

# ATT-RELATED ACTIVITIES IN LATIN AMERICA AND THE CARIBBEAN: IDENTIFYING GAPS AND IMPROVING COORDINATION

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## I. Introduction

The Arms Trade Treaty (ATT) entered into force on 24 December 2014, 19 months after it opened for signature. The ATT is the first international legally binding agreement to establish standards for regulating the trade in conventional arms and preventing their illicit trade.<sup>1</sup> While the ATT is focused on the development and implementation of effective arms transfer controls, it also complements wider efforts in the field of small arms and light weapons (SALW) controls, particularly the 2001 United Nations Programme of Action on SALW (UN POA).<sup>2</sup> During the process of negotiating the ATT, many states highlighted the need for the treaty to include provisions for financial, technical and material assistance aimed at helping states to fulfil treaty obligations.<sup>3</sup> Reflecting these calls, the final text of the ATT includes provisions on international cooperation and assistance, suggesting areas where such assistance might be focused, who might provide it, and detailing the mechanisms through which it might be carried out.

States from Latin America and the Caribbean have long been keen supporters of international instruments in the field of arms transfer and SALW controls—particularly the UN POA—and have developed a range of similarly focused regional and subregional instruments. They also played a crucial role in the process of pushing for and negotiating the ATT; consequently, the ATT enjoys a high level of political support within the region. States in Latin America and the Caribbean have been disproportionately affected by the negative effects of the spread of illicit SALW—particularly issues relating to armed conflict and criminal violence. It is widely hoped that robust implementation of the ATT and other related instruments in the field of

<sup>1</sup> While the 2001 UN Firearms Protocol is also legally binding, it only focuses on illicit trade in firearms. UN General Assembly Resolution 55/255, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime (UN Firearms Protocol), adopted 31 May 2001, entered into force 3 July 2005.

<sup>2</sup> United Nations, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN POA), A/CONF.192/15, 20 July 2001.

<sup>3</sup> Holtom, P. and Bromley, M., 'Implementing an Arms Trade Treaty: mapping assistance to strengthen arms transfer controls', SIPRI Insights on Peace and Security no. 2012/2, July 2012.

## SUMMARY

● Under the Arms Trade Treaty (ATT), states parties are obliged to establish and maintain an effective transfer control system for conventional arms and to take steps to address the diversion of conventional arms, particularly small arms and light weapons (SALW). Many states from Latin America and the Caribbean will require assistance to effectively implement these provisions.

In recent years a wide range of ATT-focused and ATT-relevant cooperation and assistance activities have been carried out with partner states in Latin America and the Caribbean with the aim of building states' capacities in these areas. This Background Paper presents the first overview of these efforts. In doing so, the paper highlights potential gaps in the types of assistance provided to date and proposes mechanisms through which stakeholders can better coordinate their efforts.

This paper draws from an online database for Mapping ATT-relevant Cooperation and Assistance Activities built by SIPRI and the UN Regional Centre for Peace and Disarmament in Africa in 2015 to cover sub-Saharan Africa, and expanded by SIPRI and the UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean in 2016 to cover Latin America and the Caribbean.



arms transfer and SALW controls will help to reduce the elevated levels of armed violence that hinder socio-economic development and the sustainable prosperity of citizens in many of those states.

The need for targeted assistance aimed at helping states to improve their arms transfer and SALW controls is also particularly acute in Latin America and the Caribbean. Several states in the region have limited capacities in these areas and are also facing a wide range of social, economic, ecological and security-related challenges that are considered a priority.

In recent years, a significant number of ‘ATT-focused’ and ‘ATT-relevant’ cooperation and assistance activities have been carried out involving partner states from Latin America and the Caribbean with the aim of establishing or improving arms transfer and SALW controls. ATT-focused activities are designed to assist partner states with ATT ratification and implementation, whereas ATT-relevant activities deal with issues relating to arms transfer or SALW controls but are not necessarily aimed at ATT ratification or implementation. The entry into force of the ATT has led to the funding of a range of new efforts in these areas. This represents both an opportunity and a challenge. It provides a unique opportunity to build states’ capacity to maintain effective arms transfer and SALW controls. However, this opportunity can only be grasped if the assistance provided is effectively targeted at the areas where

it is most needed and without unnecessary duplication of efforts. At worst, the provision of overlapping or poorly targeted cooperation and assistance activities creates challenges for states with limited financial resources, placing needless burdens on already overstretched national officials. It may result, for instance, in officials being obliged to spend their time attending multiple and repetitious seminars and workshops rather than actually implementing and enforcing controls at the national level.

