

**CONFERENCE OF THE STATES PARTY OF THE INTER-AMERICAN CONVENTION
AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS,
AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS (CIFTA)**

FIRST CONFERENCE OF THE STATES PARTY
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**DECLARATION OF BOGOTA
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)**

(Adopted at the Fourth Plenary Session, held on March 9, 2004)

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AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS,
AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS (CIFTA)

(Adopted at the Fourth Plenary Session, held on March 9, 2004)

We, the States Party to the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), meeting in the First Conference of the States Party pursuant to the provisions of Article XXVIII of the Convention, in the City of Bogota, Colombia, on March 8 and 9, 2004,

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

REAFFIRMING that it is a priority for the States Party to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, which, when used by terrorists, drug traffickers, participants in transnational organized crime, mercenaries, and other criminals, have a negative impact on security and create problems for citizens and institutions;

CONSIDERING that the Charter of the Organization of American States (OAS) stipulates that the strengthening of peace and security in the Hemisphere is an essential purpose of the Organization;

TAKING INTO ACCOUNT resolution AG/RES. 1 (XXIV-E/97), in which the OAS General Assembly adopted and opened for signature the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA);

ALSO TAKING INTO ACCOUNT resolution AG/RES. 1972 (XXXIII-O/03), in which the OAS General Assembly supported the convocation of the Conference of the States Party to the CIFTA to review the functioning and application of the Convention, as provided for in Article XXVIII thereof;

RECALLING that the Summit of the Americas in Santiago recommended that governments of the Hemisphere strengthen their domestic efforts and international cooperation to encourage prompt ratification and entry into force of the CIFTA; and that the Summit of the Americas in Quebec City requested that the governments implement it as soon as possible and consider, as appropriate, the Model Regulations of the Inter-American Drug Abuse Control Commission (CICAD);

CONSIDERING that in the Declaration on Security in the Americas, adopted on October 28, 2003, in Mexico City, the states of the Hemisphere recognized that the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials are a threat to hemispheric security and, when these are used by terrorists and criminals, undermine the rule of law, breed violence and, in some cases, impunity, exacerbate conflicts, and represent a serious threat to human security; they also recognized the value of the CIFTA and reaffirmed the need for effective cooperation to prevent, combat, and eradicate this threat;

TAKING INTO ACCOUNT measures at the national, regional, and world levels that the states have undertaken to adopt through the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which emanated from the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

UNDERSCORING the significant progress achieved by the Consultative Committee of the CIFTA under the guidance of its Secretariat *pro tempore*, since it began work in March 2000;

REAFFIRMING the importance of the Convention's entering into force as soon as possible in all member states of the Organization of American States in order to facilitate and guarantee the achievement of its purposes throughout the Hemisphere; and

CONSIDERING the review we have conducted in the framework of this First Conference of the States Party on the functioning and application of the Convention pursuant to Article XXVIII thereof, and reaffirming our commitment and political resolve to promote and adopt the decisions needed to ensure full compliance with its purpose and its total functioning and application,

DECLARE THE FOLLOWING:

I. COOPERATION AND EXCHANGE OF INFORMATION AND EXPERIENCES

1. We shall conclude the identification of the national body or single point of contact for purposes of cooperation and information exchange, as provided for in Article XIV of the CIFTA, and we shall transmit data on the respective authority (name, title, address, telephone, and e-mail) to the OAS General Secretariat before the thirty-fourth regular session of the Organization's General Assembly, so that the corresponding directory may be completed. We shall also endeavor to have the authorities identified as single points of contact participate in meetings of the CIFTA Consultative Committee, in order to facilitate and ensure performance of the duties assigned to it in Article XX of the Convention. Likewise, we shall invite those OAS member states that are not yet parties to the CIFTA to identify a national body or single point of contact for the same purposes and within the same timeframe.

2. We shall strengthen our mutual cooperation and exchange information and experiences to ensure achievement of the Convention's purpose as set forth in its Article II. To do this:

a. In the framework of the Consultative Committee, we undertake to prepare and present reports on the situation, problems, and challenges in each of our states and on the experiences, positive or negative, that we have or have had in the

various areas covered by the CIFTA, including the information prescribed in its Article XIII; security measures to eliminate loss or diversion of firearms, ammunition, explosives, and other related materials (Article VIII); the system of export, import, and international transit licenses or authorizations for these items (Article IX); and controls in ports, airports, and export points (Article X).

b. We direct the Consultative Committee to adopt a methodology and other decisions as required to facilitate the orderly and systematic presentation of these reports and guarantee achievement of their objectives, including provisions needed to ensure that when states so request the reports may be presented in closed meetings and the information shared there shall be restricted or confidential, establishing mechanisms to protect and preserve the confidentiality of the information.

c. We shall examine the best way to use the SALSA program in coordination with UN-LiREC and CICAD.

