



UNLIREC

The Caribbean Firearms Roadmap: Select Priority Actions Likely to Require Legislative Attention

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Overview



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Pt 1: About UNLIREC



- Regional Organ of the UN Office for Disarmament Affairs' Regional Disarmament Branch of the UN Secretariat
- Created in 1986 by an United Nations General Assembly Resolution
- Scope: 33 countries in Latin America and the Caribbean
- Location: Lima, Peru and Port of Spain, Trinidad and Tobago
- Seeks to reduce arms proliferation, armed violence and strengthen the capacity of the security sector and national authorities to guarantee public security, governance and development



UNLIREC in Antigua and Barbuda, Jamaica, Trinidad and Tobago



- Arms Trade Treaty Implementation Course
- Comprehensive Review of National Firearms Acts
- Inter Institutional Training Course for Combatting the Illicit Trade in Firearms, Ammunition and Explosives
- Firearms Tracing Workshop
- Firearms Serial Number Restoration
- Forensic Ballistics Double Cast Kit Donation
- Double Cast Training
- Firearms Destruction and Stockpile Management
- Destruction of 6000 weapons and 8 tones ammunition

- Armoury Management
- Shooting crime scene incident reconstruction
- Assessment of forensic ballistics backlog cases
- Refurbishment of indoor ranges
- Non-proliferation of weapons of mass destruction
- Post-Blast Investigations/Explosive Precursor Chemicals
- Forensic Ballistics Intelligence
- Firearms Investigations from a Gendered Perspective
- **Caribbean Firearms Roadmap**
- **National Action Plan Development**



Pt 2: Caribbean Firearms Roadmap

The **ROADMAP's** Vision and Goal is for a **safer Caribbean** is achieved by addressing the issue of illicit proliferation of firearms and ammunition.

The 'Roadmap for Implementing The Caribbean Priority Actions on the Illicit Proliferation of Firearms and Ammunition across the Caribbean in a Sustainable Manner by 2030'

Co-custodians



Main partners



UNODC
United Nations Office on Drugs and Crime



Main donors



National Action Plan (NAP) development



16

States



Adopted the Roadmap



12

States



Drafted NAPs



6

States



Submitted NAPs



Caribbean Firearms Roadmap - Goals



Goal 1

Reinforce regulatory frameworks governing firearms and ammunition

Goal 2

Reduce the illicit flow of firearms and ammunition into, within and beyond the region

Goal 3

Bolster law enforcement capacity to combat illicit firearms and ammunition trafficking and their illicit possession and misuse

Goal 4

Systematically decrease the risk of diversion of firearms and ammunition from government- and non-government-owned arsenals

- Each Goal has Priority Actions for states to choose for implementation
- The majority of Priority Actions that are likely to require legislative attention can be found in Goal 1
 - Others in Goals 3 and 4.

Click Link for Caribbean Firearms Roadmap



<https://unlirec.org/wp-content/uploads/2020/11/Caribbean-Firearms-Roadmap-final.pdf>



Pt 3: Select Priority Actions Likely to Require Legislative Attention

Goal 1

Reinforce regulatory frameworks governing firearms and ammunition



Action #	<i>Select Priority Actions Likely to Require Legislative Attention</i>	Antigua and Barbuda	Jamaica	Trinidad and Tobago
Action 1.1.1	Ratify, accede or otherwise support relevant regional and/or international instruments (UN 2001 PoA, Firearms Protocol, ATT, CIFTA Convention)			
Action 1.1.2	Comply with reporting obligations in a consistent manner as applicable (UN 2001 PoA, ATT, etc.)			
Action 1.2.1	Harmonize domestic legislation on firearms with international instruments signed and ratified by States			
Action 1.2.2	Update Firearms Act and relevant norms and regulations			
Action 1.2.4	Develop and enforce specialized legislation to regulate the use of firearms by the private security sector			
Action 1.4.1	Create a National regulatory body to oversee arms imports			
Action 1.4.2	Adopt a licensing system and protocols.			
Action 1.4.3	Create and adopt import/ export evaluation tools			

Action 1.2.1. Harmonize domestic legislation on firearms with international instruments signed and ratified by States



States need to consider what to **regulate**, **amend** if needed, and **implement**



Assess national legislation in a systemic and transversal way in relation to international instruments to identify any legal gap



Multisector participation needed to carry out the assessment of national legislation in relation to international instruments



States can request **international support** to assess national legislation or to carry out drafting legislation processes



Mandates contained in international instruments:

- Establishment of **criminal offences** (action 1.2.2.)
- **Reporting** obligations and **designation of points of contact** (action 1.1.2.)
- **International transfers** authorization and licensing regime (target 1.4.)
- State's **stockpile management** (action 4.1.1. to 4.1.3. and 4.1.8. for PSS)
- **Security and safety** measures (target 4.1.)
- **Record-keeping** and measures to request and carry out **tracing** operations (target 4.2.)
- **Marking** of firearms and ammunition (target 4.2.)
- Adopting provisions on seizing, forfeiture, deactivation and **destruction** (target 4.3.)

Key international obligations (action 1.2.1.)

