



STATEMENT BY MR. JAYANT PRASAD, AMBASSADOR & PERMANENT REPRESENTATIVE OF INDIA TO THE CONFERENCE ON DISARMAMENT, GENEVA AT THE OPEN-ENDED WORKING GROUP TO NEGOTIATE AN INTERNATIONAL INSTRUMENT TO ENABLE STATES TO IDENTIFY AND TRACE, IN A TIMELY AND RELIABLE MANNER, ILLICIT SMALL ARMS AND LIGHT WEAPONS AT NEW YORK ON JUNE 16, 2004

It is late into the third day of our session, but I would still like to congratulate you, Mr. Chairman, on your leadership of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. I would also like to thank you for giving me the floor to make a general statement at this hour. The objective of the task before us, and that of your leadership, is well encapsulated in the very title of our meeting. I wish you success in this endeavor and assure you of the fullest cooperation of the Indian delegation. My delegation hopes to secure finalization of an instrument by the end of the three substantive sessions of the Working Group that have been provided for this purpose.

I would like to commend your initiative in undertaking informal consultations even prior to the commencement of the first session of the Working Group and in elaborating a non-paper to kick start our work. The paper disaggregates the principal elements we shall have to consider in elaborating an instrument and identifies both the areas of common practice and understanding and the gaps that remain to be addressed. Our delegation very much appreciates this effort and hopes that it would catalyse fresh ideas on how we can proceed further.

India has accorded high priority to the problem of proliferation and misuse of illicit small arms and light weapons and is committed to their eradication. You are aware, Mr. Chairman, how closely we have followed this issue at relevant forums within the United Nations and outside, and have actively contributed to cooperative international efforts in addressing this multifaceted problem, including in the drafting of the report of the Group of Governmental Experts, finalized last year.

The international community is well aware of the consequences of the spread of small arms and explosives: the manner in which these can disrupt social harmony and stability, derail pluralism and democracy, and stymie growth and development. In certain areas there are important linkages between illicit trade in small arms and light weapons, illicit exploitation of natural and strategic resources, and trade in narcotic drugs. Some societies have been driven to civil war, if not to serious civil strife as a result of such trade.

We, in India, are particularly conscious of the destructiveness of illicit small arms and light

weapons. Over the past two decades, many innocent civilians have fallen victim to terrorists using illicit arms, weapons and explosives. Since 1990, the Government of India has seized close to 40,000 weapons of all types. Their markings indicate the unmistakable source of their origin outside India. The seizure of illicit arms and explosives by our security forces constitute only a fraction of the quantity of weapons to which terrorists have access – it seems enough to equip a few divisions of a regular army. These numbers demonstrate the magnitude of trafficking in illicit arms confronting law abiding societies.

Multilateral disarmament efforts have had few successes in recent years. It is heartening, however that in addressing the issue of small arms and light weapons, the international community has made steady progress. The 2001 United Nations Conference succeeded in placing this issue firmly on the international agenda. The Programme of Action, adopted by consensus, though modest, marked a significant step forward. Member States of the United Nations committed themselves to strengthening and developing agreed norms and measures that would reinforce and further coordinate their efforts in this area. Thereafter, and thus far, the entire process of handling the tracing of illicit small arms and light weapons and encouraging international cooperation in this regard has been both on track and on schedule. The UN General Assembly mandated the Secretary General to undertake a study on examining the feasibility of developing an international instrument on the subject at its 56th session. The 23 governmental experts appointed for this undertaking completed their designated task in three sessions allotted to them in 2002-03. India had the honour of chairing this Group, whose unanimous recommendation was that it was both desirable and feasible to commence work, within the United Nations, on an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

There exist, no doubt, some international agreements that deal specifically with the issue of tracing, including marking, record keeping and co-operation on weapons. These include the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime (the Firearms Convention), adopted in May 2001, and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (known popularly as the Inhumane Weapons Convention), in particular its Amended Protocol II. India is party to both these instruments and is committed to their effective implementation. However, we also recognise that these instruments are severely limited in their scope.

As such, the present discussions become particularly important. In our negotiations on an international instrument for timely and reliable tracing of illicit small arms and light weapons, we should try to overcome the limitations of the existing instruments. Our aim should be to help to clarify, develop and strengthen common international standards and practices with respect to the marking of and keeping of records and cooperation in tracing illicit small arms and light weapons. While working towards such an instrument, we should also ensure that the instrument is complementary to existing arrangements; is consistent with States' existing commitments under relevant international instruments; and takes into account broader national security and legal interests of States Parties. The UN Programme of Action, especially its provisions with regard to marking and record-keeping, provides us a useful guide.

There are a number of issues which will need to be addressed in the course of our deliberations: for instance, the scope of the definition of small arms and light weapons; what

constitutes "illicit"; differences in practices of marking and record-keeping among States, to mention just a few.

The Group of Governmental Experts has evidently, done commendable work and its report provides us with a firm basis to start our deliberations. We must, therefore, build on that. While marking and record-keeping are national prerogatives and should continue to remain so, in our discussions, we should try to come up with minimum acceptable standards on marking and record-keeping of small arms and light weapons, on the basis of existing national practices, which all States could adhere to. In this context, we would also need to factor in the fact that international assistance might be essential for enabling certain States to adhere to such minimum standards.

Another crucial element pertains to fostering international co-operation in tracing. Here again, on the basis of existing national practices we may be able to identify common practices, which would enable development of standard international procedures for co-operation in tracing. We also see the need to strengthen the effectiveness of Interpol's International Weapons and Explosive Tracking System (IWETS).

So far as our national practices are concerned, we have, as stated in our National Report on the implementation of UN Programme of Action, put in place strict laws and regulations (under Arms Act 1959 and Arms Rules 1962), which prohibit the manufacture, possession, trade of unmarked or inadequately marked weapons. All small arms produced or manufactured in India are uniquely marked. This applies to arms that are produced for both private and personal use and those which are used by the armed forces, police or para-military forces. Similarly, detailed records are required to be kept by law by all manufacturers and dealers of every weapon manufactured or sold by them. The competent authorities regularly verify these records.

India has always called upon the international community to develop a comprehensive tracing system. A collective approach alone will guarantee effective traceability and promote transparency. It will also give a political signal that all of us are determined to join hands to take forward our common commitment to implement the UN Programme of Action. This will check the availability and use of illicit small arms and light weapons in fuelling and sustaining conflicts and subversive acts by non-state actors, including criminals, terrorists, and armed insurgents. It is our hope that the deliberations of the Working Group would lead to consensus on a broader range of issues as this would constitute an important step in our collective efforts to make further progress in addressing the multifaceted challenge posed by illicit small arms and light weapons.

As with other disarmament negotiations, our challenge in evolving a new instrument is to bring in consonance with each other, state security concerns, humanitarian considerations, and regard for international standards and principles. My delegation hopes our discussions would contribute to fruitful work in this direction, even in the course of our current session. We are confident that the good sense, expertise and wisdom of the delegations participating in this exercise will allow our work to reflect the concerns and priorities of all the Member States involved, as also the concerns and expectations of the wider international community. For this, delegations will have to adopt a manifest, necessarily, a flexible and constructive approach. My delegation, Mr. Chairman, is ready for it.

On the debate on the nature of the final instrument, as it will emerge at the end of the three sessions that have been provided for it, this can be decided as discussions evolve. As in the

case of the Protocol on Explosive Remnants of War, which we finalized last year (Protocol V), the most efficacious way is to let the nature of the instrument evolve as the specific provisions of the instrument are developed. This would ensure progress in our work and provide for innovative solutions.

I thank you for your attention.

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