

SECURITY AND PEACEBUILDING PROGRAMME
MONITORING THE IMPLEMENTATION
OF SMALL ARMS CONTROLS (MISAC)

Small Arms Control in

Latin America

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International Alert – Security and Peacebuilding Programme

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Acronyms

| | |
|-----------------|---|
| CAFRA | Caribbean Association for Feminist Research |
| SICA | Central American Integration System |
| SIECA | Central American Economic Integration System |
| CEI | Centre for International Studies |
| IEPADES | Centre for Research and the Institute of Education for Sustainable Development |
| IANSA | International Action Network for Small Arms |
| CICAD | Inter-American Drug Abuse Control Commission |
| CIFTA | Inter-American Convention Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives and other Related Materials |
| MISAC | Monitoring the Implementation of Small Arms Project |
| PNC | National Civil Police |
| RENAR | National Arms Register |
| CEEN | Nicaragua Center for Strategic Studies |
| NGOs | Non-Governmental Organisations |
| SRE | Secretariat of Foreign Affairs |
| CARICOM | Sub-Regional Organisation for the Caribbean |
| SERPAJ | Peace and Justice Service |
| CIPRODEH | Promotion of Human Rights |
| SALW | Small Arms and Light Weapons |
| SEDENA | Secretariat of National Defence |
| MERCOSUR | South American Common Market |
| OAS | Organisation of American States |
| IUDOP | University Public Opinion Institute |
| UNDP | United Nations Development Programme |
| UN-LiREC | United Nations Centre for Peace, Disarmament and Development in Latin America and the Caribbean |
| WINAD | Women's Institute for Alternative Development |
| WHO | World Health Organisation |

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The authors accept full responsibility for any error or omission and invite representatives of governments and NGOs to send corrections and updates by e-mail to wgodnick@international-alert.org or hvazquez@international-alert.org

Preface

A key issue to improving conflict prevention and management is the challenge of curbing the proliferation and misuse of small arms and light weapons. The Monitoring and Implementation of Small Arms Controls Project (MISAC) of the Security and Peacebuilding Programme of International Alert is a three-year initiative to aid countries in Latin America, West Africa and Eastern Eurasia to better implement international and national small arms control measures. By working with governments, donors and NGOs its intention is not only to develop a better level of understanding regarding the scope and nature of international and regional small arms controls but to directly assist stakeholders in working towards the full implementation of small arms controls.

Through process orientated research and direct facilitation with governments, donors and civil society actors, the MISAC Project will undertake this work in three phases. The first is a mapping phase that creates a profile of the regional agreements and activities, as well as identify relevant actors and their capacities. This work is public and is published as a series of reports.

The mapping phase is then followed by regional assessment studies, which detail institutional capacities and challenges with regards to the implementation of small arms controls. These studies are directed towards supporting state institutions and activities as well as enhancing the capacity of civil society actors to deal with small arms issues. In the course of this work – comprising of analysis from International Alert and its partners as well as consultations with key stakeholders– state needs are brought to the attention of the international community so that financial and technical support can be provided as applicable.

Finally, the assessments are followed by the targeted assistance phase of the project. In this part of the work International Alert will, with local and international partners and stakeholders, seek to craft and implement supportive and sustainable policies to strengthen small arms control measures within a small number of previously identified states.

This report, *Small Arms Control in Latin America*, is the first in a series of Assessments published by International Alert in English and Spanish to support the exchange of knowledge and information about small arms controls in Latin America.

This document, along with all the others in this series, is available for download on our website in PDF format at <http://www.international-alert.org/publications.htm#security>. Further information will later be available in digital format through the Magellan Database of the Security and Peacebuilding Programme.

Summary

This study examines the activities and identifies the organisations that have been involved in the work against the illicit trafficking of small arms following the July 2001 UN Conference on the Illicit Trade of Small Arms and Light Weapons in all its Aspects.

Following the 2001 Conference the authors found that activities related to the implementation of small arms control have significantly intensified on the part of the UN, the Organisation of American States, sub-regional organisations, national governments and NGOs. The research indicates that Central America is the most active sub-region and that MERCOSUR is the second most active sub-region in Latin America. Central America has various activities in progress at all levels while the MERCOSUR region has still to achieve greater progress on its multilateral mechanism. There is little evidence of any activities in the Caribbean and Andean regions with regard to this issue.

Evidence suggests that the most successful activities in Latin America are those which are implemented at the state, provincial, or municipal level bringing together the efforts of local governments and NGOs. However research shows that greater coordination is needed if the international community is to be able to support their expansion and replication in other countries. The authorities responsible for negotiating and implementing mechanisms to combat trafficking of small arms vary from country to country and some countries lack inter-ministerial communication systems to optimise potential synergies. Additionally proliferation agreements, mechanisms and bureaucratic structures involved in the monitoring of small arms, however necessary, are causing confusion among governments of the regions, especially those with fewer resources and weaker institutional capacities. Keeping up to date with demands for the exchange of information are becoming increasingly significant challenges.

Based on the findings of the report the authors make the following policy recommendations:

- The establishment of a delegation (potentially including a number of groups) with representatives from CIFTA, CICAD and UN-LiREC. With the participation of sub-regional bodies the delegation should visit all Member States and meet up with all the relevant authorities to compile: the required information for the official questionnaire; the point of contacts in all relevant institutions working with the small arms issue; information on the electoral and legislative agendas; and information in how they can affect the decision making in the different countries
- The international community and the donors should find effective ways to channel funds and provide technical advice to local governments in states, provinces, municipalities and NGOs that are asking for support for their own initiatives in situations when the national governments do not have the means, either political, social or economic, to systematically support their initiatives.
- CIFTA, CICAD and the UND should support greater coordination and potential activities in conjunction with other sub-regional organisations in all the Latin American sub-regions, especially in regions where there has been a lack of activities such as CARICOM or the Andean Community.

1. Introduction

This report provides an analysis of activities and actions carried out by international and sub-regional organisations, governments and non-governmental organisations (NGOs) in Latin America following the July 2001 *UN conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects* (hereafter referred to as 2001 UN Conference). Various publications, both official and unofficial, cover the conference, its outcome and programme of action.¹ In the course of their research, the authors found the following:

- Since the 2001 UN Conference, there has been a significant increase in activities and actions toward the implementation of small arms controls on the part of the UN, the Organization of American States, sub-regional organizations, national governments and NGOs;
- In this context Central America is the most active sub-region, with various activities in progress at all levels;
- After Central America, MERCOSUR is the second most active sub-region, although greater progress has yet to be made on its multilateral mechanisms;
- At times the most successful activities are those which are implemented at the state, provincial, or municipal level, bringing together the efforts of local government and NGOs. Several of these activities have had an impact at the national or international level, but greater coordination is needed for the international community to be able to support their expansion and replication in other countries;
- The authorities responsible for negotiating and implementing mechanisms to combat trafficking in small arms vary from one country to the next. These could include the Ministers of Foreign Affairs, Defence and the Interior, as well as police, intelligence and customs agencies. It is evident that not all countries have inter-ministerial communication systems to optimise potential synergies.
- The proliferation of agreements, mechanisms and bureaucratic structures involved in the monitoring of small arms, however necessary, is causing confusion among governments of the region, especially those with fewer resources and weaker institutional capacities. Keeping up to date on relevant developments and meeting the demands for the exchange of information are becoming increasingly significant challenges.

1.1 The UN in Latin America

The fact that a Colombian, Ambassador Camilo Reyes, was named president of the 2001 UN Conference ensured that the Latin American agenda would be taken into account by any comprehensive programme of action. Both before and after the 2001 Conference, various UN agencies launched activities to halt the proliferation of small arms and tackle its consequences, including: the United Nations Development Programme (UNDP), the World Health Organization (WHO), and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC).

1.2 UNDP

With the aid of a special fund to support the prevention and reduction of small arms proliferation, the UNDP was able to launch a series of projects beginning with a pilot weapons collection project in Albania in 1998.² El Salvador was the first Latin American country to benefit from UNDP support with its "Project to strengthen small arms control mechanisms for (described below in greater detail). The preliminary success of the Salvadoran experience has given rise to similar proposals in neighbouring countries for the near future. In addition, the UNDP is currently developing a project for arms control and police reform in Haiti, and is exploring the possibility of becoming involved in various programs in South America. The UNDP has also supported a variety of activities in this context, including weapons collection and destruction, the introduction of proposals to modernise national legislation, management of government stockpiles, and multidisciplinary research.

1.3 WHO

In response to a call issued by the Programme of Action of the 2001 UN Conference to the public health community for involvement in small arms issues, WHO launched a pilot project to determine the direct and indirect effects of the proliferation and use of small arms.³ The project emphasises capacity-building within the public health system to gather and analyse data on violence involving the use of weapons. During its first year, efforts were initiated with national authorities in Mozambique and Brazil, and one or two Central American countries may be included in 2003.⁴

1.4 UN-LiREC

As regional representative of the UN Department of Disarmament Affairs, UN-LiREC has played a leading role in the region both prior to and following the 2001 UN Conference, in diplomatic terms and in specific project implementation. UN-LiREC has spurred the organisation of two regional follow-up meetings to the 2001 Conference Programme of Action, in Santiago, Chile (November 2001) and Asuncion, Paraguay (upcoming).

1.4.1 Follow-up Conference, Santiago, Chile, 2001

The Regional Seminar for Latin America and the Caribbean: Assessment and Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects was held in Santiago, Chile, November 19 to 21, 2001. The event was co-sponsored by the government of Chile with financial backing from the British government. It was the first official regional forum on the Programme of Action since the September 11 attacks. Representatives of only 17 Latin American and Caribbean countries participated (see Table 1). There was a notable lack of participation of many Central American and Caribbean countries; even among those delegations that did participate, the representation in some cases was only from the local embassies in Santiago. There are three possible explanations for this. First, there was a relatively brief advance notice time, which may have prevented the participation of several governments. Secondly, the relatively great travel distance between the Caribbean and Chile may have served as an obstacle. Thirdly, at that time the international community working on the subject encountered difficulties in identifying appropriate contact points for the forums so as to be able to invite the most relevant people. To a certain extent, this last reason has been rectified in the course of this past year. Nevertheless, this was the only conference attended by the Cuban government, which has been excluded from other regional forums on the topic within the framework of the OAS.

TABLE 1:
Participation of Latin American countries in the First Regional Follow-up Meeting to 2001 UN Conference

| COUNTRY | AGENCIES REPRESENTED |
|----------------------|--|
| Antigua and Barbados | Police |
| Argentina | Foreign Affairs, Interior Intelligence, Presidency, local embassy, provincial government, NGOs |
| Bolivia | Local embassy |
| Brazil | Presidency, Foreign Affairs, Army, local embassy, NGOs |
| Colombia | Intelligence, Foreign Affairs, Defence, local embassy |
| Costa Rica | Foreign affairs, local embassy |
| Cuba | Local embassy |
| Chile | Defence, Police, Customs, Army, Air Force, private sector, Red Cross, NGOs |
| Dominican Republic | Local embassy |
| Ecuador | Foreign Affairs, local embassy |
| El Salvador | Police, UN |
| Honduras | Defence |
| Mexico | Foreign Affairs, local embassy |
| Paraguay | Foreign Affairs, Defence |
| Peru | Foreign Affairs, UN, NGOs |
| Uruguay | Defence, Intelligence, Foreign Affairs, |
| Venezuela | Foreign Affairs, local embassy |

Source: List of conference participants

Various plenary speeches were delivered on the first day of the seminar on definitions, regional illicit trade routes, the UN Firearms, the Inter-American Convention, the CICAD Model Regulations and the UN Programme of Action itself presented by Ambassador Camilo Reyes. On the second day the participants divided into working groups dealing with Strengthening Legal Standards and the Role of the State, Preventing Violence with Small Arms, Advancing Sub-regional and Regional Cooperation and the Role of the UN and the OAS.

On the last day of the seminar, a lively debate on the correct interpretation of the phrase “in all its aspects”--from the Programme of Action of the 2001 Conference--took place among the Latin American governments with the greatest multilateral capacity on the subject: Argentina, Brazil, Colombia and Mexico. The Argentines and Brazilians agreed on a broader interpretation which included legal trade, while the Colombians and Mexicans preferred to limit it to illicit trafficking. In conclusion, the seminar did not yield concrete results in terms of a regional strategy, perhaps given the existing well-developed programme within the framework of the OAS. However, in contrast to what previously existed, it did create a larger space for dealing with the subject.

1.4.2 Regional Exchange Programme for Firearms, Munitions and Explosives

To a certain extent the activities described above can be considered part of the Regional Exchange, which, however, focused more on practical action rather than on international diplomacy. The Regional Exchange manages, coordinates and links a number of projects, among them: 2003 Lima Challenge for Arms Destruction and Stockpile Management; Small Arms Parliamentary Exchange; NGO Capacity-Building Project.

The 2003 Lima Challenge is a response by UN-LiREC to requests for assistance with weapons destruction and the management of government stockpiles of Latin American and Caribbean countries. It also serves to support the implementation of the Programme of Action of the 2001 UN Conference and simultaneously the Inter-American Convention. The backing of UN-LiREC consists of sending assessment missions, locating financial and technical resources in the international community, organising public destruction events, and, when necessary and requested by the beneficiary country, working to develop a plan to improve weapons stockpile storage systems under government control. The UNDP is one of the principal partners in this effort, as further described above, providing funding and expertise. Until now, UN-LiREC and its partners have facilitated the following public destruction events:

TABLE 2:
Weapons Destruction Events facilitated UN-LiREC

| PLACE | DATE | WEAPONS DESTROYED | PRINCIPLE ATTENDANTS |
|------------------------|------------------|-----------------------------------|---|
| Rio de Janeiro, Brazil | 12 July 2002 | 10,000 firearms | State Government of Rio de Janeiro and the NGO Viva Rio |
| Mendoza, Argentina | 10 August 2002 | 5,002 firearms, 7,200 munitions | Argentinean Minister of Security and Justice |
| Lima, Peru | 6 December 2002 | 2,500 firearms, 3,000 munitions | National Government of Peru |
| Asuncion, Paraguay | To be determined | 13,639 firearms, 83,954 munitions | National Government of Paraguay |

Source: UN-LiREC, *Disarmament in Action: Responding to [the] 2003 Lima Challenge*, Lima: UN-LiREC, November 2002.

The NGO Capacity-Building Project in Latin America and the Caribbean aims to train organisations in civil society regarding a number of issues involved in arms control. Until now, only Central American and Southern Cone countries have had active NGO communities working on this issue. The project is a collaborative effort between the UN-LiREC and NGOs Viva Rio, the Arias Foundation for Peace and Human Progress, Small Arms Survey, International Alert, Save the Children-Sweden and the Swedish Movement for Reconciliation. Its first training workshops are planned for mid-2003.

Also with the Swedish Movement for Reconciliation, UN-LiREC has initiated a series of gatherings between European and Central American parliamentarians for the purpose of establishing a dialogue on the role of legislators in arms control and the implementation of relevant accords. The latest meeting took place in Madrid in October 2002, and is further described in the section on Central America. UN-LiREC is working to develop a parliamentary exchange that will include all the countries of the region and a meeting is planned in Panama in 2003.

In a collaborative effort with several Latin American countries and with the support of the Canadian government, UN-LiREC started a website, known as SALSA, for firearms management.⁵ Although the main purpose of this resource is the exchange of information on legislation, agreements, transfers and other matters between governments, the creation of a public access section is also being planned.

1.5 UN Firearms Protocol

Shortly before the 2001 Conference, the UN General Assembly adopted the *UN Protocol against the Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, as a supplement to the *Convention on Transnational Organized Crime*. The Protocol is a legally binding treaty that commits States, among other things, to

- Promote uniform international standards for the international movement of firearms for import, export and transit;
- Foster cooperation and the exchange of information at national, regional and global levels, including firearms identification, detection and tracing;
- Promote international firearms cooperation through the development of an international system to manage commercial shipments.

Many, if not all, of the Protocol commitments coincide with other established agreements within the framework of the OAS and other sub-regional associations. They should serve to set minimum standards in Latin America, but, unfortunately, familiarity with the Protocol is minimal in the region and only ten Latin American countries have signed it, and none have ratified it. Those countries of the region that have signed it are: Argentina, Barbados, Brazil, Costa Rica, Ecuador, El Salvador, Jamaica, Mexico, Panama and the Dominican Republic.⁶ However, it should be pointed out that in other regions of the world as well, government adherence to the Protocol is equally weak.

1.6 Organisation of American States (OAS)

The Western Hemisphere was the first region to develop a legally binding treaty against the illegal trafficking of firearms in the framework of the OAS, with the adoption of the *Inter-American Convention Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives and other Related Materials* (CIFTA) in 1997. It was also the first region to develop a system of procedures to implement a treaty of this nature, with the adoption of the *Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition* in 1998, under the coordination of the Inter-American Drug Abuse Control Commission (CICAD). During the UN General Assembly held in Bridgetown, Barbados in June 2002 the subject of arms trafficking was tied to approval of the *Inter-American Convention Against Terrorism*.⁷

In 2002 the General Assembly of the OAS also proposed a solution for the proliferation and illicit trafficking of small arms which not only acknowledged and promoted aspects of CIFTA and the Model Regulations, but also issued a call to action to all OAS Member States in the following areas⁸:

- Provide information by no later than July 15 of each year, with a report on the implementation of national, regional and global aspects of the United Nations Programme of Action;
- Designate a point of contact to serve as linkage with the Secretary General of the OAS and the UN Programme of Action;
- Develop a study of brokers and shippers in arms trafficking;
- Request that the Permanent Council of the OAS organise a seminar on identification, collection, stockpile management and destruction of small arms and light weapons (SALW);
- Encourage those Member States that are in a position to do so to destroy SALW confiscated as a result of a ban on illicit trafficking, as well as those under their control in excess of any legitimate need. Also motivate them to take the necessary measures to safeguard their stockpiles and weapons in their custody which are necessary for defence purposes; and
- Encourage Member States who have not yet done so to consider signing or ratifying the *United Nations Protocol on the Production and the Illicit Trafficking of Firearms, Their Parts, Components and Ammunition*.