International Obligations	CIFTA	Firearms Protocol	Programme of Action	Tracing Instrument (ITI)	Arms Trade Treaty (ATT)
Definitions	X	X			
Criminal Offences	X	X	X		
Marking	X	X	X	X	
Record-keeping	X	X	X	X	
Tracing	X	X	X	X	
Import/Export/Transit authorisation or licencing	X	X	X		X
Destruction	X	X	X		
Deactivation		X			
Brokering		X	X		X
National contact point	X	X	X	X	X

International definitions (action 1.2.1.)

Subjects	Binding Instruments (Universal and Regional)			Non-Binding Instruments (Universal)	
	Firearms Protocol	Arms Trade Treaty	CIFTA	Programme of Action	International Tracing Instrument
Firearms	•		•		
Ammunition	•		•		
Explosives			•		
Parts and Components	•				
Other Related Materials			•		
Illicit Manufacturing	•		•		
Illicit Trafficking	•		•		
Tracing	•				•
Controlled Delivery			•		

Action 1.2.2 Update Firearms Act and relevant norms and regulations

Establishment of key criminal offences



Illicit manufacturing

(from parts illicitly trafficked, without a license and without marking)

- **Firearms Protocol** (art. 5, para. 1, a)
- **CIFTA** (art. IV, para. 1)
- **UN PoA** (section II, para. 3)



Illicit trafficking

(without authorization of one involved State, and if the firearms are not marked)

- **Firearms Protocol** (art. 5, para. 1, b)
- **CIFTA** (art. IV, para. 1)
- **UN PoA** (section II, para. 3)



Tampering of marking (of firearms)

(falsifying, obliterating, removing, altering)

- **Firearms Protocol** (art. 5, para. 1, c)



Secondary offences

(person who attempts to commit a crime, associate, instigate, aid, facilitate...)

- **Firearms Protocol** (art. 5, para. 2, a & b)
- **CIFTA** (art. IV, para. 2)



Illicit possessing, stockpiling, financing for acquisition

- **UN PoA** (section II, para. 3, 6, 8)

Action 1.1.2 Comply with reporting obligations in a consistent manner as applicable (UN 2001 PoA, ATT, etc.)



The **ATT** (art. 13), the **PoA** (section II, para. 33) and **ITI** (para. 36) establish the commitment to report implementing measures.



Aim of reporting obligations:
enhance
transparency

All instruments require States to establish a **national body and/or point of contact** on firearms

- CIFTA (art. XIV 2)
- Firearms Protocol (art. 13)
- UN PoA (section II, para 5)
- ITI (para. 25)
- ATT (art. 5, para. 6)



Roles & responsibilities of national point of contact:



1. Identify instruments with reporting obligations (what to report?).
2. Identify entity responsible for submission and coordinate with other national entities for input (police and defence, prosecutor's office, foreign affairs, customs & international trade, etc.)
3. Prepare/ submit reports

Action 1.4.1, 1.4.2, 1.4.3 and 1.4.4.
Regulation of international transfers (target 1.4.)



- **International transfers** (art. 2, 2) ATT) include: export (art. IX CIFTA, art. Firearms Protocol 10, art. 6 & 7 ATT), import (art. IX CIFTA, art. Firearms Protocol 10, art. 8 ATT), transit, trans-shipment (art. 9 ATT) and brokering (art. 10 ATT)
- Principles: **licensing system** (action 1.4.2.) **for international transfers** and **cooperation between States** (art. IX CIFTA, art. 10 Firearms Protocol, art. 7 and 8 ATT)



End-use documentation introduced by PoA (para. 12) aiming at avoiding diversion:

- End-user/use certificate
- End-user/use declaration



National regulatory body (action 1.4.1.) as part of a **control system** (art. 5 ATT) applicable to 8 categories of conventional arms, includes:

- A national control list (art. 5, 2) ATT)
- Criteria for prohibition of international transfers (art. 6 ATT)
- Risk assessment based on export evaluation criteria (art. 7 ATT) which must be taken into account (action 1.4.3.) and recommendations for import (UN MOSAIC 03.20)

Action 1.2.3 Cross-reference/harmonize firearms legislation with domestic violence prevention legal provisions



Importance of incorporating **gender-responsive small arms control policies** into national legislation



States have the **power to regulate the carrying and possession of firearms** taking the issue of VAW into account.



Recommendation based on the following **international instruments**:

- General recommendations no. 19 (1992) and no. 35 (2017), CEDAW.
- Art. 7 Belém do Para Convention (1994)
- SDG 5.2 and 16.1 et 16.4

Examples of key legal provisions on domestic violence / violence against women which can be incorporated on SALW legislation, and vice versa:

- Gender-specific considerations into provisions that state the requirements or prohibitions for the application or revocation of a licence
- Ordering the seizure/surrender of firearms and licences when used in acts of domestic violence
- Protection orders and interim protection orders

Action 1.2.4 Develop and enforce specialized legislation to regulate the use of firearms by the private security sector



No binding international instrument available to identify and assess compliance on the use of firearms by the private security sector.



