

India

Statement

By

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4th Biennial Meeting of States (BMS) on the Implementation of the UN
Programme of Action to Prevent, Combat and Eradicate the Illicit
Trade in Small Arms and Light Weapons in All Its Aspects

New York, 14-18 June 2010

It is my privilege to address this meeting on behalf of the Government of India. My delegation associates itself with the statement made by the distinguished representative of Indonesia on behalf of the Non-Aligned Movement.

Mr. Chairman, we are delighted to see you preside over this important meeting. You represent a country that has a strong and active tradition of disarmament diplomacy. I am sure that under your leadership this Conference will be a success. We pledge you our full cooperation in reaching a fruitful outcome. The thoroughness with which you have approached our preparations for this meeting is a good omen for our work.

The task before us is to consider the implementation of the UN Programme of Action in all its aspects at the national, regional and global level. The full implementation of the Programme especially as a means for combating terrorism and transnational crime is a priority for India.

We look forward to an interactive exchange with other delegations on all the topics on the agenda including in the light of the useful background papers that have been prepared by Uruguay, Australia, Mexico and Nigeria for which we are grateful. We would also like to record our appreciation for the contribution of UNODA, UNIDIR and civil society organisations including the Small Arms Survey in enhancing our understanding of issues and highlighting possible solutions to prevent, combat and eliminate illicit trade in small arms in light weapons.

Mr. Chairman, you have proposed, and we have agreed that to make the best use of time we will refrain from plenary statements. I will therefore confine myself to brief remarks at this stage on agenda item 6 (a). Those who wish to know India's position on illicit trade in small arms and light weapons in detail may refer to our current and past National Reports on the implementation of the POA.

My delegation is grateful to the distinguished representative of Uruguay for introducing his discussion paper on item 6 (a). Despite efforts by responsible states and international organisations, small arms, light weapons, ammunition and explosives continue to move illicitly across borders. Insufficient resources, lack of coordination, gaps in legal and regulatory frameworks and the absence of mechanisms for cooperation, in particular timely sharing of information, are some of the factors contributing to this situation.

India has more than 15,000 kilometers of land borders with seven neighbours and a coastline of more than 7500 kilometers including island territories. Securing our borders against illicit trade and other threats while facilitating legitimate trade, commerce and people to people links are among the principal objectives of India's border management policy. A Department of Border Management was created in 2004 under the central Ministry of Home Affairs to focus attention on issues related to proper management of borders, strengthening institutional coordination and implementation, creating infrastructure like Integrated Check Posts (ICPs), roads, fencing and flood lighting as well as the implementation of the Border Area Development Programme.

India is committed to bilateral cooperation on border management. For instance, India and Nepal which share an open border have two bilateral institutional mechanisms including the Joint Working Group on Border Management to discuss issues of mutual security concern and take decisions to further consolidate cooperation in combating transborder crimes. Transit points have been designated for movement of commercial traffic and third country nationals and a pilot project has been agreed for documentation of cross-border movement of people. Integrated border management projects have been taken up with Bhutan and Bangladesh as well. India has contributed to the UN Regional Centre in Kathmandu and hopes that the work of the Centre would support efforts to combat illicit small arms and light weapons in the region.

The paper prepared by the Friend of the Chair (Uruguay) has some useful suggestions and we look forward to a discussion on ideas contained in the paper such as establishment of National Focal Points. When the paper is updated as suggested by the delegate of Egypt, it would be useful to elaborate how information sharing can be undertaken at different levels – regional and international and how sensitive information can be protected.

In conclusion, my delegation would like to recognize that the international community has taken modest but significant steps particularly through the adoption of the Programme of Action and the International Tracing Instrument to end the threat posed by illicit small arms and light weapons. In recent years, there has been a welcome progression in international cooperation, coherence and commitment. We would like to carefully nurture this trend and strengthen consensus on the full and effective implementation of the Programme of Action and the International Instrument on Tracing. I am confident that under your able leadership this meeting will contribute significantly to this goal.

I thank you Mr. Chairman.

Item 7 (a) The establishment, where appropriate, of mechanisms with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders, including transborder customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies

Item 7 (b) International Cooperation and Assistance

We agree with the assessment of the FOC that not enough attention has been paid to the cooperative aspects of International Cooperation and Assistance. We believe that international cooperation on tracing of illicit arms and prosecution of offenders as well as on information sharing on offenders and methods of illicit transfers would have an immediate impact on illicit trade in small arms and light weapons. With regard to assistance, which continues to be of critical importance to many countries as recognized by the annual resolution on illicit trade in small arms and light weapons, we are grateful for the summary of country needs that UNODA has prepared. It shows that there is a demonstrated need for assistance in areas such as marking, tracing, record keeping and stockpile management while very few requests have been received in the area of DDR and culture of peace. We believe that UN regional centres could be utilized for coordinating assistance and matching regional expertise and resources with regional needs. Last year, India announced a contribution to the activities of the UN Regional Centre based in Kathmandu.

Item 7 (c) Strengthening of the follow-up mechanism of the Programme of Action and preparation for the 2011 Experts Group meeting and the 2012 Review Conference

My delegation believes that a degree of consolidation has happened in the UN Programme of Action implementation process that should remain consensus based. Our discussions on institutional issues should take as the starting point the need to preserve the integrity of the UN Programme of Action as the framework guiding international efforts on small arms and light weapons. We should use this opportunity to consider steps to enhance the quality of preparatory and review work while minimizing the use of scarce additional resources. UNODA and UNIDIR should continue to play the lead role in analysis while states discharge their responsibility of implementation and review. Timely designation of Chairmen of forthcoming meetings and the involvement of delegations in both Geneva and New York could be useful in preparing for forthcoming meetings as could be regional meetings in which relevant civil society organisations could provide inputs.

