

INTER-AMERICAN CONVENTION AGAINST THE
ILLCIT MANUFACTURING OF AND TRAFFICKING
IN FIREARMS, AMMUNITION, EXPLOSIVES,
AND OTHER RELATED MATERIALS (CIFTA)

First meeting of national authorities directly responsible for
granting the export, import and international transit licenses
or authorizations for transfers of firearms, ammunition,
explosives, and other related materials

October 6 and 7, 2005

Washington, D.C.

OAS/Ser.L/XXII.5.1
CIFTA/RALIC-I/doc.3/05
7 October 2005
Original: Spanish

FINAL REPORT*

I. INTRODUCTION

In accordance with paragraph 8 of the Declaration of Bogotá on the Functioning and Application of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (CIFTA), the Work Program of its Consultative Committee, and operative paragraph 7 of Resolution AG/RES. 1999 (XXXIV-O/04) of the OAS General Assembly, the first meeting of national authorities directly responsible for granting the export, import and international transit licenses or authorizations for transfers of firearms, ammunition, explosives and other related materials was held at OAS headquarters in Washington, D.C., United States of America, on October 6 and 7, 2005.

This document presents the report of the meeting, to be submitted to the Consultative Committee of CIFTA.

The meeting considered the documents prepared by the Secretariat and listed in [Appendix I](#) of this report.

The list of representatives of states parties and nonparties attending the meeting appears in [Appendix II](#) of this report.

II. THE WORK OF THE MEETING

1. Opening session

On behalf of the Secretariat *pro tempore* of the CIFTA Consultative Committee, the Permanent Representative of Colombia to the OAS, Ambassador Álvaro Tirado Mejía, welcomed all the participants at the meeting, expressed his pleasure that the meeting was being held, and highlighted its importance.

* This document was approved during the session held on October 7, 2005, within the framework of the First Meeting of national authorities directly responsible for granting the export, import and international transit licenses or authorizations for transfers of firearms, ammunition, explosives, and other related materials, held on October 6 and 7, 2005 in the OAS Headquarters in Washington, DC, USA.

Note: The annexes of this document are published in: www.oas.org/juridico/english/arms.htm

After that, the Assistant Secretary General of the OAS, Ambassador Albert R. Randim, officially opened the meeting. His remarks included reference to the serious problem posed by the illicit manufacturing and trafficking in firearms, ammunition, explosives, and other related materials, the importance of the CIFTA Convention, and the steps taken through it to strengthen hemispheric cooperation in this field. He also commented on the measures provided for in the Declaration of Bogotá and the objectives of this meeting. The full text of the statement by the OAS Assistant Secretary General appears in [Appendix III](#) of this report.

2. Consideration and approval of the draft agenda and schedule (item 1 on the agenda)

Once the opening session was concluded, the draft agenda and schedule prepared for the meeting were submitted for consideration and approved, as they appear in [Appendices IV](#) and [V](#).

3. Election of the Chair (item 2 of the agenda)

The meeting then proceeded to elect the chairman of the meeting. The delegation of Mexico nominated the Permanent Representative of Colombia, Ambassador Álvaro Tirado Mejía, to preside over the meeting. This nomination was seconded by the delegations of Uruguay, Panama, and Honduras, which proposed that he be elected by acclamation. That proposal was accepted by the meeting.

4. Background, mandates, and objectives of the meeting (item 3 of the agenda)

The meeting next took up item 3 on the agenda. On behalf of the Secretariat *pro tempore* of the Consultative Committee of CIFTA, Ambassador Tirado gave a presentation in which he referred to the background of this meeting, the key aspects of the CIFTA Convention, the measures contained in the Bogotá Declaration adopted by the First Conference of the States Parties to CIFTA in March 2004, the work done by the Consultative Committee, and the objectives and methodology for the meeting. The full text of that presentation is included in Appendix VI.

