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INTER-PARLIAMENTARY UNION

Resolution adopted by consensus* by the 114th Assembly

(Nairobi, 12 May 2006)

THE ROLE OF PARLIAMENTS IN STRENGTHENING CONTROL OF TRAFFICKING
IN SMALL ARMS AND LIGHT WEAPONS AND THEIR AMMUNITION

The 114th Assembly of the Inter-Parliamentary Union,

Deeply concerned by the tremendous human suffering, especially for women and children, who are the most vulnerable in armed conflicts, associated with the proliferation and misuse of small arms and light weapons (SALW),

Stressing that, by definition, SALW include all arms that can be used by one person alone and all associated ammunition, including grenades, rockets, missiles, mortar shells and man-

* The delegation of India expressed strong reservations to the text of the resolution as a whole.

portable air defence systems (MANPADS), and that landmines can be considered as having similar effects,

Recalling that items such as daggers, machetes, clubs, spears, and bows and arrows are also frequently used in armed conflicts and criminal acts, and that, although they do not fall under the SALW category, their use may need to be regulated,

Recalling also that the definition of SALW should not include daggers and other items which are not firearms and are not used to cause bodily harm, but as part of the national dress,

Deeply concerned also by the high political, social and financial costs incurred when SALW fuel armed conflict, armed criminality and terrorism, exacerbate violence, contribute to the displacement of civilians, undermine respect for international humanitarian law, impede the provision of humanitarian assistance to victims of armed conflict, and hinder a return to peace and sustainable development,

Recognizing the threat posed to civilian aviation, peacekeeping, crisis management and security by the illicit transfer and unauthorized access to and use of MANPADS,

Affirming that combating the proliferation and misuse of SALW requires coherent and comprehensive efforts by governmental and other players at the international, regional and national levels,

Welcoming in this regard the adoption in 2001 of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (SALW Programme of Action),

Recalling the relevant United Nations General Assembly resolutions concerning international arms transfers,

Welcoming the adoption in December 2005 by the United Nations General Assembly of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,

Also *welcoming* the entry into force in July 2005 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the Firearms Protocol),

Recalling that the Second Biennial Meeting of States to Consider 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 was held in New York from 11 to 15 July 2005,

Pointing to the existence of several other SALW and firearms control instruments at the level of the United Nations, and in the Americas, Europe, sub-Saharan Africa and Pacific regions,

Emphasizing that these multilateral initiatives must be fully implemented by their member States and be supplemented with the development of high national standards,

Underscoring that the active involvement of the relevant national authorities and of parliaments is essential for the effectiveness of any measures to combat SALW proliferation,

1. *Urges* parliaments to engage actively in efforts to combat SALW proliferation and misuse as a key component of national strategies on conflict prevention, peace-

building, sustainable development, the protection of human rights, and public health and safety;

2. *Calls upon* parliaments to encourage their governments to reaffirm their commitment to implement the SALW Programme of Action and to build on their current commitment to combat SALW proliferation and misuse at the 2006 SALW Programme of Action Review Conference, while focusing on areas where obstacles to full implementation of the SALW Programme of Action persist, namely: brokering, transfer controls, marking and tracing, end-user certification, stockpile management and destruction, ammunition and capacity-building;
3. *Encourages* parliaments to agree to a set of global principles for international arms transfers based on States' obligations under international law and internationally accepted human rights standards, as a fundamental requirement for national arms transfer controls and to be included as a key output of the 2006 Review Conference;
4. *Urges* parliaments to encourage their governments to redouble their efforts in this area following the 2006 Review Conference, notably by organizing additional biennial meetings in order to develop ideas and recommendations for consideration at future international and United Nations -sponsored meetings and conferences;
5. *Urges* parliaments to promote and ensure the adoption at the national level of the legislation and regulations required to control SALW effectively throughout their "life cycle" and actively to combat SALW proliferation and misuse;
6. *Encourages* parliaments to promote the development of an international arms trade treaty to strictly regulate arms transfers on the basis of State obligations under international law and internationally accepted norms and human rights standards;

7. *Encourages* parliaments to promote greater international and, where appropriate, regional efforts to develop common standards to strictly control the activities of those brokering or otherwise facilitating arms transfers between third countries;
8. *Calls upon* parliaments to ensure that those who provide SALW to children, or who recruit and use children in conflicts or armed operations, are subject to strong legal sanctions;
9. *Urges* parliaments to enact legal sanctions at the national level for those who commit crimes and atrocities against vulnerable sections of society such as the elderly, women and children, and to adopt measures to prevent such crimes and atrocities;
10. *Encourages* parliaments to ensure also that national legislation is matched by the allocation of adequate means for the national authorities, including training and equipment, to ensure the strict enforcement of national controls;
11. *Urges* parliaments to adopt and enforce national legislation incorporating the two instruments that provide the most specific guidance regarding States' obligations to prevent misuse: the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
12. *Recommends* that parliaments work towards the harmonization of national SALW controls on the basis of strict common standards, while ensuring that national controls provide an appropriate response to the national and regional realities of each State;