In fact, the Security Commission and CICAD launched a study in October of 2002 on small arms brokering in the hemisphere and are in the process of organising a seminar on stockpile management. However, CIFTA and the Model Regulations of CICAD continue to be the most relevant mechanisms for the control of small arms proliferation.

1.7 CIFTA

CIFTA is the only existing legally binding regional agreement dealing with firearms proliferation in relation to law enforcement and crime control. With the exception of the Dominica, all the other member States of the OAS have signed the agreement and, of these, 17 have ratified it: Argentina (2001), the Bahamas (1998), Belize (1997), Bolivia (1999), Brazil (1999), Costa Rica (2000), Ecuador (1999), El Salvador (1999), Granada (2001), Guatemala (2003), Mexico (1998), Nicaragua (1999), Panama (1999), Paraguay (2000), Peru (1999), Uruguay (2001) and Venezuela (2002). Notably absent from this list are Canada, Colombia and the United States.

CIFTA articles XX and XXI establish a Consultative Committee to document its ratification and implementation, and to promote the following actions:

- Information exchange, especially regarding national legislation and administrative proceedings;
- Cooperation among national authorities;
- Training, technical assistance and sharing experience; and
- Measures to facilitate the enforcement of CIFTA.

On May 2 and 3, 2002, the *Third Ordinary Meeting of the Consultative Committee* was held in Washington, D.C.⁹ The meeting was presided by Mexico, Committee Secretary *pro tempore* for 2001-2002. During the meeting, Brazil was elected Secretary for the 2002-2003 period. Significant progress was observed by the Secretary in the area of development of institutional relations among CIFTA, CICAD and UN-LiREC.

1.7.1 Official CIFTA Questionnaire

One of the tools used by the Consultative Committee of CIFTA has been a questionnaire distributed to all OAS Member States to document their national situation in view of the Convention (see Appendix 4 for the list of questionnaire questions). By May 2002, 17 of the 34 States had responded to the questionnaire, namely: Argentina, Bahamas, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Ecuador, El Salvador, Guatemala, Guyana, Mexico, Panama, Peru, Trinidad and Tobago, and Venezuela. Thirteen of the 17 respondents had ratified CIFTA while

four have not yet done so. On the one hand, it is a positive step that countries which have not yet ratified CIFTA should become involved in the process and thereby work for its implementation. On the other hand, it is of concern that four countries parties to the Convention—Costa Rica, Grenada, Paraguay and Uruguay—have not yet officially responded to the questionnaire.

There are several explanations for the lack of response to the questionnaire until now. In the case of Uruguay, it is likely that it is waiting for the final text of the new law passed in July 2002. In Costa Rica, government officials believed they had already complied with all the information exchanges through CICAD (further described below), and are illustrating certain difficulties with parallel structures within the same organization.¹⁰ This problem was raised at the CIFTA Consultative Committee, where the recommendation was made to allow the two-fold use of reports drawn up for CICAD to respond to the questionnaire without further effort.

The questionnaire questions vary in complexity, from “*Has your country signed the Convention?*” to “*Is extradition allowed by your national legislation?*” An official analysis of the 17 questionnaire questions indicates progress at the national level, with the promulgation of regulations regarding confiscation, and the adoption of laws on arms security during export, import and transit. Areas in which work needed to be intensified were identified as: notification of shipment arrival by importing country to exporting country; bilateral cooperation in cases of illicit trafficking, when more than one national jurisdiction are involved; marking at the point of manufacture, export and import; information exchange about authorized manufacturers, brokers, importers and transportation agents; and information exchange on legislative and technical measures to combat money-laundering.

In addition, only nine member States have identified national points of contact for the promotion of cooperation and information exchange, while only seven have identified national contact points for mutual legal assistance, as required by Articles XIV and XVII, respectively, of the Convention. In some cases, the information provided consists only of the name of the government agency without contact information. Despite the scant response to the questionnaire, it has become a useful tool for member States of the OAS to identify areas in need of further strengthening during the implementation process.

1.7.2 Further Steps Towards Implementation

The “Proposal for a Programme of Cooperation to Promote the Ratification and Implementation of CIFTA and the Strengthening of Mutual Legal and Judicial Cooperation in the Framework of the Convention”¹¹ was put forth during the third regular meeting of the Consultative Committee of CIFTA.

Components of the plan include: a more aggressive effort to identify national points of contact; increasing the number of responses to the official questionnaire, ensuring that the Secretary *pro tempore* is present at all the important international meetings; monitoring the implementation of the UN Programme of Action; continual updating of the OAS website; development of additional model legislation; fostering national studies by each member State; creation of new links with NGOs and groups in civil society to achieve a complementarity of efforts; explore the possibility of developing a hemispheric Code of Conduct; and the preparation of the First Conference of States parties to the Convention (scheduled for five years after CIFTA went into effect).

It is important to underscore the decision taken by the Consultative Committee to promote the development of a major model legislation which would cover areas not dealt with by the Model Regulations of CICAD. The latter, of course, are effective in controlling legal trade with the aim of preventing it from being diverted to illegal markets, but they are less so in preventing illicit manufacture and trade *per se*. It was decided that supplementary model legislation was necessary in the following areas:

- Marking of firearms;
- Record-keeping to permit tracing of illegally manufactured or exported firearms (Article XI);
- Maintaining confidentiality;
- Information exchange --means, routes, techniques--, and
- Cooperation and methods for “supervised surrender” of accused arms traffickers.

In a larger framework, the group expressed the hope of the CIFTA Consultative Committee that States themselves will endeavour to incorporate relevant aspects of the *OAS Hemispheric Action Plan* for mutual legal and judicial cooperation in the fight against transnational organized crime and terrorism.¹² Further, the Consultative Committee of CIFTA has decided to meet before the regular meeting in April 2003 to review new recommendations.

1.8 CICAD

During the CIFTA negotiations, Member States of the OAS also formulated a series of practical guidelines to complement enforcement of the Convention effectively. The regulations consist of a series of harmonized measures and procedures for the supervision and control of the international movement of firearms, parts and components traded among the countries of the OAS (see Annex 3). Proposals are also outlined for record-keeping and information exchange on imports and exports, including the quantity, type and serial number of the firearms.

In December 2001, during the thirtieth CICAD period of sessions in Caracas, Venezuela, its report on “Strengthening the Control of the International Movement of Firearms” was presented.¹³ By contrast with CIFTA, CICAD is a commission staffed by Secretariat personnel and has therefore been more successful in identifying points of contact in each country. CICAD has published its register of points of contact for the import and export of firearms in North America, Central America and the Caribbean.¹⁴

Since 1999 CICAD has been developing a framework of strategic cooperation with UN-LiREC to provide training for government officials on the Model Regulations and CIFTA. In 1999 and 2000, political and bureaucratic personnel were trained in Lima, Peru and Martinique, respectively. In 2001, the training program was oriented towards public security forces and customs agents, with courses given in Trinidad and Tobago for Caribbean countries, and in San Jose, Costa Rica for Central American countries and the Dominican Republic. A course for police officers and customs agents is planned for February 2003.¹⁵

In 2002, CICAD and UN-LiREC continued to collaborate in the development of the SALSA database (further described above) and a secure system of electronic information exchange among OAS countries. Future collaborative activities under consideration by both institutions include training in: legal methods for combating illicit trade, multilateral cooperation and supervised surrender of detained persons.

Despite certain limitations of the CICAD Regulations—their adoption is voluntary and they have little effect on purely illicit trade—they deserve to be credited with having done much to help and take into account the needs of smaller Caribbean countries, a group often marginalised in other multilateral arenas.

TABLE 3:
Adherence of Latin American Countries to Multilateral Mechanisms against the Illicit Trafficking of Small Arms

| Country | CIFTA(a) | Questionnaire (a) CIFTA | Model Regulations | UN Protocol (c) (b)CICAD |
|------------------------|----------|----------------------------|-------------------|-----------------------------|
| Antigua and Barbados | Signed | No | No | No |
| Argentina | Ratified | Yes | Adopted | No |
| Bahamas | Ratified | Yes | In process | Signed |
| Belize | Ratified | Yes | Adopted | No |
| Bolivia | Ratified | Yes | In process | No |
| Brazil | Ratified | Yes | No | Signed |
| Chile | Signed | Yes | No | No |
| Colombia | Signed | Yes | Partially | No |
| Costa Rica | Ratified | No | In process | Signed |
| Cuba | NA | NA | NA | No |
| Dominica | Signed | No | No | No |
| Ecuador | Ratified | Yes | No | Signed |
| El Salvador | Ratified | Yes | Yes | Signed |
| Granada | Ratified | No | In process | No |
| Guatemala | Ratified | Yes | No | No |
| Guyana | Signed | Yes | In process | No |
| Haiti | Signed | No | In process | No |
| Honduras | Signed | No | Adopted | No |
| Jamaica | Signed | No | In process | Signed |
| Mexico | Signed | Yes | No | Signed |
| Nicaragua | Signed | No | In process | No |
| Panama | Ratified | Yes | Adopted | Signed |
| Paraguay | Ratified | No | In process | No |
| Peru | Ratified | Yes | Partially | No |
| Dominican Republic | No | No | In process | Signed |
| St Lucia | Signed | No | Partially | No |
| St Vicente and Grenada | Signed | No | No | No |
| St Kitts and Nevis | Signed | No | No | No |
| Surinam | Signed | No | No | No |
| Trinidad and Tobago | Signed | Yes | No | No |
| Venezuela | Ratified | Yes | No | No |
| Uruguay | Ratified | No | No | No |

Source: (a) <http://www.oea.org>; (b) *Small Arms Survey 2001: Profiling the Problem*, Oxford University Press, p. 254; (c) http://www.odccp.org/odccp/crime_cicp_signatures_firearms.html

2. MERCOSUR

The context of small arms control within MERCOSUR (South American Common Market), created in March 1997, includes its member countries—Argentina, Brazil, Paraguay and Uruguay—along with two other associate members: Bolivia and Chile. The sub-region has a small-scale arms industry for civilian and military markets, based in Argentina and Brazil. Traditional armed conflicts are not characteristic of the region; however, armed violence manifests itself in urban crime, youth gangs, land ownership disputes and, increasingly, in social violence associated with collapsing economies.

The MERCOSUR sub-region was the first to develop its own mechanism for firearms control following the *Southern Cone Presidential Declaration on Combating the Illicit Manufacture and Trafficking in Firearms, Ammunition and Related Materials*, signed in April 1998. The declaration is supported by the Cooperation and Reciprocal Assistance Plan for Regional Security which tackles different aspects of organised crime, including arms trafficking.¹⁶ On the basis of this Declaration, the interior ministers decided to develop a joint registration mechanism for firearms, ammunition, explosives and other related materials within the MERCOSUR Security Information System, to include:¹⁷

- Register of individuals and legal entities that buy, sell, exchange, import, export and distribute firearms;
- Register of ports of shipment and importation, including intermediate points; and
- National registers of individual and institutional firearms owners.

The parties also agreed to use the CICAD Model Regulations framework to establish national data processing centres to ensure compliance. MERCOSUR decisions are binding and do not require approval or ratification by national parliaments. In November 2002 the interior ministers met and approved a common nomenclature, but since then no progress has been made in this arena. In September 2002 the virtual publication *Desarme.org* published an article criticising the lack of action in this regard.¹⁸

2.1 Argentina

Argentina is the third largest producer of firearms in the hemisphere and a country increasingly affected by social violence stemming from its prolonged political and economic crisis. The implementation of an arms exchange pilot programme by the Ministry of Justice and Security of the Province of Mendoza has given the country a



high profile in the context of arms control.¹⁹ Plans were being made to replicate this programme in other provinces but the current crisis has delayed this possibility. In August 2002 UN-LiREC, UNDP and other international agencies supported the destruction of weapons collected in Mendoza at a public event, and launched the development of a programme to strengthen control of stockpile management. These activities in Mendoza gave rise to an NGO by the name of *Espacios* which works on the issue of disarmament at the provincial, national and MERCOSUR levels.

More recently the National Congress has reviewed the issue of arms control. In September 2002 a debate was initiated on proposals to control illegal production and to re-open the possibility of launching an arms exchange programme at the national level. The National Arms Register (RENAR), a dependency of the Ministry of Defence, maintains a website in Spanish and English with public information on national legislation, weapons registered by type or location (including weapons belonging to police and private security, but excluding military weapons), dealers, firing ranges, imports, exports, etc. RENAR destroyed 3,000 weapons at a public event in Buenos Aires in September 2002.

Argentina ratified CIFTA in 2001 and has adopted the CICAD Model Regulations, but has not yet signed the UN Firearms Protocol.

2.2 Bolivia

Bolivia, the poorest country in South America, has witnessed an escalation of armed violence and illegal arms trafficking in recent years. Argentine intelligence services have found Bolivian transportation companies involved in the traffic of weapons intended for drug-trafficking rings in Brazil.²⁰ While Bolivia is not considered a country in conflict, encounters between the army and coca-producing groups threaten the stability of different areas of the country.

Bolivia ratified CIFTA and has begun adopting the CICAD Model Regulations but has not yet signed the UN Protocol.

2.3 Brazil

According to *Small Arms Survey 2001*, Brazil is the second largest firearms producing country in the hemisphere, with an actively engaged Ministry of Foreign Affairs and a strong civil society movement led by the NGO Viva Rio. Currently, the Brazilian government presides over the Consultative Committee of CIFTA and a government representative participates in the UN Group of Experts on marking and tracing.

In the state of Rio de Janeiro, Viva Rio has worked with the state government to implement different arms-control measures, including: research for informed public policies, computerized databases of weapons stored in police warehouses, legislative reforms, campaigns against

weapons and violence, and the destruction of weapons at public events. In July 2002 Viva Rio and the state government of Rio de Janeiro destroyed 10,000 weapons with the help of UN-LiREC.

Following the 2001 UN Conference, Viva Rio has supported the creation of a network of NGOs in MERCOSUR and an online journal on arms control and disarmament in Spanish and Portuguese.²¹ In cooperation with the Canadian NGO Project Ploughshares, Viva Rio undertook an assessment of national legislation in MERCOSUR countries with respect to the CICAD Regulations. There are other active Brazilian NGOs against arms proliferation, such as Sou de Paz in Sao Pablo and others in Brasilia and Bahia, but they have a relatively low profile regionally and internationally.

2.4 Chile

In relative terms, Chile has been the country least affected by the proliferation of violence and its consequences. According to *Small Arms Survey 2001*, Chile has what is classified as a small-scale weapons industry. Historically, its government has not been actively involved in international small arms control, but in November 2001 it co-sponsored and hosted the Latin American follow-up meeting to the Programme of Action adopted at the 2001 UN Conference. Chile has not ratified CIFTA nor has it signed the UN Protocol.

2.5 Paraguay

Ciudad del Este, on the border of Paraguay with Argentina and Brazil, is well known as an international focal point for contraband including arms. According to the NGO Transparency International, Paraguay has the highest levels of corruption of any country in South America, a situation that affords ideal conditions for illegal arms trafficking. Criminal gangs in Rio de Janeiro, Brazil have been found in possession of Brazilian-manufactured weapons originally exported legally to Paraguay and later reintroduced into the Brazilian black market.²²

Paraguayan citizens who want to purchase a weapon of a calibre lower than .38 are only asked to show their identification card or passport.²³ If the buyer is a foreigner, or if a Paraguayan national wishes to buy a semi-automatic weapon, a permit must be obtained from the Ministry of Defence or at a police station in rural areas. The latter option facilitates purchases of a dubious nature. Currently, several bills are before the National Congress which aim to prohibit the sale of any weapon of a higher calibre higher than .38, and sales to foreign tourists. The influence of the Brazilian government and the NGO Viva Rio led to an embargo by Brazil against the export of Brazilian weapons to Paraguay. This embargo must be renewed in 2003 in order to stay in effect. The United States government has also adopted similar actions.

In keeping with the international process associated with the 2001 UN Conference, the Paraguayan government has been more receptive to the necessity of controlling arms trafficking. At this time it has a pending aid request for the destruction of confiscated and surplus arms held by the State which is being negotiated with UN-LiREC and other international collaborators. Paraguay has ratified CIFTA and has initiated the adoption of the CICAD Model Regulations.

2.6 Uruguay

Similarly to the case of Chile, Uruguay has traditionally had low levels of arms trafficking and violence. Nevertheless, its proximity to Argentina and Brazil, along with its overseas banking industry, makes money laundering possible and thus facilitates illegal arms trafficking. In July 2002 the National Congress adopted a decree modernizing existing arms control legislation that had not been modified since 1970. Uruguay has ratified CIFTA but has not adopted the CICAD Model Regulations nor signed the UN Protocol.

3. Andean Community

Despite urgent problems linked to arms trafficking, especially in Colombia, no substantial efforts have been made jointly to tackle the problem within the framework of the Community itself as well as in the sub-region. All of the Andean countries have been arms suppliers to the Colombian conflict at one or the other of its stages. The achieved progress in the small arms field should be seen in the light of the regions drug problems and the Andean Cooperation Plan for the Fight against Illicit Drugs and Criminal Connections.²⁴ Sub-regional security matters are dealt with at the Secretariat of the Andean Community in Lima, Peru. In June 2002 during the Conference of Andean Community Ministers of Foreign Affairs and Defence, the governments of Bolivia, Colombia, Ecuador, Peru and Venezuela made commitments on four issues in the fight against the illicit arms trade:²⁵

1. Adopt urgent measures to combat illicit arms trafficking given its link to the global problem of illegal drugs, terrorism, transnational organised crime, and mercenary and other criminal behaviour, as well as its direct impact on the security of populations, the aggravation of internal conflicts, and the obstacles it creates in the peace-building. Similarly, adopt urgent measures to combat illicit firearms trafficking intended to disrupt the democratic institutional order of States;
2. Adopt urgent means to combat illicit traffic of firearms destined to disrupt the democratic institutional order of the States;
3. Establish an Andean Working Group to develop an action and follow-up plan for specific bilateral and sub-regional cooperation projects to combat and eradicate illicit firearms trafficking; and
4. Implement as soon as possible the recommendations in the UN 2001 Programme of Action to Prevent, Combat and Eliminate the Illicit Trafficking of Small Arms and Light Weapons in All Their Aspects, particularly those recommendations at the regional level.

