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## ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS PROGRAMME OF ACTION (POA)

**Adopted:** The Programme of Action was adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects from 9-20 July 2001.

### Programme Text

**Background:** The issue of the proliferation of small arms and light weapons (SALW) was first raised in a United Nations forum in a 1995 UN General Assembly (UNGA) resolution ([A/RES/50/70B](#)). Following that, two expert groups, established by the Secretary-General, issued reports on the subject ([A/52/298](#) (1997) and [A/54/258](#) (1999)).

Multilateral cooperation in this area took a significant step forward when the United Nations Conference on the Illicit Traffic in Small Arms and Light Weapons in All Its Aspects was held from 9-20 July 2001 at UN Headquarters in New York. The participating States agreed to adopt a Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons, in All Its Aspects. This Programme of Action (PoA) includes a number of measures at the national, regional, and global levels, in the areas of legislation, destruction of weapons that were confiscated, seized, or collected, as well as international cooperation and assistance to strengthen the ability of States in identifying and tracing illicit arms and light weapons. The UNGA, in its [Resolution 56/24V](#), welcomed the adoption of the PoA and reiterated Member States' support for action to curb the illicit flow of small arms and light weapons.

**Programme of Action Adopted at the July 2001 Conference:** To prevent, combat, and eradicate the illicit trade in SALW, the State participants in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted a wide range of political undertakings at the national, regional, and global levels.

The preamble of the PoA recognizes that efforts to prevent, combat, and eradicate the illicit trade in SALW are without prejudice to the priorities accorded to nuclear disarmament, weapons of mass destruction (WMD), and conventional disarmament.

Among other actions, in July 2001 States undertook to:

*At the national level:*

- put in place, where they do not exist, adequate laws, regulations, and administrative procedures to exercise effective control over the production of SALW within their areas of jurisdiction, and over the export, import, transit, or retransfer of such weapons;
- identify groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW, and take action under appropriate national law against such groups and individuals;
- ensure that licensed manufacturers apply appropriate and reliable marking on each small arms and light weapon as an integral part of the production process;
- ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding, and transfer of SALW under its jurisdiction,
- ensure responsibility for all SALW held and issued by the State and effective measures for tracing such weapons;
- put in place and implement adequate laws, regulations, and administrative procedures to ensure the effective control over the export and transit of SALW, including the use of authenticated end-user certificates;
- make every effort, without prejudice to the right of States to re-export SALW that they have previously imported, to notify the original exporting State in accordance with their

bilateral agreements before the retransfer of those weapons;

- develop adequate national legislation or administrative procedures regulating the activities of those who engage in SALW brokering;
- take appropriate measures against any activity that violates a United Nations Security Council arms embargo;
- ensure confiscated, seized, or collected SALW are destroyed;
- ensure that armed forces, police, and any other body authorized to hold SALW establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons;
- develop and implement, where possible, effective disarmament, demobilization, and reintegration program; and
- address the special needs of children affected by armed conflict.

#### *At the regional level:*

- encourage regional negotiations with the aim of concluding relevant legally binding instruments aimed at preventing, combating, and eradicating illicit trade in SALW, and where they do exist, to ratify and fully implement them;
- encourage the strengthening and establishing of moratoria or similar initiatives in affected regions or subregions on the transfer and manufacture of SALW;
- establish subregional or regional mechanisms, in particular trans-border customs, cooperation, and networks for information-sharing among law-enforcement, border, and customs control agencies; and
- encourage regions to develop measures to enhance transparency to combat the illicit trade in SALW.

#### *At the global level:*

- cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the Security Council;
- encourage disarmament and demobilization of ex-combatants and their reintegration into civilian life;
- encourage States and the World Customs Organization to enhance cooperation with the

International Criminal Police Organization (Interpol) to identify those groups and individuals engaged in illicit trade of SALW in all its aspects;

- encourage international and regional organizations and States to facilitate the appropriate cooperation of civil society, including non-governmental organizations, in activities related to the prevention, combating and eradication of the illicit trade in SALW;
- promote a dialogue and a culture of peace by encouraging education and public awareness programs on the problems of the illicit trade in SALW.

