Working Paper by Germany

Submitted to the Chair-Designate of the Fifth Biennial Meeting of States (BMS 5) of the UN Program of Action to combat illicit small arms and light weapons

Ref.: Letter by Ambassador Zahir Tanin to Member States from 20 December 2013

Germany 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 to combat illicit small arms and light weapons (PoA):

1. Implementation of the Program of Action at the national, regional and global levels, including stockpile management and physical security of small arms and light weapons

- Germany suggests using the BMS 5 to build upon the acquis of previous relevant conferences, including the PoA, the outcome documents of the BMS 3 and 4 and the Second Review Conference. The BMS 5 should use its limited time to discuss latest developments, further improvements and new considerations and avoid repetitions of formerly agreed conclusions. Germany supports short but meaningful conclusions of the discussions.

- Germany encourages regional organizations to play an enhanced role in the implementation of the UN PoA. Regional organizations can promote cooperation and information exchange crucial for border control, tracing of arms and the fight against arms smuggling and organized crime. Regional organizations can also contribute to the development of best practices and standards in the control of small arms and light weapons.

- Germany sees scope to enhance the role of women in the security sector; including in the field of Small Arms Control. It attaches importance to UN Security Council Resolution 1325 (2000) and related UN SC Resolutions.

- Germany supports the development of standards and best practices in the control of small arms and conventional ammunition on the global level. It has contributed to the development of the International Small Arms Control Standards (ISACS) and encourages their use on a voluntary basis. In the same respect, Germany encourages the use of the International Ammunition Technical Guidelines (IATG). The BMS 5 should consider the use of internationally agreed standards for its implementation, including for the establishment of indicators and benchmarks regarding the level of implementation by authorities, armed forces, or other national or international organizations.

- Germany considers the control of corresponding ammunition to be an integral part of the control of small arms and light weapons. Consequently, ammunition control
should be an integral part in the implementation of the PoA. Munitions pose a risk per se as their deterioration can lead to uncontrolled explosion or environmental contamination. 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. Germany would like to see the role of ammunition in the implementation of the PoA be discussed at the BMS 5.

- The adoption of the Arms Trade Treaty by an overwhelming majority of States has added a new dimension to the fight against the illicit trade in small arms and light weapons. The Arms Trade Treaty includes small arms and light weapons into its scope; it also regulates the trade in corresponding ammunition. Article 11 of the ATT includes extensive provisions to take into consideration and to mitigate diversion risks. At the BMS 5 the opportunities for the combat against the illicit trade in small arms and light weapons resulting from the expected entry into force of the Arms Trade Treaty should be explored.

- Germany welcomes the adoption of UN Security Council Resolution 2117 (2013) emphasizing the importance of the control of small arms and light weapons for international peace and stability. In that context, Germany also welcomes the report of the UN Secretary General to the Security Council S/2013/503 of 22 August 2013.

- Physical Security and Stockpile Management (PSSM) can take advantage of technological advances, including in the field of electronic controlling devices and data management. These opportunities should be explored at the BMS 5. Germany suggests gathering information from states on current trends in stockpile management technology that could be compiled in a report and shared with Member States. The BMS 5 could task the Secretariat accordingly.

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

- Tracing of small arms and light weapons is particularly important in conflict zones, where it can increase the effectiveness of arms control measures within the broader context of conflict prevention, crisis management and peace-building policies and where it can contribute immediately to stemming the inflow of illicit weapons into conflict zones. Therefore, the capacity of tracing weapons found or seized in the context of conflicts should be enhanced. Where relevant and feasible, the mandate of UN and other internationally mandated peace-keeping missions should be equipped with provisions regarding the tracing of illicit weapons in conflict zones. In order to meet privacy concerns, to allow for proper validation and avoid manipulation risks, and in respect of the sovereignty of host states, tracing should be conducted through the appropriate law enforcement channels. At the BMS 5 this important topic should be considered.

- Germany warmly welcomed the adoption of the Outcome Document of the Second Review Conference on the PoA in September 2012. Germany took note of the Conclusions regarding the ITI in Annex II of the Outcome Document, including the request by states to the UN Secretary-General to submit an initial report on the implications of recent developments in small arms and light weapons manufacturing, technology and design for effective marking, record-keeping and tracing, on practical steps to ensure the continued and enhanced
effectiveness of national marking, record-keeping and tracing systems in the light of such developments and on relevant practices in relation to international assistance and capacity-building, including ways to support the transfer, uptake and effective utilization of relevant tools and technologies. We understand that this report will be published prior to the BMS 5. Germany would like this report to be discussed at the BMS 5.

- Recent developments in the field of weapons technology, including the development of modular weapon systems and the increasing use of polymer components poses new challenges for effective marking. Technical measures to meet these challenges should be discussed at the BMS 5. In the light of the findings of the above mentioned report of the UN Secretary-General, relevant conclusions and recommendations should be made at the BMS 5.

- New opportunities for improved marking, registration and tracing arise from technological developments, including increasingly powerful and robust electronic devices. These opportunities for developing improved marking and tracing technologies should be explored. This may include the equipment of weapons with readable microchips able to store large amounts of information.

- Moreover, sophisticated technologies could further improve the fight against diversion, the tracking of diverted or misused weapons or the prevention of the use of diverted weapons. The development of weapons requiring active electronic arming would lead to a quantum leap in the possibilities to control weapons by allowing for individualization, centralized activation, remote localization, time limits or remote manipulation of functioning. A use of such technologies could be particularly beneficial in the context of high diversion or misuse risk. While assessing the implications of technology and design for marking and tracing at the BMS 5, these technologies should also be taken into consideration.

- Electronic information exchange, the use of data bases and online technologies could further contribute to improved effectiveness, efficiency and speed in tracing illicit arms. In this perspective, a further development of INTERPOL’s iARMs tool allowing for easy and comprehensive information exchange should be taken into consideration. The online publication of illicit trafficking cases may have a deterring effect. Germany suggests taking into consideration and discussing past experience with this tool in the fight against illicit small arms and draw conclusions for the future.

3. International cooperation and assistance for full and effective implementation of the Program of Action and the International Tracing Instrument, including capacity building and training, and transfer of technology

- Germany has supported the establishment of the UN Trust Fund Facility UNSCAR ("UN Trust Fund Facility Supporting Cooperation on Arms Regulation") and has contributed to it. UNSCAR is a new funding instrument supporting the implementation of the ATT as well as the UN Program of Action. The BMS 5 should take note of this instrument and encourage financial contributions by donor states as well as the cooperation of states in need of assistance.

- Germany appreciates the clearing mechanism established by the publication "Matching Needs and Resources" and encourages 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 take a leading role.
Germany supports in particular the UN PoA provisions regarding international assistance. Germany suggests endorsing existing instruments for cooperation and assistance and discussing further ways of how to improve them at the BMS 5.

Germany will ensure the use of modern technologies for arms control in the framework of projects funded by Germany. A conference on the relevance of modern technology for arms control in June 2013 in Berlin/Germany brought together representatives from international organizations, relevant authorities from industrialized as well as developing countries, arms manufacturers and technology companies. In the discussions, the use of technology in post-conflict and developing contexts was given particular emphasis.

In assisting states to implement the PoA and the ITI, Germany will take into consideration recent technological developments. As an example, electronic blocking devices for the transport of obsolete weapons are used in a pilot application in the framework of a German-funded project supporting the Small Arms Commission in Côte d’Ivoire. Germany is ready to consider, together with developing countries, the best use of technology to take forward the common fight against the use and traffic of illicit weapons. The BMS 5 might serve as a platform for such discussions.