Concrete results from these declarations are yet to be seen among the member States of the Andean Community.

In July 2001 the members of the Andean community, MERCOSUR, with the government of Guyana and Suriname established a South American cooperation and peace zone. Although the South American cooperation does not directly deal with small arms it does include small arms as one aspect in the fight against transnational crime.



An NGO group from all the Andean countries, led by the Gamma Idear Foundation in Bogota, Colombia, created an Andean network against arms trafficking at a meeting backed financially by IANSA. Unfortunately, as of the date of this publication, the network has not really been consolidated.

3.1 Colombia

Because of its armed conflict, Colombia is without a doubt the country within the hemisphere which experiences the most serious consequences ensuing from the proliferation and use of small arms. It is therefore more difficult to implement effective government controls and awareness campaigns among civil society. The national context has become more complicated, with the proposal by the new president, Alvaro Uribe, which would create a national anti-guerrilla network including the supply of arms to civilians for their personal protection.

Despite the high-level training with respect to the issue of small arms within the ministries of Foreign Affairs, Defence and Intelligence—all of which have actively participated in the development of multilateral OAS and UN mechanisms—Colombia has not ratified CIFTA or signed the UN Protocol. It has responded to the official CIFTA questionnaire and has partially adopted the CICAD Model Regulations. All of this is understandable, given the situation in which the country finds itself. At the same time it is surprising in view of the fact that the 2001 UN Conference was presided by the Colombian ambassador, Camilo Reyes, who has made a sizeable commitment to the international struggle against small arms trafficking. Currently, Colombia is participating in the UN Group of Experts on marking and tracing.

A study undertaken by *Small Arms Survey in 2001* determined that 80 per cent of all homicides with firearms in Colombia were committed with .32, .38 and 9mm-calibre hand guns, not with assault rifles.²⁶ At the same time, data analysis reveals that 80 percent of homicides throughout the country were acts of criminality and delinquency not associated with armed conflict. The study indicates that the scope of the problem in Colombia is broader than armed conflict. This, however, does not alter the fact that in certain geographic areas of the country the problem is principally one of armed clashes among guerrillas, paramilitaries and the army, occurring for the most part with the use of military firearms.

In the last few years, several initiatives have been implemented locally. First, the mayor of Bogota carried out several arms exchange projects, although little information has been made available to the public about these efforts. Secondly, a Colombian epidemiologist studied the impact of provisional decrees prohibiting the bearing of arms in the cities of Medellin and Bogota, where a decrease of 15 to 20 percent in the homicide rate was registered.²⁷ Colombia has an NGO community capable of making a significant contribution to the struggle against illegal arms trafficking and weapons build-up. However, until now, these institutions have kept their focus on the subject to its epidemiological aspects or to the armed conflict in its broader context.

3.2 Ecuador

Within the Andean Community, Ecuador is the least visible country in international circles both at the governmental level as well as in civil society. The country is recognised as one of the many transit points for arms intended for the Colombian guerrilla. In September 2002, two Ecuadorean army officers were arrested and charged with arms trafficking to the Colombian guerrilla. Nevertheless, with respect to multilateral mechanisms, the government has been more active. Ecuador ratified CIFTA in 1999 and is the only Andean country to have signed the UN Protocol. Apart from these activities, the Government has not answered the official CIFTA questionnaire nor indicated the adoption of the CICAD Model Regulations.

3.3 Peru

Peru is the host country for UN-LiREC, of the Andean Community and a host of other international institutions which have the potential to contribute to the struggle against the illicit trade of SALW. The recent arms trafficking scandal involving a high-ranking intelligence officer in the government of former President Alberto Fujimori has given rise to a certain reticence on the part of the government to speak publicly about arms issues.

The Peruvian government ratified CIFTA, responded to the official questionnaire, and has partially adopted the CICAD Model Regulations, but it has not yet signed the UN Protocol. UN-LiREC has expressed the intention to implement a pilot project with the Peruvian government and the NGO *Save the Children*, of Sweden, to penetrate those illegal markets whose principal consumers are youth. UN-LiREC also plans to help the Peruvian government destroy several thousand weapons and improve stockpile management. In December 2002, in the context of the UN-LiREC 2003 Lima Challenge, some 2,500 weapons seized from criminals were destroyed in Lima.

As of today, no comprehensive research is being carried out nor are there Peruvian NGOs that are active to any significant degree in arms control issues, even if several organizations have taken part in international forums and expressed interest in dealing with these issues.

3.4 Venezuela

Even before the election of current president Hugo Chavez, the United States government had placed an embargo prohibiting the sale of handguns to Venezuela in order to prevent their diversion to Colombia. In 2001 Venezuela initiated steps to procure the 5.56 mm assault rifle with the aim of replacing the FAL 7.62 rifle which had been part of the national arsenal for 40 years.²⁸ The new rifle will be introduced in 2003 and will result in the decommissioning of over 100,000 FAL rifles, which will be warehoused for export in the future. Thefts and diversion from Venezuelan arsenals are common occurrences and it is likely that some of those rifles will, through negligence, wind up in the hands of the Colombian guerrillas.

Venezuela ratified CIFTA in 2002 and has responded to the official questionnaire. It has not yet adopted the CICAD Model Regulations or signed the UN Protocol. To date, it is not known whether any research or NGO activities are being carried out with respect to small arms at the regional or international level. The current crisis in Venezuela presents an obstacle for any sustained progress in this regard in the short term.

4. Mexico and the Caribbean

Given its geographic placement between North America and the rest of Latin America, as well as its trade and immigration ties with the United States, Mexico is in a unique situation in the hemisphere with respect to the illegal arms trade. The Caribbean countries, which are largely small islands with diverse cultures and languages, are at the margins of multilateral mechanisms on small arms.

4.1 Mexico

In addition to being a North American Free Trade Agreement partner, Mexico is seen as a significant transit point for narcotics moving northward, and firearms heading south. According to *Small Arms Survey*, Mexico has a small arms-producing industry which is licensed to manufacture the FN Herstal (Belgium) and the Heckler & Koch (Germany). National legislation regulating firearms falls under the responsibility of the Secretariat of National Defence (SEDENA) and is strict, making it virtually impossible for civilians to legally own .38 calibre weapons or higher. Two national laws regulate firearms: the Federal Firearms and Explosives Act and the 2002 Penal Code.

Nevertheless, illegal arms proliferation has increased in recent years, contributing to the commission of crimes such as robbery and kidnapping. At the same time, the disparity between Mexican law and US federal and state legislation facilitates the movement of illegal firearms from North to South. Many firearms cross the border in small quantities in a pattern called “the ant trade.” The Mexican Attorney General has reported that the illegal arms trade is the third most lucrative illicit activity for organized crime, after narcotics and extortion.²⁹

The Secretariat for Foreign Affairs (SRE) has played a very active role in the development of multilateral instruments to control the illicit arms trade, and held the position of Secretary *pro tempore* of the Consultative Committee of CIFTA (2001-2002). Mexico was one of the first countries to ratify CIFTA in 1998, although at this time its adoption of the CICAD Model Regulations has not been established. The two government agencies designated as points of contact and support regarding CIFTA and CICAD are the SRE Office for a New International Agenda and the Office for International Legal Affairs of the Attorney General. Mexico is also a signatory of the UN Protocol and its ratification is expected during the next regular session of the National Congress.³⁰ As Secretary *pro tempore* of CIFTA, Mexico was one of the first countries to reply to the official questionnaire and is currently a participant in the UN Experts Group on marking and tracing, as well as in the parallel group established by the governments of France and Switzerland. It is also engaged in bilateral



cooperation with the United States Bureau of Alcohol, Tobacco and Firearms. And, although it is not a common practice, Mexico as a donor government contributed financially to the Goods for Arms program in El Salvador from 1996-2000.³¹ SEDENA is the government agency that oversees the national system of firearms registration. Information about laws, standards and other relevant procedures for firearms control can be found on a website maintained by SEDENA.³² In contrast to many other Latin American countries, the public security system in Mexico is largely decentralised at the state level, even if federal coordination exists through the Secretariat for Security. In May 2001 the State Government of Nuevo Leon near the US border implemented a program of voluntary weapons surrender in Monterrey, the State seat of government, which was able to collect 200 firearms.³³ Unregistered weapons were exchanged for 500-peso vouchers, while legally registered weapons received vouchers worth 1,000 pesos.

4.2 The Caribbean

No sub-regional effort has yet been possible to coalesce for the control of the illicit small arms trade in the Caribbean, given the great diversity of Caribbean countries. On the one hand, the sub-region is comprised of countries like Cuba, the Dominican Republic, Haiti and Jamaica, which are relatively large in terms of their populations. Various obstacles exist with respect to the implementation of arms trafficking controls in the region. For example, Cuba does not belong to the OAS and is not a party to CIFTA, while Haiti is a *“failed state.”* On the other hand, the Caribbean contains numerous small island-states, some of which are independent and others are still colonies of Europe. Meanwhile, Puerto Rico, an associate State of the United States, participates in the inter-American system through Washington. It is not clear how the European colonies like French Guyana or the British Virgin Islands interact with the hemispheric and sub-regional mechanisms to control the illegal arms trade. In the Caribbean the small arms problem is mainly tackled from the perspective of the drug trade, but the case of Haiti underscores the need for more comprehensive efforts.

CARICOM, the sub-regional organisation for the Caribbean, made a presentation on behalf of its members at the 2001 UN Conference, but it does not yet have a sub-regional program for arms control. Jamaica and Trinidad and Tobago have been the most active countries within the multilateral context. Cuba and Jamaica are participants in the UN Group of Experts on marking and tracing.

4.3 Haiti

As a post-conflict country in a prolonged crisis of governance, Haiti has not made much progress with respect to arms control. Although its government is a signatory to CIFTA, it has not replied to the official questionnaire. It has not yet adopted the CICAD Model Regulations or signed the UN Protocol. In November 2002 the OAS promoted an international seminar with experts drawn from government, NGOs, the UNDP and other organisations to share disarmament and arms control experiences and to encourage the inclusion of the subject on the political agenda at the national level.

4.4 Jamaica

Currently, Jamaica is experiencing high rates of violence and, in this regard, is perhaps only outranked by the Central American isthmus and Colombia. The Jamaican Government considers that the seizure of illegal weapons and the struggle against illegal trade are the two priority activities in order to achieve more effective controls. In 1999 the government collected 4,000 weapons which it destroyed at a public event. In 2000, arms trafficking was incorporated into the Law on Money Laundering, which had until then only covered crimes involving drug trafficking.

Jamaica supports marking weapons, strengthening registration, enforcing common standards for brokers, and it currently participates in the UN Group of Experts on marking and tracing. Its government signed the UN Protocol and began the adoption of the CICAD Model Regulations but it has not ratified CIFTA or responded to the official questionnaire.

4.5 Trinidad and Tobago

In 1999, Trinidad and Tobago reformed its firearms legislation, making it mandatory to register arms annually and creating stricter regulations to control their movement, warehousing, transfer, use and importation. The government has prioritised maintenance of registers and tracing. However, these priorities have not been accompanied by concrete action. The government has not yet ratified CIFTA and has only partially adopted the CICAD Regulations. Trinidad and Tobago responded to the official CIFTA questionnaire but have not yet signed the UN Protocol.

The Women's Institute for Alternative Development (WINAD) was the first Caribbean NGO to become affiliated with the IANSA network. WINAD organized a national meeting attended by representatives of civil society and the Government, to deal with issue of firearms. The lack of a sub-regional dialogue moved WINAD, in cooperation with the Caribbean Association for Feminist Research (CAFRA), to organize the first sub-regional meeting on the point of view of women regarding firearms. Participating NGOs came from Grenada, Guyana, Haiti, Jamaica, the Bahamas, Trinidad and Tobago, and the Dominican Republic.

5. Central America

At this time, Central America is the sub-region with the greatest number of activities underway to strengthen controls of small arms and their illicit trade at the level of government, international institutions and NGOs. All Central American countries, even those which did not witness armed conflict in the 1980s and 90s, share certain factors: they serve as transit points for the drug trade; they have seen an increase in youth gangs involved in drug use and trafficking; and there has been a proliferation of private security companies stemming from the incapacity of police forces to handle the current public security environment.

The disarmament process associated with the peace accords in Nicaragua, El Salvador and Guatemala, along with the presence of international observers over the course of several years, has provided the space to debate small arms control since the early 1990s. At the same time, several Central American NGOs initiated research on small arms proliferation, even before the formation of IANSA. Today, along with the NGOs of MERCOSUR, it is the most active Latin American sub-region at the civil society level. For several years now, UNDP has been implementing a project to strengthen small arms controls in El Salvador which it will expand to neighbouring countries, namely, Guatemala, Honduras and Nicaragua.³⁴

In December 2001, the governments of Canada, Finland and Costa Rica, along with the *Arias Foundation*, held the conference on "Small Arms and Light Weapons in Central America: Scope of Control and Regulation of Arms Trafficking to Implement the UN Programme of Action." This conference has been the only one in Latin America since the 2001 UN Conference to have sought to give a sub-regional focus to the subject and strengthen the links among governments and sub-regional, hemispheric, and international mechanisms. It was also the first gathering on the subject of arms controls between NGOs and Central American governments since the Antigua Declaration of 2000.³⁵

5.1 Central American Integration System (SICA)

SICA is the Central American inter-governmental body, with headquarters in San Salvador, that is responsible for the integration of the isthmus in political and judicial matters. At the same time, the related Central American Economic Integration System (SIECA) is headquartered in Guatemala City. There are two mechanisms in force within SICA to tackle illicit arms trafficking: the Framework Treaty for Democratic Security in Central America and the Central American Project on Illicit Trafficking of SALW.



The Framework Treaty was agreed upon by the Central American presidents in 1995, having as its multiple objectives to foster civilian control over military forces, the police and economic security, and the reduction of violence and drug trafficking. At least six articles of the Framework Agreement deal with the issue of firearms, including fostering the harmonisation of legislation, cooperation among States in cases of arms trafficking involving several national jurisdictions, the strengthening of controls over national arsenals, and the creation of a Central American arms registry. The implementation of the Framework Treaty has proceeded slowly, given more urgent priorities such as the reconstruction efforts in the wake of Hurricane Mitch and the earthquakes in El Salvador, to which must be added the divisions between those countries that have armed forces and those that abolished them.

The Central American Project on Illicit Trafficking of SALW is a new initiative which emerged from the SICA Security Commission during the term that Costa Rica presided over the Commission (July – December 2002).³⁶ Panama will serve as president between January and July 2003, followed by Belize. The project, which is not yet fully funded, is being coordinated bureaucratically by the Political and Legal Office of SICA and proposed the following activities:³⁷

- Modernisation of national legislation with the aim of achieving sub-regional harmonisation;
- Procurement of state-of-the-art equipment for gathering and analysing ballistics tests, as well as for tracing purposes;
- Creation of multidisciplinary national commissions to deal with the issue nationally, to include government officials, legislators and civil society;
- A Central American awareness campaign on the dangers and responsibilities that accompany the possession of firearms;
- A sub-regional information exchange mechanism to complement existing OAS and UN mechanisms; and
- Future implementation of voluntary arms exchange programmes and arms registration drives throughout all the countries of the isthmus.

The Central American Project is ambitious and it strengthens certain aspects of the Framework Treaty without having to resolve all the disputes between Central American governments in the short term. There is a greater likelihood that it will be supported since there were no previously existing mechanisms or instruments specifically focused on small arms control within the OAS and the UN when the Framework Treaty was drafted in 1995.

5.2 Costa Rica

The Government of Costa Rica has played a leading role in arms control beginning with its participation in the Central American peace accords negotiations in the 1980s and 90s. After the return to peace on the isthmus with respect to armed conflicts, Costa Rica has experienced an increase in the incidence of crime with handguns, and it has been used as a link in the traffic of AK-47 rifles, among others, towards the Colombian conflict.³⁸ The current legislation which regulates firearms in Costa Rica was

drafted in 1995 and later revised in 2002. According to official Government data, the revised 2002 law incorporated aspects taken directly from the Model Regulations of CICAD and CIFTA.³⁹

Costa Rica ratified CIFTA without responding to the official questionnaire and is in the process of adopting the CICAD Model Regulations; however, it has not yet ratified the UN Protocol. In addition to sponsoring the Central American regional follow-up to the UN Programme of Action, as well as its recent role within the Security Commission of SICA, Costa Rica has also begun the admission process to the UN Disarmament Conference in Geneva. On being admitted, Costa Rica will be the first Central American country to participate in that forum. The Costa Rican government has not ratified the Framework Treaty for Democratic Security in Central America, contending the existence of problems in role definitions of military and police institutions (Costa Rica abolished its army through a constitutional provision in 1949).

Within the framework of civil society, the Arias Foundation for Peace and Human Progress, founded by Nobel Prize winner and ex-President Oscar Arias, has been one of the most active NGOs in Central American and internationally. Following the 2001 UN Conference, the Arias Foundation co-sponsored the sub-regional follow-up meeting to the UN Programme of Action. It also initiated a series of NGO trainings on the issue of firearms and is actively promoting an international code of conduct for arms transfers.⁴⁰

5.3 El Salvador

In the aftermath of its armed conflict, which ended in 1992, El Salvador has been one of the countries most affected by the trafficking and abuse of small arms. Although its homicide rate has significantly decreased in the last five years, it continues to exceed the average established for low- and medium-income countries in accordance with parameters set by the World Health Organisation.⁴¹ The problem of youth gangs first affected El Salvador severely, before making its way into neighbouring countries.

The Salvadoran legislation which regulates arms, explosives and ammunition was drafted in 1999 and revised in 2002.⁴² The 2002 revision includes 14 revisions and 30 new articles. While the National Civil Police (PNC) is charged with enforcing the law, the Ministry of National Defence is responsible for the national registry of arms and the management of other control-related tasks.

El Salvador ratified CIFTA, has replied to the official questionnaire, adopted the CICAD Model Regulations and has signed the UN Protocol. El Salvador is the most active Central American country in terms of its participation in multilateral arms control mechanisms.