5. Consideration of the items set forth in operative paragraph 8 of the Declaration of Bogotá (item 4 on the agenda)

The Chairman opened the discussion on the topics referred to in paragraph 8 of the Declaration of Bogotá regarding the objectives of this meeting. They were taken up in order, as follows:

- Considerations related to the first objective, namely: *“To facilitate mutual understanding and the start or strengthening of the exchange of information and cooperation between authorities to ensure effective and efficient compliance with the provisions of Article IX of the Convention, and the application, as appropriate, of the CICAD Model Regulations” (paragraph 8.a) of the Declaration of Bogotá.*

To initiate the process of mutual understanding referred to in this objective, the Colombian delegation proposed that a directory of the authorities attending the meeting be drawn up. In conjunction to this proposal, the Chairman then suggested that the delegations of the different countries be invited to introduce themselves. They proceeded to do so, indicating the organization they worked for and the position they held, and giving a brief account as to how the problem manifested itself in their countries and some of the measures they have adopted to deal with it.

The Brazilian delegation supported Colombia's proposal regarding preparation of a directory of authorities, and presented a form ([Appendix VII](#)) to facilitate this task. This proposal was welcomed by other delegations. The delegation of Brazil then explained that a good part of its comments were based on the results of a workshop on the import, export, and transit of firearms, which was sponsored by MERCOSUR and Chile and held in Porto Alegre, Brazil on June 2 and 3, 2005. The conclusions and suggestions emanating from that workshop are set forth in a document that was distributed by the Secretariat and is attached to this report ([Appendix VIII](#)); the conclusions regarding "training considerations" are relevant to this first objective of the meeting. The delegations of Argentina and Chile said that they endorsed these suggestions and regarded them as extremely useful in efforts to achieve this objective.

The delegation of Panama stated that it was in the process of reviewing its legislation on the subject, with a view to expanding it to include the issues referred to by CIFTA. It went on to say however, that it had encountered difficulties, as it was unable to obtain sufficient information on the legislation of other countries. It therefore suggested that this information could be included on the appropriate OAS webpage. The delegations of Ecuador and Peru supported this important proposal, and Ecuador suggested that countries submit their current legislation through the Secretariat. The Chilean delegation pointed out that the Secretariat has already made progress in compiling information on existing legislation on the subject in various countries.

In this regard, the Secretariat reported that CIFTA has a webpage, with both a public and a private component, accessible using a code provided to representatives of the states parties. The private component has published in a systematized form all the information available on legislation in the states parties regarding implementation of the various matters referred to in the CIFTA Convention. In this context, he reported that at the last meeting of the Consultative Committee, the access code was provided to the representatives of the states parties, but that the access code could be offered again to the participants at this meeting. This was done during the second day of the meeting.

In addition, the Secretariat spoke of the scope of the objectives outlined for this meeting in paragraph 8 of the Declaration of Bogotá. He pointed out that the subject of drafting model legislation to support states in implementing the CIFTA Convention was referred to in a different paragraph of the Declaration (number 6), and that the CIFTA Consultative Committee had agreed on a specific methodology and procedure for this purpose.

- Considerations pertaining to the second objective, namely: *To consider existing alternatives and make the recommendations deemed necessary to move ahead rapidly to implement a viable, effective, secure, and sustainable network for information exchange among these authorities concerning authorizations or licenses for export, import, and international transit of firearms, ammunition, explosives, and other related materials;*" (paragraph 8.b of the Declaration of Bogotá).

The Technical Secretariat of the CIFTA Consultative Committee and the Office of Information Technology of the OAS General Secretariat gave a presentation on alternatives for implementing a network for the exchange of information in keeping with this objective ([Appendix IX](#)). In their presentation, they highlighted experience already acquired in creating a network for the exchange of mutual assistance in criminal matters and extradition, in the context of the meetings of Ministers of Justice or Ministers or Attorneys General of the Americas (REMJA), with the sponsorship of the Canadian Government. They explained that this technology infrastructure could also be used for CIFTA, provided that it has the necessary financial resources and the leadership of a country or a

group of countries, and that it should be understood as a process, which is the way it happened in the case of the mutual assistance and extradition network referred to.

