



STATEMENT BY MR. HAMID ALI RAO, JOINT SECRETARY (DISARMAMENT
& INTERNATIONAL SECURITY AFFAIRS) AT 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 AND LIGHT WEAPONS IN ALL ITS
ASPECTS ON JUNE 27, 2006

Mr. President,

Allow me to congratulate you on your assumption of the post of the President of the Conference and assure you of our full cooperation. We would like to commend your thorough preparatory work and hope that under your able guidance the Conference will have a positive outcome.

Mr. President,

2. The international community has long recognized that the illicit trade in small arms and light weapons (SALW) poses a grave danger to the security of States. In the hands of terrorists, insurgents and criminals, such weapons have disrupted political and social stability, derailed pluralistic and democratic political processes and hampered economic growth and development. They have fueled international terrorism and provided sustenance to organized crime, including trafficking in drugs. In many States, easy availability of small arms to rival factions and insurgent groups has protracted civil wars resulting in enormous loss of lives and livelihood.

3. India has been a victim of transnational terrorism and other organized crimes, sustained by illicit trade in small arms. Continuing seizures of a large number of small arms from various terrorist groups

indicate that the channels for their supply continue to remain active. We have taken measures to arrest such illicit flows and ensured that the weapons confiscated by security forces do not find their way back into the illicit trade channels or fall into the hands of unscrupulous or criminal elements. We see the international efforts to prevent, combat and eradicate the illicit trade in small arms as an integral part of the global fight against terrorism. We believe that success in eliminating the illicit trade in small arms would effectively contribute to the elimination of the scourge of terrorism.

4. The first UN Conference on Small Arms in 2001 was a reflection of the importance attached to this issue by the international community. The Programme of Action, adopted by consensus, manifests the international community's recognition of the dangers posed by the illicit trade in small arms to the international peace and security. It embodies the resolve of States to undertake various measures at the national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms. Even though the Programme of Action is not a perfect document that meets all our expectations, it represents the political consensus among the member States to prevent, combat and eradicate the illicit trade in small arms.

5. India, therefore, accords high priority to full implementation of the Programme of Action as a means to combat transnational terrorism and other organized crime. Though there has been some progress in the implementation of the Programme of Action, much remains to be done. States have undertaken various measures and initiatives at the national, as well as regional and global levels. On the basis of the recommendations made by the Group of Governmental Experts, which India had the honour to chair, the Open-Ended Working Group negotiated an international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons. This was a significant achievement, given the current impasse in various other disarmament fora.

6. Even though India, like many other States, would have preferred a legally binding Instrument and would have liked it to cover ammunitions within its scope, we believe that it would make a vital contribution to preventing, combating and eradicating the illicit trade in small arms. India has already begun its implementation and the concerned establishments have taken steps to conform the markings on weapons produced by them to the requirements of the Instrument.

Mr. President,

7. The Review Conference provides the member States a valuable opportunity to reaffirm their commitment to the Programme of Action. It is important that we preserve the consensus, arrived at in 2001 and carefully nurtured since. Given the different situations and capacities of States and regions any exercise to further elaborate the provisions of the Programme may not be conducive to preserving this consensus. The Programme is flexible to allow any State or region to adopt measures beyond its existing provisions. These efforts could be encouraged and would, in time, allow states to learn and implement further measures based on each others' experience. In our deliberations, our focus should remain on a comprehensive assessment of the implementation issues so as to identify gaps and the further steps that States need to be take to fulfill their commitments.

8. We believe that effective national measures for exercising full control over the export, import, transit and re-transfer of small arms are a *sine qua non* for preventing, combating and eradicating their illicit trade. The Programme of Action obliges States 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 State under relevant international law, taking into account in particular the risk of diversion of these weapons in the illegal trade. It requires States to put in place and implement adequate laws, regulations and administrative procedures to ensure the effective control over the export and transit of small arms, including the use of authenticated end-user certificates and effective legal and enforcement measures. These obligations need no elaboration but effective implementation. These measures, together with adequate marking on all small arms and tracing of illicit small arms, in a timely and reliable manner, coupled with effective control over illicit brokering, provide the basic framework for preventing, combating and eradicating the illicit trade in small arms.

