



Decisions

DECISION 552

Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects

THE ANDEAN COUNCIL OF FOREIGN MINISTERS,

HAVING SEEN: Articles 1 and 16 of the text of the Cartagena Agreement, codified through Decision 406; the Chapter on Foreign Affairs incorporated into the Cartagena Agreement through Article 4 of the Sucre Protocol; and Decision 458, which approves the Common Foreign Policy Guidelines;

TAKING INTO ACCOUNT: That the Ministers of Foreign Affairs and Defense of the Andean Community Member Countries, meeting in Lima on June 17, 2002, signed the "Lima Commitment: Andean Charter for Peace and Security and the Limitation and Control of the Expenditure on Foreign Defense," through which they agreed to adopt, inter alia, urgent measures to combat illicit trade in weapons, ammunition, explosives and other related materials, due to their connection with the worldwide drug problem, terrorism, transnational organized crime, mercenary activities and other criminal behavior;

That based on the Ministerial mandates, the Andean Community High-Level Group on Security and Confidence-Building, created by the above-cited Lima Commitment, agreed at its first meeting, held in Bogotá on February 28, 2003, to expedite the designing and implementation of an Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its aspects, a decision that was subsequently endorsed by the Andean Council of Foreign Ministers on March 11, 2003;

That illicit trade in small arms and light weapons in all its aspects constitutes a serious threat to the peace, security, governance, stability and democratic and institutional order of Andean Community Member Countries and conspires against the aspiration of our societies to attain higher levels of political, economic, social and cultural development that are sustainable in the long term;

That illicit trade in small arms and light weapons in all its aspects is a global problem closely tied in with terrorism and other forms of political violence, the worldwide drug problem, transnational organized crime, mercenary activities and other criminal behavior, all of them scourges that the Andean Community Member Countries are determined to fight;

That the Member Countries are committed to observe international law and the principles enshrined in the Charter of the United Nations, particularly respect for national sovereignty, non-intervention in the internal affairs of the Member States, the legitimate right to individual and collective defense established in Article 51 of that Charter, the right of all nations to self-determination and the right of Member States to develop their own defense systems to guarantee their national security;

That the Andean Community Member Countries agreed to implement the United

Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its aspects, adopted in New York in July 2001;

That the Andean Community Member Countries have ratified the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, signed in Washington, D.C. in November 1997;

That the Andean Community Member Countries backed the recommendations of the Regional Seminar for Latin America and the Caribbean to evaluate and follow-up on the United Nations Conference on the illicit trade in small arms and light weapons in all its aspects, held in Santiago in November 2001;

That the Andean Community Member Countries approved the Model Regulations of the Inter-American Drug Abuse Control Commission (CICAD), in order to establish a series of harmonized measures and procedures to supervise and control international trade in firearms, their parts and ammunition, with a view to avoiding illicit trade in those items and their diversion for illegal uses and purposes;

That the problem of proliferation of illicit arms may only be resolved extensively, broadly and in an integrated manner by reinforcing the capacity to regulate and comply with all aspects that govern the lawful manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of arms of this kind, as well as establishing cooperative Community mechanisms for this purpose; and,

That the General Secretariat has put forward Proposal 102/Rev. 1 on the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its aspects;

DECIDES:

Sole Article.- To establish the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its aspects, set out in the document annexed to this Decision.

Signed in the *Quirama Recinto*, Department of Antioquia of the Republic of Colombia, on the twenty-fifth of June of two thousand three.

ANNEX I

THE ANDEAN PLAN TO PREVENT, COMBAT AND ERADICATE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

DEFINITIONS

For purposes of the implementation of this Plan, the following definitions shall apply:

a) **Private actors:** private enterprises and/or institutions, as well as natural persons, that manufacture, import, export, transfer, sell, broker, transport, hold, conceal, usurp, carry or require the use of small arms and light weapons for their normal activities.

b) **Public actors:** public institutions involved in designing or implementing the policies, strategies or action connected with this Plan, including, inter alia, the armed forces, police, national security agencies, ministries of foreign affairs, defense, the interior or government, and justice, the judiciary, and customs and

immigration officials.

c) **Small arms and light weapons:** small arms are those that are intended for personal use, while light weapons are used by several people organized as a crew. The small arms category includes: revolvers and automatic and semi-automatic pistols, shotguns, rifles and carbines, submachine guns, assault rifles, and light machine-guns, as well as informally manufactured arms of the same kind. The light weapons category includes: heavy machine-guns, hand-driven and mounted rifle-driven grenade launchers, hand-held antiaircraft guns, hand-held antitank guns, recoilless guns, hand-held antitank rocket and missile launcher systems, hand-held antiaircraft missile launcher systems and mortars with a caliber of less than 100 millimeters, as well as informally manufactured weapons of the same kind. Ammunition and explosives are part of the small arms and light weapons that are used in fighting and include: cartridges (bullets) for small arms, projectiles and missiles for light weapons, hand-driven antipersonnel and antitank grenades, land mines, explosives and movable containers holding antiaircraft and antitank missiles or projectiles for a single action.

d) **Institutions responsible for ensuring compliance with and full implementation of the laws:** national agencies competent in the control, surveillance and application of Andean Community and domestic legislation associated with this Plan, including, inter alia, the ministries of foreign affairs, defense, the interior or government and justice, the public ministry, the judiciary, and the armed forces and police, and customs and immigration officials, according to their spheres of competence.

e) **National Coordinating Committee - National Focal Point-:** the mechanism that is responsible for boosting the implementation of this Plan in each Member Country. It may have a Chair and a Technical Secretariat to facilitate the accomplishment of its aims and may be made up of representatives of the following bodies, inter alia: the ministries of foreign affairs, defense, the interior or government, and justice, the judiciary, the armed forces, the police, customs and immigration officials and civil society.

f) **Security:** from the Andean perspective, security is understood to be the situation in which the state and society are protected against threats or risks that are capable of affecting the overall development and well-being of their citizens, as well as the full exercise of their rights and freedoms within an unhampered democratic environment. In this sense, security is multidimensional and comprehensive in nature, encompassing across-the-board political, economic, social and cultural matters, and is reflected in the policies that are implemented in spheres as diverse as, inter alia, the bolstering of democratic institutions and the state of law, defense, health, the environment, the economy, economic development and the prevention of natural disasters.

