Fourth Biennial Meeting of States to Consider 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, 14-18 June 2010

Draft elements for outcome document

I. The establishment, where appropriate, of subregional or regional mechanisms with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders, including trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies

1. States recognized the urgent need to prevent, combat and eradicate the illicit trafficking in small arms and light weapons across borders due to the harmful effects of those activities on the security of each State, subregion, region and the world as a whole, endangering not only the well-being of peoples but also their social and economic development and their right to live in peace.

2. States reiterated that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects across borders, in accordance with the principle of the sovereignty of States.

3. Furthermore, States also underlined the transnational nature and dimension of this illicit activity, and therefore recognized the need to address the illicit trafficking of SALW across borders through an approach of shared responsibility among them.

4. States also acknowledged that the “porosity of borders” is an aggravating element of arms illicit trafficking that allows criminals and traffickers to have a free access to armament through them. This traffic may lead to the prolongation of conflicts, exacerbates violence, undermines the internal security of States and the development, increases the activities of transnational organized crime, corruption and has a close link with other criminal activities such as trafficking in drugs and precious minerals as well as terrorism.

5. States pointed out that the problem of border control can also be a consequence of the geographical nature of the border itself, and not just by the absence or the ineffectiveness of border control. Moreover, the inaccessibility of some border areas, including maritime borders, poses challenges and difficulties in controlling cross-border activities, including flows of illicit arms and weapons.

6. States emphasised the need to enhance cooperation and coordination among customs, border controls and police authorities, in order to make it easier for competent authorities to identify and seize weapons illegally traded by air.
7. States underlined the need to address the lack of means, transfer of technology as well as of human resources and institutional capacity to deal with this problem.

8. States expressed the importance of several subregional and regional instruments, mechanisms and initiatives that refer to this topic, as well as the UN Programme of Action and the Guidelines for International Arms Transfers, as a useful means to prevent, combat and eradicate the illicit traffic on SALW across borders.

The way forward

9. States are encouraged to reinforce their legislative and/or regulatory regimes in order to strengthen border controls at national, subregional, regional and global levels, where appropriate;

10. States should enhance cooperation among those institutions responsible for the effective control of borders, both at the national and international levels, with a view to preventing, combating and eradicating the illicit trade in SALW in all its aspects;

11. States agree to convene subregional, regional and interregional meetings of their relevant enforcement authorities in order to exchange information, including best practices and lessons learned, in relation to movements of illicit SALW;

12. States agree to elaborate a comprehensive strategy for the prevention of the illicit trade of small arms and light weapons which would include, where appropriate, the establishment or strengthening of border control mechanisms, the development of laws, regulations, policies, and practices, as well as the creation or improvement of infrastructure, upgrading equipment, implementing confidence building measures, developing of training programs for personnel, and joint inter-agency border patrol exercises, among others;

13. States are encouraged to take full advantage of the benefits that cooperation with international organizations can offer, such as the World Customs Organization, the International Criminal Police Organization (INTERPOL), and UN Regional Disarmament Centers, among others;

14. States agree to share among them technical information in order to prevent, combat and eradicate the illicit trade in SALW across borders, and are encouraged to designate a technical contact to facilitate timely cooperation and to carryout joint actions, whenever necessary;

15. States agree to continue implementing paragraph 27 of the PoA in accordance with the principle of shared responsibility among them;
16. States agree that the prevention and combating of the illicit trade in small arms and light weapons across borders merits further analysis, including determining ways forward to address this challenge, and recommends that it be on the agenda for the 2011 Open Ended Meeting of Governmental Experts.

II. International Cooperation and Assistance

17. States discussed the efforts undertaken by all States to promote information exchange, cooperation and assistance, national experiences, and lessons learned, as well as the role played by international, regional, subregional and civil society organisations in providing assistance to States in building national capacity for the effective implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. They welcomed the efforts undertaken to date, but highlighted the need for further attention to practical cooperation to achieve implementation of the Programme of Action.

18. States noted that assistance includes the provision of resources and expertise, including financial and technical resources, from one country to another with a view to building national capacity for effective implementation of the Programme of Action. States also noted that cooperation includes all forms of joint or coordinated action between two or more States, including the sharing of information and experience, in support of Programme of Action implementation. States noted that cooperation and assistance can take place in a variety of forms, including between donors and recipients and between neighbouring States.