Not long after the UN 2001 Conference in New York the UNDP launched its project to tackle the problems of violence from a multi causal perspective. The proliferation of small arms constitutes one of the programme's components and it focuses on the strengthening of SALW control mechanisms in El Salvador.⁴³ This project coordinated by UNDP integrates efforts by the National Public Security Commission, the University Public Opinion Institute (IUDOP) of the Central American University, the Faculty of Latin American Social Sciences, the National Judiciary Council and the NGO FESPAD. It is one of the first projects of this magnitude in which government entities and civil society are working together to improve small arms control. The achievements to date include a computerized PNC firearms crime and violence data base to be used to support police interventions; various anti-violence campaigns in the schools, and an on-going firearms, explosives and ammunition legislation reform project. In 2003, UNDP will publish a comprehensive, multidisciplinary report on the small arms situation in El Salvador.⁴⁴

5.4 Guatemala

After El Salvador, Guatemala is the country that has suffered the greatest consequences of violence and arms trafficking following the signing of the Peace Accords in 1996. The section of the Peace Accords that

speaks of “Strengthening Civil Powers and the Role of the Armed Forces in a Democratic Society” calls for the transfer of authority over the control of arms, explosives and ammunition from the Ministry of Defence to the relatively new Interior Ministry.⁴⁵ Nevertheless, five years later, the Guatemalan government has not been able to bring about a national arms legislation reform to make possible that transfer of authority. It is the only Central American country which produces ammunition industrially in a factory under the control of the Ministry of Defence, which produces 5.56 calibre ammunition for use by the military.

As of 5th February 2003 Guatemala has ratified CIFTA. It has also replied to the official questionnaire. The Guatemalan government has not adopted the CICAD Model Regulations or signed the UN Protocol; however, it has ratified the Framework Treaty for Democratic Security in Central America.

Before bringing its task to an end in Guatemala, the United Nations Observers Mission carried out a study to promote and lay down the groundwork for the firearms legislation reform, comparing the provisions of the accords with the current situation and the laws of different Latin American countries.⁴⁶ In terms of civil society, the Institute of Education for Sustainable Development (IEPADES) was one of the founding organizations of the IANSA network and its role has been to pressure the Guatemalan government to sign and ratify multilateral agreements and to revise the national arms and explosives legislation.⁴⁷ It is likely that UNDP will, in the near future, include the subject of SALW in its program on Public Security.⁴⁸

5.5 Honduras

Although Honduras has not experienced a civil war in recent history, after the end of armed conflicts in neighbouring countries, it began to witness similar problems of criminality, arms trafficking and youth gangs. The Ministry of Defence is responsible for arms control nationally, while the Preventive Police are responsible for law enforcement. La Armería, a subsidiary of the Military Pension Institute has the monopoly of the retail gun trade in the country. As for the legislation in effect, the law on arms, ammunition and explosives was passed by the National Congress in July 2000.⁴⁹ Because this legislation is so recent this law has not been operationalised and consequently has not been implemented as yet.

Honduras has not ratified CIFTA nor has it responded to the official questionnaire. It also has not adopted the CICAD Regulations or signed the UN Protocol, even though the Legal Advisor of the Ministry of Defence is registered with CICAD as the corresponding national point of contact.

At the level of civil society, the NGOs Foro Ciudadano and the Center for Research and the Promotion of Human Rights (CIPRODEH) have actively developed research and awareness projects on the firearms issue. Unfortunately, these organisations have not had the comparable financial support received by their counterparts in the neighbouring countries to allow them to sustain their activities. UNDP has considered incorporating the small arms issue into its area of work on Public Security in 2003.⁵⁰

5.6 Nicaragua

Although it is likely that Nicaragua had the greatest degree of small arms proliferation in the sub-region during its civil war, the impact of violence in the post-conflict stage has been less severe than in its neighbouring countries to the north, with the exception of certain areas of the interior where State presence is quite weak. The national firearms law was adopted in 1937 and is very much out-of-date: for example, it entrusts responsibility for law enforcement to the National Guard, an entity which no longer exists and which has been replaced by the National Police who hold that responsibility ipso facto.⁵¹

Nicaragua ratified CIFTA but has not replied to the official questionnaire. Although it has not complied with adopting the CICAD Model Regulations, it has identified the National Police as the

official liaison with that entity. Nicaragua signed the UN Protocol, but has not yet ratified it. Further, it ratified the Framework Agreement for Democratic Security in Central America.

With regard to organised civil society, the Center for International Studies (CEI) and the Nicaragua Center for Strategic Studies (CEEN) have been the most active NGOs within the country. They have carried out field studies, public opinion surveys, and—in the case of CEI— have been part of the IANSA board and the Network for Human Security in Central America.⁵² Both institutions played a leading role in the international campaign against landmines and during its implementation. At this time, UNDP is preparing to integrate the subject of arms control into its program on Public Security. This will be concretised at the conclusion of the assessment being prepared in conjunction with the Ministry of Interior, which has identified the firearms control issue as a one of the priorities to be addressed.⁵³

5.7 Panama

The levels of violence in Panama more closely resemble those in Costa Rica than in Colombia, its neighbour to the south. On the border with a country at war and with its free trade zone and overseas banking facilities, Panama offers conditions that facilitate illicit small arms trafficking. Such was the case recently when the Nicaraguan police sold arms to two Israeli brokers (the buyer in Guatemala and the dealer in Panama) for eventual sale to the Panamanian police.⁵⁴ The result was that the weapons turned up in the hands of Colombian paramilitaries. National legislation that controls arms and explosives was revamped most recently in 1995.⁵⁵

Panama ratified CIFTA, replied to the official questionnaire and has adopted the CICAD Model Regulations, designating the National Police as official liaison with the OAS. Panama has signed the UN Protocol but has not yet ratified it. The Panamanian government has delayed the ratification of the Framework Treaty for Democratic Security for the same reasons put forth by Costa Rica: concerns about the division between military and police responsibilities, since the reforms in the constitution of 1972 resulted in the abolition of the army in 1994. The law in Panama is rather dispersed, it is based on a number of decrees that deal with different aspects of arms regulation.

In November 2002, the Government of Panama and UN-LiREC organized the seminar “Firearms, Their Parts and Ammunition: Society with Industry and Business Sectors for the Implementation of the 2001 UN Programme of Action,” at which representatives of the Latin American weapons industry dialogued with government, UN and OAS representatives to find common ground in the battle against illicit arms trafficking. In 2003 Panama will host the first Permanent Inter-parliamentary Forum. This event has increased the interest of different sectors of the government and civil society regarding the control and proliferation of arms.

At the local level, municipal governments have implemented various arms-for-food exchange programs in Panama City and in the area of San Miguelito, a township not far from the capital city. With respect to NGOs, the Peace and Justice Service (SERPAJ) has carried out several research projects on the arms issue in Panama, but its participation has been less consolidated than that of the NGOs in the other Central American countries.

6. Conclusion

The primary objective of this report has been to map the activities and actions that have been implemented in Latin America following the 2001 UN Conference, rather than an in-depth analysis of small arms controls implemented in each individual country. Nor is it our aim to pronounce a final verdict regarding the situation in any of the countries mentioned. Future publications in the series “*Monitoring the Implementation of Small Arms Controls Project*” (MISAC) of *International Alert* will include more detailed studies of the Central American sub-region, MERCOSUR and others.

It is clear that a variety of activities are taking place at all levels to combat illicit trafficking in the hemisphere, but at the same time, it is obvious that where there is no sub-regional mechanism to complement the OAS and UN instruments, governments are less active and stakeholders in civil society are practically non-existent, or have no relevance. We do not claim here to determine causality in this context, but instead to draw the attention of the international community in this regard. The on-going participation of the OAS, UN-LiREC and UNDP can help to improve this situation in the near future.

Finally, the existence of CIFTA, a legally binding agreement, and CICAD, an institutionalised mechanism within the OAS to support Member States in implementing CIFTA must be better coordinated, even if this effort has been intensified in the past year or so. The fact that only half the governments responded to the official CIFTA questionnaire indicates that a more aggressive effort is needed in order to more fully implement the Convention.

Recommendation 1:

Create a joint delegation (possibly with several groups) of representatives from CIFTA, CICAD and UN-LiREC, in addition to sub-regional bodies which would, when possible, visit all the signatory Member States to meet with the corresponding authorities in order to:

- gather all the information requested in the official questionnaire;
- establish points of contact in all the appropriate institutions concerned with the issue of arms trafficking;
- obtain information on electoral and legislative schedules and their impact on decision-making in the different countries.

Recommendation 2:

International organisations and other donors should seek effective ways to steer funds and technical assistance to local governments in states, provinces and cities, as well as to NGOs which exhibit initiative and where central governments are not in a position, whether it be for political, social, or economic reasons, to offer systematic support.

Recommendation 3:

CIFTA, CICAD and the UN could support greater coordination and perhaps joint activities with other sub-regional bodies throughout all the sub-regions of the Americas, especially those like CARICOM and the Andean Community where sustained activity to control illicit small arms trafficking has lagged behind.

7. Endnotes

- ¹ For a detailed analysis of the Programme of Action of the 2001 Conference, see Elizabeth Clegg et al. *Implementing the UN action programme for combating the illicit trafficking in small arms and light weapons in all its aspects*, Briefing No. 15, Biting the Bullet, London, July 2002; y Edward Laurance and Rachel Stohl, *Making Global Public Policy: The Case of Small Arms and Light Weapons*, Occasional Paper No. 7, Small Arms Survey, Geneva, December 2002.
- ² The main governments which support the fund for UNDP work on the control of small arms are Belgium, Canada, Norway, the Low Countries, Switzerland and the United Kingdom.
- ³ World Health Organisation, *Moving Toward Evidence-Based Prevention of Violence With Small Arms: The Contribution of the World Health Organisation to the UN Programme of Action*, WHO, Geneva, March 2002.
- ⁴ Telephone interview with Dr. David Meddings, WHO, Geneva, 10 September 2002
- ⁵ The SALSA website is <http://www.salsa.oas-un.org>.
- ⁶ For a complete list of signatories and party States to the protocol, see <http://www.odccp.org/odccp/crime_cicp_signatures_firearms.html>.
- ⁷ *Inter-American Convention Against Terrorism*, General Assembly Resolution of the OAS, AG/RES: 1840 (XXXII-02), 3 June 2002.
- ⁸ *The Proliferation of and Illicit Trafficking in small arms and light weapons*, General Assembly Resolution of the OAS, AG/RES. 1888 (XXXII-O/02), 4 June 2002.
- ⁹ *Report on the Third Regular Meeting of the Consultative Committee Established within the Framework of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* (CIFTA), OAS (OEA) Document: OEA/SER.L/XXII.2.3 – CIFTA/CC-III/doc.13.02, 3 May 2002.
- ¹⁰ Interview with Erick Karolicki, Director of Armaments, Ministry of the Interior, Police and Security, Government of Costa Rica, San José, 26 August 2002.
- ¹¹ *Cooperation Program Proposal For The Promotion Of The Ratification And Legislative Implementation Of CIFTA And The Strengthening Of Mutual Legal And Judicial Cooperation Within The Framework Of The Convention*, OAS (OEA) Document: OEA/SER.L/XXII.2.3 – CIFTA/CC-III/doc.10.02, 3 May 2002.
- ¹² Commission of Hemispheric Security, Work Plan 2002-2003, OAS(OEA) Document: OEA/SER.G – CP/CSH-487/02rev.1, 10 September 2002.
- ¹³ *Strengthening of the Control of International Movement of Firearms*, OAS (OEA) Document, OEA/SER.L/XIV.2.30 – CICAD/doc.1132/01 (rev.1), 13 November 2001.
- ¹⁴ The registry of CICAD national focal points can be found in the Internet - <http://www.cicad.oas.org/es/>.
- ¹⁵ Email correspondence with Pericles Gasparini, Director, UN-LiREC, Lima, Perú, 7 November 2002.
- ¹⁶ In accordance with norm 5/98 of 24 July 1998.
- ¹⁷ Joint Register Mechanism of Consumers and Sellers of Firearms, Ammunition, Explosives and other Related for MERCOSUR, MERCOSUR/CMC/DEC No. 7/98, 7 July 1998.
- ¹⁸ 'El Combate a las transferencias ilegales de armas en MERCOSUR necesita que cumplan los acuerdos ya firmados', *Desarme.org*, 6 September 2002.
- ¹⁹ See William Godnick, *Transforming Attitudes Towards the Tools of Violence: The Arms Exchange Programme in Mendoza, Argentina*, Peace Studies Working Paper No. 4, University of Bradford, Octubre 2001.
- ²⁰ Interview with officials of the Argentine government, May 2002.
- ²¹ See <http://www.desarme.org>.
- ²² See Pablo Dreyfus, 'Tráfico Ilegal de Armas A Través de Paraguay', Background Paper for Small Arms Survey, Geneva, July 2000.
- ²³ Ibid.
- ²⁴ Decision 505, Valencia, Venezuela 22 June 2001.
- ²⁵ Compromiso de Lima, Andean Letter for Peace and Security and the Restriction and Control of Targeted Expense for External Defense, Conference of the Ministers of External Relations and Defense of the Andean Community, Lima, 17 June 2002.
- ²⁶ See Robert Muggah y Eric Berman, Humanitarianism Under Threat: The Humanitarian Impact of Small Arms and Light Weapons, Small Arms Survey, Geneva, July 2001, p. 12.
- ²⁷ Andres Villaveces et al., 'Effect of a Ban on Carrying Firearms in

Two Colombian Cities', *Journal of the American Medical Association*, Vol. 283 No. 9, March 2000.

²⁸ Add

²⁹ See the report on the Internet page of the Federation of American Scientists <<http://www.fas.org>>.

³⁰ Email correspondence with Jessica Cascante, International Organisations Office, External Relations Secretariat of México, 18 October 2002.

³¹ Interview with David Gutiérrez, President, Movimiento Patriótico contra la Delincuencia, San Salvador, El Salvador, 6 July 1998.

³² See <<http://sedena.gob.mx/sdn/rfa/ARMAS/registro.html>>.

³³ Notimex, 'Tiene éxito programa de canje de armas por bonos en Nuevo León', 6 May 2001.

³⁴ Email correspondence with Robert Scharf, Buró para la Prevención de Crisis y Recuperación, UNDP, Geneva, 14 October 2002.

³⁵ The Declaración de Antigua 2000 came from the First Central American Forum on the Proliferation of Light Weapons in Antigua, Guatemala in June 2000. For the text of the declaration and other relevant documents see <<http://www.arias.or.cr/fundarias/cpr/armasliv/antigua.htm>>.

³⁶ Interview with Elayne White, Vice Minister for External Relations and Vice Minister for External Relations and Culture of Costa Rica, San José, 26 August 2002.

³⁷ Email correspondence with Erich Vilchez, Director Political and Juridical Affairs, Central American Integration System, San Salvador, 5 October 2002.

³⁸ Interview with Paul Cháves, Asesor of the Ministry of the Interior, Public Security and the Police and Arturo Barth, Analyst of the National Service for Intelligence, San José, Costa Rica, 28 August 2002.

³⁹ Interview with Erick Carolicki, Director of Armaments of Costa Rica, San José, 27 August 2002.

⁴⁰ For more information on the International Code of Conduct, see <<http://www.armslaw.org/indexES.html>>.

⁴¹ See William Godnick et al., *Stray Bullets: The Impact of Small Arms Misuse in Central America*, Geneva and London, Small Arms

Survey and International Action Network on Small Arms, January 2003.

⁴² Interview with Rodrigo Ávila, Diputado ARENA, Member of the Commission for Public Security, Legislative Assembly of El Salvador, San Salvador, 20 July 2002.

⁴³ See <http://www.violenciaelsalvador.org.sv/proyectos/armas_ligeras.html>.

⁴⁴ Interview with Marcela Smutt, Programme Officer, Society Without Violence, United Nations Development Programme, San Salvador, 22 July 2002.

⁴⁵ Observer Mission of the United Nations in Guatemala and the United Nations Programme for Development, *La construcción de paz en Guatemala: compendio de Acuerdos de Paz*, Editorial Serviprensa, Guatemala City, 1997, p. 311-329.

⁴⁶ MINUGUA, *Armas y Municiones en Guatemala: estudio sobre su control y regulación jurídica*, Guatemala City, April 2002.

⁴⁷ For more information about IEPADES and access to its research and information see <<http://www.iepades.org.gt/>>.

⁴⁸ Email correspondence with Robert Scharf, 14 October 2002.

⁴⁹ Diálogo Centroamericano, Fundación Arias para la Paz y el Progreso Humano, No.44, June, 2001.

⁵⁰ Email correspondence with Robert Scharf, 14 October 2002.

⁵¹ Interview with Elvira Cuadra, Center for International Studies, Managua, 19 August 2002.

⁵² For more information about Nicaraguan NGOs and their research and information, see <<http://www.ceen.org.ni/>> y <http://www.ceinicaragua.org.ni/espa/armas_ligeras.htm>.

⁵³ Interview with Marco Valle, Asesor of Public Security of the Ministry of Governance of Nicaragua, Managua 22 August 2002.

⁵⁴ See Vladimiro López, 'OEA fracasa en caso de armas', *El Nuevo Diario*, Managua, 8 December 2002.

⁵⁵ See Vicente Archibold, *Las Armas Livianas en Panamá*, Peace and Justice Service and the Arias Foundation, Panamá, July 2000.