g) **Civil society:** the collective social entity within which citizens interrelate among themselves and with the state. From this perspective, it comprises a large array of organizations, including, inter alia, social movements, professional or voluntary associations, grass-roots organizations, non-governmental organizations, trade unions, cooperatives, academic and philanthropic institutions, local communities, gender-based and youth organizations, as well as religious organizations. In some cases, independent communications media and the informal sector are also considered a part of civil society. Among the roles assigned to civil society are participating in the Andean Community decision-making process and expediting the rendering of accounts by state bodies, in an effort to achieve effective governance. For purposes of this instrument, civil society includes a broad range of organizations that have a mandate to contribute to training, theoretical and applied research, the facilitating of public policy, social and development assistance, and the monitoring and evaluation of security issues.

OBJETIVES:

1. To draw up, implement and support a comprehensive strategy to prevent, combat and eradicate illicit trade in small arms and light weapons in all its aspects, which should take into account the links between the illicit trade in and proliferation of those arms and weapons and security, terrorism, corruption and the worldwide drug problem, as well as the long-term objective of achieving peace, development and stability in the Subregion;
2. To strengthen the capacity of Member Countries to implement measures against the illicit manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of small arms and light weapons and to identify, confiscate and, when appropriate, destroy these types of weapons and arms;
3. To promote a culture of peace by carrying out education and public awareness programs on the problems of the proliferation and movement of and illicit trade in small arms and light weapons, involving all sectors of society;
4. To institutionalize national and subregional programs, as well as the corresponding mechanisms for action, in order to prevent, control and eradicate illicit trade in small arms and light weapons in all its aspects; and,
5. To implement this Plan in a context of full respect for human rights and international humanitarian law.

PRINCIPLES:

In order to accomplish the objectives of this Plan, the following principles shall be borne in mind:

1. **Comprehensiveness:** The Plan is comprehensive because it encompasses all aspects relating to the problem of the proliferation of and illicit trade in small arms and light weapons.
2. **Shared Responsibility:** The Plan rests on the shared responsibility of all actors connected with this problem and the joint search for solutions in the subregional, regional, hemispheric and world spheres.
3. **Respect for international law:** The Plan fully respects the principles and rules of international law.
4. **Respect for the domestic jurisdiction of the States:** The Plan fully respects territorial sovereignty and integrity, as well as the principle of non-intervention in domestic affairs.
5. **Solidarity:** The Plan is implemented through the cooperation and solidarity of the nations.
6. **Complementariness:** The Plan contributes to the execution of domestic policies on the subject and the Common Foreign Policy, in order to deepen the process of Andean integration.

MECHANISMS:

1. The Andean Council of Foreign Ministers is responsible for defining, coordinating and following up on the Andean Community Security Policy and, within this context, the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects. The Andean Council of Foreign Ministers shall, accordingly, meet for this purpose with its counterparts from the ministries of defense, whenever it considers this advisable.

2. As established in the "Lima Commitment," the High-Level Group on Security and Confidence-Building shall be the executor of Andean Community Security Policy and, in that context, of this Plan.

3. An Operating Committee shall be created to coordinate, harmonize and carry out efforts to prevent, combat and eradicate illicit trade in small arms and light weapons in all its aspects. Member Countries shall appoint three representatives to that Committee.

The Committee shall set up the specialized working groups it considers advisable. These working groups shall be comprised of competent authorities on the subject from two or more Member Countries. Countries that are not participants may request their incorporation at any time.

4. The General Secretariat of the Andean Community, particularly the responsible unit, shall act as the Technical Secretariat for this Plan.

MODES OF ACTION:

1. To address comprehensively the problem of the illicit proliferation of small arms and light weapons in all its aspects.

2. To exchange information and cooperate on all matters relating to illicit small arms and light weapons in all their aspects.

3. To promote the investigation, preparation and collection of information and statistics in the subregion, as well as dialogue and cooperation between the governments and civil society.

4. To expedite the development of a concrete and integrated Coordinated Agenda of Action on security in the Andean subregion.

5. To exchange experiences and organize courses to enhance the capabilities of officials in the Andean Community Member Countries.

6. To advance public awareness campaigns on the dangers and negative effects of the indiscriminate use of and illicit trade in small arms and light weapons.

GUIDELINES FOR ACTION:

A. In the domestic sphere:

Pursuant to the Coordinated Agenda of Action and its Operational Plan, attached, at the domestic level, the Member Countries shall, based on their national legislation and on administrative and operational provisions, regulations and procedures, control the illegal manufacture, import, export, transfer, sale, brokering, transport, possession, concealment, usurpation, carrying and use of small arms and light weapons and shall take the following measures, inter alia, that are within their possibilities:

1. Strengthen or establish mechanisms for national coordination with the corresponding institutional infrastructure that will be responsible for guiding policy, research and monitoring all aspects of the proliferation, control of and illicit trade in small arms and light weapons.

2. Enhance the capacity of the institutions and officials who are responsible for preventing, combating and eradicating the illicit proliferation of small arms and light weapons and improve their equipment and resources in order to obtain concrete results in the medium and long terms.

3. Recommend the adoption, as promptly as possible and whenever appropriate, of the legislative and other measures that are needed to classify as a criminal

offense under national law the illicit manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of small arms and light weapons.

4. Prepare and implement, as appropriate, domestic programs for:

- a) The responsible handling of legal small arms and light weapons;
- b) The voluntary surrender of illicit small arms and light weapons;
- c) The identification and destruction by competent national officials of illicit small arms and light weapons and of the surplus inventory of arms and weapons that are obsolete or have been confiscated and are being held by the State, unless they have another officially authorized use, provided that these arms and/or weapons have been duly marked and registered;
- d) The creation of citizen consciousness of the proliferation of and illicit trade in small arms and light weapons;
- e) The adoption of appropriate national rules or regulations for improving and reinforcing laws that regulate the legal possession by civilians of firearms, ammunition, explosives and other related materials;
- f) The transparent control of transfers of small arms and light weapons by producers, sellers, brokers and other agents, together with their embarkation and transit;
- g) The active involvement of civil society in formulating and implementing a national program of action to address the problem in a comprehensive and sustainable way; and
- h) The consciousness-raising, education and training of public and private actors connected with the implementation of the necessary measures to prevent, combat and eradicate illicit trade in small arms and light weapons in all its aspects.

