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English only

**Preparatory Committee for the Third 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 and Light Weapons in All Its Aspects**
New York, 19–23 March 2018

Working paper submitted by the United States of America

1. Nearly seventeen years after its initial adoption, the UN Program of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) remains the only global instrument that comprehensively addresses illicit trafficking in small arms and light weapons (SALW) and that all Member States have been called upon to implement. While progress has been uneven, the United States continues to support full implementation of the PoA at the global, regional, and national levels, and remains convinced that cooperative action by the international community is essential to prevent SALW from falling into the hands of terrorist groups and transnational criminal organizations. In response to the President-designate's "Elements for Discussion" paper dated January 19, 2018, the United States submits the following points for consideration by Member States.

2. **Implementation Must Remain Priority #1:** The various meetings on implementation of the PoA and International Tracing Instrument (ITI) are an opportunity to take stock of progress, or lack thereof, in implementation and to exchange views on key challenges to implementation. However, all too often meetings to consider the two instruments end up consuming days and weeks on issues on which there is no consensus. In the meantime, it is clear that implementation of existing commitments could be strengthened. Certain Member States take the view that not adopting new commitments at these meetings is a sign of failure. The United States believes that States can best reduce the human suffering caused by the illicit trade in SALW by turning the words of the PoA and the ITI into action rather than adding new commitments to a list of those that remain unimplemented. Indeed, many of the emerging challenges associated with new technologies and designs can be addressed best by implementing existing commitments, for example by establishing or maintaining effective national system of export and import licensing or authorization of SALW, regardless of whether the SALW are manufactured through 3D printing or more traditional methods. Member States should use these meetings

as a chance to delve deeper into technical and policy issues that prevent us from fully implementing all of the commitments contained in the PoA and ITI.

3. More Member States Need to Mark and Trace: It has been 13 years since the adoption by all Member States of the ITI; yet the number of governments that both mark and trace SALW remains relatively modest. Some donors, including the United States, have funded large-scale assistance programs to provide equipment and training on marking and record-keeping of SALW to the majority of Member States in Africa and South and Central America. Proper marking and record-keeping serve as the foundation for a government's ability to trace illicitly trafficked SALW. The international community should recognize that there has been some progress made in these regions thanks to the political will of some Member States and resources provided by donors. For example, the Regional Center on Small Arms in Nairobi has previously reported the successfully tracing by Burundi of a small arm used in a crime. The UN has reported similar successes in Cote d'Ivoire. Clearly, assistance and cooperation are making a difference. The United States is proud to have partnered with 45 other nations to trace U.S.-sourced weapons and considers this significant progress. However, many other manufacturing nations remain on the sidelines in developing effective and timely tracing responses. What is preventing other Member States from tracing SALW? Is it a resource problem? A lack of expertise? What are the common reasons why tracing requests have failed? These are issues that should be a topic of frequent and repeated discussion amongst Member States, especially their law enforcement agencies. Future PoA and ITI meetings could facilitate such information exchanges, devoting time to presentations as well as debate.

4. Stockpile Insecurity Remains a Major Source of Illicit SALW: The United States also remains concerned about the state of physical security and stockpile management (PSSM) in many conflict-affected and post-conflict regions. The United States continues to assess that weak or nonexistent PSSM measures have resulted in the diversion of SALW, including more sophisticated weapons like man-portable air defense systems, to terrorist groups and transnational criminal organizations. Member States are now faced with theft from their own stockpiles by illicit arms traffickers or corrupt officials. Such diversion is more difficult to detect and deter without Member States strengthening PSSM measures in their own facilities. Such weak PSSM measures can also enable criminal and terrorist groups in diverting legally transferred SALW. Marking and tracing [will] can also play an important role in identifying whether illicitly-trafficked SALW were originally part of a licit transfer or if they were smuggled into a given country outside of transfer control systems. Future meetings of the PoA and ITI may seek to review national and regional best practices, identify implementation challenges, and bring together donors and aid recipients in a practical effort to match needs with resources.

5. International Cooperation is Essential: International cooperation and assistance remain essential to full implementation of the PoA and ITI by all Member States. The illicit trade in SALW is a transnational problem, and the response must include practical, cooperative action between Member States. Civil society can also play a role by providing timely research that can be shared broadly between governments and international organizations. International cooperation mechanisms such as INTERPOL and the World Customs Organization, as well as more regional entities such as EUROPOL should have a greater role to play in future meetings of the PoA and ITI. They can offer their perspectives on ways in which cooperation and assistance have improved as well as on ways in which Member States can strengthen

such methods. These existing mechanisms can also assist Member States in sharing information between law enforcement agencies on emerging challenges such as illicit trafficking online. In general, the international community must go beyond general platitudes on sustainability and sufficiency, and move towards more detailed discussions on best practices and lessons learned regarding specific projects, programs, and frameworks. The Organization for Security and Cooperation in Europe has held annual meetings bringing together program managers and other relevant officials from both donors and affected countries, and such discussions can serve as a model for future meetings of the PoA and ITI when discussing international cooperation and assistance.

6. **Quality Over Quantity of Meetings:** Finally, the United States urges Member States to consider the quality of PoA and ITI meetings rather than the quantity. The key to enhancing the effectiveness of these meetings, and thus having a meaningful impact in preventing, combating, and eradicating the illicit trade in SALW, is to ensure the right experts are in the room to offer substantive perspectives so delegations may benefit from their own personal experiences on implementation challenges. And governments have no chance of sending the right experts if States cannot agree on a focused agenda. While imperfect, the Firearms Working Group, which recommends ways to strengthen implementation of the Firearms Protocol to the UN Transnational Organized Crime Convention, offers a potential way forward. Rather than reviewing every element of the Protocol, each meeting of the Working Group narrows the agenda to a handful of specific topics to enable delegations to better prepare for a thorough discussion. Select national experts are also invited to brief delegations on their experiences before the latter debate the issue. Open-ended Meetings of Governmental Experts on the PoA and ITI, held in 2011 and 2015, have followed a similar format and produced more substantive recommendations than other venues. Member States should consider adopting a similar format for all meetings with the exception of the Review Conferences, which can provide a venue for more far-ranging dialogue on the nature of the instruments themselves.
