UN Programme of Action on Small Arms and Light Weapons
Fifth Biennial Meeting of States (BMS5)
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Working Paper by Belgium
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Working paper submitted by Belgium to the Chair-Designate of the Fifth Biennial Meeting of States (BMS 5) of the UN Program of Action on Small Arms and Light Weapons, His Excellency Ambassador Zahir Tanin, Permanent Representative of Afghanistan to the United Nations in response to his letter of 20 December 2013.

Belgium would like to submit the following considerations and suggestions for the Fifth Biennial Meeting of States (BMS 5) on the implementation of the UN Program of Action on Small Arms and Light Weapons (UN PoA) and more specifically on 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 (ITI).

1) Tracing of illicit arms in conflict zones.

- Referring to the following paragraphs in relevant UN PoA and ITI-documents:

  - UN PoA - Preambular paragraph 22 c): “particular emphasis should be placed on the regions of the world where conflicts come to an end and where serious problems with the excessive and destabilizing accumulation of small arms and light weapons have to be dealt with urgently.”

  - International Tracing Instrument, 2nd preambular paragraph “Noting also that the tracing of illicit small arms and light weapons, including but not limited to those manufactured to military specifications, may be required in the context of all forms of crime and conflict situations”

  - UN PoA Review Conference - CONF.192/2012/RC/4, Annex II, A) 2) e): “[states undertake]: (e) To cooperate, when appropriate, with relevant bodies, organs and missions of the United Nations, as well as with relevant regional organizations, in accordance with their respective mandates and competencies, with respect to the tracing of illicit small arms and light weapons in accordance with the provisions of the International Tracing Instrument, in particular those relating to the protection of confidential information and of ongoing criminal investigations;”

- Referring to the report of the Secretary-General to the Security Council on small arms of 22 August 2013 (S/2013/503) and more specifically the recommendations 8, 9 and 14.
- Referring to UN Security Council Resolution 2117 of 26 September 2013 on SALW, and more specifically the operational paragraphs 4, 5 and 6.

- Referring to the UN Security Council Resolutions that mandate the United Nations Operation in Côte d’Ivoire (UNOCI), the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the United Nations Mission in Liberia (UNMIL) and the United Nations Mission in South Sudan (UNMISS) to assist in monitoring the implementation of arms embargoes or of the arms provisions of peace agreements.

Belgium considers the tracing of illicit SALW in conflict zones as one of the original objectives of the UN PoA and ITI. The patterns of illicit trade and diversion that become visible through tracing in conflict zones can be used to enhance the effectiveness of law enforcement and arms control measures designed to fight illicit proliferation, including arms export control and stockpile management (PSSM) and broader instruments for conflict prevention, crisis management and peace building including DDR, SSR and integrated border management. Conflict tracing can answer questions like: where do non-state actors get their weapons and ammunition? Is any unauthorized re-export of weapons involved and is the original legal supplier aware of this? Which end-users, brokers or freighters imply an increased risk of illicit diversion to conflict zones? Which government stockpiles leak onto illicit markets and to what extent? Which army battalions are involved in diverting weapons to insurgent forces? Have weapons collected in a DDR effort re-entered the illicit market? Belgium believes this approach would address an under-explored but relevant dimension of the UN PoA and ITI, and make a meaningful contribution to the restriction of illicit arms flows to zones of armed conflict or instability.

With regard to conflict tracing Belgium would like to propose the following language for the BMS5 outcome:

- BMS5 welcomes the report of the Secretary-General to the Security Council on small arms of 22 August 2013 (S/2013/503) and UN Security Council Resolution 2117 of 26 September 2013;

- BMS5 encourages the Security Council to address the issue of illicit small arms and to strengthen arms embargo monitoring mechanisms including, inter alia, through assigning dedicated staff or monitoring units to relevant United Nations Missions to effectively monitor arms embargoes by encouraging greater information exchange between expert groups under its purview and relevant small arms mechanisms in the United Nations;

- BMS5 considers that tracing of illicit SALW in conflict zones makes a meaningful contribution to the restriction of illicit arms flows to zones of armed conflict or instability. The patterns of illicit trade and diversion that become visible through tracing in conflict zones can be used to enhance the effectiveness of law enforcement and arms control measures designed to fight illicit proliferation, including arms export control and stockpile management (PSSM) and broader instruments for conflict prevention, crisis management and peace building including DDR, SSR and integrated border management.
2) Sharing of information on identified diversion and illicit trade in SALW in order to prevent diversion and enhance arms control policies.

- Referring to the following paragraphs in relevant UN PoA and ITI-documents:

  - **UN PoA–part II, §11:** "[we, the states, undertake] 11. 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."

  - **UN PoA BMS4 conclusions- A/CONF.192/BMS/2010/3, annex ITI, III, 10, g)**"Furthermore, States were encouraged to consider improving the availability of information on traced illicit small arms and light weapons to appropriate agencies at the national, regional and international levels, in conformity with paragraphs 14 and 15 of the Instrument, as this may help significantly to prevent small arms and light weapons from being diverted."