5. Promote the signing and entry into effect of binding bilateral or multilateral agreements with neighboring or third countries or accession to such agreements, in order to establish a common system of effective control, including the registration and confiscation of illicit small arms and light weapons in border regions.

6. Design and implement proactive policies and measures to create the necessary political, economic, social and cultural conditions for reducing the demand for and illicit use of small arms and light weapons by individuals, groups of individuals or communities.

B. In the subregional Andean sphere:

1. Create an Operating Committee that will be responsible for coordinating and harmonizing efforts to prevent, combat and eradicate illicit trade in small arms and light weapons in all its aspects.

2. Set up an information exchange mechanism to harmonize the current training standards and domestic legislation on the subject of competent authorities in the Member Countries. International organizations specialized in the subject could provide technical assistance for that mechanism.

3. Promote the coding and harmonizing of legislations that regulate illicit manufacture, import, export, transfer, sale, brokerage, transport, possession,

carrying and use of small arms and light weapons, in keeping with each Member Country's national Constitution. The common minimum standards defined by the Member Countries should include, but not be limited to, the application of markings on arms and weapons manufactured in the subregion, their registration and the control of imports, exports and legal trade of those items.

4. Enhance subregional and hemispheric cooperation among competent national authorities who are responsible for ensuring compliance with and the full implementation of all laws connected with small arms and light weapons in all their aspects. Those efforts should include, but not be limited to, training and the exchange of information to support common and coordinated efforts to control and reduce illicit cross-border trade in small arms and light weapons, and the signing of agreements for those purposes.

5. Make certain that illegal manufacturers, sellers, brokers of and traffickers in small arms and light weapons, as well as those who transfer these types of armaments to individuals or groups operating outside the law in violation of domestic, subregional or hemispheric regulations on the matter, are duly sanctioned.

6. Commit themselves to an ongoing dialogue with civil society in the Andean Community Member Countries encompassing the most diverse actors and agents, both public and private, that would result in cooperative efforts to help prevent, combat and eradicate illicit trade in small arms and light weapons in all its aspects.

7. Seek to ensure that all programs to prevent, combat and eradicate illicit trade in small arms and light weapons be complemented by wide-ranging development programs so as to reduce local demand for these arms and weapons.

C. In the international sphere:

1. To coordinate, within the context of Andean Common Foreign Policy, joint positions for the various international forums concerned with the subject and boost strategies to universalize cooperation mechanisms on the matter; and,

2. Present and disseminate this Andean Plan, together with its accomplishments and advances, at the Biennial Meetings of States on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its aspects.

IMPLEMENTATION:

For purposes of the execution of this Plan, the Member Countries agree also to implement the Coordinated Agenda of Action and the Operational Plan that are attached hereto.

ANNEX II

COORDINATED AGENDA OF ACTION

In order to promote the comprehensive treatment of the problem created by illicit trade in small arms and light weapons in all its aspects and to define and implement a Coordinated Agenda of Action for the subregion that will contribute to the security of the Andean Community and its citizens and ensure that all Member Countries have in place the administrative provisions, regulations and procedures needed to exercise effective control over illicit trade in small arms and light weapons in all its aspects;

We agree:**1. Institutional context**

1.1. To promote the joint search for sustainable solutions to the problem created by illicit trade in small arms and light weapons in all its aspects, through the sustained implementation of concerted and coordinated action in the medium and long terms.

1.2. To set up and put into operation in each Member Country a National Coordinating Committee -National Focal Point- that will be responsible for designing and taking the necessary measures to confront that problem and ensure the full implementation of this Coordinated Agenda of Action at the national level.

1.3. To instruct the responsible unit of the General Secretariat of the Andean Community, in accordance with the mandates established in the Lima Commitment, to coordinate the Coordinated Agenda of Action at the subregional level.

2. Subregional Cooperation and Coordination

2.1. To ensure the sustainability, in the medium and long terms, of their commitment to attain the objectives set out in the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its aspects, through the responsible unit of the General Secretariat.

2.2. To prepare, implement and support a comprehensive strategy to combat the illicit proliferation of and trafficking in small arms and light weapons, which should take into account the links between the illicit trade in and proliferation of those arms and weapons and security, terrorism, corruption and the worldwide drug problem, as well as the medium and long-term objective of attaining peace, stability and development in the subregion.

2.3. To promote cooperation and the exchange of information among the National Coordinating Committees -National Focal Points- , the institutions responsible for ensuring compliance with and the full implementation of the law and of this Plan, and pertinent international organizations concerned with the issue, in order to coordinately address the problem of the illicit proliferation of small arms and light weapons in all its aspects.

2.4. To cooperate with interested experts and representatives of civil society in preventing, combating and eradicating the problem of the illicit proliferation of and trafficking in small arms and light weapons in all its aspects.

2.5. To promote the joint search for international support to implement the Coordinated Agenda of Action.

3. Legislative Measures

3.1. To recommend the incorporation into domestic legislation, when necessary and as a priority, of regulatory provisions on the following matters:

3.1.1. Possession, concealment, usurpation, carrying and use of small arms and light weapons.

3.1.2. Manufacture, import, export, transfer, sale, brokerage, transport, marking, registration and control of small arms and light weapons.

3.1.3. Effective control of manufacturers, sellers, brokers, financiers and transporters of small arms and light weapons.

3.1.4. Seizure and confiscation by the State of all small arms and light weapons that are manufactured, transported or in transit without or in violation of the corresponding licenses, permits or written authorizations, as well as the application of the sanctions provided for in domestic law.

