures (fences, locks etc.) are essential in PSSM, but they are only sustainable when part of an approach built on legislation (including monitoring and enforcement), management (including equipment, procedures, training, awareness raising and control) and regional cooperation and information exchange. The human factor is essential. The security of stockpiles should lie in well-trained and experienced professionals who have a thorough knowledge of procedures, norms, regulations and international standards.
- Promotion of the development and implementation of **life-cycle management procedures**. Differences in legislation and standards among States and a lack of information exchange in combination with corruption and illicit trade in SALW-parts and components, facilitate the illicit trade and production of SALW, including the illicit conversion of blank firearms into functioning firearms.
- Promotion of good practices with regards to deactivation to render SALW permanently inoperable and make reactivation physically impossible, a.o. by promoting standards set in EU Regulation 2015/2403.
- Increase effectiveness of UN PoA implementation measures (law enforcement, PSSM, export control licensing, border management) by:
 - the **exchange and use of information** on identified patterns of illicit trade and diversion, also by means of web-based databases such as the ones provided by Interpol (iArms) and Conflict Armament Research (iTrace). This exchange should happen on the national, regional and international level. UNODA and UNODC should play a role with regard to the compilation and exchange of information at the international level. Underline the role UNODA can play in extracting and compiling the illicit arms-related findings from peacekeeping operations and UN Groups of Experts in databases tailored for arms control purposes. Support reference to "Global Firearms Trafficking Study" of UNODC.
 - the **application of new technologies** in SALW-design that offer opportunities for SALW-control.
 - To improve the exchange of information with regard to seizures of arms in order to deal with vulnerabilities and enhance opportunities for investigations and prosecutions, particularly with a focus on regional cooperation.

5. With regard to the consideration of the implementation of **the International Tracing Instrument (ITI)** the EU would like to see the following elements in the outcome-document of BMS6:

- Adapting the ITI to meet **challenges posed by developments in SALW-design** (modular architecture and increased use of polymers) as discussed at the Second Meeting of Governmental Experts in 2015 (MGE2). The Chair's summary of MGE2 contains the relevant findings and proposals in this regard. BMS 6 should pave the way for necessary amendments to the ITI at the Third Review Conference of the UN PoA in 2018.
- Promotion of **import marking** - as required by the ITI - if possible **at time of manufacture** (cfr. MGE2 Chair's summary).
- Promotion of the **application of new technologies** for more effective marking, record keeping and tracing of SALW. The Chair's summary of MGE2 contains the relevant findings and proposals in this regard. The UN Secretariat can be tasked to compile an analysis of current use in order to identify best practices and possible obstacles.
- To strengthen mechanisms to **exchange information on national marking systems** at the time of manufacture as well as on standard procedures relating to seized unmarked SALW.
- Promotion of **national implementation** of the International Tracing Instrument by means of legislation with regard to marking, record-keeping and tracing and drafting biennial reports, establishing national points of contact and developing National Action Plans.
- Promotion and elaboration of '**conflict tracing**' concept. Tracing the origin of illicit weapons seized/found in conflict or post-conflict situations can contribute to identify and contain the flows of illicit arms into conflict zones. It offers the possibility to enhance the effectiveness of arms control and law enforcement measures. It can also serve broader conflict prevention, crisis management and peace-building objectives. Data obtained through conflict tracing can feed into improved export control, inter alia with regard to the prevention of diversion, improved end-user certification and the regulation of brokering. In this context, implementation of the UN PoA can help strengthen the implementation of the Arms Trade Treaty. Conflict tracing can be supported by:
 - **UN and regional peace support operations** notably with a view to a more effective monitoring of and preventing violations into arms embargoes in cooperation with UN expert groups in charge of the monitoring of UN arms embargoes
 - capacity building for **law enforcement agencies** in conflict zones, in combination with promotion of iArms database of Interpol and other relevant databases.
 - initiatives such as **iTrace** by Conflict Armament Research.

6. With regard to **International Cooperation and Assistance** the EU would like to see the following elements in the outcome-document of BMS6:

- Increased efficiency and sustainability of assistance efforts by improved **donor coordination**, in cooperation with relevant regional organisations and implementing agencies and, if possible, steered by national action plans of recipient states.
- Support for the UNSCAR UN Trust Fund.
- Increased **transparency** on cooperation and assistance reporting about assistance activities.

7. **Other issues** and topics of relevance for the effective implementation of the Programme of Action.

- Promote an **increased role for UN and regional peacekeeping operations** in the area of SALW and the monitoring of arms embargoes by means of appropriate mandate and capacity.
 - Take account of SALW and ammunition issues in post-conflict reconstruction programmes and **DDR- and SSR-programs** in particular.
-