The UNGA resolution on illicit trade in small arms and light weapons has proved to be a useful platform for harmonizing positions and promoting international action on implementation of the PoA. Its importance as a link in the institutional chain of expert group meetings, Biennial Meeting of States and Review Conferences cannot be overstated. As in the past, the resolution can provide the opportunity to delineate the mandate for the Review Conference on 2012. The open-ended meeting of experts to be held in 2011 can then act as a preparatory platform for the Review Conference. We see the work of the expert groups, the BMS and the Review Conferences as distinct but related.

Item 7 (d) Other issues and the identification of priority issues or topics of relevance in the illicit trade in small arms and light weapons in all its aspects and of their implementation challenges, and opportunities

Transfers to non-state actors

India was disappointed that the UN Conference in July 2001 could not agree on the prevention of the sale or transfer of arms to non-state actors, a concern reflected in the statement of the President of that Conference after the adoption of the Programme of Action. We have witnessed since then the death, destruction and destabilization wrought by illicit weapons in the hands of non-state actors. While small arms and light weapons in the control of states and state-authorized entities or individuals are a legitimate means of self-defence and maintenance of law and order, illicit SALWs especially those in the hands of terrorists and organized criminals are a grave threat to peace and security. There should be a complete prohibition on transfer of small arms, light weapons and ammunition to terrorists and terrorist groups. This is an issue the international community needs to address seriously again as we prepare for the Review Conference in 2012.

Acting where there is maximum impact

Mr. Chairman, it has been said that there has been an excessive emphasis on the supply side of the problem in the 'diplomatic' process and this has to now give way to an emphasis on demand reduction, especially since civil society action on the ground has proven that this is more effective in preventing illicit arms from being used. We remain unconvinced. The PoA takes an integrated approach to supply and demand but rightly focuses on supply issues in so far as international action is concerned. This is because demand issues are a prerogative of local and national governments. If we do not wisely determine the most effective level of intervention (national, regional or international) for a particular aspect of the SALW problem we would lose our focus and begin to waste scarce resources. We would also create duplication and overlap with other UN organisations such as UNESCO.

Item 8 Consideration of 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:

Mr. Chairman, India had the privilege of chairing the expert group on tracing that led to the adoption of this instrument. Since this is second BMS since its adoption, it will be appropriate to review its implementation especially in terms of requests for tracing received and acted on. We believe that there should be full reporting on implementation of the instrument as part of the National Reports. In light of the comprehensive and useful paper prepared by the Friend of the Chair, we look forward to a discussion on work in the Interpol and UN agencies on facilitating tracing as well as the promotion of a multilateral platform for sharing of information, receiving and responding to requests for tracing. Later, when we begin our preparations for the Review Conference, we can give consideration to follow-up and future development of the instrument.

Other subjects if required

Culture of Peace It is not our contention that this issue is unimportant. Quite the contrary. However, there are established UN processes and longstanding agenda items both at the UNGA and UNESCO on this subject. We should therefore focus on our core substantive issues related to illicit trade in small arms and light weapons and avoid duplication of effort and overlap with other instruments and processes.

State responsibility and the locus of international efforts: The primary responsibility for ending illicit trade in SALWs rests with states. States are obliged under the UN PoA to have in place export control measures, especially the requirement of end use certificates, to ensure there is no diversion of arms and ammunition. They should strictly regulate the manufacture, possession, trade, transfers and disposal of small arms, light weapons and ammunition. Since illicit trade is transnational, controlling it also requires international cooperation inter alia on brokering, border and custom controls, tracing of illicit weapons and prosecution of offenders. The main emphasis of international efforts should therefore be two fold: promoting state responsibility and promoting international cooperation to prevent illicit trade. We expect such efforts to have a tangible national security benefit with regard to the use of illicit weapons, explosives and ammunition by terrorists and non-state actors. This is the touchstone we should use to evaluate our implementation efforts.

Combating illicit small arms requires dispute resolution and conflict prevention: Conflict prevention starts with absence of conflict promotion. Promotion of hatred, prejudice and violence in any form, including through educational curriculum, public institutions and media should be actively prevented by states in order to promote a culture of peace, respect for others and dialogue. However, we cannot wait for development to happen before controlling SALWs, which threaten the most basic human right, the right to life.

Armed violence and development: This is a complex and contentious issue. Even in developed countries there may be high levels of armed violence and deaths from SALW use while many developing countries do not have a small arms problem. The correlation between lack of development and small arms proliferation has not been

convincingly demonstrated. Further, development issues are chiefly and almost exclusively a national responsibility. In terms of international facilitation of development through trade, investment and development cooperation, there are recognized international organisations and UN processes. Duplication and crossing of wires should be avoided and the PoA process should continue to focus on preventing, combating and eradicating illicit trade in SALWs. If this has collateral benefits for development, which is almost certain, that would be an added bonus.

Role of civil society

As a democracy, India respects and values the role of civil society organisations, especially in the area of development. We believe that civil society organisations can make a crucial contribution to efforts at promoting disarmament and international security. In particular they can help raise awareness, disseminate information and implement educational programmes in support of disarmament efforts. We support the participation of NGO representatives in a plenary session of the BMS devoted exclusively for this purpose as per past practice and the rules of procedure followed since the July 2001 UN Conference.

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