The delegations of Argentina, Canada, and Chile thanked them for the presentation, and remarked on how useful a network of this kind would be for the purposes of CIFTA, and especially for the purposes stipulated in Article XIII(a), and in relation to paragraph 8(d) of the Declaration of Bogotá. On this point, the Delegation of Argentina indicated that the topic should be discussed by the CIFTA Consultative Committee, bearing in mind the technical and financial implications it would have for the states parties, according to the information provided by the OAS General Secretariat.

- Considerations related to the third objective, namely: *“To exchange information and experiences and make specific recommendations to move forward with the development and use of common or harmonized elements in certificates and documents for the import, export, and international transit of firearms, ammunition, explosives, and other related materials, as well as the establishment or consolidation of standard, electronic, and secure registers of transactions for their import, export, and transit;”* (paragraph 8.c of the Declaration of Bogotá).

The Colombian delegation gave a presentation on the system of monopoly over the manufacturing and sale of arms practiced by the Colombian State ([Appendix X](#)), and stressed that the country had very strict measures in this area, because it had to wage a battle directly with terrorist groups.

The delegation of Venezuela gave an explanation of the way in which the competent authority of his government handled the manufacture and sale of arms ([Appendix XI](#)). He pointed to the importance of a ballistic register system, as an instrument for control over the final destination of arms, and proposed that arms manufacturers implement clear mechanisms for tracing firearms from their place of origin, and that the persons in charge of licenses and permits would require the intermediaries or brokers to indicate the final destination of the goods. He further suggested that meetings should be held more regularly to make specific decisions in which the parties signing and ratifying the Convention would be requested to comply with the agreements signed regarding the autonomy of peoples and sovereignty of states, with a view to maintaining control of registers and granting arms permits and establishing cooperation among states for tracing them, while ensuring the confidentiality of the corresponding information.

The delegation of Chile made a statement ([Appendix XII](#)) in which it highlighted the commitment of its country to full implementation of the Convention, and the recent passage of up-to-date legislation on the matter, which includes a provision under which citizens can anonymously turn in illegal arms to the authorities.

The delegation of Argentina gave a presentation on the way in which national control of transfers of firearms was exercised in that country ([Appendix XIII](#)). Among other things, the delegate referred to the register of legitimate users and controlled materials, to the authorities who participate in the processes, and to the requirements for granting different licenses, and said more specifically that the Argentine Consulate in the country of destination was required to certify the signature of the end user appearing in the certificate issued by the competent authority of the country of destination.

- Considerations related to the fourth objective, namely: *“To evaluate the feasibility of establishing, in exporting, importing, and transit countries, security mechanisms or practices to reduce possibilities of forgery or fraud in import and export licenses and permits, and in certificates or letters of final destination issued or authorized by the corresponding government authorities;”* (paragraph 8.d, of the Declaration of Bogotá).

The Argentine delegation reiterated what it had said earlier to the effect that the Argentine Consulate in the country of destination was required to certify the signature of the end user appearing on the certificate issued by the competent authority of the country of destination of the goods, since it considered that this is a useful mechanism for preventing fraud in licensing, and it proposed that this be taken into account in meeting this objective.

The delegation of Venezuela referred to the importance of taking into account the technical information that should appear on licenses, since fraud occurs when the final destination is not guaranteed. It proposed that the certificates include the technical characteristics of the arms and ammunition, and where they come from and where they are going.

The delegation of Brazil referred to the recommendations emanating from the workshop held in Porto Alegre, Brazil, which were cited earlier and appear in [Appendix VIII](#). The ones that pertain to fulfillment of this objective are included in said document under the section on “Legal Aspects.”

- Considerations related to the fifth objective, namely: *“To consider practical measures, including a possible database, to facilitate the exchange of information provided for in Article XIII.1.a of the Convention”* (paragraph 8.e, Declaration of Bogotá).