This Background Paper presents the first overview of the range of ATT-focused and ATT-relevant cooperation and assistance activities that have been carried out with partner states in Latin America and the Caribbean. The data covers the period 2012–16 and is drawn from SIPRI’s Mapping ATT-relevant Assistance Activities database, which was launched in 2015. The initial development of the database was carried out in partnership with the UN Regional Centre for Peace and Disarmament in Africa (UNREC) and focused on sub-Saharan Africa. SIPRI expanded the database in 2016 to cover Latin America and the Caribbean with support from the UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC).<sup>4</sup>

Based on the data from Latin America and the Caribbean, this paper highlights potential gaps and overlaps in the types of assistance provided to date. It also proposes mechanisms through which states, non-governmental organizations (NGOs), and international and regional organizations—as

<sup>4</sup> Arms Trade Treaty, Mapping ATT-relevant Cooperation and Assistance Activities database, <[www.att-assistance.org](http://www.att-assistance.org)>. The support provided for the mapping study and this Background Paper by UNLIREC to SIPRI does not necessarily mean that they reflect the views of UNLIREC or the UN system, nor does the UN have control over the content or accuracy of the information provided.

***The need for targeted assistance aimed at helping states to improve their arms transfer and SALW controls is particularly acute in Latin America and the Caribbean***



well as the ATT Secretariat—could help to better coordinate efforts in this area.

Section II provides a brief overview of the particular challenges that states in Latin America and the Caribbean face with regard to combating the illicit trade in SALW and implementing effective arms transfer and SALW instruments. It also gives a brief history of the region's engagement with different international and regional instruments in the field of arms transfer and SALW controls, including the ATT. Section III presents a summary of the range of areas in which states may require assistance with implementing the ATT. It also provides further information on the scope and focus of the mapping study carried out by SIPRI and UNLIREC. Section IV gives an overview of ATT-focused and ATT-relevant cooperation and assistance efforts in Latin America and the Caribbean in 2012–16. The analysis is broken down according to the type and focus of the activities as well as between those involving states from Central America and Mexico, the Caribbean, and South America.<sup>5</sup> Section V draws together some of the key conclusions and offers recommendations, focusing on (a) lessons learned from past cooperation and assistance activities; and (b) steps that the ATT Secretariat can put in place to facilitate the 'matching of needs and resources' in relation to ATT implementation, as called for under the ATT.

*This Background Paper presents the first overview of ATT-focused and ATT-relevant cooperation and assistance activities that have been carried out in Latin America and the Caribbean*

## II. Arms transfer and SALW controls in Latin America and the Caribbean

### **The need for effective arms transfer and SALW controls**

States in Latin America and the Caribbean face a range of challenges that are exacerbated or enabled by weak or ineffective arms transfer and SALW controls.<sup>6</sup> According to a 2013 study, states in Latin America and the Caribbean were home to about 9 per cent of the world's population, yet accounted for 32 per cent of the world's recorded homicides.<sup>7</sup> In addition, SALW were more frequently used in homicides in Latin America and the Caribbean than elsewhere in the world. During 2007–12, firearms were recorded to have been used in approximately 69 per cent of homicides in Central America and Mexico, 65 per cent in the Caribbean and 52.7 per cent in South America.

<sup>5</sup> For the purposes of this paper Central America and Mexico comprises: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama. The Caribbean comprises: Antigua and Barbuda, Bahamas, Barbados, Cuba, Dominica, the Dominican Republic, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago. South America comprises: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela.

<sup>6</sup> Several instruments seek to draw a distinction between 'small arms' controls, which focus on the use of weapons in armed conflicts, and 'firearms' controls, which focus on law enforcement and public safety issues. For the purposes of this paper, the two terms are used interchangeably and refer to both conflict and crime-related control efforts. For further details see Bromley, M. and Grip, L., 'Small arms control measures', *SIPRI Yearbook 2015: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2015), pp. 600–605.

<sup>7</sup> United Nations Office on Drugs and Crime (UNODC), *Global Study on Homicide 2013* (UNODC: Mar. 2014), pp. 125–27.



In comparison, firearms were used in 46.3 per cent of homicides globally.<sup>8</sup> Illicit SALW proliferation has also exacerbated various internal conflicts, particularly the more than 50-year-long civil war in Colombia, the numerous cold war-era conflicts in Central America, and the ongoing clashes between the drug cartels and between drug cartels and government forces.