3.1.5. Asset laundering connected with illicit trade in small arms and light weapons in all its aspects.

3.2. To establish as criminal offenses under their domestic law, the illicit manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of small arms and light weapons, including ones that are homemade.

3.3. To promote the harmonizing of legislation and establishment of minimum standards to regulate the illicit manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of small arms and light weapons.

3.4. To expedite the adoption of legislative or other measures needed to combat crimes relating to terrorism, the worldwide drug problem and corruption that are linked to illicit trade in small arms and light weapons in all its aspects.

4. Operational and Institutional Strengthening Measures

4.1. To recommend the design and implementation of a National Plan on the subject by each National Coordinating Committee -National Focal Point-.

4.2. To set up or develop national databases and communications systems, including specialized equipment, to monitor and control the illicit manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of small arms and light weapons in the national territory and across borders, in keeping with the Operational Plan for Implementing this Agenda.

4.3. To carry out or improve national training programs to build up the institutions that are responsible for ensuring compliance with and the full implementation of this Coordinated Agenda for Action.

4.4. If deemed necessary, to form specialized working groups made up of national authorities responsible for ensuring compliance with and the full implementation of this Coordinated Agenda of Action.

4.5. To reinforce the capacity of the General Secretariat of the Andean Community to coordinate the implementation of the Coordinated Agenda of Action, through its responsible unit.

4.6. To support and promote training and exchange programs between the General Secretariat, the National Coordinating Committees -National Focal Points- and community leaders or representatives of civil society to enhance their capacity and ensure the existence of a constructive dialogue that will lead to concrete action.

4.7. To contribute to the effective utilization of the accumulated knowledge and experience, including those of civil society, to tackle the problem of illicit trade in small arms and light weapons in all its aspects.

4.8. To encourage subregional cooperation among national institutions responsible for compliance with and the full implementation of this Coordinated Agenda of Action, as well as with other pertinent international agencies and institutions, in order to combat transnational crime, increase security and

promote mutual understanding among communities living in national border regions. Such cooperation could include, among others, reinforcing confidence-building measures in the Andean subregion.

4.9. To foster the development of a subregional research capacity to back up the National Coordinating Committees -National Focal Points- by launching medium and long-term research programs on the subject.

5. Control, Confiscation, Sanctioning, Distribution, Collection and Destruction

5.1. To strengthen the capacity of competent national institutions to control and report the quantity of arms and weapons in the hands of the State, by, among other things, verifying and updating their registries and/or inventories of small arms and light weapons.

5.2. To ensure the strict rendering of accounts by the competent national agency and the effective follow-up of all distributed arms and weapons that belong to the State.

5.3. To guarantee the safe storage of arms in the possession of the State.

5.4. To establish an effective mechanism for stockpiling illicit small arms and light weapons that have been confiscated or recovered by the State, while awaiting the result of investigations that will release them to be destroyed or, if deemed pertinent, to be transferred to the State.

5.5. To identify and destroy surplus or obsolete inventories of small arms and light weapons in the possession of the State.

5.6. To guarantee and keep up to date the registry of importers, sellers, brokers and manufacturers of small arms and light weapons that will make it possible to oversee those agents and their commercial operations in the Subregion, as well as private security, mining and other companies that need small arms and light weapons for their normal operations, and private individuals.

5.7. To guarantee the strict rendering of accounts to the competent national agency and the effective control of all arms and weapons owned, carried and held by manufacturers, importers, sellers, brokers, and users, including private security, mining and other companies that need small arms and light weapons for their normal operations, and private individuals.

5.8. To encourage a joint effort between institutions that are responsible for ensuring compliance with and the full implementation of this Coordinated Agenda of Action and local communities to identify and eradicate illegal stockpiles of arms and weapons.

5.9. To promote programs for the voluntary surrender and collection of arms and weapons.

5.10. To ensure the destruction of illicit arms and weapons that have been collected or seized or, if deemed pertinent, their transfer to the State.

5.11. To promote programs to legalize small arms and light weapons, with a view to increasing and updating domestic databases.

6. Exchange, Filing and Updating of Information

6.1. To disseminate the policies, regulations and legislation dealing with small arms and light weapons in all their aspects.

6.2. To promote the exchange of information between the National Coordinating Committees -National Focal Points- and the responsible unit in the General Secretariat as well as the uniformity of national databases.

6.3. If deemed necessary, to foster the exchange of information between the National Coordinating Committees -National Focal Points- and national institutions responsible for ensuring compliance with and the full implementation of the laws on, inter alia, individuals, criminal organizations and their members, types of small arms and light weapons, sources, distribution routes, destinations, means of transport, and the financial support of those organizations or individuals. The exchange of information could also focus on criminal activities like terrorism and drug trafficking related with the cited arms and weapons.

7. Public Awareness

7.1. To encourage the development of a culture of peace.

7.2. To design and implement citizen education and public awareness programs encompassing all sectors of society that deal with the problem of illicit small arms and light weapons in all its aspects.

7.3. To design and implement citizen education and public awareness programs about the responsible handling, storage and use of firearms.

7.4. To foster the inclusion of, as well as cooperation with, all sectors of society, including the business sector, to prevent and eradicate the problem of illicit small arms and light weapons in all its aspects.

ANNEX III

OPERATIONAL PLAN TO IMPLEMENT THE ANDEAN COMMUNITY'S COORDINATED AGENDA OF ACTION

Introduction

This Operational Plan, in keeping with the objectives set out in the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its aspects and its Coordinated Agenda of Action adopted in June 2003, establishes the action to be taken by the Community to develop the technical and institutional capacity of our societies to cope comprehensively with the problem of small arms and light weapons in all its aspects, as well as to promote and facilitate cooperation and the exchange of information and experience within the subregion, in order to guarantee the growing and sustained commitment of the Andean Community Member Countries to the attainment of those objectives.

OPERATIONAL PLAN

1. Institutional Framework

The Member Countries agreed:

1.1 "To promote the joint search for sustainable solutions to the problem created by illicit trade in small arms and light weapons in all its aspects, through the sustained implementation of concerted and coordinated action in the medium and long terms."