9. We are satisfied that the broad-based consultations held by the Department of Disarmament Affairs has led to a consensus among the member States on setting up a Group of Governmental Experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms. We look forward to participate in the work of the Group and hope that it would enable full deliberations on various aspects of the problem of illicit brokering and reach consensus on a set of recommendations.

10. While the primary responsibility for its implementation falls on States, the Programme of Action recognizes the need for close

international cooperation to prevent, combat and eradicate the illicit trade in small arms. The member States have committed to cooperate and to ensure coordination, complementarity and synergy in their efforts to deal with the illicit trade in small arms at the global, regional, sub-regional and national levels. The Non-Aligned Movement has presented a proposal on further measures to ensure adequate international assistance, enabling the States requiring assistance to take measures to implement their obligations under the Programme. We would like the Review Conference to focus its deliberations on international assistance and cooperation.

11. India has long recognized that close international cooperation is required to prevent, combat and eradicate the illicit trade in small arms. We believe that the efforts to effectively implement the Programme of Action are an integral part of the international efforts to combat terrorism. India has taken bilateral and regional initiatives to put in place arrangements for enhanced cooperation in fighting terrorism and organized crime, as a corollary to the efforts to prevent, combat and eradicate the illicit trade in small arms.

12. Regional initiatives have played an instrumental role in implementation of the Programme of Action. India has been involved in various regional initiatives. We would like to compliment the other States that have been proactively involved in leading such initiatives and place on record our appreciation for the role that the inter-governmental organizations and various NGOs have played in promoting implementation of the Programme of Action.

Mr. President,

13. As we focus our deliberations on reaching consensus on a final outcome of this Review Conference, we need to bear in mind that the process of reaching consensus on the Programme of Action was protracted and required compromises by all member States. We would do well to remember that and temper our ambitions, taking into account the concerns and priorities of all member States. Any hasty effort to elaborate or augment various existing obligations under the Programme may erode this consensus and disturb the delicate balance. We should continue to focus on the key issue of the illicit trade in small arms, which is also the main concern of the Programme of Action, and desist from expanding it to cover the 'licit trade' among States.

14. As regards our expectations from this Conference, we would like it to reaffirm the obligations stipulated in Programme of Action and to renew the commitment of States to implement them. The Conference

should stress that the primary responsibility for preventing, combating and eradicating the illicit trade in small arms falls on States. It should indicate the way ahead on strengthening international cooperation and assistance for enabling States to implement the Programme. It should encourage the inter-governmental organizations and NGOs to continue to contribute to the efforts of States in implementing the Programme. It also needs to reach an agreement on the future meetings of States to assess the implementation of the Programme. We hope that our non-paper, submitted together with South Africa and the Netherlands, will contribute to deliberations on this issue.

15. A vast majority of States have emphasized the need to deny terrorists and groups or individuals engaged in organized criminal activities access to small arms. The Review Conference, we believe, should address the issue of supply of small arms to terrorists and other non-state actors. International community has accepted in the past the principle of non-transfer to non-State actors. Under the Amended Protocol II to the CCW Convention, High Contracting Parties have undertaken "not to transfer any mine to any recipient other than a State or a State agency authorized to receive such transfers". Further, paragraph 6 (e) of the international Instrument on marking and tracing of SALW provides that, for the purposes of that instrument, small arms and light weapons are illicit if "they are transferred without a license or authorization by a competent authority". We believe that all States should, as part of their efforts to combat global terrorism, take all necessary measures to deny terrorists access to small arms. We look forward to working with the member States to reach a common understanding on this issue.

Thank you Mr. President.

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