SALW enter the illicit market in Latin America and the Caribbean through various means, including diversion from the legal to the illicit market within and between states, and the ongoing circulation of weapons used in past conflicts. Currently, two of the most important issues that require urgent attention are leakages from poorly secured stockpiles and the so-called ant trade—the smuggling of small quantities of weapons or their parts and components between bordering states. In addition to these challenges, Latin America and the Caribbean is witnessing a number of particular phenomena that further emphasize the need for effective controls in the region. Chief among these are the growing number of often poorly regulated private security companies (PSCs) with access to small arms, and the expansion of several states' arms production capacities and increasing exports of SALW.

#### *Leakages from national stockpiles*

National stockpiles of SALW in Latin America and the Caribbean are often poorly guarded or maintained and there have been numerous cases of weapons being illegally diverted to the black market. Leakages occur due to a combination of factors, but negligence, theft and corruption are prominent among them. In Uruguay, a congressman reportedly made public that at least 18 000 rounds of ammunition were stolen between 2014 and 2015 from a Uruguayan Air Force stockpile.<sup>9</sup> In Argentina, a 2012 report prepared for the Congress purportedly determined that officials had lost track of at least 188 firearms, 2300 rounds of ammunition and hundreds of rifle parts from national stockpiles between 2010 and 2011.<sup>10</sup> The role that national stockpiles of SALW play in feeding the black market highlights the need for a comprehensive response at the regional and national level. In particular, effective inventory and stockpile management practices and the safe destruction of unsafe or surplus weapons would help to reduce the supply of arms to unauthorized end users.

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#### *The ant trade*

The ant trade also plays a significant role in feeding the illicit SALW market in Latin America and the Caribbean. In most cases, the individual transfers are small in scale but the cumulative effect is significant. For example, 70 000 of the illicit firearms seized in Mexico between 2010 and 2015 were later shown to have originated from manufacturers or retailers based across the border in the United States.<sup>11</sup> Nearly 900 of the illicit firearms seized

<sup>8</sup> Small Arms Survey, *Global Burden of Armed Violence: Every Body Counts* (Cambridge University Press: Cambridge, 2015), pp. 74–75.

<sup>9</sup> Isgleas, D. and Barreneche E., 'Investigación de Defensa apunta al crimen organizado de Brasil' [Defence research points to organized crime in Brazil], *El País*, 13 July 2015.

<sup>10</sup> Santoro, D., 'En sólo dos años, les robaron más de 400 armas a las FF.AA.' [In just two years, more than 400 weapons were stolen from the Armed Forces], *Clarín*, 15 July 2012.

<sup>11</sup> Of these firearms, 33 000 were shown to have been legally purchased in the USA and later smuggled across the US–Mexican border. US Department of Justice Bureau of Alcohol Tobacco and



in the Caribbean in 2015 were also later shown to have originated from US manufacturers or retailers.<sup>12</sup> The Caribbean, with its vast coastline, faces particular problems enforcing border controls. The triple frontier between Argentina, Brazil and Paraguay, and the border between Honduras, Guatemala and El Salvador, also seem to be major hubs for illicit cross-border firearms trafficking. In Honduras, for example, media reports indicate that small quantities of weapons (often disassembled into separate parts to avoid detection) are frequently smuggled into or through the country in cars, or hidden in traffickers' bags and belongings or shipped by mail.<sup>13</sup> In Guatemala, the police are reported to have stated that the most commonly confiscated firearm is the 9-mm pistol which can be split into five parts, making it easier to conceal.<sup>14</sup> The challenges posed by the ant trade highlight the need to strengthen postal and border controls and national capacities to identify and intercept shipments containing illicit goods.

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#### *Private security companies*

Since 2005, demand for the services provided by PSCs has steadily increased in Latin America and the Caribbean.<sup>15</sup> This is driven by a range of factors including elevated homicide rates, perceptions of insecurity, distrust in the police, increased private purchasing power and the downsizing and privatization of government services. Unofficial estimates indicate that the number of PSCs in Costa Rica rose from 11 in 1994 to more than 1600 in 2015.<sup>16</sup> In Saint Lucia—which has a population of approximately 170 000—the number of registered PSCs rose from 10 in 1990 to 55 in 2009.<sup>17</sup> In some cases in the region, PSC personnel outnumber police officers to a higher degree than the global average ratio of 2 : 1. For example, according to a media report, in Brazil, the ratio is 4 : 1, in Guatemala it is 5 : 1, and in Honduras it is almost 7 : 1.<sup>18</sup> The proportion of PSC personnel in the region with access to firearms is also around 10 times higher than in Western Europe.<sup>19</sup> This is

Firearms, 'ATF Mexico: January 1, 2010–December 31, 2015', 31 Mar. 2016.