19. States recognised that the primary responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States. They also recognized the need for close international cooperation to prevent, combat and eradicate this illicit trade. While recognising that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, States recognised the need to encourage increased cooperation, and called on international partners to build and strengthen capacities in states, upon request, by addressing illicit arms trafficking in a manner which reflects national priorities through an approach of shared responsibility. States also noted the need to consider ways to assess the effectiveness of cooperation and assistance received and provided in order to ensure implementation of the Programme of Action.

20. States considered steps to enhance understanding of existing tools and mechanisms for addressing assistance needs and for matching needs with available resources. States welcomed the further development, by the Office for Disarmament Affairs, of the Programme of Action Implementation Support System, including the new reporting template, and the work of the United Nations Regional Centres for Peace and Disarmament. States also welcomed the compilation of national assistance proposals from Member States recently
prepared by UNODA. They acknowledged the role these tools and mechanisms have in improving the matching of needs and resources for international cooperation, assistance and national capacity-building in the area of small arms and light weapons. States also emphasised the need for further efforts to identify, prioritise and communicate needs, and discussed possibilities for such efforts under follow-up mechanisms.

21. States underlined that, while the specific format for presenting assistance needs was the prerogative of States, the value of assistance proposals would be enhanced if they were formulated as concrete projects with measurable goals as part of relevant national plans. It was also emphasised that national reports could be used as a tool for communicating assistance needs and information on the resources and mechanisms available to address such needs; States also recognised the value of assistance to States in order to facilitate the preparation of national reports.

22. States highlighted the need to improve inter-agency cooperation, led by their national coordinating bodies, including information-sharing and joint action between law enforcement, intelligence and arms control officials. States also recognised the value of coordination between these agencies in the formulation of project proposals and the mobilization of resources. States recognised the utility of existing international, regional and bilateral mechanisms for facilitating information exchange, identifying and prosecuting groups or individuals, assisting in the prevention of illicit small arms and light weapons brokering and supporting implementation of the International Tracing Instrument.

23. States noted the multidimensional nature of the problem of the illicit trade in small arms and light weapons in all its aspects. In this regard, States recognised the linkages between existing assistance and cooperation projects, and the potential for more such projects, which address multiple challenges, including terrorism, organised crime, trafficking in drugs and precious minerals.

24. States also stressed the importance of the development and implementation of public awareness programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects.

The way forward

25. Recognising that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects and stressing that the provision of international cooperation and assistance, including assistance for national capacity-building, is an overarching theme, essential to the full and effective implementation of the Programme of Action, States are encouraged to promote international cooperation and assistance at the national, bilateral, regional and multilateral level through an approach of shared responsibility among them.
26. Recognising the progress made over the last two years, States affirmed the needs and priorities identified during the Third Biennial Meeting of States to consider the implementation of the programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapon in all its aspects.

27. Building on these priorities, States also identified the following additional measures:

a) States are encouraged to enhance practical cooperation, by reviewing past and existing international cooperation practices and by further efforts on all aspects of the implementation of the Programme of Action, including joint or coordinated action, among all relevant agencies, including stockpile management, law enforcement, judicial, prosecutorial, investigative, intelligence, border and customs control agencies as well as arms control officials responsible for arms transfer licensing, transit, brokering and transport;

b) States are encouraged to share knowledge and expertise on implementation of the Programme of Action, including in the development of appropriate legislation, regulations and administrative procedures; the development of weapons collection programmes; and strengthening national capacities, including the training of national authorities in areas such as investigative techniques, prosecution, border controls, stockpile management, tracing and the use of marking machines;

c) States who have not yet done so are encouraged to nominate a national point of contact which can act as liaison between States on matters relating to the implementation of the Programme of Action, including cooperation and assistance.

d) States are also encouraged to provide support for national points of contact to ensure they are adequately resourced to undertake their role as liaison between States on matters related to the implementation of the Programme of Action, including cooperation and assistance;

e) States are encouraged to consider ways to assess the effectiveness of cooperation and assistance in order to ensure implementation of the Programme of Action, including at the Open-ended meeting of governmental experts in 2011.

f) States are also encouraged to enhance cooperation and increase inter-agency coordination nationally, regionally and internationally, including by using existing organisations and structures, such as the World Customs Organisation and INTERPOL;
g) While reaffirming the primary responsibility of all States for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects, States recognise the role the United Nations as well as regional and subregional organizations can play in assisting States in building capacity to identify, prioritise and communicate assistance needs as well as the potential role of such organisations in following up assistance requests in order to match needs and resources;

h) In order to identify, prioritise and communicate needs and match those with resources, States are encouraged to build on existing mechanisms, such as the enhanced Programme of Action Implementation Support System, and to consider other ways in which needs and resources can be matched effectively and assistance and cooperation can be more effectively coordinated, including exploring opportunities for increasing strategic dialogue between states;

i) In this regard, States encouraged further efforts by the Office for Disarmament Affairs, in the context of the Programme of Action Implementation Support System, to assist States, upon request, in preparing project outlines identifying country-specific needs.