13. *Recommends* that parliaments exchange with each other and the IPU information on national legislation on SALW control, in order to enhance understanding of controls and to identify existing best practices, and establish international parliamentary forums to consider SALW issues;
14. *Urges* parliaments to consider ratifying, if they have not already done so, the multilateral SALW control treaties their governments have signed, to incorporate their provisions into domestic legislation in a timely manner and in accordance with the aims of these treaties, and to see to it that they are duly implemented;
15. *Calls upon* parliaments to ensure that the provisions of the recently adopted International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons are fully implemented under national legislation, and that ammunition for SALW is covered by national legislation to trace illicit SALW;
16. *Urges* parliaments to make violations of arms embargoes a criminal offence under national law; to sanction logistical or financial support for such violations; and, in the event of breaches of arms embargoes, to trigger the specific action prescribed for each particular embargo;
17. *Recommends* that parliaments develop and help implement, where appropriate and together with governments, national action plans on preventing, combating and eradicating the illicit SALW trade in all its aspects;
18. *Encourages* parliaments, where necessary, to set up or strengthen procedures enabling them to scrutinize government practice and policy on SALW controls, to ensure

respect for their countries' international commitments, and to work towards the high degree of transparency allowing for such scrutiny;

19. *Calls upon* parliaments to designate a parliamentary committee, or to create one at the national level if no such body exists, to engage with the government in a regular debate on national SALW policy and control practice;
20. *Encourages* parliaments in this context to promote regular reporting by governments to national parliaments on SALW transfers, in order to allow for informed debate on whether government practices are in conformity with stated policy and legislation;
21. *Recommends* that parliaments closely monitor the efficiency and effectiveness of their governments' fiscal measures related to SALW policies and, where necessary, request their governments to provide financial and technical support to international SALW research initiatives and funds;
22. *Invites* the relevant parliamentary committees to seek regular exchanges of views and information with governments in a debate on government policy and action at both the national and multilateral levels, and to request their governments to include parliamentarians in national delegations to regional and international meetings between States on combating the illicit trade in SALW;
23. *Encourages* parliaments in a position to do so to offer assistance to other parliaments requesting such assistance, so as to develop national capacities to engage in a dialogue on SALW with governments and scrutinize their policy and action, and *requests* that the IPU compile a list of parliaments able to provide assistance in this field to interested parliaments;

24. *Invites* the IPU, in cooperation with its relevant partners, to promote capacity-building programmes that enable parliaments to make effective contributions to the prevention and combating of SALW proliferation and misuse;
25. *Recommends* that parliaments in countries engaged in disarmament, demobilization, reintegration and rehabilitation (DDRR) programmes encourage their governments to prioritize in such programmes "weapons in exchange for development" schemes to provide community-based incentives for the voluntary surrender of illicitly held SALW;
26. *Recommends* that parliaments in post-conflict countries encourage their governments to ensure that the reconstruction process is promoted under an international framework for conflict prevention and peace-building;
27. *Encourages* parliaments to support the participation and active role of women in DDRR processes and peace-building activities, and *stresses* the need to incorporate a gender perspective in DDRR and peace-building strategies and activities;
28. *Encourages* parliaments to urge governments involved in DDRR programmes to pay particular attention to the unique circumstances of child soldiers and the rehabilitation and reintegration of former child soldiers into civilian life, in order to prevent such children from resorting to armed crime;
29. *Encourages* parliaments to urge their governments to destroy, in public view and wherever possible, all illicit SALW that are recovered by the national authorities in the context of armed conflict and crime, including SALW recovered in the context of DDRR programmes, and to dispose of such SALW in a safe, environmentally responsible and cost-effective manner;

30. *Calls upon* parliaments to intensify international cooperation to prevent the illicit international arms trade and its links with international organized crime, particularly drug trafficking;
31. *Exhorts* the parliaments of countries that produce SALW to develop effective mechanisms for regulating their sale and distribution, both nationally and internationally, thus preventing their proliferation;
32. *Recommends* that parliaments continue and strengthen efforts, and work together with civil society, including NGOs, to prevent the outbreak of conflict in regions and States prone to tensions and to resolve social and economic problems underpinning such tensions and armed conflict, including efforts to fight poverty, social exclusion, trafficking in human beings, drugs and natural resources, organized crime, terrorism and racism;
33. *Urges* parliaments in this context to adopt and support adequate national measures to limit demand in their societies for SALW and firearms, and in particular to eradicate the demand for illicit SALW and firearms;
34. *Encourages* parliaments to develop strategies aimed at building public awareness of the negative effects of the illicit acquisition of SALW, including by proposing that an international day be observed annually to publicize these effects, and to participate in relevant programmes with the media, in coordination with the government and civil society;
35. *Calls upon* parliaments to promote full implementation by their governments of their pledges under the United Nations Millennium Declaration to ensure the achievement

of the Millennium Development Goals, a measure which requires disarmament and the reduction of armed violence.