<sup>12</sup> Of these firearms, nearly 500 were shown to have been legally purchased in the USA and later smuggled into the Caribbean. US Department of Justice Bureau of Alcohol Tobacco and Firearms, 'ATF Caribbean: Calendar Year 2015', 10 Mar. 2016.

<sup>13</sup> Small Arms Survey, 'Measuring illicit arms flows: Honduras', Small Arms Survey Research Notes, no. 62, Nov. 2016.

<sup>14</sup> Lohmuller, M., 'Recent seizures point to thriving LatAm arms trade', InSight Crime, 21 Sep. 2016.

<sup>15</sup> UNLIREC and Geneva Centre for the Democratic Control of Armed Forces (DCAF), *Armed Private Security in Latin America and the Caribbean: Oversight and Accountability in an Evolving Context*, (UNLIREC and DCAF: 2016), p. 11. PSCs are defined by the International Code of Conduct for Private Security Providers as 'any Company whose business activities include the provision of Security Services either on its own behalf or on behalf of another, irrespective of how such Company describes itself'. International Code of Conduct Association, International Code of Conduct for Private Security Providers, 9 Nov. 2010.

<sup>16</sup> Research by the Arias Foundation for Peace and Human Progress shared with the authors, 16 Jan. 2017.

<sup>17</sup> Project Ploughshares and the Institute of International Relations (IIR) of The University of the West Indies, *Private Security Companies in the Caribbean: Case Studies of St. Lucia, Trinidad and Tobago, and Jamaica* (Project Ploughshares and IIR: 2013), p. 19.

<sup>18</sup> Associated Press, 'Private companies filling security gap in Latin America', *Denver Post*, 24 Nov. 2014.

<sup>19</sup> Small Arms Survey, 'A booming business: private security and small arms', *Small Arms Survey 2011* (Small Arms Survey: Geneva, 2011), p. 102.



of particular concern given that oversight of PSC weapon holdings is often limited.<sup>20</sup> According to a media report, from 2005 to 2015, around 30 per cent of firearms that belonged to PSCs in Rio de Janeiro, Brazil, were lost and the majority reportedly ended up in the hands of unauthorized end users.<sup>21</sup> The growing demand for PSCs' services—and their access to firearms—creates a clear need for robust marking controls and stockpile management practices by actors within the sector.

#### *Arms production and exports*

Latin America and the Caribbean not only imports but also—increasingly—produces, assembles, exports, and re-exports conventional weapons, particularly SALW. Most significant by far is Brazil which has a well-established defence industry capable of producing and exporting SALW and major conventional weapons.<sup>22</sup> Brazil is currently pursuing a range of policy initiatives aimed at boosting its national defence production capacities, although its most significant capacities are in the field of SALW. This creates challenges both for Brazil and for the wider region.<sup>23</sup> For example, more than 80 per cent of the illicit firearms seized in Rio de Janeiro have been found to be domestically produced.<sup>24</sup> Aside from Brazil, Chile is the only other state from Latin America and the Caribbean among the world's 50 largest arms exporters during 2011–15.<sup>25</sup> However, at least 12 states in the region have indigenous capacities to produce SALW ammunition. While most of these states produce mainly to satisfy national demand, at least four states—Argentina, Brazil, Mexico and Peru—have reported annual exports of SALW ammunition of at least \$1 million since 2013. In addition, since 2009 at least 24 states in Latin America and the Caribbean have either exported or re-exported SALW or their parts and components. At least half of these states transferred 100 per cent of their exports to other states in the region.<sup>26</sup> Hence, the evolving state of the military industrial structure in Latin America and the Caribbean highlights the need for robust national arms transfer control systems.

***Brazil is currently pursuing a range of policy initiatives aimed at boosting its national defence production capacities***

### **Relevant regional and international instruments**

#### *Regional instruments*

States in Latin America and the Caribbean have developed a range of regional and subregional instruments covering arms transfer and SALW controls. The most ambitious and wide-ranging of these is the 1997 Inter-

<sup>20</sup> Small Arms Survey, 'Private security companies' firearms stockpiles', Small Arms Survey Research Notes, Armed Actors, no. 4, Mar. 2011, p. 2.

<sup>21</sup> Werneck, A., 'Armas roubadas de empresas de segurança somam 17,6 mil' [Weapons stolen from security companies total 17 600], *O Globo*, 22 May 2016.

<sup>22</sup> Zaborsky, V., 'The Brazilian export control system', *Non-proliferation Review*, vol. 10, no. 2 (Summer 2003).

<sup>23</sup> Muggah, R. and Thompson, N. B., 'Brazil's merchants of death', *New York Times*, 23 Oct. 2016.