j) In order to better identify donors for these proposals and to increase the visibility of available assistance, States encouraged intensified efforts among interested states, international and regional organisations and civil society in order to identify possible matches. States recognised such efforts should complement, support and feed in to existing regional efforts.

k) States encouraged UN Regional Centres for Peace and Disarmament to assist in the matching of regional expertise and resources with regional needs;

l) States and international, regional and subregional organisations in a position to do so should support the development and implementation of public awareness programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects.

III. Other issues, and the identification of priority issues or topics of relevance in the illicit trade in small arms and light weapons in all its aspects and of their implementation challenges and opportunities

28. During the discussion of agenda item xx, without prejudice to the views of other States, some States indicated that in their view certain issues were important to the implementation of the Programme of Action. These issues included:
a) Ammunition for small arms and light weapons and explosives;
b) Strengthening regulatory frameworks for enhanced control of the illicit trade in small arms and light weapons in all its aspects, including capacity-building;
c) Illicit manufacturing, including unlicensed manufacturing;
d) Responsible civilian possession of small arms and light weapons;
e) End-user certification and verification, including standardization;
f) Monitoring air and maritime transport, including illicit air transport;
g) Prohibiting the supply of small arms and light weapons to non-State actors and terrorists;
h) Linkages between terrorism, organized crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons;
i) Demand and supply issues;
j) Linkages between security, armed violence, development and human rights;
k) Use of force and firearms by government security forces, including peacekeeping forces, in accordance with international norms;
l) Protection of civilians, especially women and children, from armed violence and in armed conflict;
m) Addressing the special needs of women, youth, children and vulnerable groups;
n) Victim assistance;
o) Gender perspectives;
p) Enhanced cooperation among all stakeholders;
q) Enhanced partnerships with civil society and the private sector;
r) Assisting and promoting conflict prevention and the pursuit of negotiated solutions to conflicts, including by addressing their root causes;
s) Conflict management, peaceful settlement of disputes and respect for international law;
t) Combating cultures of violence and impunity.

29. During the Fourth Biennial Meeting, many States emphasized the importance of promoting 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.
IV. Strengthening of the follow-up mechanism of the Programme of Action, and preparations for the 2011 Experts Group meeting and the 2012 Review Conference

30. States welcomed the opportunity to discuss the questions of strengthened Programme of Action follow up, as well as preparations for the Open-Ended Meeting of Governmental Experts and the Review Conference, scheduled for 2011 and 2012 respectively.

31. States noted that a series of mechanisms had already been developed for Programme of Action follow up, including national reporting, biennial meetings of States, review conferences, and the annual General Assembly resolution on the illicit trade in small arms and light weapons in all its aspects. Efforts for strengthened Programme of Action follow up would necessarily be focused on these existing mechanisms. Open-Ended meetings of governmental experts, including that scheduled for 2011, also had a potential role to play in these implementation architecture, although adequate prior preparation and the development of pragmatic, action-oriented agendas for these meetings were seen as important factors underpinning their ultimate utility to overall implementation efforts.

32. States emphasized the need to ensure continuity and complementarity between these meetings and mechanisms, as well as a pragmatic and operationally-driven approach to strengthened Programme of Action follow up.

33. There was a need to clearly define and distinguished the mandates of Programme of Action meetings, and also to link and ensure the complementarity of meeting mandates and outcomes, including as part of voluntary reporting on the Programme of Action. States also expressed strong support for the early designation of the Chair of UN Programme of Action meetings, along with the early development of meetings agendas.

34. States also stressed the fundamental importance of national reporting to follow up of the Programme of Action, which remains a cornerstone of efforts to assess overall implementation efforts, including implementation challenges and opportunities. States noted that the development of a standardized reporting format by the Office for Disarmament Affairs would enhance comparability among reports. They also noted that shifting the reporting schedule to a biennial basis, timed to coincide with biennial meetings of States could prove useful in increasing the number and quality of reports.

35. States equally noted the importance of broad participation at UN Programme of Action meetings, including the provision by those States in a position to do so, in a voluntary basis, of assistance for this purpose.
The way forward

36. States undertook to make every effort to produce a comprehensive report on their implementation of the Programme of Action, including implementation challenges and opportunities, every two years, timed to coincide with biennial meetings of States.

