The way forward:
The United Nations Programme of Action
to Prevent, Combat and Eradicate the Illicit Trade
in Small Arms and Light Weapons in All Its Aspects

Small Arms and Light Weapons (SALW) are the main instrument of lethal armed violence worldwide. The uncontrolled proliferation of SALW fuels conflicts and contributes to the escalation of tensions. The illicit possession, use, manufacturing and trade of SALW is inseparably linked to criminal violence, gang violence and organised crime. Therefore, controlling Small Arms and Light Weapons is indispensable for an orderly state governed by rule of law and a crucial factor in the fight against crime. As SALW regularly are ubiquitous in the aftermath of armed conflicts, controlling SALW is also a necessary element of systematic crisis prevention and a cornerstone of post-conflict stabilisation. Successful post-conflict stabilization requires comprehensive security sector reforms which include weapons programmes targeted at civilians to accompany a Disarmament, Demobilisation and Reintegration process for ex-combatants.

In the ten years of its existence, the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA) has provided for the tools to control the proliferation and illicit use and traffic of Small Arms and Light Weapons and is the international reference instrument in question. Germany supports the implementation of the UN PoA on a national, regional and global level.

In view of the developments in the last ten years and with regards to the objectives set by the PoA and the International Tracing Instrument (ITI), we believe it is time to take stock and to draw the appropriate lessons for the future. For Germany, the Review Conference comes at a crucial moment, tasking the international community to use the given opportunity in bringing forward the implementation of the PoA at a national, regional and international level.

Germany would like to commend the Chair for structuring the discussion along the lines of six chapters, proposing a wide range of issues for discussion and inclusion into a final document of the Review Conference in six indicative non-papers (INPs). We believe the structure allows for an appropriate and comprehensive discussion of the issues at stake. Therefore, we would support a structure of a final document of the Review Conference along the lines of INPs 1 - 6. A focus should lie on the implementation of the PoA, considering the past ten years and drawing lessons from them for the future. We therefore welcome in particular INP 5 discussing the follow-up process of the PoA.
Non paper Germany

19 March 2012

Taking into account the structure of the INPs, Germany would like to make the following comments on substantive issues of the Review Conference:

1. National level: Germany sees states as the principal actors for the effective implementation of the PoA. Securing weapons, stockpiling appropriately arms and ammunitions, ensuring that neither weapons nor ammunitions are diverted into the illegal sector, securing adequate border controls preventing illicit trans-border shipments of weapons, providing for adequate laws and regulations, educating and training involved staff and decision makers of the law enforcement sector, the judiciary and the political sphere as well as the population at large regarding the risks of illicit SALW all fall into the responsibility of states.

INP 1 provides for a comprehensive list of issues regarding the implementation of the PoA. Germany would support in general. Germany would like to add the following subjects:

- MANPADS have proven to be a risk of particular concern as these weapons, fallen into the wrong hands, constitute a threat to civil aviation worldwide. Recent events in Libya have shown that this risk can become virulent in a post conflict situation. Germany would like to stress the responsibility of states to avoid destabilising accumulations of MANPADS, to exchange information on these weapons e.g. by declaring imports and exports in the framework of the UN Register of Conventional Weapons and to safeguard stocks held with particular diligence.

- Germany welcomes the mentioning of gender issues in INPs 2 and 3. However, we are convinced that the role of women in the implementation of the PoA is crucial in particular at the national level. UN Security Resolution 1325 (2000) urges states to ensure increased representation of women at all decision-making levels in the security sector. This includes the Small Arms Sector. We therefore believe that a reference to UNSR 1325 should be made in the context of the implementation at the national level.

2. Regional level: Germany supports the particular weight attached to the role of regional organisations in the implementation of the PoA. Germany encourages regional organisations to support their member states more systematically in implementing the PoA, thus promoting cooperation and information exchange crucial for border control, tracing of arms and the fight against arms smuggling and organized crime.

3. Global level: Germany underlines the role of the UN body and institutions for fight against illicit SALW. It values the coordinating role of UNODA. We appreciate the clearing mechanism established by the publication "Matching Needs and Resources" and encourage states to contribute as donors and recipients by defining and updating the project list. Germany coordinates the Group of Interested States and encourages other States to participate actively. We also appreciate the role of UNIDIR in developing further scientific knowledge in the field of small arms control and have funded various research projects to that subject in the last few years.
Germany encourages states to report to the UN Weapons Register including in the category SALW. Germany would support the idea of a mandatory reporting mechanism in SALW as an additional category of the UN Weapons Register as we believe SALW are the main factor of instability in many parts of the world, often exceeding heavy weaponry as a stability challenge. We believe that the Review Conference of the Programme of Action gives the opportunity to develop further this idea.

4. International Cooperation: Germany supports the UN PoA provisions regarding international assistance. We believe SALW control can play a critical role in the stabilization of post conflict situations and is, at the same time, an important element of crisis prevention. Against this background, Germany has increased its relevant assistance and focused on post conflict states, mainly in Africa. It goes without saying that international cooperation cannot be a one-way street. To ensure effectiveness of measures undertaken to promote the implementation of the PoA, the commitment from donor countries has to be met by corresponding commitments from recipient countries.

5. Follow-up: The UNPoA has not been implemented on an equal level worldwide. A study from UNIDIR in 2011, funded by Germany, identified various obstacles and challenges in the implementation of the UNPoA, including technical insufficiencies and a lack of funding as well as a lack of trans-border communication and cooperation in neighbouring states. These challenges are to be addressed in a follow-up mechanism. Verification of the PoA has also proven to be uneven. Not all states submit their reports timely and regularly. What is also needed are instruments to measure further implementation success including benchmarks. With the International Ammunition Technical Guidelines (IATGs) and the International Small Arms Control Standards (ISACS) two standard works defining proper policies, standard procedures and appropriate handling guidelines regarding SALW and ammunition will be at the disposal of the international community. Implementation progress of the PoA should also be measured against these yardsticks.

A follow-up mechanism and a regular review process will continue to be of utmost importance. Biannual Meetings of States (BMS) should focus on implementation successes as well as deficits and allow for an evolution of the UNPoA on the basis of lessons learned.

6. Marking, proper registration and tracing will continue to play a crucial role in the control of the proliferation of illicit SALW and ammunition. The Review Conference should take into account developments in arms register databases and new cooperation possibilities due to technical developments offered, inter alia, by INTERPOL. Information exchange, in particular on a regional level, continues to be of crucial relevance in the fight against the spread of illicit SALW.

Germany would like to add a general point considered as decisive for an effective implementation of an instrument designed for curbing the illicit possession, use, trade, brokering of Small arms and Light Weapons. The control of ammunition must be an
integral part of the efforts to control SALW and to implement the PoA. Ammunitions pose a risk per se as their deterioration can lead to uncontrolled explosion or environmental contamination. The accident in Brazzaville on 5 March, 2012, has proved again the devastating effect inappropriate handling and stockpiling of ammunition can have.

Moreover, the effective control of ammunition will have a fast and noticeable impact on the control of Small Arms as the latter cannot be operated without the former. Small Arms have an extremely long life span. To choke off supplies from conflicts, targeting ammunition is the effective way. Related documents like the UN Protocol against the illicit Manufacturing of and Trade in Firearms, their Parts and Components and Ammunition adequately cover the issue of ammunition. The Review Conference should be taken as an opportunity to take into account this important issue as well.