The delegation of Brazil gave a presentation on practical measures for complying with this objective ([Appendix XIV](#)), including the need to strengthen the system for exchange of information by looking at aspects such as a mutual understanding of the competent authorities in the different countries and the way in which they exercise control, the need for a database with useful information, and computerization of the control systems used. For these purposes, he proposed that a database be established on the CIFTA webpage, and that a technical channel be opened so that the competent authorities in each country can communicate to exchange information.

The delegation of Peru stated that the authorities of all the countries should have a code for the exchange of information.

The delegation of Guatemala proposed that arms should have a marking that would make it possible to guarantee the final destination, and this proposal was endorsed by Honduras and Colombia. The Colombian delegation indicated that in accordance with Colombian legislation, any arms imported must be marked with the country of destination, in addition to the serial number.

The delegation of Ecuador referred to the need for arms registers to be updated periodically, and said that even though these registers are supposed to be revised annually in Ecuador, it is not done, and this situation might be true of other countries as well.

The delegation of Guatemala stated that the public needs to be made aware of the importance of registering the arms they possess, without complying with this requirement, since the problems arise in the case of illegal arms but not legal ones, for which the necessary information is already on record. It further proposed that arms manufacturing countries should send to importing countries the digitalized ballistic imprint of the arms.

The delegation of Venezuela reported that in that country, operations related to the production and sale of arms were centralized under a single authority, and emphasized the importance of decisions such as this one for meeting this objective.

- Considerations pertaining to the sixth objective, namely: *“To consider the facilities that may be provided by third states in the event that a means of transportation is obliged, unexpectedly or for reasons of force majeure, to land at an airport or put into a port. In that regard, both the CIFTA and corresponding national law shall be taken into account”* (paragraph 8.f, Declaration of Bogotá).

No comments were made on this objective.

6. Other business (item 5 of the agenda)

On this item of the agenda:

a) The delegation of Brazil asked about preparations for the meeting of the CIFTA-CICAD Group for consideration of proposals on drafting model legislation. In this regard, the Secretariat provided background information and explained the steps taken in compliance with paragraph 6 of the Declaration of Bogotá, including the methodology decided for this purpose and measures adopted in relation to the first item to take up in this area, which will be the marking of arms.

b) The Secretariat called attention to a document which was distributed to the delegations and contains information on the addresses of CIFTA’s public and private web pages and the access code for the private page.

c) The delegation of Chile announced the distribution to delegations of the updated version of the arms law recently adopted by that country, and requested that it be included on the CIFTA webpage.

d) The delegation of the United States announced the distribution of two documents containing information on the programs that country has for providing cooperation to other countries in the destruction of surplus arms. It also recommended to the Secretariat *pro tempore* that it take steps to obtain financial support from observer states for activities related to CIFTA.

7. Consideration of the report of the meeting (item 6 on the agenda)

In compliance with item 6 of the agenda, the Secretariat read out the full text of the report of the meeting.

Once it had been read, the Chairman asked delegations if they had comments to make on its content. In this regard, the delegation of Chile requested that the work “first” be added to the title and in the first paragraph. The delegation of Argentina asked that the expression “associated countries” be

deleted from the name of the workshop held in Porto Alegre, Brazil referred to in the report. In addition, in reference to the network mentioned in the second paragraph of considerations related to paragraph 8(b) of the Declaration of Bogotá, it said that the Consultative Committee should take into account the technical-financial implications it would have for states parties, in accordance with the information of the OAS General Secretariat. Finally, the Brazilian delegation requested that this report be submitted to the Consultative Committee for its consideration.

The Secretariat proceeded to make the changes requested by the Chilean and Argentine delegations in the report, and they are reflected in the present document.

8. Closing session

The Chairman of the meeting then proceeded with the closing session. He thanked the attending delegations for their participation and congratulated the Secretariat on the work it had done in support of the meeting.

Once these remarks were concluded, the meeting was adjourned.

Washington, DC, October 7, 2005