<sup>24</sup> Small Arms Survey, 'An uphill battle: understanding small arms transfers', *Small Arms Survey 2006: Unfinished Business* (Small Arms Survey: Geneva, 2006), p 84.

<sup>25</sup> SIPRI Arms Transfers Database, accessed 11 Feb. 2017, <<https://www.sipri.org/databases/armstransfers>>.

<sup>26</sup> UNLIREC, ATT Implementation Training Manual, Module 1: Arms Trade in Latin America and the Caribbean, [n.d.].



American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA). The CIFTA, which is legally binding, requires states parties to establish laws governing the import, export, and transit of firearms, ammunition, explosives, and other related materials, as well as to maintain the necessary information to enable tracing and other related enforcement mechanisms.<sup>27</sup> Since its adoption, the CIFTA has been supplemented by a series of ‘model regulations’ for states to use as the basis of their national controls in areas such as transfer controls, brokering controls and marking.<sup>28</sup> With the exception of Jamaica, which has signed the CIFTA, and Cuba, which has not, all states from Latin America and the Caribbean have ratified or acceded to the CIFTA.<sup>29</sup> Other relevant instruments include the 1998 Southern Common Market (Mercado Común del Sur, MERCOSUR) Joint Firearms Registration Mechanism and 2001 Security Information Exchange System; the 2003 Andean Community (Comunidad Andina, CAN) Andean Plan to Prevent, Fight and Eradicate Illicit Trafficking in Small Arms and Light Weapons in All Its Aspects (Andean Plan); and the 2005 Central American Integration System (Sistema de la Integración Centroamericana, SICA) Code of Conduct on Small Arms, Ammunition and Explosives Transfers.<sup>30</sup>

Instruments have also been established in Latin America and the Caribbean for improving the level of public and inter-governmental transparency on states’ arms acquisitions, arms imports and military stockpiles. For example, in 1999 the member states of the Organization of American States (OAS) adopted the Inter-American Convention on Transparency in Conventional Weapons Acquisition (OAS Transparency Convention).<sup>31</sup> States parties are legally obliged to provide an annual report on arms acquisitions to the OAS, which makes the reports publicly available on its website.<sup>32</sup> Seventeen states from Latin America and the Caribbean have either ratified or acceded to the OAS Transparency Convention.<sup>33</sup> The Union of South

*States in Latin America and the Caribbean have developed a range of regional and subregional instruments covering arms transfer and SALW controls*

<sup>27</sup> Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, signed 14 Nov. 1997, entered into force 1 July 1998. See also Schroeder, M., *Small Arms, Terrorism and the OAS Firearms Convention*, Federation of American Scientists (FAS), Occasional Paper no. 1 (FAS: Washington, DC, Mar. 2004).

<sup>28</sup> See e.g. Organization of American States, *The Model Regulations for the Control of the International Movement of Firearms, their Parts and Components, and Ammunition*, 9 May 2008.

<sup>29</sup> Organization of American States, ‘Signatories and ratifications: A-63: Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials’, [n.d.] <<http://www.oas.org/juridico/english/signs/a-63.html>>. In addition, Canada and the USA have signed the CIFTA but not ratified it.

<sup>30</sup> Small Arms Survey ‘Southern Common Market (MERCOSUR)’, 16 July 2012, <<http://www.smallarmssurvey.org/tools/ro-poa/profiles-of-regional-organizations/the-americas/mercosur.html>>; Small Arms Survey, ‘Andean Community (CAN)’, 26 June 2012, <<http://www.smallarmssurvey.org/de/tools/ro-poa/profiles-of-regional-organizations/the-americas/can.html>>; and Small Arms Survey, ‘Central American Integration System (SICA)’, 23 May 2012, <<http://www.smallarmssurvey.org/de/tools/ro-poa/profiles-of-regional-organizations/the-americas/sica.html>>.

<sup>31</sup> Inter-American Convention on Transparency in Conventional Weapons Acquisitions, adopted 7 June 1999, entered into force 21 Nov. 2002.

<sup>32</sup> Organization of American States, ‘Conventional weapons: documents’, [n.d.], <<http://www.oas.org/csh/english/conventionalweapons.asp#Docs>>.

<sup>33</sup> Organization of American States, ‘Signatories and ratifications: A-64: Inter-American Convention on Transparency in Conventional Weapons Acquisitions’, [n.d.], <<http://www.oas.org/juridico/english/signs/a-64.html>>.