8. Annexes

ANNEX 1:

UN 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)

I. PREAMBLE

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, having met in New York from 9 to 20 July 2001, 2. *Gravely concerned* about the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world, which have a wide range of humanitarian and socio-economic consequences and pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels,

3. *Concerned* also by the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects,

4. *Determined* to reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects and to enhance the respect for life and the dignity of the human person through the promotion of a culture of peace,

5. *Recognizing* that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, contributes to the displacement of civilians, undermines respect for international humanitarian law, impedes the provision of humanitarian assistance to victims of armed conflict and fuels crime and terrorism,

6. *Gravely concerned* about its devastating consequences on children, many of whom are victims of armed conflict or are forced to become child soldiers, as well as the negative impact on women and the elderly, and in this context, taking into account the special session of the United Nations General Assembly on children,

7. *Concerned* also about the close link between terrorism, organized crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons, and stressing the urgency of international efforts and cooperation aimed at combating this trade simultaneously from both a supply and demand perspective,

8. *Reaffirming* our respect for and commitment to international law and the purposes and principles enshrined in the Charter of the United Nations, including the sovereign equality of States, territorial integrity, the peaceful resolution of international disputes, non-intervention and non-interference in the internal affairs of States,

9. *Reaffirming* the inherent right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

10. *Reaffirming* also the right of each State to manufacture, import and retain small arms and light weapons for its self-defence and security needs, as well as for its capacity to participate in peacekeeping operations in accordance with the Charter of the United Nations,

11. *Reaffirming* the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognizing the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples,

12. *Recalling* the obligations of States to fully comply with arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations,

13. *Believing* that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects and, accordingly, should intensify their efforts to define the problems associated with such trade and find ways of resolving them,

14. *Stressing* the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts at the local, national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

15. *Recognizing* that the international community has a duty to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multi-faceted and involves, inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions,

16. *Recognizing* also the important contribution of civil society, including non-governmental organizations and industry in, inter alia, assisting Governments to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

17. *Recognizing* further that these efforts are without prejudice to the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament,

18. *Welcoming* the efforts being undertaken at the global, regional, subregional, national and local levels to address the illicit trade in small arms and light weapons in all its aspects, and desiring to build upon them, taking into account the characteristics, scope and magnitude of the problem in each State or region,¹

19. *Recalling* the Millennium Declaration and also welcoming ongoing initiatives in the context of the United Nations to address the problem of the illicit trade in small arms and light weapons in all its aspects,

20. *Recognizing* that 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, establishes standards and procedures that complement and reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

21. *Convinced* of the need for a global commitment to a comprehensive approach to promote, at the global, regional, subregional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security,

22. *Resolve* therefore to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:

(a) Strengthening or developing agreed norms and measures at the global, regional and national levels that would reinforce and further coordinate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;

(b) Developing and implementing agreed international measures to prevent, combat and eradicate illicit manufacturing of and trafficking in small arms and light weapons;

1 See the annex for regional and subregional initiatives.

(c) Placing particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the excessive and destabilizing accumulation of small arms and light weapons have to be dealt with urgently;²

(d) Mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects, to cooperate towards these ends and to raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking in these weapons;

(e) Promoting responsible action by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons.

II. PREVENTING, COMBATING AND ERADICATING THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

1. We, the States participating in this Conference, bearing in mind the different situations, capacities and priorities of States and regions, undertake the following measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects:

AT THE NATIONAL LEVEL

2. To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients.

3. To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes.

4. To establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons.

5. To establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.

6. To identify, where applicable, groups and individuals engaged in the illegal manufacture, trade, stockpiling,

transfer, possession, as well as financing for acquisition, of illicit small arms and light weapons, and take action under appropriate national law against such groups and individuals.

7. To ensure that henceforth licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number so that the authorities concerned can identify and trace each weapon.

8. To adopt where they do not exist and enforce, all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.

9. To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.

10. To ensure responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.

11. To assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade. Likewise, to establish or maintain an effective national system of export and import licensing or authorization, as well as measures on international transit, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons.

12. To put in place and implement adequate laws, regulations and administrative procedures to ensure the effective control over the export and transit of small arms and light weapons, including the use of authenticated end-user certificates and effective legal and enforcement measures.

13. To make every effort, in accordance with national laws and practices, without prejudice to the right of States to re-export small arms and light weapons that they have previously imported, to notify the original exporting State in accordance with their bilateral agreements before the retransfer of those weapons.

14. To develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering. This legislation or procedures should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control.

15. To take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations.

16. To ensure that all confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized and provided that such weapons have been duly marked and registered.

17. To ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons. These standards and procedures should, inter alia, relate to: appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of thefts or loss.

18. To regularly review, as appropriate, subject to the respective constitutional and legal systems of States, the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, that programmes for the responsible disposal, preferably through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.

19. To destroy surplus small arms and light weapons designated for destruction, taking into account, inter alia, the report of the Secretary-General of the United Nations on methods of destruction of small arms, light weapons, ammunition and explosives (S/2000/1092) of 15 November 2000.

20. To develop and implement, including in conflict and post-conflict situations, public awareness and confidence-building programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects, including, where appropriate, the public destruction of surplus weapons and the voluntary surrender of small arms and light weapons, if possible, in cooperation with civil society and non-governmental organizations, with a view to eradicating the illicit trade in small arms and light weapons.

21. To develop and implement, where possible, effective disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons,

particularly in post-conflict situations, unless another form of disposition or use has been duly authorized and such weapons have been marked and the alternate form of disposition or use has been recorded, and to include, where applicable, specific provisions for these programmes in peace agreements.

22. To address the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation.

23. To make public national laws, regulations and procedures that impact on the prevention, combating and eradicating of the illicit trade in small arms and light weapons in all its aspects and to submit, on a voluntary basis, to relevant regional and international organizations and in accordance with their national practices, information on, inter alia, (a) small arms and light weapons confiscated or destroyed within their jurisdiction; and (b) other relevant information such as illicit trade routes and techniques of acquisition that can contribute to the eradication of the illicit trade in small arms and light weapons in all its aspects.

AT THE REGIONAL LEVEL

24. To establish or designate, as appropriate, a point of contact within subregional and regional organizations to act as liaison on matters relating to the implementation of the Programme of Action.

25. To encourage negotiations, where appropriate, with the aim of concluding relevant legally binding instruments aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, and where they do exist to ratify and fully implement them.

26. To encourage the strengthening and establishing, where appropriate and as agreed by the States concerned, of moratoria or similar initiatives in affected regions or subregions on the transfer and manufacture of small arms and light weapons, and/or regional action programmes to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, and to respect such moratoria, similar initiatives, and/or action programmes and cooperate with the States concerned in the implementation thereof, including through technical assistance and other measures.

27. To establish, where appropriate, subregional or regional mechanisms, in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies, with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders.

28. To encourage, where needed, regional and subregional action on illicit trade in small arms and light weapons in all its aspects in order to, as appropriate, introduce, adhere to, implement or strengthen relevant laws, regulations and administrative procedures.

29. To encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and light weapons, and to implement, where appropriate, regional and subregional mechanisms in this regard.

30. To support, where appropriate, national disarmament, demobilization and reintegration programmes, particularly in post-conflict situations, with special reference to the measures agreed upon in paragraphs 28 to 31 of this section.

31. To encourage regions to develop, where appropriate and on a voluntary basis, measures to enhance transparency with a view to combating the illicit trade in small arms and light weapons in all its aspects.

AT THE GLOBAL LEVEL

32. To cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations.

33. To request the Secretary-General of the United Nations, within existing resources, through the Department for Disarmament Affairs, to collate and circulate data and information provided by States on a voluntary basis and including national reports, on implementation by those States of the Programme of Action.

34. To encourage, particularly in post-conflict situations, the disarmament and demobilization of ex-combatants and their subsequent reintegration into civilian life, including providing support for the effective disposition, as stipulated in pa14

35. To encourage the United Nations Security Council to consider, on a case-by-case basis, the inclusion, where applicable, of relevant provisions for disarmament, demobilization and reintegration in the mandates and budgets of peacekeeping operations.

36. To strengthen the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons.

37. To encourage States and the World Customs Organization, as well as other relevant organizations, to enhance cooperation with the International Criminal Police Organization (Interpol) to identify those groups and individuals engaged in the illicit trade in small arms and light weapons in all its aspects in order to allow national authorities to

proceed against them in accordance with their national laws.

38. To encourage States to consider ratifying or acceding to international legal instruments against terrorism and transnational organized crime.

39. To develop common understandings of the basic issues and the scope of the problems related to illicit brokering in small arms and light weapons with a view to preventing, combating and eradicating the activities of those engaged in such brokering.

40. To encourage the relevant international and regional organizations and States to facilitate the appropriate cooperation of civil society, including non-governmental organizations, in activities related to the prevention, combat and eradication of the illicit trade in small arms and light weapons in all its aspects, in view of the important role that civil society plays in this area.

41. To promote dialogue and a culture of peace by encouraging, as appropriate, education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects, involving all sectors of society.

III. IMPLEMENTATION, INTERNATIONAL COOPERATION AND ASSISTANCE

1. We, the States participating in the Conference, recognize that the primary responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States. We also recognize that States need close international cooperation to prevent, combat and eradicate this illicit trade.

2. States undertake to cooperate and to ensure coordination, complementarity and synergy in efforts to deal with the illicit trade in small arms and light weapons in all its aspects at the global, regional, subregional and national levels and to encourage the establishment and strengthening of cooperation and partnerships at all levels among international and intergovernmental organizations and civil society, including non-governmental organizations and international financial institutions.

3. States and appropriate international and regional organizations in a position to do so should, upon request of the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, such as small arms funds, to support the implementation of the measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects as contained in the Programme of Action.

4. States and international and regional organizations should, upon request by the affected States, consider assisting and promoting conflict prevention. Where requested by the parties concerned, in accordance with the principles of the Charter of the United Nations, States and international and regional organizations should consider promotion and assistance of the pursuit of negotiated solutions to conflicts, including by addressing their root causes.

5. States and international and regional organizations should, where appropriate, cooperate, develop and strengthen partnerships to share resources and information on the illicit trade in small arms and light weapons in all its aspects.

6. With a view to facilitating implementation of the Programme of Action, States and international and regional organizations should seriously consider assisting interested States, upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and security, destruction of small arms and light weapons and the collection and exchange of information.

7. States should, as appropriate, enhance cooperation, the exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in small arms and light weapons in all its aspects.

8. Regional and international programmes for specialist training on small arms stockpile management and security should be developed. Upon request, States and appropriate international or regional organizations in a position to do so should support these programmes. The United Nations, within existing resources, and other appropriate international or regional organizations should consider developing capacity for training in this area.

9. States are encouraged to use and support, as appropriate, including by providing relevant information on the illicit trade in small arms and light weapons, Interpol's International Weapons and Explosives Tracking System database or any other relevant database that may be developed for this purpose.

10. States are encouraged to consider international cooperation and assistance to examine technologies that would improve the tracing and detection of illicit trade in small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

11. States undertake to cooperate with each other, including on the basis of the relevant existing global and regional legally binding instruments as well as other agreements and arrangements, and, where appropriate, with

relevant international, regional and intergovernmental organizations, in tracing illicit small arms and light weapons, in particular by strengthening mechanisms based on the exchange of relevant information.

12. States are encouraged to exchange information on a voluntary basis on their national marking systems on small arms and light weapons.

13. States are encouraged, subject to their national practices, to enhance, according to their respective constitutional and legal systems, mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in small arms and light weapons in all its aspects.

14. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance in the destruction or other responsible disposal of surplus stocks or unmarked or inadequately marked small arms and light weapons.

15. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance to combat the illicit trade in small arms and light weapons linked to drug trafficking, transnational organized crime and terrorism.

16. Particularly in post-conflict situations, and where appropriate, the relevant regional and international organizations should support, within existing resources, appropriate programmes related to the disarmament, demobilization and reintegration of ex-combatants.

17. With regard to those situations, States should make, as appropriate, greater efforts to address problems related to human and sustainable development, taking into account existing and future social and developmental activities, and should fully respect the rights of the States concerned to establish priorities in their development programmes.

18. States, regional and subregional and international organizations, research centres, health and medical institutions, the United Nations system, international financial institutions and civil society are urged, as appropriate, to develop and support action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in small arms and light weapons in all its aspects.

IV. FOLLOW-UP TO THE UNITED NATIONS CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, recommend to the General Assembly the following agreed steps to be undertaken for the effective follow-up of the Conference:

- (a) To convene a conference no later than 2006 to review progress made in the implementation of the Programme of Action, the date and venue to be decided at the fifty-eighth session of the General Assembly;
- (b) To convene a meeting of States on a biennial basis to consider the national, regional and global implementation of the Programme of Action
- (c) To undertake a United Nations study, within existing resources, for examining the feasibility of developing an international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons;
- (d) To consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

2. Finally, we, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

- (a) Encourage the United Nations and other appropriate international and regional organizations to undertake initiatives to promote the implementation of the Programme of Action;
- (b) Also encourage all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action;
- (c) Further encourage non-governmental organizations and civil society to engage, as appropriate, in all aspects of international, regional, subregional and national efforts to implement the present Programme of Action.

ANNEX 2:

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY [WITHOUT REFERENCE TO A MAIN COMMITTEE (A/55/383/ADD.2)] 55/255. 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 General Assembly,

Recalling its resolution 53/111 of 9 December 1998, in which it decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea,

Recalling also its resolution 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify that work in order to complete it in 2000,

Recalling further its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Reaffirming the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States also have the right to acquire arms with which to defend themselves, as well as the right of self-determination of all peoples, in particular peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of that right,

1. Takes note of the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its twelfth session, and commends the Ad Hoc Committee for its work;
2. Adopts 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, annexed to the present resolution, and opens it for signature at United Nations Headquarters in New York;
3. Urges all States and regional economic organizations to sign and ratify the United Nations Convention against Transnational Organized Crime and the protocols thereto as soon as possible in order to ensure the speedy entry into force of the Convention and the protocols thereto.

Annex 3 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

Preamble *The States Parties to this Protocol,*

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, owing to the harmful effects of those activities on the security of each State, region and the world as a whole, endangering the well-being of peoples, their social and economic development and their right to live in peace,

Convinced, therefore, of the necessity for all States to take all appropriate measures to this end, including international cooperation and other measures at the regional and global levels,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Bearing in mind the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,²

¹ A/55/383/Add.2.

² Resolution 2625 (XXV), annex.

Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition will be useful in preventing and combating those crimes,

Have agreed as follows:

I. GENERAL PROVISIONS

ARTICLE 1

Relation with the United Nations Convention Against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.
2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.
3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

ARTICLE 2

Statement of purpose

The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

ARTICLE 3

Use of terms

For the purposes of this Protocol:

- (a) "Firearm" shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;
 - (b) "Parts and components" shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;
 - (c) "Ammunition" shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;
 - (d) "Illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:
 - (i) From parts and components illicitly trafficked;
 - (ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or
 - (iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol;
- Licensing or authorization of the manufacture of parts and components shall be in accordance with domestic law;
- (e) "Illicit trafficking" shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;
 - (f) "Tracing" shall mean the systematic tracking of firearms and, where possible, their parts and components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of States Parties in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

ARTICLE 4

Scope of application

1. This Protocol shall apply, except as otherwise stated herein, to the prevention of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to the investigation and prosecution of offences established in accordance with article 5 of this Protocol where those offences are transnational in nature and involve an organized criminal group.
2. This Protocol shall not apply to state-to-state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

ARTICLE 5

Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:
 - (a) Illicit manufacturing of firearms, their parts and components and ammunition;
 - (b) Illicit trafficking in firearms, their parts and components and ammunition;
 - (c) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct:
 - (a) Subject to the basic concepts of its legal system, attempting to commit or participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of an offence established in accordance with paragraph 1 of this article.

ARTICLE 6

Confiscation, seizure and disposal

1. Without prejudice to article 12 of the Convention, States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked.

2. States Parties shall adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured and trafficked firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded.

II. PREVENTION

ARTICLE 7

Record-keeping

Each State Party shall ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:

(a) The appropriate markings required by article 8 of this Protocol;

(b) In cases involving international transactions in firearms, their parts and components and ammunition, the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

ARTICLE 8

Marking of firearms

1. For the purpose of identifying and tracing each firearm, States Parties shall:

(a) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;

(b) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;

(c) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.

2. States Parties shall encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.

ARTICLE 9

Deactivation of firearms

A State Party that does not recognize a deactivated firearm as a firearm in accordance with its domestic law shall take the necessary measures, including the establishment of specific offences if appropriate, to prevent the illicit reactivation of deactivated firearms, consistent with the following general principles of deactivation:

(a) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;

(b) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;

(c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.

ARTICLE 10

General requirements for export, import and transit licensing or authorization systems

1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

(a) That the importing States have issued import licences or authorizations; and

(b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.

4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.

5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

ARTICLE 11

Security and preventive measures

In an effort to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition, each State Party shall take appropriate measures:

(a) To require the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit through its territory; and

(b) To increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs transborder cooperation.

ARTICLE 12

Information

1. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and, whenever possible, carriers of firearms, their parts and components and ammunition.

2. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

(a) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition;

(b) The means of concealment used in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition and ways of detecting them;

(c) Methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition; and

(d) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

3. States Parties shall provide to or share with each other, as appropriate, relevant scientific and technological information useful to law enforcement authorities in order to enhance each other's abilities to prevent, detect and investigate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities.

4. States Parties shall cooperate in the tracing of firearms, their parts and components and ammunition that may

have been illicitly manufactured or trafficked. Such cooperation shall include the provision of prompt responses to requests for assistance in tracing such firearms, their parts and components and ammunition, within available means.

5. Subject to the basic concepts of its legal system or any international agreements, each State Party shall guarantee the confidentiality of and comply with any restrictions on the use of information that it receives from another State Party pursuant to this article, including proprietary information pertaining to commercial transactions, if requested to do so by the State Party providing the information. If such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.

ARTICLE 13

Cooperation

1. States Parties shall cooperate at the bilateral, regional and international levels to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

2. Without prejudice to article 18, paragraph 13, of the Convention, each State Party shall identify a national body or a single point of contact to act as liaison between it and other States Parties on matters relating to this Protocol.

3. States Parties shall seek the support and cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect the illicit activities referred to in paragraph 1 of this article.

ARTICLE 14

Training and technical assistance

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including technical, financial and material assistance in those matters identified in articles 29 and 30 of the Convention.

ARTICLE 15

Brokers and brokering

1. With a view to preventing and combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States Parties that have not yet done so shall consider establishing a system for regulating the activities of those who engage in brokering. Such a system could include one or more measures such as:

- (a) Requiring registration of brokers operating within their territory;
- (b) Requiring licensing or authorization of brokering; or
- (c) Requiring disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction.

2. States Parties that have established a system of authorization regarding brokering as set forth in paragraph 1 of this article are encouraged to include information on brokers and brokering in their exchanges of information under article 12 of this Protocol and to retain records regarding brokers and brokering in accordance with article 7 of this Protocol.

