



BITING THE BULLET

INTERNATIONAL ALERT | SAFERWORLD | UNIVERSITY OF BRADFORD

Implementation of the PoA in the Americas

Introduction

Between 26 June and 17 July 2006, international governments will meet to review their commitment made five years ago to control small arms and light weapons (SALW). The UN Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (PoA) was agreed at a UN Conference in July 2001, and is the primary international instrument relating to the controls of small arms and light weapons.

The PoA sets out a range of measures and initiatives to be taken by states' in areas such as: controls on the import, export and transit of small arms (transfer controls); the regulation of arms brokering; stockpile management; addressing the impact of small arms on development; and the marking and tracing of small arms.

The Biting the Bullet project aims to promote effective implementation of the PoA and periodically it produces a "Red Book" analysing progress against the PoA.

The 2006 Red Book concludes that global implementation of the PoA is patchy. Although progress has been made in some areas, action taken so far has not been sufficient to have more than a local or marginal impact on the problems of Small Arms and Light Weapons (SALW) trafficking, proliferation and misuse. Some of the factors contributing to inadequate performance are linked to weaknesses in the PoA itself. This year's conference provides the first formal opportunity to review and strengthen the PoA since it was agreed.

This Biting the Bullet briefing focuses on the implementation of the PoA in the Americas, highlighting progress thus far, and outlining recommendations for further improvements.

Recommendations for more effective implementation of the PoA in the Americas

- **Harmonising SALW legislation:** Throughout the region there has been discussion of harmonising national SALW control legislation. Harmonisation should be encouraged, but is a medium and long-term effort. In the near term, government efforts should focus on closing loopholes, ensuring the criminalisation of illicit weapons trafficking in each country and developing effective mechanisms for intelligence and information sharing.
- **Establishing and supporting National Commissions:** An important first step in implementation at the national level is the establishment of a national co-ordination agency (often referred to as a National Commission or National Focal Point), to ensure effective co-ordination between government departments and with other relevant

actors, including civil society. National Commissions/Focal Points have been established in several countries of the Americas. However, it is vital that all states establish such bodies, and that they have sufficient levels of staffing, expertise and funding.

- **Controlling SALW ammunition:** In some regions of the Americas there have been noted reductions in illicit SALW trafficking. However, the trade in illegal ammunition continues largely unchecked. If the UN process falls short of addressing ammunition the governments of the Americas should identify avenues for curbing the illicit trade in ammunition via other regional and sub-regional fora.
- **Involving civil society.** Greater awareness of the PoA and other international agreements amongst civil society and sharing of information between governments and civil society is essential to effectively tackle the small arms problem. Some government delegations to the Review Conference have included members of IANSA on their official delegations as a way of tapping into their knowledge and taking their concerns into account. More states from the region should be encouraged to follow this example.

Arms proliferation in the Americas

The SALW problem in the Americas is largely characterised by illicit arms trafficking and urban violence involving organised crime, drug traffickers and increasing numbers of youth gangs. Several Latin American countries have the highest homicide rates in the world. The US has the highest homicide rates among industrialised countries, often attributed to high levels of civilian SALW ownership. **Colombia** is still involved in an armed conflict with paramilitary forces and guerrillas and Haiti is in a very difficult peacebuilding process.

Through the Organization of American States (OAS) the region has a range of instruments that are increasingly augmented through a growing number of sub-regional frameworks. The most important regional small arms control agreement is the legally binding 1997 Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Explosives, and other Related Materials (CIFTA). The Inter-American Drug Abuse Control Commission, a technical office of the OAS Secretariat, has developed a set of voluntary Model Regulations to assist in the implementation of CIFTA. In 2006 the OAS set in motion a process to adopt additional Model Regulations for brokering, transit and marking and tracing. In practice, distinguishing between CIFTA and PoA implementation is difficult as they are overlapping and complementary though the latter takes a much broader approach to combating illicit SALW.

Implementation of the UN PoA in the Americas

Implementation of the PoA varies considerably between different countries of the Americas. Identifying PoA implementation independently of CIFTA implementation is also difficult as mentioned above. Twenty-six of 33 OAS Member States have ratified CIFTA and several of those that have not ratified it have begun some form of implementation. In regards to the development of structures for PoA implementation in the Americas no distinction is made if these exist even if they may be focused on regional, sub-regional or national SALW control implementation. Nonetheless, many countries of the region have not established National Commissions or developed National Action Plans.

National Commissions and National Action Plans or strategies

Out of 29 states for which information was available:

- **10** have national established a national coordination agency or mechanism and **28** have designated National Focal Points.
- **9** of the national co-ordination agencies in the Americas include a role for civil society.
- **5** states have developed national strategies or action plans and they are under development in **3** other states.

North America

North America does not have a formal sub-regional mechanisms for SALW control as foreign policy on SALW is generally regarded as separate to domestic, internal concerns. However, there is co-ordination and co-operation between **Canada**, **Mexico** and the **US** on combating illicit transfers across borders.

National implementation in the North America

In the **US** different states and municipalities have taken very different approaches to SALW control. In the state of Florida the state legislature has increased the ability of civilians to carry weapons in public and broadened the threshold for shooting a firearm in self-defence. The state of California has renewed a ban on civilian possession of assault rifles despite the failure to renew a pre-existing ban at the national level.

