

**Regional Seminar on Implementing the OSCE Small Arms Document and the UN
Programme of Action on Small Arms and Light Weapons in All Its Aspects
Bucharest, Romania, 24-26 February 2003**

CO-CHAIR'S FINAL REPORT

1. The Regional Seminar on the Implementation of the OSCE Small Arms Document and the UN Programme of Action on Small Arms and Light Weapons in All Its Aspects was held in Bucharest, Romania from February 24 to 26, 2003. The event was hosted by the Government of Romania, and co-sponsored by the Governments of Canada and Italy. It was opened with the keynote address of H.E. Mr. Mircea Geoană, Minister of Foreign Affairs Romania, followed by the allocution of H.E. Dr. Kuniko Inoguchi, Permanent Representative of Japan to the Conference on Disarmament and Chair Designate of the First UN Biennial Meeting. Representatives from OSCE participating states, technical practitioners and interested non-governmental organisations attended the seminar. A list of participants and a summary of the proceedings are annexed.

2. With the First UN Biennial Meeting on the horizon and in anticipation of the forthcoming report of the Group of Governmental Experts on the Feasibility of Developing an International Instrument on Tracing (GGE), OSCE participating states assembled in Bucharest to tackle the twin issues of marking/tracing and import/in-transit/export controls. The Regional Seminar brought together policy advisors and practitioners to provide an update on the status of current undertakings in the field of marking/tracing and import/in-transit/export controls, as considered in the UN Programme of Action (UN PoA) and the OSCE Document on Small Arms and Light Weapons (OSCE Document). These updates contributed to:

- a) Sharing information on the implementation of the UN PoA and the OSCE Document regarding marking/tracing and import/in-transit/export controls;
- b) Identifying best practices in marking/tracing and import/in-transit/export controls;
- c) Identifying areas that would benefit from having international standards established;
- d) Providing a framework for regional and international cooperation.

3. The first day of the Regional Seminar highlighted the link between transnational organised crime and small arms and light weapons (SALW) illicit trafficking. Presentations and discussions demonstrated that existing instruments such as the UN PoA, the OSCE Document and 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 (UN Firearms Protocol) address the issues of marking/tracing and import/in-transit/export controls; they also demonstrated the accessibility of and advances in technology to control exports and for marking and tracing. Similarly, presentations and interventions from participants stressed the availability of expertise to effectively implement export controls thus preventing illegal transfers, and to conduct traces on illegal firearms. These tools (be they legal, political instruments or technology and expertise) exist to enable states to attain their national, regional and international goals with regards to the control of exports. Participants broached the issues of:

- a) political will within and among states to fully implement available documents using appropriate tools;

b) and the multiplicity of agreements and fora addressing SALW issues leading to the new imperative for convergence: the harmonisation of standards and criteria. Finally, several participants advocated the development of a legally-binding international instrument on marking and tracing. It was clarified that although marking and record-keeping fall under the purview of states, tracing, including its regulation, has a dimension in the international domain.

4. Discussion on the second day of the Regional Seminar centered on the issue of export controls, including the regulations of brokering activities. Presentations and discussion again highlighted the numerous parallel initiatives in these fields, from the drafting of model international conventions to international conferences such as the recent Lancaster House Conference on Strengthening Export Controls on SALW held in London in January 2003. National experiences provided concrete examples of the challenges associated with the development and the implementation of effective export controls. The importance of the end-user certification process was stressed. Participants also emphasised the need to combat illegal brokering activities and to regulate legal brokering activities. At the end of the session, Norway informed the participants of the upcoming conference on International Cooperation in Preventing, Combating and Eradicating Illicit Brokering in Small Arms and Light Weapons in Oslo in April 2003, which will be co-sponsored by the Governments of Norway and the Netherlands, to which governments and non-governmental organisations with particular interest or competence in brokering will be invited

5. The Regional Seminar concluded on the third day with the presentation of two scenarios linking the twin issues of export controls and tracing reflecting the merits of examining tracing/marketing and import/in-transit/export controls as intertwined elements, rather than as discrete components, of a successful strategy in curbing the multiplicity of concerns related to SALW proliferation. The presentations reinforced the importance of developing a common understanding and guidelines on export control criteria and encouraged tracing cooperation, which was identified as a crucial element in ensuring that SALW transfers are not diverted.

6. The Regional Seminar's participants made concrete recommendations, *inter alia*:

General:

- That OSCE participating states sign and ratify the UN Firearms Protocol;
- That OSCE participating states consider applying the OSCE Document and the "Best Practice Guides" in the spheres of export controls, marking/tracing and record-keeping;
- That the OSCE work with other regional and international bodies to identify areas (e.g. standards in marking, in export controls, and/or in production of national reports) that would benefit from having standards and from an harmonisation process;
- That states involve their parliaments in supporting their international and regional SALW efforts.

