1. General considerations

On July 20, 2016, the UN Member States will celebrate fifteen years since the consensual adoption of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPOA). During these fifteen years, States have made great efforts to implement the Programme of Action but many challenges remain to make the best use of this politically-binding instrument.

Switzerland believes that the Sixth Biennial Meeting of States (BMS6) should in its deliberations build upon the outcome documents of the 2012 Second Review Conference (RevCon2) and of the 2014 Fifth Biennial Meeting of States (BMS5) as well as on the Chairman Summary of the 2015 Second Open-ended Meeting of Governmental Experts (MGE2). Additionally, deliberations should also take into account the relevant reports of the Secretary General and consider the upcoming Secretary General's report, dealing with – among other issues – the adequacy, effectiveness and sustainability of financial and technical assistance, including the transfer of technology and equipment, particularly to developing countries. Building upon these documents will enable the States to focus on identified needs and unresolved issues, aim at agreed recommendations, avoid repetitions and prepare the ground for a substantial Third Review Conference (RevCon3) in 2018.

BMS6 provides the opportunity to prepare the ground for RevCon3, enabling it to take stock of what was achieved and put it into relation with the core objectives of the UNPOA. To this end, it is high time to put up the scaffolding so that States can perform their review commitment with solid background information available on the implementation of the UNPOA.

This working paper shall therefore focus in the first part on procedural considerations with regard to the aim of BMS6 to prepare a solid ground for RevCon3 in 2018. In the second part the working paper shall outline substantial considerations which Switzerland regards crucial to the effective implementation of the UNPOA such as the measures related to “stockpile management and security”.

2. Procedural considerations: Lack of information to assess the implementation of the provisions of the UNPOA

In order to reach the objective of the UNPOA to prevent, combat and eradicate the illicit trade in small arms and light weapons (SALW) in all its aspects, the implementation of its provisions must be assessed regularly. While BMS6 is clearly mandated to “consider” the implementation of the UNPOA, we must take into account that at the 2018 RevCon3 States will be tasked to “review” its implementation. Besides the Preparatory Committee in early 2018, no further meeting is planned between BMS6 and RevCon3.

BMS6 should therefore work with RevCon3 in mind and set a solid basis for a comprehensive and effective review process on the progress made in addressing the illicit trade in and misuse of SALW internationally. Considering that it is a time consuming process to generate and map the information that will be necessary for all States to “review” the
implementation of the UNPOA in 2018, Switzerland believes that the outcome document of BMS6 should provide guidance on how this information is to be generated.

Various options exist to perform this information generation and mapping process:

   a. Analysis of biennial national reports

   While States are requested to produce reports on the implementation of the UNPOA on a biennial basis, the level of reporting is steadily declining and falls far behind expectations. Only roughly half the membership provided a national report in the lead up to BMS6. Additionally, since 2012 there has been no analysis of the national reports either by the UN Secretariat or any other agency or civil society.

   In order to ensure that the necessary information becomes available for 2018, there is a need at BMS6 to call upon States to provide a comprehensive national report by the end of 2017 in the lead up to RevCon3. Additionally, BMS6 and subsequently the UNGA Resolution “The illicit trade in small arms and light weapons in all its aspects” could task the UN Secretariat to perform an analysis of the replies with a national, regional and global approach.

   b. Information generation through a one-off national reporting/information exchange

   In order to further focus the information provided by States for the purpose of RevCon3, BMS6 could decide that States should provide a one-off national report that specifically focuses on the level of implementation of the UNPOA and the challenges in its full implementation. Such a one-off report would give a new impetus to States to provide information which is specifically relevant for our 2018 review.

   The generation and mapping of this information would require that BMS6 decided to conduct such an information exchange and tasked a working group to draft in an open and inclusive manner the template according to which the one-off national report would need to be conducted. The template would need to be finalised and agreed upon (possibly through a silence procedure) by early 2017 permitting States to use it for their exchange by the end of 2017. This one-off national report would not replace the biennial national report also due by the end of 2017. Additionally, BMS6 and subsequently UNGA Resolution “The illicit trade in small arms and light weapons in all its aspects” could task the UN Secretariat to perform an analysis of the replies with a national, regional and global approach.

   c. Qualitative analysis of the national reports

   In addition to the quantitative assessment which the UN Secretariat, if requested, would provide, States might consider the necessity of a qualitative assessment of the national reports. On both option a) and b) BMS6 could encourage UNIDIR - or any other organisation that the membership considers relevant - to perform a qualitative analysis of the reports. BMS6 could call upon States in a position to do so to consider financing such a qualitative research. This would provide the research with the necessary legitimacy to be discussed at RevCon3.

