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**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 United Kingdom of
Great Britain and Northern Ireland**

**Developing common guidelines for national controls on
transfers of small arms and light weapons: progress
since 2003**

The United Kingdom of Great Britain and Northern Ireland argues why the time is ripe to agree upon common guidelines now:

(a) Introduction of the Transfer Controls Initiative (TCI): Working within the framework of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15), in 2003 the United Kingdom launched TCI. Its aim was to promote and assist in the development of common standards for all States on the export, import and trans-shipment of small arms and light weapons. Since that time, the United Kingdom has worked intensively with States in many regions to build consensus. Based on inclusive partnerships many regional workshops have been held in addition to multilateral and bilateral consultations. This has produced good results. Over 110 countries have expressed support for TCI. Most recently, on 20 and 21 April 2006, in Nairobi, representatives of 11 States from all regions of the world and from civil society were able to develop a draft text, drawing on three years of TCI activity, suggesting common guidelines for transfers of small arms and light weapons (the Nairobi text has been put forward as a working paper of the review conference by the Government of Kenya). TCI is based on the following principles:

- (i) Aiming to strengthen national transfer controls by providing countries with guidelines as a vital tool to prevent the irresponsible transfer of small arms and light weapons and to enable full and effective implementation of the Programme of Action;



- (ii) Recognizing the need for close cooperation and assistance between countries and regions to achieve effective national transfer controls;
- (iii) Building consensus from bottom to top; national and regional levels first, and now at the global level;
- (iv) Avoiding the imposition of solutions by outsiders;

(b) Transfer controls, existing guidelines in the Programme of Action: paragraph II.11 of the Programme of Action requires States “to assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade. Likewise, to establish or maintain an effective national system of export and import licensing or authorization, as well as measures on international transit, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons”. However it is not clear how all States will be able fully to implement their commitments if their national officials do not clearly understand what the Programme of Action means by “consistent with the existing responsibilities in international law”. The aim of TCI these past three years, culminating in the above-mentioned Nairobi text, has essentially been to build a common understanding of the existing responsibilities of States under international law in the area of small arms and light weapons transfer controls. This has been welcomed by many States as a necessary and worthwhile task;

(c) We have consulted with all participants in the Programme of Action through bilateral and multilateral processes; as a result, we believe we are close to consensus on the existing responsibilities of States under international law. Having listened carefully to the concerns of all States, we are confident there are no substantive obstacles to achieving consensus. This should build on good progress made at the regional level in recent years, and should not take long. Many regions and States already take into account a range of criteria when considering transfers of small arms and light weapons. There is a lot of common ground among them, and even where States do not consider transfer controls to be directly relevant to their situation, there is widespread recognition that only through the application of common standards for transfer controls can loopholes that allow licit weapons to be diverted into the illicit market be closed;

(d) The application of effective transfer controls does not need to be expensive or bureaucratic, in particular where the quantity of transfers is low. The burden on importing States can be managed at reasonable levels. Where capacity is limited or still developing, assistance under section III of the Programme of Action should be made available. We, among others, stand ready to provide assistance on request to those States to establish the capacity to implement stronger transfer controls. Agreement on common guidelines for small arms and light weapons transfers within the Programme of Action sets a target, promoting further cooperation and assistance between States and regions to ensure effective implementation of this aspect of the Programme of Action;

- (e) Regional workshops

Regional small arms and light weapons meetings specific workshops on TCI have been held in:

- South America (Buenos Aires), April 2004
- East Africa (Nairobi), May 2004
- Pacific Islands Forum, August 2004
- Central America (Managua), October 2004
- Middle East, North Africa (Algiers), April 2005
- Caribbean Community (Bahamas), May 2005
- Andean Pact (Lima), May 2005
- MERCOSUR (Porte Alegre), June 2005
- South-east Asia (Phnom Penh), October 2005
- South Asia (Colombo), November 2005

(f) Review conference 2006: export controls are already linked within the Programme of Action to the existing responsibilities of States under international law. Much work has already been done by many States within and alongside TCI to develop national and regional guidelines for the control of all transfers of small arms and light weapons. This good work risks being undermined by diversion into the illicit market through States and regions with weaker transfer controls, if common standards for all States are not agreed upon. In conclusion, the United Kingdom calls on all participants at the review conference to support further work on agreeing upon common guidelines for national transfer controls.