III. FINAL PROVISIONS

ARTICLE 16

Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

ARTICLE 17

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature at United Nations Headquarters in New York from the thirtieth day after its adoption by the General Assembly until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

ARTICLE 18

Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

ARTICLE 19

Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

ARTICLE 20

Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

ARTICLE 21*Depositary and languages*

1. The Secretary-General of the United Nations is designated depositary of this Protocol.
2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

ANNEX 3:**MODEL REGULATIONS FOR THE CONTROL OF THE INTERNATIONAL MOVEMENT OF FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION INTRODUCTION****1.1 PREAMBLE**

In view of the continuing importance attached to the subject of illicit trafficking in firearms and explosives by the member states of the Organization of American States as manifested in General Assembly Resolutions AG/RES. 1045 (XX-O/90) and the recommendation that the Inter-American Drug Abuse Control Commission ("CICAD") perform studies, hold seminar workshops and establish an Expert Group to address the subject of the illicit transnational movement of firearms and explosives and their linkages to drug trafficking as prescribed in AG/RES. 1115 (XXI-O/91) and AG/RES. 1197 (XXII-O/92)

And in view of the member states' conviction that illicit international trade in firearms, their parts and components and ammunition constitutes a specific risk to the security and well-being of member states and that measures to promote further cooperation among them, in particular by the promotion of harmonized import and export controls over the legal international movements of firearms, their parts and components and ammunition and a system of procedures for applying them, will assist in preventing illegal trafficking among the countries concerned

The General Assembly recommends to the member states the adoption of measures and procedures consistent with those provided herein directed at controlling the legal international movements of firearms, their parts and components and ammunition, in accordance with the provisions of their legal systems and their fundamental laws.

1.2 PURPOSE AND SCOPE OF APPLICATION

The purpose of these Model Regulations is to set out for use on a multilateral basis, harmonized measures and a harmonized system of procedures for monitoring and controlling international movements of firearms, their parts and components and ammunition, in order to prevent their illegal trafficking and diversion to illegal uses and purposes.

These Model Regulations, shall apply in national jurisdictions, in free-trade zones, in free ports and in other customs divisions.

These Model Regulations apply to all classes of commercially-traded firearms, their parts and components and commercially traded ammunition. These Regulations are not intended to address state-to-state transactions or transfers for purposes of national security.

For the purposes of these Model Regulations, parts and components shall be treated in the same manner as firearms. Ammunition shall be treated in a separate chapter.

1.3 DEFINITIONS

Except as otherwise expressly provided, or where the context of a provision calls for another interpretation, the following definitions shall apply to the terms employed throughout these model regulations:

"ammunition" means the complete round or its components, including cartridge cases, primers, propellant powder, bullets, or projectiles, that are used in firearms;

"certified copy" means a copy of an original document certified by a notary public or other competent official that bears the statement "certified copy", the original signature and/or agency seal of the issuer and the date of certification;

"export" and "import" mean respectively, in relation to firearms, parts and components and ammunition, exit from or entry into a customs jurisdiction;

"Export Attachment" means the document issued by the authorizing agency of the exporting country for attachment to or inclusion on the Export Certificate that when completed contains the information referred to in Articles 2.2.2 and 5.2.2 ;

"Export Certificate" means the document issued by the authorizing agency of the exporting country that when completed contains the information referred to in Articles 2.2.1 and 5.2.1;

"final recipient" means the natural or juridical person authorized by the importing country to take possession of a shipment;

"firearm" means any barreled weapon which will or is designed to or may readily be converted to expel a bullet or projectile by the action of an explosive, but does not include antique firearms manufactured before the twentieth century or their replicas;

"Import Certificate" means the document issued by the authorizing agency of the importing country that when completed contains the information referred to in Articles 3.2 and 6.2;

"In-transit shipment authorization" means the document issued by the authorizing agency of the in-transit country that when completed contains the information contained in Articles 4.2 and 7.2;

"In-transit country" means the country through which a shipment is moved, which is neither the country of origin nor the country of ultimate destination;

"Parts and components", in relation to firearms, means those elements that are essential to their operation;

"Shipment transaction" means the movement of an individual shipment that is authorized to be made under the authority of an export or import certificate, an export attachment or an in-transit authorization;

"Shipping mode" in respect of a shipment means transportation by air, sea, river, rail, highway or inter-modally;

"Verifying agency" means the entity of the export, import or in-transit country, as the case may be, responsible for confirming the accuracy of the information presented to it in relation to a shipment.

CHAPTER I**FIREARMS AND PARTS AND COMPONENTS****2. EXPORTATION****2.1 PROCEDURE**

The steps to be followed for the exportation of firearms or parts and components are:

- (i) The authorizing agency of the country of export may issue an Export Certificate to an applicant who:
 - (a) meets the applicable domestic legal requirements;
 - (b) provides the applicable information required under Article 2.2.1;
 and
- (c) supplies the original or a certified copy of the Import Certificate referred to in Article 3.2.
- (ii) The authorizing export agency shall only authorize the export of firearms or parts and components pursuant to an export certificate when the applicant provides to the export agency the export attachment information required under Article 2.2.2. The export attachment information may be provided on a portion of the Export Certificate or on a separate Export Attachment document.
- (iii) Where the firearms or parts and components are proposed to pass through an in-transit country or countries before reaching the country of final destination, the exporter shall also provide to the verifying agency of the country of export, an In-transit Shipment Authorization, referred to in Article 4.1, from each in-transit country.
- (iv) The authorizing export agency shall, upon request, send the original or a certified copy of the Export Certificate and Export Attachment including the information required under Articles 2.2.1 and 2.2.2 to the verifying agency of the importing country and, where applicable, to the applicable agency of each in-transit country.
- (v) The shipper identified by the exporter in the export attachment information shall present the firearms or parts and components, together with the original or a certified copy of the Export Certificate and Export Attachment to the verifying agency of the exporting country, and upon verification by the latter, the shipment may be exported.

2.2 EXPORT CERTIFICATE AND EXPORT ATTACHMENT INFORMATION**2.2.1 EXPORT CERTIFICATE**

An Export Certificate shall accompany each shipment. Each Export Certificate shall contain at a minimum, the information identified in items 1 through 12 and, where required by the legal regime of a particular importing country, the information set out in items 13 and 14.

EXPORT CERTIFICATE

Item
Element
Requirement

Export Certificate Information - Required by All Countries

- 1
Domestic Export Certificate identifier
Unique by country of issuance.
- 2
Country of issuance
By name, or by unique country code.
- 3
Date of issuance
In international date format.
- 4
Authorizing agency identification
Name of agency, address, telephone and fax, signing officer and signature.
- 5
Exporter identification
Name, address, telephone and fax, representative's name if commercial body and signature.
- 6
Exportation Authorized
Total quantity of firearms or parts and components approved for export listed by classification-description.
- 7
Certificate expiry date
Date by which total quantity of firearms or parts and components must be shipped pursuant to the Export Certificate, or date of expiry of the Certificate, whichever is earlier.

8

Importing Country Information

Domestic Import Certificate identifier, country of issuance, date of issuance of certificate, identification of authorizing agency, identification of importer and final recipient, authorized import quantity of firearms or parts and components, certificate expiry date.

9

Importer

Name, address, country code of residence, citizenship if individual, name of representative if commercial or government.

10

Final Recipient (if different from importer)

Name, address, country code of residence, citizenship if individual, name of representative if commercial or government.

11

Source of firearms/parts and components

Name, address, telephone and fax, country code of residence, citizenship if individual, name of representative if commercial or government and signature.

12

Certificate cancellation information (applicable when certificate cancelled)

Date, agency identification, address, telephone and fax, name of officer and signature, quantities of firearms or parts and components by classification-description shipped to-date against this Export Certificate.

Particular Certificate Information - Required by Some Countries

13

Applicable Brussels Convention tariff classification

Applicable tariff classification number, by class.

14

Additional descriptive information respecting firearms or parts and components

For example, barrel length, overall length, action, number of shots, manufacturer's name and country of manufacture.

2.2.2 EXPORT ATTACHMENT

An Export Attachment shall accompany each shipment and may be included as part of the Export Certificate or as a separate document. Each Export Attachment shall contain the following information.

EXPORT ATTACHMENT**Export Attachment Information - Required by All Countries**

15

Shipment Information

Serial numbers of firearms or parts and components (where applicable) being shipped, within each classification-description (as per bill of lading if required by the exporting and/or importing countries) date of shipment, exit port, routes planned, and specifying all shipping modes and shippers.

16

For each shipper identified above

Name, address, telephone and fax, representative's name if commercial or government and signature.

17

Information on prior shipments, if any, made against the applicable Export Certificate

Date(s) of exit of previous shipment(s), quantities of firearms or parts and components shipped, by classification-description per shipment, cumulative quantities of all shipments shipped prior to this shipment, name of shipper.

3. IMPORTATION**3.1 PROCEDURE**

The steps to be followed for the importation of firearms or parts and components are:

- (i) The authorizing agency of the importing country may issue an Import Certificate to an applicant who meets the applicable domestic legal requirements, who provides the applicable information required pursuant to Article 3.2.
- (ii) The importer shall provide an original or certified copy of the Import Certificate to the exporter for presentation to the authorizing agency of the country of export, as required under Article 2.1(f).
- (iii) The verifying agency of the importing country, upon confirming that the contents of the shipment and the identity of the importer or final recipient are in accordance with the information specified in the Import Certificate, Export Certificate and Export Attachment, and that the importer or final recipient meets the

applicable domestic requirements, shall release the shipment to the person who satisfies the agency that he is the authorized representative identified on the Import Certificate.

3.2 INFORMATION REQUIRED ON IMPORT CERTIFICATE

Each Import Certificate shall contain at a minimum the information identified in items 1 through 10 and, where required by the legal regime of a particular importing country, the information prescribed in items 11 and 12.

IMPORT CERTIFICATE

Item

Information

Requirement

Import Certificate Information - Required by All Countries

1

Domestic Import Certificate Identifier

Unique by country of issuance.

2

Country of issuance

By name, or by unique country code.

3

Date of issuance

In international date format.

4

Authorizing agency identification

Name of agency, address, telephone and fax, signing officer and signature.

5

Importer Identification

Name, address, telephone and fax, country of residence, representative's name if commercial or government body, citizenship and signature.

6

Final Recipient identification (if different from importer)

Name, address, telephone and fax, country of residence, representative's name if commercial or government body, citizenship and signature.

7

Importation Authorized

Total quantity of firearms or parts and components approved for import listed by classification-description.

8

Certificate expiry date

Date by which total quantity of firearms or parts and components must be imported pursuant to the Import Certificate, or date of expiry of the Certificate, whichever is earlier.

9

Export Country Information

Name of country of export.

10

Certificate cancellation information (applicable when certificate cancelled)

Date, agency identification, address, telephone and fax, name of officer and signature, quantities of firearms or parts and components by classification-description received to-date against this Import Certificate.

Particular Certificate Information - Required by Some Countries

11

Applicable Brussels Convention tariff classification

Applicable tariff classification number, by class.

12

Additional descriptive information concerning firearms or parts and components

For example, barrel length, overall length, number of shots, manufacturer's name and country of manufacture.

4. IN-TRANSIT SHIPMENTS**4.1 PROCEDURE**

The steps to be followed for an in-transit shipment are:

(i) The authorizing agency of an in-transit country may issue an In-transit Shipment Authorization to an applicant who meets the applicable domestic legal requirements, who provides the information required pursuant to Article 4.2, and who supplies the following documents:

- A. An original or a certified copy of the Import Certificate issued by the country of final destination; and
- B. An original or a certified copy of the Export Certificate and Attachment as described in Articles 2.2.1 and 2.2.2.

(ii) The recipient of the In-transit Shipment Authorization shall provide an original or certified copy of the Authorization to the exporter for presentation to the verifying agency of the country of export, as required under article 2.1 (iii).

(iii) The verifying agency of the in-transit country, upon confirming that the contents of the shipment and the identity of the shipper are in accordance with the information specified in the Import Certificate, Export Certificate, Export Attachment and In-transit Authorization, and upon confirming that domestic legal requirements have been met, shall permit the in-transit passage of the shipment.

4.2. INFORMATION REQUIRED ON IN-TRANSIT SHIPMENT AUTHORIZATION

Each In-transit Shipment Authorization shall contain the following information:

IN-TRANSIT SHIPMENT AUTHORIZATION***In-transit Authorization - Required by all countries***

- 1
Individual country information
Domestic In-Transit Authorization identifier, country of issuance, by name or country code, date of issuance, authorizing agency identification, including name, address, telephone and fax.
- 2
Identification of Applicant
Name, address, country of residence, telephone, fax, and representative's name if commercial or government and signature.
- 3
Authorized in-transit shipment specifics for a particular country and shipment
In-transit authorizing agency requirements, including authorized ports of entry and exit, validity dates pertaining to authorization, any other specific information with respect to the shipment while in that country, such as anticipated duration and location(s) of shipment while in bond, and any restrictions or conditions imposed by the agency, authorizing officer, signature and seal.

CHAPTER II**AMMUNITION****5. EXPORTATION****5.1 PROCEDURE**

The steps to be followed for the exportation of ammunition are:

- (i) The authorizing agency of the country of export may issue an Export Certificate to an applicant who:
 - (a) meets the applicable domestic legal requirements;
 - (b) provides the applicable information required under Article 5.2.1; and
 - (c) supplies the original or a certified copy of the Import Certificate referred to in Article 6.2.
- (ii) The authorizing export agency shall only authorize the export of ammunition pursuant to an export certificate when the applicant provides to the export agency the export attachment information required under Article 5.2.2. The export attachment information may be provided on a portion of the Export Certificate or on a separate Export Attachment document.
- (iii) Where the authorized shipment of ammunition is proposed to pass through an in-transit country or countries before reaching the country of final destination, the exporter shall also obtain an In-transit Shipment Authorization referred to in Article 7.1 from each in-transit country and provide it to the verifying agency of the country of export.
- (iv) The authorizing export agency shall, upon request, send an original or a certified copy of the Export Certificate and Export Attachment including the information required under Article 5.2.1 and 5.2.2 to the verifying agency of the importing country and, where applicable, to the applicable agency of each in-transit country.
- (v) The shipper identified by the exporter in the export attachment information shall present the ammunition, together with the original or a certified copy of the Export Certificate and Export Attachment to the verifying agency of the exporting country, and upon verification by the latter, the shipment may be exported.

5.2 EXPORT CERTIFICATE AND EXPORT ATTACHMENT INFORMATION**5.2.1 EXPORT CERTIFICATE**

An Export Certificate shall accompany each shipment. Each Export Certificate shall contain at a minimum, the information identified in items 1 through 12 and, where required by the legal regime of a particular importing country, the information set out in items 13 and 14.

EXPORT CERTIFICATE

Item
Element
Requirement

Export Certificate Information- Required by all Countries

- 1
Domestic Export Certificate identifier
Unique by country of issuance.
- 2
Country of issuance
By name, or by unique country code.
- 3
Date of issuance
In international date format.
- 4
Authorizing agency identification
Name of agency, address, telephone and fax, signing officer and signature.
- 5
Exporter identification
Name, address, telephone and fax, representative's name if commercial body and signature.
- 6
Exportation Authorized
Total quantity of ammunition approved for export listed by classification-description.
- 7
Certificate expiry date
Date by which total quantity of ammunition must be shipped pursuant to the Export Certificate, or date of expiry of the Certificate, whichever is earlier.
- 8
Importing Country Information
Domestic Import Certificate identifier, country of issuance, date of issuance of certificate, identification of authorizing agency, identification of importer and final recipient, authorized import quantity of ammunition by classification-description, certificate expiry date.
- 9
Importer
Name, address, country code of residence, citizenship if individual, name of representative if commercial or government.
- 10
Final Recipient (if different from importer)
Name, address, country code of residence, citizenship if individual, name of representative if commercial or government.
- 11
Source of ammunition
Name, address, telephone and fax, country code of residence, citizenship if individual, name of representative if commercial or government and signature.
- 12
Certificate cancellation information (applicable when certificate cancelled)
Date, agency identification, address, telephone and fax, name of officer and signature, quantities, by classification-description, shipped to-date against this Export Certificate.

Particular Certificate information- Required by Some Countries
- 13
Applicable Brussels Convention tariff classification
Applicable tariff classification number, by class.
- 14
Additional descriptive information concerning ammunition
For example, caliber, velocity and force, type of bullet, manufacturer's name and country of manufacture.

5.2.2 EXPORT ATTACHMENT

An Export Attachment shall accompany each shipment and may be included on or together with the Export Certificate. Each export Attachment shall contain the following information.

EXPORT ATTACHMENT

EXPORT ATTACHMENT INFORMATION - REQUIRED BY ALL COUNTRIES

15

Shipment Information

Lot numbers of ammunition and quantity being shipped, within each classification-description (as per bill of lading if required by the exporting and/or importing countries) date of shipment, exit port, routes planned, and specifying all shipping modes and shippers.

16

For each shipper identified above

Name, address, telephone and fax, representative's name if commercial or government and signature.

17

Information on prior shipments, if any, made against the applicable Export Certificate

Date(s) of exit of previous shipment(s), quantities of ammunition shipped, by classification-description per shipment, cumulative quantities of all shipments shipped prior to this shipment, name of shipper.

6. IMPORTATION

6.1 PROCEDURE

The steps to be followed for the importation of ammunition are:

- (i) The authorizing agency of the country of import may issue an Import Certificate to an applicant who meets the applicable domestic legal requirements, who provides the applicable information required pursuant to Article 6.2.
- (ii) The importer shall provide an original or certified copy of the Import Certificate to the exporter for presentation to the export authorizing agency, as required under Article 5.1 (i).
- (iii) The verifying agency of the importing country, upon confirming that the contents of the shipment and the identity of the importer or final recipient are in accordance with the information specified in the Import Certificate, Export Certificate and Export Attachment, and that the importer or final recipient meets the applicable domestic requirements, shall release the shipment to the person who satisfies the agency that he is the authorized representative identified on the Import Certificate.