1.2 "To set up and put into operation in each Member Country a National Coordinating Committee -National Focal Point- that will be responsible for

designing and taking the necessary measures to confront that problem and ensure the full implementation of this Coordinated Agenda of Action at the national level."

Execution:

The Member Countries commit themselves to each establish a National Coordinating Committee -National Focal Point- within a period of four months after the signing of the Coordinated Agenda of Action.

Each Member Country shall, accordingly and within a period of no more than three months after the signing of the Coordinated Agenda of Action, hold a seminar/workshop or inter-institutional meetings to set up and strengthen the National Coordinating Committee -National Focal Point- on small arms and light weapons in all their aspects. That Committee shall have the following functions:

- a) To coordinate with the General Secretariat the implementation of the Coordinated Agenda of Action;
- b) To coordinate and work together with the other National Coordinating Committees -National Focal Points-;
- c) To coordinate and work jointly with civil society;
- d) To facilitate the exchange and dissemination of information;
- e) To conduct and facilitate the investigation of matters previously decided by the Committee;
- f) To identify and take advantage of the experience acquired;
- g) To enhance the capacity to address the problem of small arms and light weapons in a sustained way; and,
- h) All other functions deemed to be relevant.

1.3 "To instruct the responsible unit of the General Secretariat of the Andean Community, in accordance with the mandates established in the Lima Commitment, to coordinate the Coordinated Agenda of Action at the subregional level."

Execution:

The General Secretariat of the Andean Community, particularly its responsible unit, shall act as the Technical Secretariat and have the following functions:

- a) To promote, in coordination with the Operating Committee, the implementation of the Coordinated Agenda of Action, including the annual programming of meetings and of joint endeavors;
- b) To coordinate and work jointly with the National Coordinating Committees - National Focal Points-;
- c) To work with the pertinent regional and international organizations;
- d) To prepare an inventory of the existing lines of cooperation on the subject and to channel that information to the Member Countries through the Operating Committee and the National Coordinating Committees -National Focal Points-;
- e) To support the coordination and joint efforts with civil society;
- f) To support the exchange and dissemination of information;

- g) To promote and facilitate research in keeping with the requirements of the Operating Committee;
- h) To identify and take advantage of the experience acquired; and
- i) To reinforce the capacity to comprehensively tackle the problem of small arms and light weapons in all its aspects.

2. Subregional Cooperation and Coordination

The Member Countries agreed:

2.1 "To ensure the sustainability, in the medium and long terms, of their commitment to attain the objectives set out in the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects, through the responsible unit of the General Secretariat."

Execution:

The Member Countries, with the assistance of the General Secretariat, shall hold an annual Ministerial Conference, preferably in the country exercising the chairmanship of the Andean Community, to evaluate the progress made in implementing the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects and to draw up the guidelines for advancing its execution.

2.2 "To prepare, implement and support a comprehensive strategy to combat the illicit proliferation of and trafficking in small arms and light weapons, which should take into account the links between the illicit trade in and proliferation of those arms and weapons and security, terrorism, corruption and the worldwide drug problem, as well as the medium and long-term objective of attaining peace, stability and development in the subregion."

Execution:

The following activities, inter alia, will be carried out:

- a) The General Secretariat, with the assistance of the National Coordinating Committees -National Focal Points- will draw up annual plans to implement the Coordinated Agenda of Action.
- b) An annual forum for reflection on and discussion of weaknesses and strengths will be held with a view to implementing the Coordinated Agenda of Action. That forum will be held in each of the Member Countries in succession and will gather participants from the National Coordinating Committees - National Focal Points-, the General Secretariat and other pertinent international organizations, together with experts and representatives of civil society.
- c) The Ministerial Conference cited under the implementation of number 2.1, will also evaluate the results of the Community strategy and prepare guidelines to continue furthering that strategy.
- d) Support will be given to public awareness research and education programs so that society as a whole can understand the links between the proliferation of small arms and light weapons and conflicts, as well as between the control of those arms and weapons and subregional peace, stability and well-being.
- e) Support will be given to development projects at all levels that are capable of reducing the local demand for small arms and light weapons and providing the inhabitants of border regions with viable alternatives for progress.

2.3 *"To promote cooperation and the exchange of information among the National Coordinating Committees -National Focal Points-, the institutions responsible for ensuring compliance with and the full implementation of the law and of this Plan, and pertinent international organizations concerned with the issue, in order to coordinately address the problem of the illicit proliferation of small arms and light weapons in all its aspects."*

Execution:

To promote cooperation and the exchange of information by, among other things:

a) Holding an annual seminar/workshop for persons serving on the National Coordinating Committees -National Focal Points- and the General Secretariat of the Andean Community, to promote joint endeavors and evaluate the common strategy prescribed in this Plan.

b) Having the General Secretariat publish a Bi-annual Bulletin -which could even be a virtual bulletin- to serve as a vehicle for the exchange of information and ideas between the National Coordinating Committees -National Focal Points-, the national authorities responsible for ensuring compliance with and the full implementation of this Andean Plan in the subregion, pertinent international organizations and civil society.

c) Promoting personnel exchange programs between the National Coordinating Committees -National Focal Points- and other agencies and organizations, including those of civil society, with a view to exchanging information and experience.

d) Actively expediting joint studies and the exchange of information between National Coordinating Committees -National Focal Points- and academic centers, specialized institutes, research centers, the business sector, leaders and experts from local communities, and other sources of knowledge about the subject.

e) Creating a mechanism for dialogue on the part of National Coordinating Committees -National Focal Points- with civil society, through which interested institutions, organizations and representatives of civil society may interact in order to enhance cooperation and the exchange of information.

