Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
New York, 14-18 July 2008

Working document of the Latin American and Caribbean region for the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

1. The States of the Latin American and Caribbean region convened in Bogotá on 17 and 18 June and in New York from 7 to 11 July 2008 to seek a common approach to the issues to be addressed during the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Programme of Action), to be held in New York from 14 to 18 July 2008.

2. The States reaffirm their total commitment to the continued and full implementation of the Programme of Action and recognize the contribution it has made to giving a comprehensive and multidimensional response to the illicit trade in small arms and light weapons in all its aspects.

3. The Programme of Action has been a fundamental tool, intended to be an ongoing common process and reference point in identifying measures to prevent, combat and eradicate the illicit trade in small arms and light weapons to be taken by States at the national, regional and global levels.

4. While welcoming the progress made in the implementation of the Programme of Action, the States of the region recognize that further action is required to fulfil the commitments set out in the Programme of Action.

5. The States recognize 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.
6. The States support and recognize the importance of regional and subregional initiatives and efforts adopted for the due implementation of the Programme of Action. The Latin American and Caribbean States parties to the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, recognize the importance of its full implementation.

7. The Third Biennial Meeting of States will provide an additional opportunity to boost and strengthen the United Nations process against the illicit trade in small arms and light weapons in all its aspects, consider the national, regional and global implementation of the Programme of Action, identify priorities or issues of relevance, move forward on the implementation of the international tracing instrument and discuss challenges and opportunities in the context of illicit brokering, and stockpile management and its security. Owing to its cross-cutting nature, the issue of international assistance and cooperation and national capacity-building is of key importance to the proper implementation of the Programme of Action and must be addressed in all segments of the Third Biennial Meeting of States.

8. The States reiterate the commitment contained in paragraphs 8 and 9 of the Programme of Action and reaffirm their 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 the States, territorial integrity, the peaceful resolution of international disputes, prohibition of the threat or use of force, and non-intervention and non-interference in the internal affairs of the States. They also reaffirm the right of each State to manufacture, import and retain small arms and light weapons for its self-defence and security needs, in accordance with Article 51 of the Charter.

9. While recognizing the need to take into account the characteristics, scope and magnitude of the problem in each State, region, and subregion, the States of the Latin American and Caribbean identify the elements and recommendations set out below, among others, regarding the above-mentioned issues.

A. **International cooperation and assistance and national capacity-building**

10. Comprehensive international cooperation and assistance, including financial and technical assistance as requested, and national capacity-building are essential for the proper implementation at all levels of the measures outlined in the Programme of Action.

11. Cooperation must be understood broadly and include the commitment of all States, particularly major producing and exporting States, in the fight against the illicit trade in small arms and light weapons in all its aspects.

12. International cooperation and assistance must not be subject to any type of preconditions, including the submission of national reports.

13. International cooperation and assistance must respond to the national priorities established by the requesting States, with a view to accomplishing their international obligations.
14. In order to achieve effective implementation of the Programme of Action, international cooperation and assistance must also contribute to national capacity-building. While reaffirming the key importance of the provision of assistance to States lacking implementation capacity, due attention should also be given to cooperation directed to the exchange of relevant information.

15. While recognizing the fact that different types of resources exist in different countries, some States in the Latin American and Caribbean region possess adequate human and technical resource capacities to enable cooperation in such areas as the preparation of internal regulations and procedures according to the provisions of the Programme of Action.

16. It is important that interested States have increased access to technical and financial assistance and to the transfer of technology, among other issues, for the creation and updating of databases and national registries on small arms and light weapons.

17. Depending on the needs of each State, capacity-building resources may include provision of model legislation, systems and procedures, equipment, infrastructure and technology, training, national coordination (exchange of information and coordination between governmental institutions), exchange of multilateral information, including establishment of contact points, and exchange of information regarding best practices and financing.

18. States and appropriate international, regional and subregional organizations, in a position to do so, upon the request of the relevant authorities, must seriously consider rendering assistance, including technical and financial assistance, to States to support the implementation of measures to prevent, combat and eradicate the illicit manufacturing of and trade in small arms and light weapons, in all its aspects, their ammunitions and their explosives.

19. Several mechanisms and initiatives are currently being developed to facilitate international cooperation and assistance in preventing, combating and eradicating the illicit trade in small arms and light weapons. Such mechanisms should be disseminated, as appropriate, to allow interested States to properly use them.

20. The States consider it important to continue and strengthen, as appropriate, the cooperation of civil society, in the light of its important contribution towards implementation of the Programme of Action.

21. The States consider it important to promote cooperation, including the timely exchange of information, among the States in the context of the Programme of Action, in particular among the authorities in charge of law enforcement, as well as custom authorities, with a view to facilitating the adoption of best practices for implementation of the Programme of Action.

22. The States consider it important to promote bilateral, subregional and regional cooperation, as appropriate, with the aim of supporting the full implementation of the Programme of Action.

23. The States reaffirm the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against the illicit trade in small arms and light weapons and express deep concern about the closure of the regional office in Barbados, which served a total of 29 States and territories in the Caribbean, notwithstanding the vulnerability of those
countries in the fight against the illicit trade in small arms and light weapons, and call for the reopening of the regional office.