6.2 INFORMATION REQUIRED ON IMPORT CERTIFICATE

Each Import Certificate shall contain at a minimum the information identified in items 1 through 10 and, where required by the legal regime of a particular importing country, the information prescribed in items 11 and 12.

IMPORT CERTIFICATE

Item

Information

Requirement

Import Certificate Information - Required by All Countries

1

Domestic Import Certificate Identifier

Unique by country of issuance.

2

Country of issuance

By name, or by unique country code.

3

Date of issuance

In international date format.

4

Authorizing agency identification

Name of agency, address, telephone and fax, signing officer and signature.

5

Importer Identification

Name, address, telephone and fax, country of residence, representative's name if commercial or government body, citizenship and signature.

6

Final Recipient identification (if different from importer)

Name, address, telephone and fax, country of residence, representative's name if commercial or government body, citizenship and signature.

7

Importation Authorized

Total quantity of ammunition approved for import by classification-description.

8

Certificate expiry date

Date by which total quantity of ammunition must be imported pursuant to the Import Certificate, or date of expiry of the Certificate, whichever is earlier.

9

Export Country Information

Name of country of export.

10

Certificate cancellation information (applicable when certificate cancelled)

Date, agency identification, address, telephone and fax, name of officer and signature, quantities of ammunition, by classification-description, received to-date against this Import Certificate

Particular Certificate Information - Required by Some Countries

11

Applicable Brussels Convention tariff classification

Applicable tariff classification number, by class.

12

Additional descriptive information with respect to the ammunition

For example, caliber, velocity and force, type of bullet, manufacturer's name and country of manufacture.

7. IN-TRANSIT SHIPMENTS

7.1 PROCEDURE

The steps to be followed for an in-transit shipment are:

- (i) The authorizing agency of an in-transit country may issue an In-transit Shipment Authorization to an applicant who meets the applicable domestic legal requirements, who provides the information required pursuant to article 7.2, and who supplies the following documents:
 - A. An original or a certified copy of the Import Certificate issued by the country of final destination; and
 - B.. An original or a certified copy of the Export Certificate and Attachment as described in Articles 5.2.1 and 5.2.2.
- (ii) The recipient of the In-transit Shipment Authorization shall provide an original or certified copy of the Authorization to the exporter for presentation to the verifying agency of the country of export, as required under article 5.1 (iii).
- (iii) The verifying agency of the in-transit country, upon confirming that the contents of the shipment and the identity of the shipper are in accordance with the information specified in the Import Certificate, Export Certificate, Export Attachment and In-transit Authorization, and upon confirming that domestic legal requirements have been met, shall permit the in-transit passage of the shipment.

7.2 INFORMATION REQUIRED ON IN-TRANSIT SHIPMENT AUTHORIZATION

Each In-transit Shipment Authorization shall contain the following information:

IN-TRANSIT SHIPMENT AUTHORIZATION

In-transit Authorization - Required by all countries

1

Individual country information

Domestic In-Transit Authorization identifier, country of issuance, by name or country code, date of issuance, authorizing agency identification, including name, address, telephone and fax.

2

Identification of Applicant

Name, address, country of residence, telephone, fax, and representative's name if commercial or government and signature.

3

Authorized in-transit shipment specifics for a particular country and shipment

In-transit authorizing agency requirements, including authorized ports of entry and exit, validity dates pertaining to authorization, any other specific information with respect to the shipment while in that country, such as anticipated duration and location(s) of shipment while in bond, and any restrictions or conditions imposed by the agency, authorizing officer, signature and seal.

CHAPTER III**GENERAL CONDITIONS APPLYING TO ALL CERTIFICATES, ATTACHMENTS AND AUTHORIZATIONS****8.1 VALIDITY PERIOD FOR IMPORT CERTIFICATES, EXPORT CERTIFICATES AND ATTACHMENTS AND IN-TRANSIT SHIPMENT AUTHORIZATIONS**

Each Import Certificate shall specify the termination date thereof (generally considered to be 1 year from date of issue). Each Export Certificate and Attachment as well as In-transit Shipment Authorizations shall specify a maximum validity date that will not extend beyond the termination date of that Import Certificate.

8.2 NO EXTENSION

The validity periods of all certificates, attachments and authorizations granted shall not be extended. Upon expiry of the validity period of a certificate, attachment or authorization, a new application shall be required to be made.

8.3 AUTHORIZED QUANTITIES

All Import Certificates, Export Certificates or Attachments, or In-transit Shipment Authorizations shall indicate the authorized quantities of each type of firearm, parts and components or ammunition as the case may be, duly identified by its applicable form of classification and description, that may be shipped pursuant to those documents. Shipment of the authorized quantities of firearms, parts and components and ammunition may be carried out in one or more shipping transactions.

8.4 AUTHENTICITY OF CERTIFICATES AND OTHER DOCUMENTS

To ensure the authenticity of all certificates, attachments and authorizations and any other documentation required to be submitted to authorities under these regulations, only original and certified copies will be accepted or, if agreed to by the competent authorities of the countries concerned, the documentation may be transmitted by electronic means.

8.5 MODIFICATIONS TO CERTIFICATES AND OTHER DOCUMENTS

Modifications to certificates, attachments and authorizations shall only be permitted to be made by the appropriate authorizing agencies within the applicable validity periods and only with respect to the following matters:

- For all certificates: source of firearms, parts and components or ammunition, as the case may be, for export;
 - For Export Attachments and In-transit Shipment Authorizations: planned shipment information - shipping routes, ports of entry/exit, modes of shipment, shipping dates and shippers for individual shipments;
- All changes except changes in shipping modes will require authentication apparent on the face of the modified certificates or other documents, such as stamps, seals and authorized signatures.

CHAPTER IV**RESPONSIBILITIES OF MEMBER STATES****9.1 RECORD-KEEPING**

Countries shall maintain their own individual records of import/export/in-transit shipments of firearms, parts and components and ammunition by recording, by classification and description, the actual quantities proceeding under each shipment transaction. As a minimum, in the case of export and import transactions, records shall be maintained by the appropriate authorities that reflect the quantities of firearms, parts and components and ammunition remaining to be exported or imported, as the case may be, pursuant to a particular certificate. Records shall be kept for a period of not less than 5 years after the last transaction effected under a particular certificate. Countries shall identify to one another the agencies responsible for record-keeping.

9.2 COMPUTERIZATION OF RECORDS

Countries shall use their best efforts to computerize their records, for the purposes of enhancing effective information access among one another.

Countries that already possess computerized information systems, and the associated technical competence and expertise, agree to share this technology and knowledge with interested participating countries, in order to facilitate and harmonize record-keeping and information-sharing.

9.3 INFORMATION EXCHANGE

Each country shall designate a Central Information Office to receive and fulfill information requests to it from participating countries, concerning import, export and in-transit shipment transactions of firearms, parts and components and ammunition. Where the information is required for judicial proceedings, it shall be provided on a basis consistent with existing agreements for such purpose.

9.4 SHARING OF COMPLEMENTARY INFORMATION

Information such as the regulations and legislation of the participating countries concerning firearms, parts and components and ammunition, and other static public domain information, shall be consolidated by CICAD through the Inter-American Drug Information System ("IADIS") for access by participating countries. Countries that have this information available in electronic form should make it available in that manner to facilitate its capture and use.

9.5 TRAINING & TECHNICAL ASSISTANCE

Countries agree, within their resource constraints, to provide training and technical assistance for the implementation of these model regulations. As requested, CICAD could coordinate such training and technical assistance. Primarily, regional experts will be used for these purposes.

9.6 CONFIRMATION OF IMPORT/EXPORT TRANSACTIONS

Confirmation of shipment entry to or exit from designated ports, by appropriate verification agencies, shall be provided to any of the countries named on the certificates, attachments or authorizations pertaining to that shipment, upon request.

9.7 CANCELLATION

Cancellation of certificates, attachments or authorizations before their expiry dates shall require that the authorizing or verification agency of the canceling country inform all other countries participating in the transactions pursuant to those certificates or authorizations, so that they may cancel the corresponding authorizations for which they are responsible. Cancellations shall reflect the quantities, by classification-description, of firearms, parts and

components or ammunition exported, in-transit shipped or imported to the date of cancellation against the particular authorization.

9.8 IDENTIFICATION OF ALL AGENCIES

Each country shall identify to the others, the names, addresses, telephone numbers, and other relevant information, of their authorizing, verifying, record-keeping and central information agencies.

9.9 SHIPMENT IRREGULARITIES

Where a verification agency becomes aware of an irregularity in relation to an international shipment of firearms, parts and components or ammunition, it shall notify the central information office in order to determine whether the shipment was duly authorized and exported. If an irregularity is found to have occurred, the office shall notify its counterparts of all the other countries in order that any applicable authorizations be canceled and other appropriate actions taken.

RECOMMENDATIONS OF THE GROUP**OF EXPERTS TO CICAD**

The Group of Experts requests that CICAD consider and adopt the Model Regulations to Control the Movements of Firearms, Parts and Components and Ammunition and present them to the next General Assembly of the Organization of American States, for their possible adoption by the member states.

To facilitate the adoption of the Model Regulations, the Group of Experts recommends that CICAD:

Periodically consider the effectiveness of the Model Regulations, to assess the extent to which recommended norms have been adopted and implemented by the member states, facilitate the widest dissemination of information to the member states regarding the Model Regulations, and recommend those additional activities needed to expedite their adoption and application.

Provide the necessary technical collaboration to the member states which request it, for the adoption and implementation of the Model Regulations and assist in obtaining the financial resources needed for this purpose. Convene periodic seminars and workshops to provide the competent authorities, the judiciary and law enforcement agencies of the member states with a forum in which to exchange experiences in their efforts to control the international movements of firearms, parts and components and ammunition.

Establish a close working relationship with the United Nations and other international, regional and governmental bodies carrying out similar work.

Furthermore, the Group of Experts recommends that CICAD urge the member states of the Organization of American States give high priority to:

Continuing with efforts to develop a common definition of accessories to firearms that includes those which increase the efficiency or danger of a firearm and its capacity to inflict harm, as well as appropriate procedures for their control for inclusion in these Model Regulations.

Convening a Group of Experts with specific knowledge of explosives to review and examine in depth that subject and explosives accessories with a view to developing model regulations for their control. In addition, such an examination should consider the feasibility and convenience of including in such model regulations provisions for the safe handling of explosives, other dangerous substances and related materials having multiple uses.

ANNEX 4:**QUESTIONNAIRE ON RATIFICATION AND IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION ON THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, EXPLOSIVES, AND OTHER RELATED MATERIALS.**

1. (a) Has your country adopted or signed the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Explosives, and other Related Materials?

(b) Indicate whether measures have been taken or are to be taken to promote signature of this Convention, and, if so, describe these measures.

2. (a) Has your country ratified the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials?

(b) Indicate whether measures have been taken or are to be taken to promote ratification of this Convention, and, if so, describe these measures.

(c) Are there or have there been legal, constitutional or other impediments in your country to ratification of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials? If so, describe these impediments.

3. At present, are there provisions in your national legislation designed to sanction the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, including provisions relating to the participation in, association or conspiracy to commit, attempts to commit, and aiding, abetting, facilitating, and counselling the commission of said offences?

Identify and briefly describe such provisions, while making reference to the following points:

- Mechanisms to aid in the detection of illicit manufacturing and trafficking operations;
- Mechanisms to enforce these provisions;
- Any other measures designed as supplemental measures as part of the body of law designed to combat the above activities; and
- Any constitutional principles of your legal system that may prevent your state from adopting such provisions.

4. Are there any current law reform proposals that would implement the provisions contemplated by Article 4 of the Convention?

Identify and briefly describe the proposed provisions, to the extent possible, while making reference to the following points:

- Mechanisms to aid in the detection of illicit manufacturing and trafficking operations;
- Mechanisms to enforce these provisions;
- Any other measures designed as supplemental measures as part of the body of law designed to combat the above activities; and
- Any constitutional principles of your legal system that may prevent your state from adopting such provisions.

5. Briefly describe the provisions, principles and criteria established in your national legal system to assert jurisdiction over the offences, which have been established by your country in accordance with the Convention. Please refer to the following points:

- The possibility of establishing jurisdiction over such offences in the following cases:
 - When the offence is committed in its territory;
 - When the offence is committed by a national of the country;
 - When the offence is committed by a person who habitually resides in the territory of the country;
 - When the alleged criminal is present in the country's territory and it does not extradite such person to another country on the ground of the nationality of the alleged criminal; and
 - When the alleged act of corruption has been committed or has produced effects in a State Party.
- Procedures established in your national legislation to facilitate judicial assistance requested by another State Party to the Convention to investigate or prosecute the corrupt acts described therein.
- Examples of the types of cases in which jurisdiction would be asserted.

6. In your country, are there laws or other types of procedures in place that require, at the time of manufacture:

- appropriate markings of the name of manufacturer, place of manufacture, and serial number;
- appropriate markings on imported firearms permitting the identification of the importer's name and address; or
- appropriate markings on any firearms confiscated or forfeited pursuant to Article VII.1 that are retained for official use?

If yes, indicate such provisions under your national law, and briefly describe them.

7. (a) Does your national law provide for confiscation of firearms, ammunition, explosives or other related materials that have been illicitly manufactured or trafficked?

If yes, indicate such provisions under your national law, and briefly describe them.

(b) Does your national law contain measures that seek to ensure that firearms, ammunition, explosives, and other related materials seized, confiscated, or forfeited as the result of illicit manufacturing or trafficking do not fall into the hands of private individuals or businesses through auction, sale, or other disposal?

If yes, indicate such provisions under your national law, and briefly describe them.

8. Does your national law include measures seeking to ensure the security of firearms, ammunition, explosives, and other related materials with respect to the import, export, or transit through your territory of such items?

If yes, indicate such provisions under your national law, and briefly describe them.

9. (a) Does your national structure of laws and regulations provide a system of export, import, and international transit licenses or authorizations for transfers of firearms, ammunition, explosives, and other related materials?

If yes, indicate such provisions under your national law, and briefly describe them, and note any measures that:

- seek to ensure that the transit of firearms, ammunition, explosives, and other related materials is not permitted until the receiving State Party issues the corresponding license or authorization; or
- seek to ensure that importing and in-transit countries have issued the necessary licenses or authorizations before authorizing agencies in your country release shipments of firearms, ammunition, explosives, and other related materials for export?

9.(b) (i) Does your national system of laws and regulations contain measures that oblige your country to inform an exporting State Party (should such a request be made), of the receipt of dispatched shipments of firearms, ammunition, explosives, and other related materials when such materials are imported by your country?

If yes, indicate such provisions under your national law, and briefly describe them.

(b) (ii) Does your national system of laws and regulations contain measures that oblige your country to inquire of an importing State Party of the receipt of shipments of firearms, ammunition, explosives, and other related materials dispatched from your country?

If yes, indicate such provisions under your national law, and briefly describe them.

10. Does your national law include measures designed to detect and prevent illicit trafficking in firearms, ammunition, explosives, and other related materials between your country's territory and that of other States

Parties, by strengthening controls at export points?

If yes, indicate such provisions under your national law, and briefly describe them.

11. Does your national law require the maintenance of information necessary to trace and identify illicitly manufactured or trafficked firearms?

If yes, indicate such provisions under your national law, and briefly describe them, while making reference to the following points:

- government agency responsible for collection of the information;
- method of collection of information;
- type of information collected;
- duration of the period of retention of the information; and
- mechanisms and conditions under which the information may be made available to other states.

12. Does your national law provide for guarantees on the confidentiality of information received from foreign governments?

Indicate the specific provisions under your national law, and briefly describe them, while making reference to the following points:

- circumstances under which the information may be disclosed;
- persons to whom the information may be disclosed; and
- any constitutional principles of your legal system that may prevent your state from adopting such provisions.

If no, please indicate the specific provisions under your national law that limit the providing of such confidentiality, and briefly describe them.

13. Does your national law provide for the exchange of information on matters relevant to the provisions in Article XIII, paragraph 1 of the Convention?

If yes, indicate the specific provisions under your national law, and briefly describe them.

If no, indicate the specific provisions under your national law that may:

- limit the provision of such confidentiality; and
- briefly describe them.

14. (a) Does your national law provide for any forms of cooperation with other countries in addressing the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials?

If yes, indicate the specific provisions under your national law, and briefly describe them.

(b) Are there other means or procedures not codified in your national laws by which cooperation with other countries takes place?

If yes, indicate the specific means or procedures and briefly describe them.

(c) Has your country designated a central point of contact to act as liaison among the State Parties?

15. (a) Does your national system of laws and regulations provide for:

- (i) the formulation of exchange and/or training programs for officials involved in preventing, combating, or eradicating of the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; or
- (ii) other means which facilitate the transfer of equipment and technology that may be effective in implementing the Convention?

If yes, indicate the specific provisions under your national law, and briefly describe them.

(b) Does your national system of laws and regulations establish programs to train personnel in your country to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials?

(c) Has your country identified its needs with respect to technical assistance and training of officials in order to improve your country's application of the provisions of the Convention?

If yes, indicate and briefly describe these needs, while also indicating the desired role that the consultative group might play in the promotion of international cooperation initiatives in coordination with the relevant OAS entities and other international organizations.

16. (a) Does your national system of laws and regulations provide for any forms of cooperation or assistance with international organizations or with other countries in providing technical assistance in addressing the illicit

manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials?

If yes, indicate the specific provisions under your national law, and briefly describe them.

(b) Are there other means or procedures not codified in your national laws by which cooperation with other countries takes place? For instance, are there treaties or other bilateral or multilateral means by which your country engages in juridical cooperation with other countries?

If yes, indicate the specific means or procedures and briefly describe them.

17. (a) Does your national system of laws and regulations allow for the provision of legal assistance to other countries in order to assist such countries in obtaining evidence and taking other necessary action to facilitate procedures involved in investigations or prosecutions?

If yes, indicate the specific provisions under your national law, and briefly describe them.

(b) Has your country designated a central authority to be responsible for making and receiving requests for mutual legal assistance?

18. Does your national law permit controlled delivery at the international level with a view to identifying persons involved in the offences referred to in Article IV?

If yes, indicate any specific provisions under your national law, and briefly describe them.