However, **MOSAIC 03.30** provides **technical recommendations** on the following aspects:

- Licensing requirements, conditions and validity
- Verification of compliance
- Record-keeping
- Going out of business



UNLIREC's private security study addresses **key control measures** regarding:

- Physical security and stockpile management of arms and ammunition owned by the private sector
- Secondary marking

Goal 3

Bolster law enforcement capacity to combat illicit firearms and ammunition trafficking and their illicit possession and misuse



Action #	<i>Select Priority Actions Likely to Require Legislative Attention</i>	Antigua and Barbuda	Jamaica	Trinidad and Tobago
Action 3.1.1	Trace all recovered firearms			
Action 3.2.2	Enhance techniques to link firearms trafficking cases with other crimes, in particular, transnational organized crime or terrorism			
Action 3.4.1	Institutionalize the collaboration among states with Integrated Ballistics Identification System (IBIS) and non-IBIS and states with double-casting capability, to retrieve and enter ballistic evidence on national Automated Ballistics Identification Systems (ABIS)			
Action 3.4.2	Initiate firearms tracing requests from partner countries)			

Action 3.1.1 Trace All Recovered Firearms Develop Tracing (goals 3.1.1 & 3.4.2.)



- **Firearms Protocol (art. 3 f):** systematic tracking of firearms from manufacturer to purchaser
- **ITI (para. 5):** systematic tracking of illicit SALW from point of manufacture or importation through the lines of supply to the point at which they became illicit
- All instruments require **cooperation in tracing** for **criminal investigation** and the **establishment of supply chain for illicit firearms**

Goal 4

Systematically decrease the risk of diversion of firearms and ammunition from government- and non-government-owned arsenals



Action #	<i>Select Priority Actions Likely to Require Legislative Attention</i>	Antigua and Barbuda	Jamaica	Trinidad and Tobago
Action 4.1.1	Secure existing national stockpiles in keeping with international guidelines and standards			
Action 4.1.2	Conduct periodic reviews and audits of national stockpiles and establish a peer review mechanism for voluntary inspections			
Action 4.1.3	Incorporate internationally-based standards into national stockpile management practices			
Action 4.1.4	Refurbish/improve national storage site(s)			
Action 4.2.1	Increase oversight and training for the private security sector (PSS) in PSSM			
Action 4.3.1	Destroy surplus, seized, obsolete and/or confiscated firearms, ammunition and/or explosives in keeping with national and international guidelines and international frameworks			



Action 4.1.1 Secure existing national stockpiles in keeping with international guidelines and standards

- Stockpile management: specific technical tasks related to the **safety and security** of weapons, ammunition and explosives: **accounting, storage, transportation, handling**, etc. (action 4.1.1. to 4.1.3. and 4.1.8.)
- No international legally binding instrument in terms of **stockpile management**
- However, the UN PoA contemplates main aspects of stockpile management which are reflected in **MOSAIC 05.20 and IATG guidelines (voluntary, practical guidance notes available on Internet)**
- Stockpile management, includes implementing **safety and security measures** for State's small arms and light weapons (Section II, para. 29 PoA).
- Establishment of detailed standards and procedures relating to the management and security of State's stocks: appropriate locations for stockpiles; physical security measures; control of access to stocks; staff training; security, accounting and control of stocks, etc. (PoA, section II, para. 17).
- The **security of firearms**, their parts and components and ammunition at the time of **in preventing** the manufacture, import, export and transit is **fundamental to prevent their diversion** (art. 11 (a) of Firearms Protocol).
- Destruction of small arms and light weapons of private use that have been **confiscated, seized, or collected** and **surplus small arms and light weapons belonging to law enforcement agencies** (Paras II.16 and II.19, PoA)

Action 4.3.1 Destroy surplus, seized, obsolete and/or confiscated firearms, ammunition and/or explosives in keeping with national and international guidelines and international frameworks



- Destruction as the **process of final conversion into an inert state that can no longer function**
- Destruction in international instruments:
 - **Adoption of legal measures** that ensure the destruction of firearms, unless other disposal has been officially authorized (art. 6 2), Firearms Protocol)
 - Destruction of small arms and light weapons of private use that have been **confiscated, seized, or collected** and **surplus small arms and light weapons belonging to law enforcement agencies** (Paras II.16 and II.19, PoA)

Conclusions



- ✓ **Broad overview of international norms:** Caribbean Roadmap includes certain obligations under practical rather than legal aspects (such as destruction)
- ✓ The abovementioned international instruments include **minimum standards:** the adoption of more restrictive norms is left to States' will
- ✓ Need to **prioritize core obligations stated in international instruments** in order to comply with international law and **follow recommendations of international technical guidelines (e.g., key definitions and criminal offences)**
- ✓ Norms are **complementary to other related legal norms and recommendations:** need to reinforce internal legislation by integrating non-binding nevertheless essential norms and recommendations to combat illicit proliferation of firearms and ammunition
- ✓ International norms should **complement national legislation:** need to reinforce internal legislation by integrating non-binding nevertheless essential norms and recommendations to combat illicit trafficking in firearms and ammunition



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End!

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