*States' record of compliance with regional instruments has often been weak*

American Nations (Unión de Naciones Suramericanas, UNASUR) has also sought to establish confidence and security building measures (CSBMs) on a variety of issues, many of which are similar to instruments previously established by the OAS.<sup>34</sup> In 2009, UNASUR member states—through the Council of South American Defence (CDS)—agreed to establish CSBMs in a range of areas, including military spending, arms acquisitions and military stockpiles.<sup>35</sup> These instruments commit states in the region to implement robust national systems in arms transfer and SALW controls, and to publish or share detailed information about these systems and their arms imports. Indeed, in several areas the provisions on arms transfer and SALW controls are more ambitious than those found in the ATT and the UN POA.<sup>36</sup>

However, states' record of compliance with these instruments has often been weak, while several instruments appear to have been almost entirely abandoned. For example, the MERCOSUR Joint Firearms Registration Mechanism does not seem to have yet become fully operational.<sup>37</sup> In addition, despite being a legally binding instrument, levels of reporting among states parties to the OAS Transparency Convention have only once been above 50 per cent (when states submitted their reports on imports and acquisitions during 2010) and have declined significantly in the years since.<sup>38</sup> The decline in participation in the OAS Transparency Convention matches a broader reduction in the participation in the OAS's range of CSBMs, which has been linked to the creation of similar instruments by UNASUR (see above).<sup>39</sup> However, the instruments created by UNASUR have also been less ambitious than originally envisaged. While reporting mechanisms have been created in several areas—such as military expenditure—no instruments for arms acquisitions or military stockpiles have been established by UNASUR. Lastly, it seems that the Andean Plan has received very little attention after the Andean Presidential Council initiated a revision of the institutional structure of the Andean Integration System in 2011. In particular, no implementing activities under the Andean Plan have been registered after 2012.<sup>40</sup>

<sup>34</sup> Weiffen, B., Wehner, L. and Nolte, D., 'Overlapping regional security institutions in South America: the case of OAS and UNASUR', *International Area Studies Review*, vol. 16, no. 4 (Dec. 2013), pp. 370–89. UNASUR was founded in 2004. UNASUR's member states are Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela.

<sup>35</sup> UNASUR, Extraordinary Meeting of the Ministers of Foreign Affairs and Defence, Resolution, 27 Nov. 2009.

<sup>36</sup> For example, the model regulations on brokering, adopted by the OAS General Assembly in 2004 as a supplement to the CIFTA Convention, contain a level of detail regarding the types of controls that states should have in this area which goes far beyond what is found in the ATT or UN POA. Organization of American States (OAS), Inter-American Drug Abuse Control Division (CICAD), Amendments to the Model Regulation for the Control of the International movement of Firearms, their Parts and Components and Ammunition—Broker Regulations, CICAD Document 1271/03, 13 Nov. 2003.

<sup>37</sup> Stohl, R. and Tuttle, D., 'The small arms trade in Latin America', *NACLA Report on the Americas*, vol. 41 (Mar./Apr. 2008).

<sup>38</sup> For 2010, 8 states submitted reports. This fell to 3 for 2011, 1 for 2012, 0 for 2013, 3 for 2014 and 0 for 2015. Organization of American States, Permanent Council, Committee on Hemispheric Security, <<http://www.oas.org/csh/english/conventionalweapons.asp>>.

<sup>39</sup> Weiffen, Wehner and Nolte (note 34), pp. 370–89. UNASUR was founded in 2004. Its member states are Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela.

<sup>40</sup> Consultations between the authors and CAN's information system, 7 Nov. 2016.



### *International instruments*

The process of negotiating and adopting the ATT received the strong support of states and NGOs from Latin America and the Caribbean. The former President of Costa Rica and Nobel Peace Prize Laureate, Óscar Arias Sánchez, initiated the drafting of the 1997 ‘Nobel Peace Laureates International Code of Conduct on Arms Transfers’, which paved the way for the ATT negotiations.<sup>41</sup> In addition, Argentina and Costa Rica were among the seven initial co-sponsors of the 2006 UN General Assembly Resolution that initiated the UN-level negotiating process.<sup>42</sup> Moreover, the UN-level process was chaired by an official from Argentina, Ambassador Roberto García Moritán, until the final round. As of February 2017, 28 states from Latin America and the Caribbean have signed the ATT, and 22 have ratified or acceded to the treaty.<sup>43</sup>