3. Taking into account existing questionnaires and indicators on the implementation of the CIFTA and other mechanisms on firearms, we shall update the replies to the Questionnaire on the application of the Convention and shall follow-up on it within the CIFTA Consultative Committee;

4. In the framework of Article II of the Convention, we shall increase technical cooperation to strengthen our states' interdiction capability to control, combat, and eliminate illicit trafficking in firearms, ammunition, and other related materials.

5. We direct the OAS General Secretariat, with guidance from the Consultative Committee's Secretariat *pro tempore*, to continue updating the CIFTA Web site, with different access levels for the States Party, the non-Party States, and the public, and we shall share information through the Web site on steps we have taken in areas covered by the CIFTA.

II. LEGISLATIVE IMPLEMENTATION OF THE CONVENTION

6. We undertake to promote and adopt legislative or other measures necessary to ensure the application of the CIFTA and achievement of its purpose. To facilitate full legislative implementation of the CIFTA we recommend:

a. Formation of a single group of experts for CIFTA-CICAD that will work under the joint auspices of the CIFTA Consultative Committee and CICAD to prepare model legislation in the areas covered by the CIFTA that are not encompassed in the CICAD Model Regulations, especially as regards establishment of criminal offenses (Article IV of the CIFTA); marking of firearms (Article VI); confiscation or forfeiture (Article VII); security measures (Article VIII); strengthening of controls at export points (Article X); maintenance, confidentiality, and exchange of information (Articles XI, XII, and XIII); the technique of controlled delivery (Article XVIII); and the legislative measures needed to ensure compliance

with the purpose and effective application of the CIFTA regarding ammunition, explosives, and other related materials, in accordance with the definitions set forth in Article I of the Convention.

b. That, with support from all States Party, the OAS General Assembly, at its thirty-fourth regular session and at subsequent ones as necessary, be encouraged to adopt the necessary decisions to facilitate the work of this group of experts. As part of these decisions, we recommend that the Permanent Council of the Organization be directed to adopt a methodology for development of model legislation on the subjects mentioned in paragraph 5.a, based on a proposal drafted by the Consultative Committee, with support from the OAS General Secretariat through the Secretariat for Legal Affairs and the Secretariat of CICAD, and present it through its Secretariat *pro tempore*.

7. We recognize the usefulness and importance of the model regulations on the brokering of firearms, adopted in the framework of CICAD, and we encourage states which do not currently have effective legislation governing the activity of arms brokers to give it prompt consideration and, if appropriate, to incorporate it into their domestic legislation.

III. EXPORT, IMPORT, AND TRANSIT LICENSES OR AUTHORIZATIONS

8. We recommend that the CIFTA Consultative Committee organize an initial meeting of national authorities directly responsible for granting the authorizations or licenses stipulated in Article IX of the CIFTA and the Model Regulations of the CICAD for the export, import, and international transit of firearms, ammunition, explosives, and other related materials. The meeting would have the following objectives, *inter alia*:

a. To facilitate mutual understanding and the start or strengthening of the exchange of information and cooperation between the 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;

b. 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;

c. 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;

d. 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;

e. To consider practical measures, including a possible database, to facilitate the exchange of information provided for in Article XIII.1.a of the Convention.

f. 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.

IV. MUTUAL LEGAL ASSISTANCE

9. We reaffirm our decision to afford one another the widest measure of mutual legal assistance in obtaining evidence and taking other necessary action to facilitate the investigation and prosecution of, and the punishment for, illicit activities described in the CIFTA, pursuant to its Article XVII. To achieve this objective:

a. If we have not already done so, we shall designate a central authority in accordance with the provisions of Article XVII of the CIFTA, and we shall transmit data on the authority (name, title, address, telephone, and e-mail) to the OAS General Secretariat before the thirty-fourth regular session of the Organization's General Assembly, so that the corresponding directory may be completed.

b. We shall support work in the framework of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA) to strengthen mutual legal assistance in criminal matters; we shall participate actively in the network for the exchange of information among central authorities established in that context; and we shall endeavor to have the network concentrate on improvement and consolidation of hemispheric cooperation for investigation and prosecution of, and punishment for, crimes related to the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

10. We shall supply information for INTERPOL's "wanted" circulars on arms traffickers that we have identified and we shall provide assistance as requested of us to facilitate investigation and prosecution as appropriate and apply extradition measures as provided for in Articles XVII and XIX of the CIFTA.

V. SECURITY AND COOPERATION MEASURES FOR IDENTIFICATION AND DESTRUCTION OF EXCESS STOCKS

11. We reaffirm our commitment to take the necessary measures for the marking of firearms and to guarantee the security of firearms, ammunition, explosives, and other related materials, as provided for in Articles VI and VIII of the CIFTA.

12. We reaffirm the declaration made in the preamble of the CIFTA on the need, in peace processes and post-conflict situations, to achieve effective control of firearms, ammunition, explosives, and other related materials in order to prevent their entry into the illicit market, and the statement made by the states of the Hemisphere in the Declaration on Security in the Americas to combat the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials by, among other actions, destroying excess stocks of firearms designated by each state.