#### **Developments:**

**2011:** From 9-13 May, the first UN Programme of Action Open-ended Meeting of Governmental Experts (MGE) took place at UN Headquarters in New York. This meeting was intended as a forum for all UN Member States to attend and discuss [three core areas](#): SALW marking, record-keeping and ways to cooperate on tracing small arms.

During the meeting, participants discussed SALW marking during the time of manufacture (and post-manufacture) and how those marks should be unique and enable the ready identification of the country of manufacture. Many States identified several assistance and capacity-building needs for going forward with tracing:

- training, particularly in terms of law enforcement capacity in weapons identification;
- equipment acquisition, such as marking machines;
- strengthening existing legislation and implementing new laws; and
- the transfer of relevant technology to assist in rendering markings more resistant to falsification and sanitization.

Participants discussed record-keeping provisions as set by the International Tracing Instrument (ITI), adopted by the General Assembly in 2005. Specific provisions include the maintenance of manufacturing records for at least 30 years, as well as import and export records for at least 20 years. Several States identified prerequisites (including financial, technical, and material assistance) for successful record-keeping:

- reliable weapons marking;
- effective enforcement with sanctions for non-compliance; as well as
- a “sufficient length of time” for the maintenance of records, including the conversion of paper records into electronic form; and
- close cooperation with the private sector, including the hand-over of records to governments by companies that go out of business.

Participants also discussed cooperation challenges in tracing SALW, mainly highlighting insufficiencies in identifying (such as marking) information and the inaccuracies in identifying weapons.

All Member States have committed to reporting on the ITI [every two years](#). The next deadline is 31 December.

On 30 June – 4 July the Caribbean Community, CARICOM, held its 32<sup>nd</sup> Regular Meeting in St Kitts and Nevis. The heads of regional states committed to developing and implementing national and regional action plans to prevent the illegal trade of small arms and light weapons. In a declaration issued at the end of the annual meeting, CARICOM participants expressed their commitments toward full compliance of the 2001 Programme of Action to Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons.

**2010:** In continued preparation for the fourth Biennial Meeting of States, three regional meetings were held. The first regional meeting was held from 1-2 March in Lima, Peru, the second was held from 29-30 March in Bali, Indonesia, and the third was held from 24-25 April in Kinshasa, Congo. No regional meeting was held in Europe.

During the meeting in Lima, Latin American and Caribbean, participants noted progress that had been made on various aspects of the Programme of Action, including border control, international assistance and cooperation, strengthening the institutional process of the implementation of the Programme of Action, the nexus between illicit trafficking of SALW, drug trafficking, and transnational organized crime, as well as prevention and sensitization as an integral part of any

action to mitigate and eliminate the threat posed by the illicit trade in SALW.

In the Bali meeting, Southeast Asian states discussed regional implementation of the Programme of Action. Topics covered during the two-day meeting included: national points of contact, border controls, national legislation, stockpile management, marking, record-keeping and tracing, regional cooperation, and national reporting and implementation support.

During the Kinshasa meeting, states examined the implementation of the Programme of Action and prepared a message for the Fourth Biennial Meeting of States. The meeting focused on the impact of the illicit arms trade on peace and security in Central Africa, the UN Security Council role in preventing illicit arms trafficking in Central Africa, and identifying actions that would strengthen existing means for combating arms trafficking.

The Fourth Biennial Meeting of States took place on 14-18 June in New York City. This meeting was attended by representatives from 105 States. Ambassador Pablo Macedo of Mexico served as chair while representatives from Algeria, Australia, Belarus, Bulgaria, Finland, Guatemala, Japan, Mali, Peru, Philippines, Poland, Republic of Korea, Sudan, and Switzerland served as vice-chairs. The meeting allowed States to consider the implementation of the Programme of Action through submitting [national reports](#) that summarized actions taken by each State. States also provided information on the difficulties they faced in implementing the agreement since its adoption in 2005. A consensus [report](#) adopted at the meeting included the following commitments:

#### *Responsibilities of States:*

- States reiterated that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons across borders. States emphasized the need to enhance cooperation between customs, border control and police authorities within and among States.

#### *The Way Forward:*

- States were encouraged to enact new and reinforce existing laws and regulations to strengthen border controls. State recommended that subregional, regional and interregional meetings be conducted to exchange information, best practices, and lessons learned

regarding arms trafficking. States were encouraged to take full advantage of Interpol and the UN regional disarmament centers. States also recommended that the 2012 Review Conference should assess and, as necessary, strengthen the follow-up mechanism of the Programme of Action.