Nevertheless, several states from Latin America and the Caribbean, specifically Bolivia, Cuba, Ecuador and Nicaragua, abstained from the 2013 UN General Assembly resolution that adopted the text of the ATT, while Venezuela was absent for the vote.<sup>44</sup> Among other issues, these states argued that the way the ATT was framed served to further entrench existing power disparities. They also criticized its failure to include a formal ban on the supply of arms to non-state actors.<sup>45</sup> Moreover, of the 22 states parties to the ATT from Latin America and the Caribbean, only 10 have submitted an initial report on their implementation of the treaty while only 8 have submitted an annual report on their arms exports and imports.<sup>46</sup> Both of these reports are required under Article 13(1) of the ATT. States in Latin America and the Caribbean have similarly shown a strong but mixed record with respect to their engagement with other international instruments relating to arms transfer and SALW controls. A total of 27 states from Latin America and the Caribbean have submitted at least 1 report on their implementation of the UN POA but only 19 have done so since 2014.<sup>47</sup> Meanwhile, the number of states in the region submitting reports to the UN

***The process of negotiating and adopting the ATT received the strong support of states from Latin America and the Caribbean***

<sup>41</sup> Arms Control Association, ‘Arms Trade Treaty at a glance’, Fact Sheets and Briefs, Jan. 2016.

<sup>42</sup> UN General Assembly Resolution 61/89, 18 Dec. 2006.

<sup>43</sup> States parties to the ATT from Latin America and the Caribbean are Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Costa Rica, Dominica, the Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Jamaica, Mexico, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, and Uruguay. Non-states parties signatories to the ATT from Latin America and the Caribbean are Brazil, Chile, Colombia, Haiti, Honduras and Suriname. UNODA, ‘The Arms Trade Treaty’, [n.d.], <<https://www.un.org/disarmament/convarms/att/>>.

<sup>44</sup> United Nations, ‘Overwhelming majority of states in General Assembly say “yes” to Arms Trade Treaty to stave off irresponsible transfers that perpetuate conflict, human suffering’, Press release, 2 Apr. 2013.

<sup>45</sup> United Nations (note 44).

<sup>46</sup> Argentina, Costa Rica, the Dominican Republic, El Salvador, Jamaica, Mexico, Panama, Peru, Trinidad and Tobago, and Uruguay have submitted an initial report on ATT implementation. Argentina, Costa Rica, the Dominican Republic, El Salvador, Jamaica, Mexico, Panama and Uruguay have submitted an annual report on their arms exports and imports. ATT Secretariat, ‘Reporting’, status as of 24 Jan. 2017, <<http://www.thearmstradetreaty.org/index.php/en/2017-01-18-12-27-42/reports>>.

<sup>47</sup> United Nations, Programme of Action Implementation Support System, ‘National reports on the progress of action’, [n.d.], <<http://www.poa-iss.org/Poa/NationalReportList.aspx>>.



Register of Conventional Arms (UNROCA) has also declined, falling from a peak of 26 for transfers in 2002 to 5 for 2014.<sup>48</sup>

### III. ATT-focused and ATT-relevant cooperation and assistance activities

Under the ATT, states parties are obliged to establish and maintain an effective transfer control system for conventional arms, to prohibit certain arms transfers, and to not authorize certain arms exports.<sup>49</sup> These provisions can be broadly divided into the following areas: (a) establishing and maintaining an arms transfer control system; (b) carrying out risk assessments for arms transfers and arms exports; (c) prohibiting certain arms transfers and not authorizing certain arms exports; (d) regulating arms imports; (e) regulating arms transit and trans-shipment; (f) regulating arms brokering; (g) establishing and maintaining mechanisms of enforcement; (h) maintaining records on arms transfers; and (i) sharing relevant information with the ATT Secretariat and other states parties.

The ATT also makes reference to the need for states to build and maintain capacities in other areas that are not directly connected to arms transfer controls but which contribute towards preventing the diversion of conventional arms, especially SALW, from the legal to the illicit market. In particular, the ATT notes that assistance provided in connection to the implementation of the ATT may include ‘stockpile management, disarmament [and] demobilization and reintegration [DDR] programmes’ (Article 16(1)). As such, while the ATT is squarely focused on the development and implementation of effective arms transfer controls, it also complements wider efforts in the field of SALW controls, particularly the UN POA. For example, the UN POA commits states to assess arms transfers, while the ATT establishes detailed criteria for how these assessments should be carried

out. In addition, the ATT obliges states to prevent and address diversion, while the UN POA provides detailed guidelines on the steps states need to take in order to combat diversion at all stages of a weapon’s lifecycle. These include: (a) creating legislation, regulations and administrative procedures to control the production and transfer of SALW; (b) criminalizing the illegal manufacture, possession, stockpiling and trade of SALW; (c) marking of SALW; (d) improving the tracing of SALW; (e) seizing and collecting illegally

#### ***The number of states in the region submitting reports to the UN Register of Conventional Arms has declined***

<sup>48</sup> UN Office for Disarmament Affairs (UNODA), UNROCA, ‘Participation statistics’, accessed 3 Feb. 2017, <<https://www.unroca.org/participation>>; and Bromley, M. and Wezeman, S., ‘Transparency in arms transfers’, *SIPRI Yearbook 2016: Armaments, Disarmament and International Security* (Oxford University Press: Oxford 2016), pp. 595–603. UNROCA was established in 1991. Each year all UN member states are requested to report information to UNROCA on the export and import of 7 categories of conventional weapons (battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers) in the previous calendar year. States are also invited to provide information on their holdings and procurement from domestic production of major conventional weapons as well their exports and imports of SALW.