2.4 *"To cooperate with interested experts and representatives of civil society in preventing, combating and eradicating the problem of illicit proliferation of and trafficking in small arms and light weapons in all its aspects."*

Execution:

To foster cooperation by, among other things:

a) Recommending to civil society the incorporation into the agendas of pertinent subregional meetings of issues relating to small arms and light weapons that would address the following aspects of security, inter alia: socioeconomic development, governance and corruption, political instability and terrorism, conflict resolution, the struggle against organized crime, the war on the world drug problem; and refugees and migrations, etc.

b) Fostering the exchange of acquired information and experience between experts, representatives of civil society and other subregional institutions concerned with the subject.

c) Supporting initiatives of the business sector, local communities and other actors involved that are aimed at slowing the proliferation of small arms and light weapons and minimizing their effects on society.

d) Holding an annual consultative meeting of the General Secretariat with experts, representatives of civil society, the business sector and local communities to exchange experience with issues and activities related to the problem of small arms and light weapons in all its aspects, in order to prepare for the Ministerial Conference that will evaluate the subject.

2.5 "To promote the joint search for international support to implement the Coordinated Agenda of Action."

Execution:

The General Secretariat of the Andean Community will take the necessary steps with friendly countries and cooperating international organizations to secure the required technical and financial resources for developing the institutional framework and implementing the Coordinated Agenda of Action, in keeping with the guidelines established in Annex IV to this Operational Plan.

Member Countries will, as their means permit, contribute to the funding of the activities of their National Coordinating Committees -National Focal Points- and build up the institutional budget of the General Secretariat of the Andean Community as pertinent.

3. Legislative Measures

The Member Countries agreed:

3.1. "To recommend the incorporation into domestic legislation, when necessary and as a priority, of regulatory provisions on the following matters:

3.1.1. Possession, concealment, usurpation, carrying and use of small arms and light weapons.

3.1.2. Manufacture, import, export, transfer, sale, brokerage, transport, marking, registration and control of small arms and light weapons.

3.1.3. Effective control of manufacturers, sellers, brokers, financiers and transporters of small arms and light weapons.

3.1.4. Seizure and confiscation by the State of all small arms and light weapons that are manufactured, transported or in transit without or in violation of the corresponding licenses, permits or written authorizations, as well as the application of the sanctions provided for in domestic law.

3.1.5. Asset laundering connected with illicit trade in small arms and light weapons in all its aspects."

3.2. "To establish as criminal offenses under their domestic law, the illicit manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of small arms and light weapons, including ones that are homemade."

3.3. "To promote the harmonizing of legislation and the establishment of minimum standards to regulate the illicit manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of small arms and light weapons."

3.4. "To expedite the adoption of legislative or other measures needed to combat crimes relating to terrorism, the worldwide drug problem and corruption that are linked to illicit trade in small arms and light weapons in all its aspects."

Execution:

a) The Member Countries commit themselves to send the General Secretariat, within a maximum period of one month after the signing of the Coordinated Agenda of Action, copies of national legislation that is in force with regard to the illicit manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of small arms and light weapons in all their aspects.

b) The General Secretariat will, within a maximum period of three months after the signing of the Coordinated Agenda of Action, conduct a comparative study of the cited national legislation and draw up a proposal to establish minimum subregional standards.

c) The General Secretariat, in collaboration with the National Coordinating Committees -National Focal Points- and within a maximum of six months after the signing of the Coordinated Agenda of Action, will hold a subregional seminar/workshop to establish the minimum standards required by national legislation and design a program to review the legislation and monitor advances and deadlines for taking the steps provided for in numbers 3.2, 3.3 and 3.4 of the Coordinated Agenda of Action. This seminar/workshop is also intended to evaluate the establishment of a subregional mechanism to control the problem of small arms and light weapons as well as a program to combat corruption, within a maximum period of nine months after the signing of the Coordinated Agenda of Action. The conclusions and recommendations of the seminar/workshop should be submitted for the consideration of the Ministerial Conference.

d) The Member Countries also commit themselves, within a maximum period of sixteen months after the signing of the Coordinated Agenda of Action, to review their pertinent national legislation in order to verify the incorporation into those laws of all of the provisions recommended in numbers 3.2, 3.3 and 3.4 of the cited Agenda, bearing in mind the minimum standards established pursuant to number 3.1, in accordance with the legal and constitutional mechanisms in force in each country.

4. Operational and Institutional Strengthening Measures

The Member Countries agreed:

4.1 "To recommend the design and implementation of a National Plan on the subject by each National Coordinating Committee -National Focal Point-."

Execution:

If they deem it necessary, Member Countries will design and implement a national plan on the subject through their National Coordinating Committees - National Focal Points- and will request technical and financial assistance from the international community for that purpose.

4.2 "To set up or develop national databases and communications systems, including specialized equipment, to monitor and control the illicit manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of small arms and light weapons in the national territory and across borders, in keeping with the Operational Plan for Implementing this Agenda."

4.3. "To carry out or improve national training programs to build up the institutions that are responsible for ensuring compliance with and the full implementation of this Coordinated Agenda for Action."

4.4. "If deemed necessary, to form specialized working groups made up of

national authorities responsible for ensuring compliance with and the full application of this Coordinated Agenda of Action."

Execution:

Within a maximum period of four months after its establishment, each National Coordinating Committee -National Focal Point- will hold three inter-institutional meetings to identify training requirements and possible programs on the subject; set up the national database; and reinforce or develop the communications systems.

Each National Coordinating Committee -National Focal Point- will have a database that will contain, but not be limited to, information about: the illicit manufacture, import, export, transfer, sale, brokerage, transport, possession, concealment, usurpation, carrying and use of in all their aspects; also about the small arms and light weapons that have been stolen, lost, seized and recovered, as well as those destroyed and planned for destruction. Each National Coordinating Committee -National Focal Point- will inform the General Secretariat about the actions it plans to undertake in order to start up its training programs and put its national database into place.

4.5 "To reinforce the capacity of the General Secretariat of the Andean Community to coordinate the implementation of the Coordinated Agenda of Action through its responsible unit."

4.6. "To support and promote exchange and training programs between the General Secretariat, the National Coordinating Committees -National Focal Points- and community leaders or representatives of civil society to enhance their capacity and ensure the existence of a constructive dialogue that will lead to concrete action."

4.7. "To contribute to the effective utilization of the accumulated knowledge and experience, including those of civil society, to tackle the problem of illicit trade in small arms and light weapons in all its aspects."