37. States highlight the need to include in their voluntary national reports information on progress made in the implementation of measures adopted in the outcomes of preceding Programme of Action meetings in order to enhance the continuity of the process.

38. States also recognized the need for a comprehensive assessment of progress in the implementation of the Programme of Action in 2011, ten years following its adoption.

39. States are encouraged to use the new reporting template prepared by the Office for Disarmament Affairs, which can be expected, inter alia, allowing for the specific circumstances of States and regions, to increase a comparability of reports, facilitate the matching of needs and resources, and make it easier for States to provided updated information on implementation.

40. States and other relevant actors with the capacity to do so will, upon request, cooperate with and assist other States in the preparation of comprehensive reports on their implementation of the Programme of Action.

41. In order to increase the engagement of States in the Programme of Action process, it was decided to explore the feasibility of establishing a Voluntary Sponsorship Fund through which financial assistance could be provided upon request to States otherwise unable to participate in Programme of Action meetings.

42. States agreed that in order to enhance the coherence of the Programme of Action process, it would be useful to convene a Review Conference every six years, with Biennial Meetings of States and Open-Ended Meetings of Governmental Experts occurring in alternate years during the interim.

43. States reiterated the importance of the early designation of the Chair of future UN Programme of Action meetings and encouraged the relevant regional group to make this nomination, if possible, one year in advance of the meeting. In order to ensure continuity between meetings, the Chair person of a UN Programme of Action meeting could continue to act as focal point for activities related to the Programme of Action in collaboration with the Chair-designate of the following Programme of Action meeting.
44. States also emphasized the importance of selecting, with the assistance of the Chair-designate, priority issues or topics of relevance well in advance of Biennial Meetings of States and Open-Ended Meetings of Governmental Experts.

45. States recommended that one or more priority issues or topics of relevance to the illicit trade in small arms and light weapons in all its aspects be identified well in advance of the Open-Ended Meeting of Governmental Meeting scheduled for 2011, as well as any follow up to the third and fourth biennial meetings of States.

46. States underlined the need to distinguish the mandates of the Biennial Meetings of States and the review conference for the Programme of Action and in this regard noted that the latter had a mandate to consider whether the Programme of Action was meeting the objectives States had set for it in 2001.

47. States also agreed that the 2012 review conference should review and, as necessary, strengthen the follow up mechanisms of the Programme of Action.

Annex:

Implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

1. Introduction

1. In the context of the Fourth Biennial Meeting of States to Consider 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, States considered 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. They noted that the Fourth Biennial Meeting represented the second opportunity to consider the implementation of the International Instrument, since its adoption on 8 December 2005, in accordance with A/RES/63/72.¹

2. At the time of convening the Fourth Biennial Meeting, States had already submitted national reports that included information on the implementation of the International Instrument. Through national reports, States provided information on their experiences in its implementation and provided information on bilateral, regional and international cooperation and assistance efforts they had provided or could provide. They also provided information on the difficulties they had encountered in implementing the International Instrument and highlighted areas where international cooperation and assistance could help to advance its implementation.

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3. States identified the marking and tracing of illicit small arms and light weapons as a key mechanism for national, regional and/or international efforts to prevent, combat and eradicate illicit small arms and light weapons and committed themselves to strengthening the ability of States to cooperate in identifying and tracing illicit small arms and light weapons in a timely and reliable manner.

II. Implementation of the International Instrument

4. States noted that laws, regulations and administrative procedures related to the implementation of the International Instrument have been integrated into the national processes of many States, in accordance with its paragraph 24, and that the process of strengthening national implementation in a number of States was under way:

   a) Marking: States considered the critical importance of marking to the implementation of the tracing instrument. In particular, they noted that although many small arms and light weapons may have been marked at the point of manufacture, many weapons lacked any or sufficient markings to ensure the effective tracing of these weapons were such weapons later exported or smuggled out of the country. States also noted that many markings may have been partially or completely obliterated. In this regard, States highlighted the importance of full compliance and the need to facilitate enhanced technical capacity to mark all small arms and light weapons and recover obliterated markings.

   b) Record-keeping: States considered the requirement of the instrument to ensure that proper records are maintained and for a sufficient length of time. Many states noted that in order for markings to be of real value, proper records would need to be maintained, especially in a form that made such records easily and quickly accessible. Many states noted the value of technology in creating a comprehensive system of records, although States used a variety of recordkeeping methods.

   c) Cooperation in tracing: States welcomed the efforts of many States, regional organizations and international organizations that have provided educational outreach to promote the implementation of the instrument. Many States noted the effectiveness of bilateral arrangements in deepening implementation of the tracing instrument. States also noted the need for more expertise in the technical areas of tracing and encouraged the wider diffusion of this expertise to States that need such assistance. States also encouraged the need to establish where they do not exist information sharing arrangements as a means to expand cooperation in tracing and noted the need to incorporate tracing into existing arrangements.