In **Mexico**, there have been a series of voluntary weapons collection programmes carried out in Mexico City, Baja California and Ciudad Juarez among others. In 2005, national SALW legislation was updated.

Canada has included IANSA members as observers on its official delegation to the various UN PoA meetings while the US has only included civil society representatives close to the pro-firearm lobby on its official delegation.

Caribbean

The Caribbean Community and Common Market's (CARICOM) Security Task Force is the primary framework for dealing with illicit SALW in the sub-region. While concrete actions have been slow to materialise, this task force has established working groups for an integrated CARICOM security plan including intelligence and information sharing and legal reform and harmonisation.

National implementation in the Caribbean

In 2005, the Government of **Trinidad and Tobago** established the Strategic Services Agency, which has been charged with serving as a focal point for all SALW-related matters. In 2004, Trinidad and Tobago reformed its national legislation to increase criminal penalties for SALW-related crimes and created databases for both legally registered and confiscated weapons. Additionally, the local IANSA member has been allocated a spot on the official delegation to the UN PoA process.

In **Haiti** implementation priorities remain focused on disarming bands of armed bands in order to establish minimum security in the country's capital. UNDP's mission to **Haiti** has been supporting the government's efforts to update firearms legislation and train lawyers and judges on its enforcement.

Central America

The UNDP and the Central American Integration System's Security Commission have developed the Central American Small Arms Control Project under the leadership of the Ministry of Foreign Affairs of **Nicaragua** that has just recently begun implementation. The focus of the project is developing national baselines assessments that will inform legislative reform proposals. One of the first achievements of the Central American Security Commission was the universal adoption of Code of Conduct on transfers in small arms, ammunition and explosives among Central American countries, closely tied to the principles of the four emerging global transfers principles. The Arias Foundation of **Costa Rica** has been active in advocating for transfer principles in Central America and internationally.

National Implementation in Central America

The UNDP in Central America has also been an important facilitator of the implementation of national SALW control frameworks in **El Salvador**, **Guatemala** and **Honduras**. In **El Salvador** almost five years of support for the government and civil society have resulted in the establishment of a 'Weapons-Free City' campaign in the municipality of San Martin where the national police, municipal government, the private sector and local community groups work together towards a robust interpretation of the national law limiting the carrying of SALW in public spaces, accompanied by public awareness campaigns. In **Guatemala**, a national commission and national action plans have been established including the active participation of IANSA members.

In **Honduras**, SALW control efforts have been placed within a broader framework for justice and security sector reform. This has included establishing an efficient computerised national arms registry and a national observatory where hospitals, police and forensic authorities triangulate data on armed violence.

South America

MERCOSUR's (**Argentina**, **Brazil**, **Paraguay**, **Uruguay** and as of 2006 **Venezuela** plus associate members **Bolivia** and **Chile**) Joint Firearms Registration Mechanism, created in 1998, has not yet coalesced into a functioning system. However, a more ad-hoc forum called the MERCOSUR Firearms Working Group has met periodically over the years and has made some progress in agreeing ways for the harmonisation of national legislations and the tracing of SALW and explosives.

The Andean Community of Nations (**Colombia**, **Bolivia**, **Ecuador** and **Peru**) has placed itself at the forefront of sub-regional agreements within the Americas with the adoption of the legally binding Andean Plan to Prevent, Combat and Eradicate the Illicit Trafficking in SALW in All Its Aspects. However, armed conflict in **Colombia** and political upheaval in other Andean countries have resulted in slow implementation of the commitments contained within.

Implementation in South America

Brazil has gone further than any other Latin America country in PoA implementation in carrying out its 2003 Disarmament Statute which led to the voluntary surrender of more than 450,000 SALW in 2004 and 2005 and the first documented reduction in homicides in more than a decade. Additionally, restrictions on legal SALW exports to neighbouring **Paraguay** have resulted in reductions of illegally trafficked weapons from that country to

Brazilian organised crime. Conversely, new Paraguayan laws that prohibit foreigners from purchasing SALW have also contributed to this reduction.

Ecuador has initiated the process of forming an inclusive national SALW control commission with the participation of local IANSA members and academia. In **Colombia**, the OAS has monitored the demobilisation and disarmament of more than 20,000 paramilitary combatants under the monitoring of the OAS.

Further Information

- *Implementing the Programme of Action 2006: Action by States and Civil Society, Biting the Bullet* (International Alert, Saferworld and University of Bradford), June 2006
- *Promoting Effective Global Action on Small Arms: Priorities for the 2006 UN Review Conference*, Biting the Bullet Project (International Alert, Saferworld and University of Bradford), January 2006
- Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, UN Document A/CONF.192/15 (July 2001)
- *MERCOSUR: Harmonising Legislation to Prevent Illicit Trafficking in Firearms*, Viva Rio, 2003.
- *Andean Plan to Prevent, Combat and Eradicate the Illicit Trafficking in SALW in All Its Aspects*, Andean Community of Nations, June 2003.
- *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunitions, Explosives and Other Related Materials*, OAS, 1997.
- *Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition*, CICAD-OAS, 1997.
- *Central American Code of Conduct on Transfers in Arms, Ammunition and Related Material*, Central American Security Commission 2005.