Execution:

For these purposes, the Member Countries commit themselves to:

a) Hold an annual subregional seminar/workshop to reinforce the capacity of all actors involved in implementing the Coordinated Agenda of Action, in order to exchange ideas and review the chosen methodologies. These seminars/workshops will be held in each Member Country in succession and will bring together participants from the National Focal Points -National Coordinating Committees- and the General Secretariat.

b) Effectively put to use the knowledge and experience acquired in building up the capacity of the National Focal Points -National Coordinating Committee- and of the General Secretariat.

4.8 "To encourage subregional cooperation among national institutions responsible for compliance with and the full implementation of this Coordinated Agenda of Action, as well as with other pertinent international agencies and institutions, in order to combat transnational crime, increase security and promote mutual understanding among communities living in national border regions. Such cooperation could include, among others, reinforcing confidence-building measures in the Andean subregion."

Execution:

The General Secretariat, in coordination with the National Coordinating Committees -National Focal Points- and within a maximum period of six months

after the signing of the Coordinated Agenda of Action, will hold a subregional seminar/workshop to identify:

a) Training requirements in the subregion, which could lead to offering training courses in the priority spheres of action for national officials responsible of ensuring compliance with and the full implementation of this Andean Plan and other pertinent international organizations.

b) Border regions where national and international institutions operate, in order to promote cooperation and the coordination of efforts to improve security.

National Coordinating Committees -National Focal Points- will implement the agreements reached at the seminar/workshop, with the support of the General Secretariat.

4.9 "To foster the development of a subregional research capacity to back up the National Coordinating Committees -National Focal Points- by launching medium and long-term research programs on the subject."

Execution:

In this context, the Member Countries commit themselves to:

a) Promote and further long-term research programs on the dynamics of the proliferation of small arms and light weapons and its effect on security.

b) Foster cooperation in the area of research among the National Coordinating Committees -National Focal Points-, experts, the academic sector, specialized institutes, research centers as well as other specialists in the subregion, including the business sector and the community in general.

5. Control, Confiscation, Sanctioning, Distribution, Collection and Destruction

The Member Countries agreed:

5.1 "To strengthen the capacity of competent national institutions to control and report the quantity of arms and weapons in the hands of the State, by, among other things, verifying and updating their registries and/or inventories of small arms and light weapons."

5.2. "To ensure the strict rendering of accounts by the competent national agency and the effective follow-up of all distributed arms and weapons that belong to the State."

5.3. "To guarantee the safe storage of arms in the possession of the State."

5.4. "To establish an effective mechanism for stockpiling illicit small arms and light weapons that have been confiscated or recovered by the State, while awaiting the result of investigations that will release them to be destroyed or, if deemed pertinent, to be transferred to the State."

5.5. "To identify and destroy surplus or obsolete inventories of small arms and light weapons in the possession of the State."

Execution:

The General Secretariat, in coordination with the National Coordinating Committees -National Focal Points- , will organize, within a maximum period of nine months after the signing of the Coordinated Agenda of Action, a meeting of public and private experts to define the policy guidelines for guaranteeing effective control, oversight, safe stockpiling and responsible destruction or

elimination of small arms or light weapons belonging to or in the possession of the State. Guidelines and procedures should also be established to ensure that surplus inventories of those arms and weapons are safely stored, destroyed or eliminated in a responsible way.

Member Countries will, in keeping with the agreements reached at the cited meeting, set up a verification mechanism to ensure full compliance with those guidelines.

The National Coordinating Committees -National Focal Points- and the General Secretariat should coordinate with the competent national officials, the implementation of capacity-building programs, the hiring of experts and the joint search for international cooperation with which to accomplish the above cited objectives.

5.6 "To guarantee and keep up to date the registry of importers, sellers, brokers and manufacturers of small arms and light weapons that will make it possible to oversee those agents and their commercial operations in the subregion, as well as the private security, mining and other companies that need small arms and light weapons for their normal operations, and private individuals."

5.7. "To guarantee the strict rendering of accounts to the competent national agency and the effective control of all arms and weapons owned, carried and held by manufacturers, importers, sellers, brokers, and users, including private security, mining and other companies that need small arms and light weapons for their normal operations, and private individuals."

5.8. "To encourage a joint effort between the institutions that are responsible for ensuring compliance with and the full implementation of this Coordinated Agenda of Action and local communities to identify and eradicate illegal stockpiles of arms and weapons."

5.9. "To promote programs for the voluntary surrender and collection of arms and weapons."

5.10. "To ensure the destruction of illicit arms and weapons that have been collected or seized or, if deemed pertinent, their transfer to the State."

5.11. "To promote programs to legalize small arms and light weapons, with a view to increasing and updating national databases."

Execution:

The General Secretariat, in coordination with the National Coordinating Committees -National Focal Points-, will convene, within a maximum period of nine months after the signing of the Coordinated Agenda of Action, a meeting of officials who are competent on the subject to identify and implement viable alternatives for ensuring the strict rendering of accounts to the competent national agency and effective control over all arms and weapons belonging to, carried by and in the possession of manufacturers, importers, sellers, brokers, and users, individuals and legal entities through, inter alia, the registration and/or inventorying, collection, safe storage, destruction or responsible elimination of small arms and light weapons.

In keeping with the agreement reached at the cited meeting, the Member Countries will establish a verification mechanism to ensure full compliance with those guidelines.

The Member Countries should guarantee the destruction or transfer to the State of small arms and light weapons that have been seized or confiscated. They should also make certain that national authorities responsible for ensuring

compliance with and the full implementation of this Andean Plan work with local communities to facilitate the removal and destruction of small arms and light weapons that have been voluntarily surrendered and the detection of illegal stockpiles of such arms and weapons.

The National Coordinating Committees -National Focal Points- and the General Secretariat should coordinate with the competent national officials in carrying out capacity-building programs, hiring experts and jointly searching out international cooperation in order to contribute to the collection, confiscation, seizure and destruction or transfer to the State of illicit small arms and light weapons.