**2009:** To prepare for the fourth Biennial Meeting of State (BMS4), two regional meetings were convened. The first meeting was held in Sydney, Australia from 22-23 June for Pacific states. The second regional meeting was held in Kigali, Rwanda from 8-9 July. Outcome documents were released from both meetings.

The states of the Pacific region discussed regional implementation guidelines and procedures. The draft implementation guidelines included: National Institutional Framework, national legislation, brokering, stockpile management, marking, record-keeping and tracing, regional cooperation, national reporting, participation in the global meetings on the implementation of the Programme of Action, and the adoption and implementation of these Guidelines.

The UN Regional Meeting for States from the Great Lakes Region, the Horn of Africa, and Bordering States and Southern Africa met in Kigali to discuss sub-regional implementation of the Program of Action. States emphasized the need for increased cooperation and coordination on activities related to SALW between the sub-regions. The States also agreed on the value of developing metrics for the field of small arms control. The Kigali meeting emphasized the importance of the three sub-themes from the 3<sup>rd</sup> BMS held in 2008. These sub-themes included the effective response to the problems of illicit arms brokering activities, the improvement of arms and ammunition stockpile management, and implementation of the International Tracing Instrument. Additional topics deemed to be of particular importance for the region included: reviewing SALW or related national legislation and policies, operational capacity building for States' law enforcement and border control agencies, community policing, mapping of the impact of SALW and armed violence on communities, and raising awareness of gender-based violence.

On 27 July, UN Secretary General Ban Ki Moon issued a report at the 64<sup>th</sup> General Assembly concerning "[Assistance to States for curbing the](#)

[illicit traffic in small arms and light weapons and collecting them](#)".

**2008:** Over 130 States met from 14-18 July for the [third Biennial Meeting of States](#) (BMS3) where progress on the implementation of the PoA was reviewed. The Meeting was chaired by Ambassador Dalius Cekuolis of Lithuania, and the program of work provided for interactive discussions on the following topics:

- International cooperation, assistance, and national capacity-building;
- Stockpile management and surplus disposal;
- Illicit brokering;
- Review of the International Tracing Instrument (ITI).

States were not able to reach consensus on a final outcome document, so the draft was put to a vote. The document was adopted by a vote of 134 to 0 with Iran and Zimbabwe abstaining. The Iranian delegation took issue with the fact that the final text was developed by facilitators, preferring a line-by-line negotiation of a consensus document.

**2006:** The Preparatory Committee (PrepCom) for the Review Conference was held from 9-20 January in New York with 48 states parties and several intergovernmental and nongovernmental organizations participating. The chairman of the committee was Sylvester Ekundayo Rowe (Sierra Leone).

During the general exchange of views, interactive thematic debates on six clusters were held. These clusters were: humanitarian, socio-economic issues; excessive accumulation, misuse and controlled spread, international cooperation and assistance, and communication.

The PrepCom also endorsed the candidacy of Prasad Kariyawasam (Sri Lanka) for the presidency of the 2006 Review Conference and for the United Nations Secretariat to furnish the conference with background documents relating to previous meetings for the implementation of the Programme of Action. A draft provisional agenda for the Review Conference was recommended, along with other recommendations for the provisional rules of the conference and for the election of officials.



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 was held in New York from 26 June-7 July. The conference was presided over by Prasad Kariyawasam (Sri Lanka). The conference began with a general exchange of views for the first week and heard statements from UN member states and from international and regional organizations such as Coordinating Action on Small Arms (CASA), Interpol, United Nations Office on Drugs and Crime, Inter-Parliamentary Union, Organization of American States, League of Arab States, Regional Centre on Small Arms, and the United Nations Children's Fund (UNICEF). Statements from nongovernmental organizations included those by the Defence Small Arms Advisory Committee, World Forum on the Future of Sport Shooting Activities, International, Congolese Action Network on Small Arms, Million Mom March, Oxfam, Permanent Peace Movement, Instituto Sou da Paz (Brazil), Centre for Democratic Empowerment (Liberia), Association of People with Disabilities, International Physicians for the Prevention of Nuclear War (El Salvador), Centre for Humanitarian Dialogue, and Council of Churches.