To this end, we request that information be exchanged through the Consultative Committee on technical and financial assistance programs in this field and support required by states for identification and destruction of these excess stocks and all firearms, ammunition, explosives, and other related materials seized, confiscated, or forfeited as the result of illicit manufacturing or trafficking, as provided for in Article VII of the CIFTA.

VI. TRAINING

13. We emphasize the critical need to strengthen training to comply with Article XV of the CIFTA. We direct the CIFTA Consultative Committee, under the leadership of the Secretariat *pro tempore*, to explore alternatives for mutual cooperation among the states in this field and to stimulate information exchange in this area, including opportunities for technical and financial support from international organizations and bilateral and multilateral assistance agencies. We assign priority to training activities in areas listed in Article XV of the CIFTA.

14. We shall promote and strengthen training in the prevention, detection, punishment, and elimination of acts of corruption, in continuing education for public officials responsible for the fight against the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, especially for those officials mentioned in Article XV.2.c of the Convention.

VII. COOPERATION WITH INTERNATIONAL ORGANIZATIONS OR ENTITIES AND WITH CIVIL SOCIETY ORGANIZATIONS

15. We instruct the Consultative Committee, under the leadership of the Secretariat *pro tempore*, to continue strengthening coordination and cooperation with other entities or organizations with kindred responsibilities, particularly CICAD, CICTE, and the REMJA, in the inter-American system; MERCOSUR, the Central American Integration System, the Andean Community, and CARICOM, in the regional area; and the United

Nations and its pertinent bodies, the European Union, the Organization for Security and Cooperation in Europe (OSCE), and INTERPOL.

16. We direct the Consultative Committee, through the Secretariat *pro tempore*, to report periodically to the Committee on Hemispheric Security of the OAS Permanent Council on developments in executing this Declaration, so that Committee may take them into account when preparing coordinated strategies and comprehensive plans of action to face the new threats, concerns, and other challenges to hemispheric security, pursuant to the Declaration on Security in the Americas.

17. We request that, when the Consultative Committee meets, it continue to weigh the input and contributions of civil society organizations, taking into account the "Guidelines for the Participation of Civil Society Organizations in OAS Activities," and the "Strategies for Increasing and Strengthening Participation by Civil Society Organizations in OAS Activities," adopted by the Organization's Permanent Council.

18. We request that, when the Consultative Committee meets, it weigh the input and contributions of the private sector that are relevant to the fulfillment of its functions.

VIII. COOPERATION IN DISPUTE SETTLEMENT

19. We undertake, in keeping with the purpose of the CIFTA defined in its Article II and the provisions on dispute settlement in Article XXIX, to cooperate in and support the peaceful settlement of any dispute that may arise between States Party regarding the subjects of the Convention or its application or interpretation.

IX. FOLLOW-UP

20. At each annual meeting of the Consultative Committee we shall report on progress made since the previous meeting in implementation and application of the Convention's measures in each of our states, pursuant to Article XX.1.a, b, and f of the CIFTA.

21. We direct the Consultative Committee, under the leadership of the Secretariat *pro tempore*, to make a recommendation to the next Conference of the States Party on how the Consultative Committee might strengthen efforts to follow up on implementation of the CIFTA and increase cooperation among the States Party and the non-Party States, taking into account the experience of other evaluation or follow-up mechanisms for international treaties or commitments.

22. We recommend that the OAS General Assembly, with support from the States Party to the CIFTA, adopt the necessary decisions to continue supporting meetings of the Consultative Committee and expert groups mentioned in this Declaration, and to ensure and strengthen technical support for the Consultative Committee by the OAS General Secretariat.

23. We direct the Consultative Committee, through its Secretariat *pro tempore*, to submit a report to the next Conference of the States Party to the CIFTA on compliance with the mandates in this Declaration.

24. We agree on the convocation, within the framework of the next meeting of the CIFTA Consultative Committee, of a first meeting of national authorities or national single points of contact and central authorities for mutual legal assistance, as established in Articles XIV and XVII of the Convention.

X. ENTRY INTO FORCE OF THE CONVENTION

25. We urge member states of the OAS that have not already done so to give prompt consideration to signing and ratifying, or ratifying, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA).

26. We direct the Consultative Committee of the CIFTA to invite OAS member states that are not yet parties to it to attend the Committee's regular annual meetings to share any consideration they may have given to ratification of the Convention.

27. In accordance with Article XXVIII of the Convention and Article 8 of the Rules of Procedure of the Conference, we agree to hold the next Conference of the States Party in 2008, notwithstanding the provisions of Article 9 of these Rules of Procedure.

28. We express our heartfelt thanks to the Government of Colombia for hosting this First Conference of the States Party, which is a milestone in the Hemisphere's ongoing commitment to act collectively to combat the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials in the Americas.