B. Instrument to allow States to identify and trace illicit small arms and light weapons in a timely and reliable manner (international tracing instrument)

24. The States reaffirm their commitment to the full implementation of the international tracing instrument adopted by the General Assembly in its decision 60/519 and stress the responsibilities of States, in particular of major producing States, as they relate to the instrument.

25. The States consider it important to strengthen the information exchange among States in the context of the international tracing instrument.

26. The States reiterate their support for the conclusion and adoption of an international legally binding tracing instrument on small arms and light weapons, which includes the issue of their ammunitions and their explosives.

27. For effective implementation of the international tracing instrument, it is essential to have an assistance and cooperation framework that includes technical, financial or other aspects that are necessary at the bilateral, regional or global levels. This will allow the building of national capacities in the areas of marking, record-keeping and tracing, and the acquisition and transfer of technologies that could improve the tracing and detection of illicit small arms and light weapons.

28. The States agree that the meetings of States to consider the implementation of international tracing instrument should continue to be held within the framework of the Biennial Meeting of States.

C. Illicit brokering

29. Brokering in the transfer of weapons must be exercised in a transparent and responsible manner under strict norms and procedures, so as to prevent brokering activities from facilitating illicit trade and prevent the use of such weapons by unauthorized actors and for unauthorized purposes.

30. The States thus reiterate their support for the conclusion and adoption of an international legally binding instrument to prevent, combat and eradicate the illicit brokering of small arms and light weapons.

31. The States take note of the recommendations contained in the report submitted by the Group of Governmental Experts established pursuant to General Assembly resolution 60/81 (see A/62/163 and Corr.1) and encourage States to implement them.

32. Areas requiring international assistance and cooperation and national capacity-building on the issue could include: establishment of systems and procedures for registration and licensing of brokers; access to technological information and equipment for registration, licensing and record-keeping (of brokers and brokering activities); access to equipment and technology to assist with the detection of forged end-user certificates and verification documents and training of personnel; and improvement of national capacities to monitor land, aerial and maritime
transportation routes within the national territory of the requesting State, in accordance with international law.

D. Stockpile management and surplus destruction

33. The national competent authorities of each State have the prerogative to define adequate stocks and identify surplus levels of small arms and light weapons.

34. The States consider that the issue should be approached from the perspective of international assistance and cooperation and national capacity-building for the management and security of stockpiles of small arms and light weapons in the framework of the Programme of Action.

35. Requesting States should identify their needs for international assistance and cooperation and for national capacity-building on the issue including establishment of measures and the designing of infrastructure to improve stockpile security, as well as for the transportation and destruction of small arms and light weapons in all its aspects, in accordance with the Programme of Action.

36. The States take note of the establishment of the Group of Governmental Experts established pursuant to General Assembly resolution 61/72 to consider further steps to enhance cooperation with regard to the issue of conventional ammunition stockpiles in surplus.

E. Strengthening of the United Nations process: next steps

37. The illicit trade in small arms and light weapons has a wide range of humanitarian and socio-economic consequences and poses a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels, and a multidimensional approach at all levels is essential to combating the problem.

38. The serious challenges and threats posed by the continuing link between the illicit trade in small arms and light weapons, illicit drug trafficking, terrorism and other national and transnational organized criminal networks requires concerted national, regional and international action and enhanced international cooperation and assistance.

39. In an interdependent world, where the illicit trade in small arms and light weapons has a global reach, it is critical that the multilateral approach continues to be taken in the context of the United Nations.

40. The process of preventing, combating and eliminating the illicit trade in small arms and light weapons must be strengthened through, among other means, the effective implementation by all Member States of the Programme of Action at all levels.

41. The States consider it fundamental to convene in 2011 a conference to review the progress made in the implementation of the Programme of Action.

42. The States also consider that it is appropriate to hold meetings at the regional level, open to the participation of all the States of the region, and to hold meetings
through regional or subregional organizations, in order to consider the implementation of the Programme of Action, in particular, at the regional level.

43. The Biennial Meetings of States provide the natural and adequate context within which to consider the national, regional and global implementation of the Programme of Action and to identify priority issues or topics of relevance in the illicit trade in small arms and light weapons in all its aspects.

44. The States consider it important for Member States to assess the convenience of creating a follow-up mechanism that allows better preparation of the Biennial Meetings in order to achieve substantive results. Such a mechanism could include intersessional meetings that allow a comprehensive consideration of the Programme of Action.

45. The States consider it important to adopt, within the framework of the United Nations process on illicit trade in small arms and light weapons in all its aspects, including the Programme of Action, international legally binding instruments to:

(a) Identify and trace illicit small arms and light weapons in a timely and reliable manner;

(b) Prevent, combat and eradicate illicit brokering of small arms and light weapons.

46. Taking into account the fact that the agenda of the Third Biennial Meeting of States offers the possibility of addressing “other issues” deemed to be priority issues or topics of relevance, according to General Assembly resolution 62/47, the countries in the region consider it important that the discussion of the issues be according to their circumstances.