Thematic debates were held about the progress and problems in the implementation of the Programme of Action, with specific emphasis on international cooperation and assistance and best practice of small arms and light weapons.

At its 14th meeting, on 7 July, the conference was unable to agree on concluding a final document. The conference adopted a procedural report that will be forwarded to the 61<sup>st</sup> General Assembly session.

**2005:** The Second Biennial Meeting of States to Consider the Implementation of the Programme of Action was held in New York from 11-15 July 2005. The chairperson of the meeting was Ambassador Pasi Patokallio of Finland. The meeting held 10 plenary meetings to consider the national, regional, and global implementation of the Programme of Action, including international cooperation and assistance.

The meeting heard reports from international and regional organizations such as the representatives of the League of Arab States, the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, the Organization for Security and Cooperation in

Europe, and the International Committee of the Red Cross, Colombia. Nongovernmental organizations like the representatives of the International Action Network on Small Arms and the World Forum on the Future of Sport Shooting Activities gave statements to the meeting.

Member states reaffirmed their commitment to the Programme of Action, welcomed the progress made in its implementation while recognizing the progress that was needed to be made to fulfill the commitments required. Some issues relevant to the illicit trade in small arms and light weapons in all its aspects, but not covered by the Programme of Action, were also raised.

The meeting considered the implementation of the Programme of Action in respect to the 13 themes: weapons collection and destruction; stockpile management; disarmament, demobilization and reintegration of former combatants; capacity -building; resource mobilization; institution building; marking and tracing; linkages (terrorism, organized crime, trafficking in drugs and precious minerals); import/export control; illicit brokering; human development; public awareness and culture of peace; and children, women, and the elderly. International cooperation and assistance was discussed as a cross-cutting theme relevant to all the themes.

In conclusion, the meeting noted that further follow-up to the implementation of the Programme of Action could benefit from being consolidated around future biennial meetings of states.

**2003:** The First Biennial Meeting of States to Consider the Implementation of the Programme of Action, held from 7-11 July 2003, concluded its week-long session at UN Headquarters in New York with the adoption of its report containing the Chairperson's summary of the meeting. The meeting was chaired by Ambassador Kuniko Inoguchi (Japan) and opened with general debate in which Member States summarized their [National Reports](#) submitted to the meeting, on the progress and challenges in implementing the Programme of Action on the national, regional, and international level. As of 11 July, 99 national reports were submitted.

Thematic discussions were held on 14 themes based on the issues dealt with in the national reports. These themes included: weapons collection and destruction; stockpile management; capacity building; resource mobilization; marking

and tracing; linkages (terrorism, organized crime, trafficking in drugs and precious minerals); disarmament, demobilization and reintegration (DDR); human development; institution building; import/export control; illicit brokering; public awareness and culture of peace; children, women, and elderly; and others.

Non-governmental organizations presented statements during a specific session allocated for this purpose, including statements coordinated by the International Action Network on Small Arms (IANSA) as well as statements coordinated by the World Forum on the Future of Shooting Activities (WFSA). One hundred and seventy-two NGOs were accredited to this meeting. Regional and international organizations also presented statements at the meeting, including a statement by the Coordinating Action on Small Arms (CASA), a mechanism of 17 United Nations agencies and departments based on cooperation on various small arms issues.

The meeting adopted a procedural report that contained in an annex, the Chairperson's summary of the meeting. Her summary highlighted the proceedings of the meeting. She noted that progress had been made worldwide within barely two years of adopting the Programme of Action in public disclosures about the origins, destinations, modus operandi, and profiling of groups engaged in illicit small arms trade. A key element in moving forward was new or amended national legislation, with over 90 countries now reporting that they had domestic laws to govern the illicit manufacture, possession, and trade in weapons. Regional and global cooperation was also growing, especially with respect to brokering, but States were called upon to agree on guidelines for authorizing exports, imports, and the transit of small arms and light weapons. The Chairperson also observed that the destruction of almost half of an estimated total of over 4 million weapons collected and disposed of during the last decade had taken place over the past two years. The diversion of legitimate stocks was assumed to be one of the main avenues for acquiring illicit weapons, and participants agreed that assistance was needed to improve the security of armories. The Chairperson also noted that the United Nations Group of Governmental Experts had been established and had completed its work on the feasibility of an international instrument on marking and tracing arms.

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