Of course, this is not an exhaustive enumeration and many other ways exist to map implementation levels and challenges. It is however Switzerland’s firm belief that BMS6 should take action and decide on a course of action which will provide States with the necessary foundation to perform the review in 2018 on a sound basis.

3. Substantial considerations: The importance of “stockpile management and security” to prevent, combat and eradicate the illicit trade in SALW

When considering the implementation of the UNPOA at BMS6, Switzerland believes that particular attention should be paid to the provisions related to stockpile management and security of SALW. As stated by the Secretary-General in his 2015 Report on SALW to the Security Council “poor weapons management is an area of alarming concern. Many States
lack thorough planning, consistent attention and adequate resources to ensure safe storage, handling, transportation and disposal.” Additionally, recent events have shown that leakages of SALW in great quantities from armed and security forces’ stockpiles significantly contribute to destabilisation.

Stockpile management and security is at the core of national, regional and transboundary security concerns. It is a critical element of an effective and efficient SALW-control system which prevents humanitarian and socio-economic consequences as stated in the preamble of the UNPOA. A number of provisions of the UNPOA as well as commitments of the outcome document of BMS5 are of relevance for stockpile management and security. For ease of reference, the most important are listed below.

UNPOA Part II: Nationally
- establish adequate normative frameworks (OP2)
- apply appropriate markings (OP7)
- keep comprehensive and accurate records (OP9)
- ensure responsibility for government held and issued SALW (OP10)
- establish adequate and detailed stockpile management and security standards and procedures (OP17)
- regularly review stock to identify surpluses (OP18) and
- destroy surpluses (OP19).

UNPOA Part II: Regionally
- encourage negotiations with the aim of concluding relevant legally binding instruments (OP25) and
- promote safe, effective stockpile management and security and the implementation of regional and sub-regional mechanisms (OP29).

UNPOA Part III (cooperation and assistance)
- build capacities in all relevant areas (OP6)
- develop specialist training on stockpile management and security (OP8) and
- provide assistance in destruction or other responsible disposal of surpluses (OP14).

BMS5
- strengthen stockpile management, incl. physical security measures (Para. 17(a))
- integrate stockpile management measures with relevant national programmes, particularly in conflict and post-conflict situations (Para. 17(b))
- take advantage of technological advances to strengthen stockpile management, including physical security measures (Para. 17(c))
- take steps towards the safe and effective management and physical security of stockpiles and to take measures to strengthen life-cycle management procedures (Para 17(e))
- strengthen international and regional cooperation and assistance (Para. 17(g)), to encourage the use of cost-effective, environmentally friendly methods of disposal (Para. 17(h)) and
- build further capacity on practices relating to stockpile management, including physical security measures, through the development and provision of training on the management of stockpiles and physical security measures (Para. 17(j)).

Switzerland has consistently advocated that a broader life-cycle management process is key for the effective and sustainable implementation of these measures. Without a corresponding general strategy and the definition of an end-state, efforts to implement individual provisions of the UNPOA risk falling short of the desired adequacy, effectiveness and sustainability. In a working paper presented at MGE2, Switzerland underlined that the consideration of the following seven national conditions contribute to a proper life-cycle management: (i) national normative frameworks; (ii) organisational structures and procedures; (iii) training and doctrine development; (iv) equipment and maintenance; (v) personnel management; (vi) finances;
and (vii) infrastructure. Hence the measures listed in the UNPOA shall be considered in light of these seven conditions for the purpose of sustainability.

In order to meaningfully “consider” the effective and comprehensive implementation of the UNPOA, Switzerland recommends therefore that the provisions of the UNPOA relating to the crucial aspect of stockpile management and security are considered by BMS6 in the light of this set of conditions. As a means to better understand challenges in implementing the UNPOA, States are encouraged to consider this broad framework in their implementation efforts and to exchange on their challenges during BMS6.

4. Conclusion

Switzerland believes that the UNPOA needs to refocus on its core objective, which is to prevent the humanitarian and socio-economic consequences of the illicit trade in SALW. To this end, a proper review of the level of implementation both in this core issue as well as on all other provisions included in the UNPOA is needed. In order to allow RevCon3 to accomplish this task efficiently in 2018, BMS6 needs to prepare the ground and take a number of enabling decisions. Switzerland encourages States to assume their responsibilities as laid out in the UNPOA and to act to that effect.

As to substantial measures which need to be taken to prevent these humanitarian and socio-economic consequences of the illicit trade in SALW, Switzerland believes that there is a need to put the emphasis on stockpile management and security of governmental stockpiles and to consider it through the lens of life-cycle management. Switzerland encourages States to share their considerations on and their challenges in the implementation of the UNPOA at BMS6.

Bern, 04.04.2016

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1 The working paper is available at: https://s3.amazonaws.com/unoda-web/wp-content/uploads/2015/05/Workingpaper-Switzerland.pdf