6. Exchange, Filing and Updating of Information

The Member Countries agreed:

6.1. *"To disseminate the policies, regulations and legislation dealing with small arms and light weapons in all their aspects."*

6.2. *"To promote the exchange of information between the National Coordinating Committees -National Focal Points- and the responsible unit in the General Secretariat as well as the uniformity of national databases."*

Execution:

The National Coordinating Committees -National Focal Points- should ensure that the pertinent policies, legislation and regulations are made known and accessible to the public; to this end, they will, in turn, send a copy of them to the General Secretariat. The latter, for its part, will publish and disseminate a subregional compendium of those policies, legislation and regulations.

The National Coordinating Committees -National Focal Points- will be responsible for controlling access to the information in the national databases. They will, accordingly, establish a subregional mechanism to guarantee the exchange, updating and transmission of information between the National Coordinating Committees -National Focal Points-, the General Secretariat and the representative of civil society, as applicable.

6.3. *"If deemed necessary, to foster the exchange of information between the National Coordinating Committees -National Focal Points- and the national institutions responsible for ensuring compliance with and the full enforcement of laws on, inter alia, individuals, criminal organizations and their members, types of small arms and light weapons, sources, distribution routes, destinations, means of transport, and the financial support of those organizations or individuals. The exchange of information could also focus on criminal activities like terrorism and drug trafficking related with the cited arms and weapons."*

Execution:

The General Secretariat, in coordination with the National Coordinating Committees -National Focal Points- that deem it necessary, will hold a subregional seminar/workshop to decide upon mechanisms for exchanging confidential information about, inter alia, individuals, criminal organizations and their members, types of small arms and light weapons, sources, distribution routes, destinations, means of transport, and the financial assistance of those organizations or individuals and the dissemination of that information. The seminar/workshop may also be aimed at designing and proposing a system to report information about criminal activities, particularly those relating to terrorism and drug trafficking related with the small arms and light weapons in question.

7. Public Awareness

The Member Countries agreed:

7.1. *"To encourage the development of a culture of peace."*

7.2. *"To design and implement citizen education and public awareness programs encompassing all sectors of society that deal with the problem of illicit small arms and light weapons in all its aspects."*

7.3. *"To design and implement citizen education and public awareness programs about the responsible handling, storage and use of firearms."*

7.4. *"To foster the inclusion of, as well as cooperation with, all sectors of society, including the business sector, to prevent and eradicate the problem of illicit small arms and light weapons in all its aspects."*

Execution:

The Member Countries commit themselves to promote national education programs to reduce the demand of society for arms and weapons, contribute to their responsible handling and condemn violence. Those programs should include, but not be limited to, the launching of public awareness campaigns through the audiovisual and written communications media.

Member Countries should accord priority to supporting local government and non-government public awareness programs that share the same purposes and involve the private sector in national and subregional education activities and programs to prevent and reject the crime and corruption associated with this problem.

The National Coordinating Committees -National Focal Points- will hold an annual national consultative forum involving all sectors of society through a free and open debate about the proliferation of small arms and light weapons and its effects on society, as well as the need to combat terrorism, corruption and the worldwide drug problem and the offenses connected with this problem.

ANNEX IV

INTERNATIONAL COOPERATION AND THE IMPLEMENTATION OF THE ANDEAN PLAN TO PREVENT, COMBAT AND ERADICATE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

General Assistance

The Andean Community Member Countries, after approving their Coordinated Agenda of Action and their Operational Plan to prevent, combat and eradicate illicit trade in small arms and light weapons in all its aspects, call upon the international community to:

1. Accord due respect to the subregional and regional agendas, their priorities, processes and initiatives.
2. Actively support the subregional initiatives and processes.
3. Ensure the existence of transparent policies and strict controls over the illicit manufacture, import, transfer, sale, brokerage, transport, possession, carrying and use of small arms and light weapons in all its aspects.
4. Help to maintain over the long term the commitment to control and reduce the worldwide proliferation of small arms and light weapons and combat

terrorism, corruption and the worldwide drug program and related offenses.

5. Support the execution of programs led by the business sector and civil society in general to reduce the social impact of small arms and light weapons.

6. Contribute to and foster peace initiatives and encourage conflict prevention, management and resolution efforts, as well as promote economic and social development with the long-term objective of achieving peace, stability and sustainable development.

7. Encourage the effective implementation of socioeconomic programs to combat poverty and to bring about persistent improvement in the quality of life and sustainable development.

8. Promote democratic principles, values and practices.

Technical and Financial Assistance

1. The General Secretariat will coordinate the joint search for international sources of cooperation and assistance to ensure the implementation of the Coordinated Agenda of Action.

2. Agreements will be signed between the General Secretariat or Member Countries and the international cooperation sources for the purpose of carrying out projects and initiatives on the subject.

3. The international community may back the Coordinated Agenda of Action by providing the necessary technical and financial assistance for:

3.1 Seminars/workshops, round tables, meetings and ministerial meetings.

3.2 National and subregional training programs.

3.3 Joint operations.

3.4 Setting up national databases, communications systems, including specialized equipment, and advancing their harmonization for Member Countries that deem it pertinent.

3.5 Promote and maintain long term research programs in the subregion.

3.6 Support programs for the destruction of seized or confiscated small arms and light weapons in the possession of the State as well as of surplus inventories that are considered obsolete.

3.7 Implement programs to increase the knowledge and foster public awareness at the local, national and subregional spheres about the problem of small arms and light weapons; national and subregional forums for reflection and discussion; and voluntary arms and weapons surrender programs and community-led initiatives.

3.8 Enhance the capacity for response of competent national authorities, the National Coordinating Committees -National Focal Points- and the General Secretariat.

3.9 Conduct programs to combat terrorism, corruption and the worldwide drug problem and associated offenses, as well as to reduce the demand for and curb the violence and proliferation of illicit small arms and light weapons in all its aspects.

Note

The following national institutions, inter alia, could participate in the inter-institutional activities of the National Coordinating Committees -National Focal Points-: the ministries of foreign affairs, defense, the interior or government, and justice, the public ministry, the judiciary, the armed forces, the police, customs and immigration officials and representatives of civil society.