  - **UN PoARevconconclusions –A/CONF.192/2012/RC/4, Annex II, A) 2) d)** 
    "$[states undertake]: (d) To enhance the exchange of tracing results, as well as other relevant information, between appropriate authorities at the national, regional and international levels in conformity with paragraphs 14 and 15 of the International Tracing Instrument in order to prevent the diversion of small arms and light weapons";

  - **Referring to article 11 of the Arms Trade Treaty,** that states, inter alia, that: "In order to better comprehend and prevent the diversion of transferred conventional arms covered under Article 2 (1), States Parties are encouraged to share relevant information with one another on effective measures to address diversion. Such information may include information on illicit activities including corruption, international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion."

  - **Referring to UN Security Council Resolution 2117 of 26 September 2013** that (in OP10): 
    “Urges Member States, relevant United Nations entities, intergovernmental, regional and subregional organizations, in a position to do so and where appropriate, to cooperate and share information on suspected traffickers and trafficking routes, suspect financial transactions and brokering activities for, or diversions of, small arms or light weapons, and other information relevant to the illicit transfer, destabilizing accumulation or misuse of small arms and light weapons, with potentially affected States and with relevant United Nations entities, including experts groups assisting sanctions committees and peacekeeping operations.”

Combatting the illicit trade in SALW requires a multi-dimensional approach that includes law enforcement, arms control, border management as well as measures in other fields. As pointed out in the former point the effectiveness of these instruments can benefit from a better view on patterns of illicit trade and diversion. Tracing reveals the origin, transfer history and point of
diversion of illicit SALW. Tracing is common practice in the context of law enforcement, where it is used to gather evidence for fire-arm related offences and to uncover the source of illicit supplies to criminals. INTERPOL facilitates the international exchange of tracing information between law enforcement agencies, also by means of the iArms database. By contrast the use and sharing of tracing information and patterns of diversion and illicit trade for arms control purposes (export control, PSSM, ...) is less developed. Belgium is of the opinion that BMS5 should encourage the sharing of information on identified diversion and illicit trade in SALW for arms control, conflict prevention and crisis management purposes. This can happen by means of exchanges between appropriate authorities and by the creation of data management systems on a national, regional and international level, all in conformity with paragraphs 14 and 15 of the International Tracing Instrument. Take for example arms export control: as export authorities need to assess the risk of diversion before granting an export license (cfr. UN PoA Part II §11), they would require access to records of recipient countries and end-users in respecting re-export provisions of former transactions. Some agencies in some countries may have relevant information, but currently the chances that this information would reach the persons that have to assess the risk of diversion in the context of export control are rather small. Besides, the available information is currently too fragmented and not formatted in a workable way for arms control purposes. Even the public accessible reports of UN-expert panels are not entirely fit for day-to-day arms control work, often characterized by a lack of time and resources to plough through voluminous reports. To be more effective for arms control purposes, information on diversion patterns and track records should be shared, compiled and formatted in a workable and operational way. This exchange of information can happen in several ways. On a regional level the EU and the Wassenaar Arrangement have developed modalities to exchange information on identified diversion. On a global level INTERPOL offers web-based tools for international cooperation on arms-tracing between law enforcement agencies. With EU-support the UK-based organization Conflict Armaments Research is creating a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade. BMS5 could encourage the UN and UNODA to consider ways to compile information on identified diversion and illicit trade in SALW from existing UN-databases and reports (DDR, DPA, UNDP, UNODC, UN expert panel reports) into a database specifically designed for arms control purposes.

With regard to the sharing of information on identified diversion and illicit trade in SALW in order to enhance arms control policies Belgium would like to propose the following language for the BMS5 outcome:

- BMS5 encourages states to enhance the exchange of tracing results, as well as other relevant information, between appropriate authorities at the national, regional and international levels in conformity with paragraphs 14 and 15 of the International Tracing Instrument in order to prevent the diversion of small arms and light weapons. Such information may include names of convicted traffickers, brokers and freighters, identified trafficking routes, identified unauthorized re-export, identified leaks in stockpiles, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion, suspect financial transactions and other illicit activities including corruption linked with the illicit transfer, destabilizing accumulation or misuse of small arms and light weapons.
- BMS5 encourages the creation and further development of national, regional and international databases, reporting mechanisms and modalities for information exchange on identified diversion and the illicit trade in SALW.

- BMS5 invites the UN Secretariat to consider ways compile information on identified diversion and illicit trade in SALW from existing UN-databases and reports (DDR, DPA, UNDP, UNODC, UN expert panel reports) into a database specifically designed for arms control purposes.

3) Discussion on the initial UN Secretary General report on new developments in weapon design/technology and its impact on marking, record keeping and tracing


This report, still to be published, will describe developments that are relevant for several aspects of the UN PoA and ITI, including marking, record keeping and tracing, PSSM and export control. Belgium is of the opinion that this report should be considered and discussed during the agenda-item on the International Tracing Instrument during BMS5.