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\(^b\) Ibid., sect. III.
\(^c\) Ibid., sect. IV.
\(^d\) Ibid., sect. V.
III. International cooperation and assistance in implementation of the International Instrument

5. States took note of the importance of cooperation among States in different regions of the world, and the successes of sharing tracing information to the effort to combat the illicit trafficking in small arms and light weapons. However, States also noted the latest analysis by the Small Arms Survey that suggested more work needs to be done to foster wider and deeper cooperation.

6. States took note of the effort by the Organization of American States and the Regional Centre for Small Arms to provide marking machines for those nations that lacked the capacity to ensure the marking of firearms in inventory, at the point of confiscation and at the point of importation. States welcomed this development and encouraged States and organizations in a position to do so to continue this effort.

7. Some States emphasized the need for greater practical steps to increase cooperation, including the circulation of national marking practices and the identification of points of contact and more regular communication with those contacts.

8. At the global level, States highlighted the ever greater importance of tracing as a means to combat the global threat of illicit trafficking, a threat that appears to have grown since the document was adopted. States recognized that the challenges of illicit trafficking must be met with greater and more sustained effort by individual States.

9. States noted the effort by the Office of Disarmament Affairs and INTERPOL in conducting four workshops in Togo, the Republic of Korea, Brazil, and Kenya, as well as a three-day workshop in Prague, to promote the instrument and deepen its implementation. Some States also stressed the importance of coordination among international bodies such as INTERPOL that can offer assistance in tracing illicit weapons.

The way forward

10. With a view to ensuring and expediting the full and effective implementation of the International Tracing Instrument, States reached the following understandings:

   a) In this context, States recognize that establishing the legal framework is not enough without the technical and human capacity to implement the International Instrument. Therefore, States in a position to do so to were called upon to, upon request, seriously 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 by all States;

b) States in a position to do so were called to, upon request, seriously consider rendering technical, financial and other assistance, both bilaterally and multilaterally, in building national capacity in the areas of development of national legislation, regulations or administrative procedures, as necessary;

c) States that had not yet done so were encouraged by the end of the calendar year to designate national points of contact to exchange information, in accordance with the paragraph 31 (a) of the International Instrument where it is stated that a name and contact information should be provided to the United Nations, which will distribute the information among Member States. Thus, interaction between national points of contact for the purpose of implementing the International Instrument is to continue and be further enhanced at the bilateral, regional and international levels;

d) In reporting on their implementation of the International Instrument, in accordance with its paragraph 36, States were encouraged to use the proposed United Nations template because it is considered a useful tool to enhance comparability of reporting information and allows States to evaluate and determine the effectiveness of the Instrument in enhancing cooperation in tracing. This report may include, where appropriate, national experiences in tracing illicit small arms and light weapons; quantitative data that would enable States to assess the effectiveness of the Instrument in enhancing cooperation in tracing; and measures taken in the area of international cooperation and assistance;

e) States were encouraged to support the role of the United Nations in promoting the International Instrument. States were also encouraged to support the role of INTERPOL in assisting in the implementation of the Instrument, particularly its role in facilitating cooperation in the tracing of illicit small arms and light weapons by States;

f) The web-based Programme of Action Implementation Support System can serve as a useful tool for practitioners and policymakers involved in the implementation and reporting procedures for the International Instrument. States were encouraged to benefit from this resource and to support it, where appropriate;

g) States were encouraged to strengthen the efforts developed by regional organizations in order to support the International Instrument, including exploring regional frameworks and mechanisms such as
regional tracing centres and the creation of comprehensive tracing programmes as pilot projects. States were also encouraged to develop model legislation that includes provisions for the mutual exchange of information and intelligence, which can facilitate tracing. States were also called upon to support, where appropriate, the distribution of marking machines to enable States to mark existing State inventories of small arms and light weapons in addition to newly seized or newly imported or manufactured firearms;

h) States were encouraged, as appropriate, to establish bilateral agreements in line with the International Instrument that would foster implementation of the Instrument and cooperation with partners that have taken steps to fully implement the Instrument;

i) The States recognized the important role played by all stakeholders in the full implementation of the International Instrument.