19. (a) Does your national law in any way prevent your country from applying the extradition provisions set out in Article XIX?

If yes, indicate any specific provisions under your national law, and briefly describe them.

20. Please indicate, to the best of your knowledge, whether the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials has addressed all topics that your country has identified as important in the illicit manufacturing of and trafficking in firearms and related weapons. If the Convention has not addressed all topics of importance, please identify those topics that the Convention has excluded?

21. Are there treaties or other bilateral or multilateral means by which your country engages in juridical cooperation, extradition and other subjects that are related to the implementation of the Convention?

If yes, please indicate all such treaties or other arrangements, and briefly describe them.

ANNEX 5:

INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS

THE STATES PARTIES,

AWARE of the urgent need to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, due to the harmful effects of these activities on the security of each state and the region as a whole, endangering the well-being of peoples, their social and economic development, and their right to live in peace;

CONCERNED by the increase, at the international level, in the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials and by the serious problems resulting there from;

REAFFIRMING that States Parties give priority to preventing, combating, and eradicating the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials because of the links of such activities with drug trafficking, terrorism, transnational organized crime, and mercenary and other criminal activities; CONCERNED about the illicit manufacture of explosives from substances and articles that in and of themselves are not explosives--and that are not addressed by this Convention due to their other lawful uses--for activities related to drug trafficking, terrorism, transnational organized crime and mercenary and other criminal activities;

CONSIDERING the urgent need for all states, and especially those states that produce, export, and import arms, to take the necessary measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

CONVINCED that combating the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials calls for international cooperation, exchange of information, and other appropriate measures at the national, regional, and international levels, and desiring to set a precedent for the international community in this regard;

STRESSING the need, in peace processes and post-conflict situations, to achieve effective control of firearms, ammunition, explosives, and other related materials in order to prevent their entry into the illicit market;

MINDFUL of the pertinent resolutions of the United Nations General Assembly on measures to eradicate the illicit transfer of conventional weapons and on the need for all states to guarantee their security, and of the efforts carried out in the framework of the Inter-American Drug Abuse Control Commission (CICAD);

RECOGNIZING the importance of strengthening existing international law enforcement support mechanisms such as the International Weapons and Explosives Tracking System (IWETS) of the International Criminal Police Organization (INTERPOL), to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

RECOGNIZING that international trade in firearms is particularly vulnerable to abuses by criminal elements and that a "know-your-customer" policy for dealers in, and producers, exporters, and importers of, firearms, ammunition, explosives, and other related materials is crucial for combating this scourge;

RECOGNIZING that states have developed different cultural and historical uses for firearms, and that the purpose of enhancing international cooperation to eradicate illicit transnational trafficking in firearms is not intended to discourage or diminish lawful leisure or recreational activities such as travel or tourism for sport shooting, hunting, and other forms of lawful ownership and use recognized by the States Parties;

RECALLING that States Parties have their respective domestic laws and regulations in the areas of firearms, ammunition, explosives, and other related materials, and recognizing that this Convention does not commit States Parties to enact legislation or regulations pertaining to firearms ownership, possession, or trade of a wholly domestic character, and recognizing that States Parties will apply their respective laws and regulations in a manner consistent with this Convention;

REAFFIRMING the principles of sovereignty, non-intervention, and the juridical equality of states, HAVE DECIDED TO ADOPT THIS INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS:

ARTICLE I DEFINITIONS

For the purposes of this Convention, the following definitions shall apply:

1. "Illicit manufacturing": the manufacture or assembly of firearms, ammunition, explosives, and other related materials:

- a. from components or parts illicitly trafficked; or
- b. without a license from a competent governmental authority of the State Party where the manufacture or assembly takes place; or
- c. without marking the firearms that require marking at the time of manufacturing.

2. "Illicit trafficking": the import, export, acquisition, sale, delivery, movement, or transfer of firearms, ammunition, explosives, and other related materials from or across the territory of one State Party to that of another State Party, if any one of the States Parties concerned does not authorize it.

3. "Firearms":

- a. any barrelled weapon which will or is designed to or may be readily converted to expel a bullet or projectile by the action of an explosive, except antique firearms manufactured before the 20th Century or their replicas; or
- b. any other weapon or destructive device such as any explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system, or mine.

4. "Ammunition": the complete round or its components, including cartridge cases, primers, propellant powder, bullets, or projectiles that are used in any firearm.

5. "Explosives": any substance or article that is made, manufactured, or used to produce an explosion, detonation, or propulsive or pyrotechnic effect, except:

- a. substances and articles that are not in and of themselves explosive; or
- b. substances and articles listed in the Annex to this Convention.

6. "Other related materials": any component, part, or replacement part of a firearm, or an accessory which can be attached to a firearm.

7. "Controlled delivery": the technique of allowing illicit or suspect consignments of firearms, ammunition, explosives, and other related materials to pass out of, through, or into the territory of one or more states, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in the commission of offences referred to in Article IV of this Convention.

ARTICLE II PURPOSE

The purpose of this Convention is:

to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

to promote and facilitate cooperation and exchange of information and experience among States Parties to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

ARTICLE III SOVEREIGNTY

1. States Parties shall carry out the obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of states and that of non-intervention in the domestic affairs of other states.

2. A State Party shall not undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved to the authorities of that other State Party by its domestic law.

ARTICLE IV LEGISLATIVE MEASURES

1. States Parties that have not yet done so shall adopt the necessary legislative or other measures to establish as criminal offences under their domestic law the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. Subject to the respective constitutional principles and basic concepts of the legal systems of the States Parties, the criminal offences established pursuant to the foregoing paragraph shall include participation in, association or conspiracy to commit, attempts to commit, and aiding, abetting, facilitating, and counselling the commission of said offences.

ARTICLE V JURISDICTION

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences it

has established in accordance with this Convention when the offence in question is committed in its territory.

2. Each State Party may adopt such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with this Convention when the offence is committed by one of its nationals or by a person who habitually resides in its territory.

3. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with this Convention when the alleged criminal is present in its territory and it does not extradite such person to another country on the ground of the nationality of the alleged criminal.

4. This Convention does not preclude the application of any other rule of criminal jurisdiction established by a State Party under its domestic law.

ARTICLE VI

MARKING OF FIREARMS

1. For the purposes of identification and tracing of the firearms referred to in Article I.3.a, States Parties shall:

- a. require, at the time of manufacture, appropriate markings of the name of manufacturer, place of manufacture, and serial number;

- b. require appropriate markings on imported firearms permitting the identification of the importer's name and address; and

- c. require appropriate markings on any firearms confiscated or forfeited pursuant to Article VII.1 that are retained for official use.

2. The firearms referred to in Article I.3.b should be marked appropriately at the time of manufacture, if possible.

ARTICLE VII

CONFISCATION OR FORFEITURE

1. States Parties undertake to confiscate or forfeit firearms, ammunition, explosives, and other related materials that have been illicitly manufactured or trafficked.

2. States Parties shall adopt the necessary measures to ensure that all firearms, ammunition, explosives, and other related materials seized, confiscated, or forfeited as the result of illicit manufacturing or trafficking do not fall into the hands of private individuals or businesses through auction, sale, or other disposal.

ARTICLE VIII

SECURITY MEASURES

States Parties, in an effort to eliminate loss or diversion, undertake to adopt the necessary measures to ensure the security of firearms, ammunition, explosives, and other related materials imported into, exported from, or in transit through their respective territories.

ARTICLE IX

EXPORT, IMPORT, AND TRANSIT LICENSES OR AUTHORIZATIONS

1. States Parties shall establish or maintain an effective system of export, import, and international transit licenses or authorizations for transfers of firearms, ammunition, explosives, and other related materials.

2. States Parties shall not permit the transit of firearms, ammunition, explosives, and other related materials until the receiving State Party issues the corresponding license or authorization.

3. States Parties, before releasing shipments of firearms, ammunition, explosives, and other related materials for export, shall ensure that the importing and in-transit countries have issued the necessary licenses or authorizations.

4. The importing State Party shall inform the exporting State Party, upon request, of the receipt of dispatched shipments of firearms, ammunition, explosives, and other related materials.

ARTICLE X

STRENGTHENING OF CONTROLS AT EXPORT POINTS

Each State Party shall adopt such measures as may be necessary to detect and prevent illicit trafficking in firearms, ammunition, explosives, and other related materials between its territory and that of other States Parties, by strengthening controls at export points.

ARTICLE XI

RECORD KEEPING

States Parties shall assure the maintenance for a reasonable time of the information necessary to trace and identify illicitly manufactured and illicitly trafficked firearms to enable them to comply with their obligations under Articles XIII and XVII.

ARTICLE XII

CONFIDENTIALITY

Subject to the obligations imposed by their Constitutions or any international agreements, the States Parties shall guarantee the confidentiality of any information they receive, if requested to do so by the State Party providing the information. If for legal reasons such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.

ARTICLE XIII

EXCHANGE OF INFORMATION

1. States Parties shall exchange among themselves, in conformity with their respective domestic laws and applicable treaties, relevant information on matters such as:

- a. authorized producers, dealers, importers, exporters, and, whenever possible, carriers of firearms, ammunition, explosives, and other related materials;
- b. the means of concealment used in the illicit manufacturing of or trafficking in firearms, ammunition, explosives, and other related materials, and ways of detecting them;
- c. routes customarily used by criminal organizations engaged in illicit trafficking in firearms, ammunition, explosives, and other related materials;
- d. legislative experiences, practices, and measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; and
- e. techniques, practices, and legislation to combat money laundering related to illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. States Parties shall provide to and share with each other, as appropriate, relevant scientific and technological information useful to law enforcement, so as to enhance one another's ability to prevent, detect, and investigate the

illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials and prosecute those involved therein.

3. States Parties shall cooperate in the tracing of firearms, ammunition, explosives, and other related materials which may have been illicitly manufactured or trafficked. Such cooperation shall include accurate and prompt responses to trace requests.

ARTICLE XIV

COOPERATION

1. States Parties shall cooperate at the bilateral, regional, and international levels to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. States Parties shall identify a national body or a single point of contact to act as liaison among States Parties, as well as between them and the Consultative Committee established in Article XX, for purposes of cooperation and information exchange.

ARTICLE XV

EXCHANGE OF EXPERIENCE AND TRAINING

1. States Parties shall cooperate in formulating programs for the exchange of experience and training among competent officials, and shall provide each other assistance that would facilitate their respective access to equipment or technology proven to be effective for the implementation of this Convention.

2. States Parties shall cooperate with each other and with competent international organizations, as appropriate, to ensure that there is adequate training of personnel in their territories to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials. The subject matters of such training shall include, inter alia:

- a. identification and tracing of firearms, ammunition, explosives, and other related materials;
- b. intelligence gathering, especially that which relates to identification of illicit manufacturers and traffickers, methods of shipment, and means of concealment of firearms, ammunition, explosives, and other related materials; and
- c. improvement of the efficiency of personnel responsible for searching for and detecting, at conventional and non conventional points of entry and exit, illicitly trafficked firearms, ammunition, explosives, and other related materials.

ARTICLE XVI

TECHNICAL ASSISTANCE

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties that so request receive the technical assistance necessary to enhance their ability to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, including technical assistance in those matters identified in Article XV.2.

ARTICLE XVII

MUTUAL LEGAL ASSISTANCE

1. States Parties shall afford one another the widest measure of mutual legal assistance, in conformity with their domestic law and applicable treaties, by promptly and accurately processing and responding to requests from authorities which, in accordance with their domestic law, have the power to investigate or prosecute the illicit activities described in this Convention, in order to obtain evidence and take other necessary action to facilitate procedures and steps involved in such investigations or prosecutions.

2. For purposes of mutual legal assistance under this article, each Party may designate a central authority or may rely upon such central authorities as are provided for in any relevant treaties or other agreements. The central authorities shall be responsible for making and receiving requests for mutual legal assistance under this article, and shall communicate directly with each other for the purposes of this article.

ARTICLE XVIII

CONTROLLED DELIVERY

1. Should their domestic legal systems so permit, States Parties shall take the necessary measures, within their possibilities, to allow for the appropriate use of controlled delivery at the international level, on the basis of agreements or arrangements mutually consented to, with a view to identifying persons involved in the offences referred to in Article IV and to taking legal action against them.

2. Decisions by States Parties to use controlled delivery shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

3. With the consent of the States Parties concerned, illicit consignments under controlled delivery may be intercepted and allowed to continue with the firearms, ammunition, explosives, and other related materials intact or removed or replaced in whole or in part.

ARTICLE XIX

EXTRADITION

1. This article shall apply to the offences referred to in Article IV of this Convention.

2. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty in force between or among the States Parties. The States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between or among them.

3. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any offence to which this article applies.

4. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

5. Extradition shall be subject to the conditions provided for by the law of the Requested State or by applicable extradition treaties, including the grounds on which the Requested State may refuse extradition.

6. If extradition for an offence to which this article applies is refused solely on the basis of the nationality of the person sought, the Requested State Party shall submit the case to its competent authorities for the purpose of prosecution under the criteria, laws, and procedures applied by the Requested State to those offences when they are committed in its own territory. The Requested and Requesting States Parties may, in accordance with their

domestic laws, agree otherwise in relation to any prosecution referred to in this paragraph.

ARTICLE XX

ESTABLISHMENT AND FUNCTIONS OF THE CONSULTATIVE COMMITTEE

1. In order to attain the objectives of this Convention, the States Parties shall establish a Consultative Committee responsible for:
 - a. promoting the exchange of information contemplated under this Convention;
 - b. facilitating the exchange of information on domestic legislation and administrative procedures of the States Parties;
 - c. encouraging cooperation between national liaison authorities to detect suspected illicit exports and imports of firearms, ammunition, explosives, and other related materials;
 - d. promoting training and exchange of knowledge and experience among States Parties and technical assistance between States Parties and relevant international organizations, as well as academic studies;
 - e. requesting from non-party states, when appropriate, information on the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; and
 - f. promoting measures to facilitate the application of this Convention.
2. Decisions of the Consultative Committee shall be recommendatory in nature.
3. The Consultative Committee shall maintain the confidentiality of any information it receives in the exercise of its functions, if requested to do so.

ARTICLE XXI

STRUCTURE AND MEETINGS OF THE CONSULTATIVE COMMITTEE

1. The Consultative Committee shall consist of one representative of each State Party.
2. The Consultative Committee shall hold one regular meeting each year and shall hold special meetings as necessary.
3. The first regular meeting of the Consultative Committee shall be held within 90 days following deposit of the 10th instrument of ratification of this Convention. This meeting shall be held at the headquarters of the General Secretariat of the Organization of American States, unless a State Party has offered to host it.
4. The meetings of the Consultative Committee shall be held at a place decided upon by the States Parties at the previous regular meeting. If no offer of a site has been made, the Consultative Committee shall meet at the headquarters of the General Secretariat of the Organization of American States.
5. The host State Party for each regular meeting shall serve as Secretariat pro tempore of the Consultative Committee until the next regular meeting. When a regular meeting is held at the headquarters of the General Secretariat of the Organization of American States, a State Party that will serve as Secretariat pro tempore shall be elected at that meeting.
6. In consultation with the States Parties, the Secretariat pro tempore shall be responsible for:
 - a. convening regular and special meetings of the Consultative Committee;
 - b. preparing a draft agenda for the meetings; and
 - c. preparing the draft reports and minutes of the meetings.
7. The Consultative Committee shall prepare its own internal rules of procedure and shall adopt them by absolute majority.

ARTICLE XXII

SIGNATURE

This Convention is open for signature by member states of the Organization of American States.

Article XXIII

Ratification

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

ARTICLE XXIV

RESERVATIONS

States Parties may, at the time of adoption, signature, or ratification, make reservations to this Convention, provided that said reservations are not incompatible with the object and purposes of the Convention and that they concern one or more specific provisions thereof.

ARTICLE XXV

ENTRY INTO FORCE

This Convention shall enter into force on the 30th day following the date of deposit of the second instrument of ratification. For each state ratifying the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the 30th day following deposit by such state of its instrument of ratification.

ARTICLE XXVI

DENUNCIATION

1. This Convention shall remain in force indefinitely, but any State Party may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After six months from the date of deposit of the instrument of denunciation, the Convention shall no longer be in force for the denouncing State, but shall remain in force for the other States Parties.
2. The denunciation shall not affect any requests for information or assistance made during the time the Convention is in force for the denouncing State.

ARTICLE XXVII

OTHER AGREEMENTS AND PRACTICES

1. No provision in this Convention shall be construed as preventing the States Parties from engaging in mutual cooperation within the framework of other existing or future international, bilateral, or multilateral agreements, or of any other applicable arrangements or practices.
2. States Parties may adopt stricter measures than those provided for by this Convention if, in their opinion, such measures are desirable to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

ARTICLE XXVIII

CONFERENCE OF STATES PARTIES

Five years after the entry into force of this Convention, the depositary shall convene a conference of the States Parties to examine the functioning and application of this Convention. Each conference shall determine the date on which the next conference should be held.

ARTICLE XXIX

DISPUTE SETTLEMENT

Any dispute that may arise as to the application or interpretation of this Convention shall be resolved through diplomatic channels or, failing which, by any other means of peaceful settlement decided upon by the States Parties involved. Article XXX Deposit

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the United Nations Charter. The General Secretariat of the Organization of American States shall notify the member states of the Organization of the signatures, of the deposits of instruments of ratification and denunciation, and of any reservations.

ANNEX

The term "explosives" does not include: compressed gases; flammable liquids; explosive actuated devices, such as air bags and fire extinguishers; propellant actuated devices, such as nail gun cartridges; consumer fireworks suitable for use by the public and designed primarily to produce visible or audible effects by combustion, that contain pyrotechnic compositions and that do not project or disperse dangerous fragments such as metal, glass, or brittle plastic; toy plastic or paper caps for toy pistols; toy propellant devices consisting of small paper or composition tubes or containers containing a small charge or slow burning propellant powder designed so that they will neither burst nor produce external flame except through the nozzle on functioning; and smoke candles, smokepots, smoke grenades, smoke signals, signal flares, hand signal devices, and Very signal cartridges designed to produce visible effects for signal purposes containing smoke compositions and no bursting charges.

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