Reporting:

- The OSCE participating states send timely reports for the First UN Biennial Meeting;
- That OSCE participating states explore the feasibility of agreeing on one common format for national reporting to both the OSCE and the UN;
- That OSCE participating states publish annual reports on arms exports, including

- information on quantities and types of weapons exported and countries of destinations;
- That all OSCE participating states adopt a policy of keeping SALW records (production and transfer) for the life time of the arms;
- That the OSCE develop model regulations to share with their participating states (based on their Best Practice Guides on export controls and marking/tracing);
- That a public catalogue of national marking system be published.

Points of Contact:

- That OSCE participating states identify a national point of contact for tracing;
- That OSCE participating states identify a national point of contact at the practitioner level with regards to the administration of export controls.

Marking & Tracing:

- That states remain concerned about the following issues:
 - marking and tracing;
 - increase in numbers of weapons produced;
- That marking and record keeping be undertaken in an appropriate manner to facilitate subsequent quick and effective tracing;
- That a simple marking be applied upon imports to identify the country and year of import;
- That harmonisation of marking be undertaken to facilitate subsequent tracing efforts;
- That responsibility for marking rests mainly on producing states;
- That, with regards to record-keeping, serious consideration be given to verifying records and that the OSCE undertake a study on this specific aspect;
- That elements related to tracing be included in the mandate of the UN Peacekeeping operation;
- That OSCE participating states co-operate with the UN in implementing arms embargoes;
- That the UN develops an international legally binding instrument on marking and tracing;
- That differences in the requirement of tracing illegal firearms used in criminal activities and in tracing illegal arms flow sent to conflict regions be better understood and that there be cooperation between the OSCE and the UN in this respect;
- That states cooperate in the domain of tracing to prevent diversion of SALW.

Export/in-transit/import Controls:

- That all relevant state authorities in the OSCE participating states use a system of licence application; in this regards, it is important to strengthen the capacity at the national level to better assess licence applications for SALW transfers, including to facilitate verification of end user certificates and other relevant documentation;
- That relevant background information concerning the exporter and proposed end-user be examined carefully before granting an export licence;
- That OSCE participating states ensure that appropriate mechanisms for cooperation and

- information exchanges between customs authorities, and between licensing authorities and customs authorities are in force;
- That OSCE participating states consider supporting a UN Expert Study to examine the existing responsibilities of states under relevant international law regarding arms transfers (states' national regulations and procedures for export authorisations of SALW must be consistent with international law, as set in paragraph 11 of section II of the UN PoA);
 - That states develop and/or implement/or use electronic systems of licensing and control applications such as TRACKER and IWETS;
 - That cooperation between different actors (governments, NGOs, industry) and regional and international organisations be developed and strengthened;
 - That efficient use of all institutions, mechanisms and networks that already exist, including SECI Regional Centre, Stability Pact, World Customs Organisation, Interpol and Europol, be made in order to enhance cooperation in combating illicit trafficking in arms and transnational crime in South East Europe;
 - That public awareness and transparency be improved by enhancing cooperation between government and industry;
 - That further cooperation between Interpol and Europol be encouraged;
 - That the OSCE produce a "Best Practice Guide" on end-user certification standards and processes;
 - That OSCE participating states develop and use "forgery-proof" standards in export control, such as security paper and customs links;
 - That OSCE participating states develop national export criteria and guidelines;
 - That OSCE participating states consider introducing national laws and regulations that include provisions which enable investigations, prosecution and punishment of export control violations, and that effective sanctions and penalties to punish and deter violations of export controls be established.

Brokering:

- Participants welcomed and sought to build on the recommendations of the Lancaster House Conference on Strengthening Export Control on SALW, in particular:
- That, at a minimum, national controls require that all brokering transactions be licensed by the relevant national authorities;
- That consideration be given to the development of an agreed international framework for effective national regulation of the activities of brokers and, to this end:
 - That steps be taken to develop shared understandings of the nature of trafficking and brokering and common approaches to controlling such activities (including understandings on definitions and scope of controls and issues relating to scope of jurisdiction);
 - That agreed Best Practices or elements for model regulation of brokering and associated activities be developed;

- Participants encouraged that the work of the UN Group of Experts pursuant to resolution 54/54V (the so-called Brokering Report) be used when identifying common approaches;
- That on-going parallel initiatives, such as the Lancaster House Conference and Norway's upcoming conference on brokering, feed into the First UN Biennial meeting.

7. In conclusion, in the context of the forthcoming UN First Biennial Meeting, which will be followed by the 2005 Biennial Meeting and the 2006 UN Conference on SALW, the Regional Seminar has collected valuable information and enhanced regional and international cooperation. Moreover, the Regional Seminar underscored the confluence of interest among participants in conceiving of a multidimensional strategy in combating the myriad issues related to the proliferation of and trafficking in SALW. Participants, with a view to the future, broached issues and identified components of a SALW strategy that could be considered at the 2006 UN Conference.