<sup>49</sup> The scope of the transfers regulated by the ATT covers SALW plus the 7 categories of conventional arms reported to UNROCA, (note 48).



possessed SALW; (f) destroying surplus SALW; and (g) implementing effective DDR programmes.

In recent years, a significant number of cooperation and assistance activities have been carried out involving states from Latin America and the Caribbean with the aim of establishing or improving national arms transfer and SALW controls. A cooperation and assistance activity is a targeted effort (generally a workshop, roundtable meeting, seminar or conference) aimed at building states' national capacities in particular areas. They generally involve one or more partner states (who benefit from the activity), implementers (who carry it out), and donors (who provide the funding). The ATT lists three types of assistance that states might receive in order to help them to implement the ATT: 'legal or legislative assistance', 'institutional capacity building' and 'technical, material or financial assistance'. The ATT does not provide a definition for these terms but, based on previous work, the following definitions are suitable.

***A cooperation and assistance activity is a targeted effort aimed at building a state's national capacities in particular areas***

1. 'Legal or legislative assistance': reviewing, amending or drafting legislation or regulations related to arms transfer or SALW controls.
2. 'Institutional capacity building': strengthening administrative capacities among the national authorities responsible for arms transfer or SALW controls.
3. 'Technical, material or financial assistance': providing (a) technical experts for training activities or longer-term secondments; (b) equipment and software for record-keeping, marking, detection, and other relevant uses; or (c) institutional funding or direct budgetary support in areas relevant to arms transfer or SALW controls.<sup>50</sup>

Many of the activities carried out in recent years involving states from Latin America and the Caribbean—particularly those launched since the ATT came into force—have been ATT-focused, aimed in whole or in part at helping states to ratify and implement the ATT. However, a larger number of ATT-relevant activities have also been carried out, both before and after the ATT's entry into force. These are activities that do not explicitly mention a focus on ATT implementation, but nonetheless have the potential to help states, either directly or indirectly, to implement the ATT's provisions by improving their arms transfer and SALW controls. They include activities focused on the 'core concerns' of the ATT, as well as activities focused on SALW controls more generally.

Until 2016 there existed no central overview of the cooperation and assistance activities that had taken place or were taking place in the field of arms transfer and SALW controls. As a result, providers and recipients faced difficulties in coordinating their activities or were simply unaware of what other activities were taking place. This created gaps in coverage, duplication of efforts and further stress on limited financial resources.<sup>51</sup> With the ongoing expansion of ATT-focused cooperation and assistance activities, the

<sup>50</sup> Bauer, S., 'Article 16 international assistance', eds C. Da Silva and B. Wood, *Weapons and International Law: The Arms Trade Treaty* (Larcier: Brussels, 2015).

<sup>51</sup> Bromley, M. and Holtom, P., 'Arms Trade Treaty assistance: identifying a role for the European Union', EU Non-proliferation Consortium Discussion Paper, SIPRI, Feb. 2014.



need to achieve greater awareness and coordination of these activities has become more acute.

SIPRI's Mapping ATT-relevant Cooperation and Assistance Activities database was developed in order to help address this issue.<sup>52</sup> The database and related website aim to provide stakeholders with information about ATT-focused and ATT-relevant cooperation and assistance activities and documents. The database has two longer-term objectives. First, to help key stakeholders to build upon past projects, plan joint activities and avoid duplicating efforts, in order to maximize the impact of future ATT cooperation and assistance activities. Second, to help the ATT Secretariat perform 'the matching of offers and requests for assistance for Treaty implementation' called for under Article 18(3)(c) of the ATT.

The database contains cooperation and assistance activities that are focused in whole or in part on the 'core concerns' of the ATT (e.g. brokering controls; control lists; diversion; end-use controls; transfer controls; transit and trans-shipment controls; risk assessments; reporting on arms transfers; and reporting on arms transfer controls) as well as areas of wider relevance to SALW controls and which are covered in more detail by the UN POA (e.g. ammunition; armed violence; destruction; inventory and stockpile management; marking; and tracing). The database also includes areas that are relevant to both arms transfer and SALW controls more generally (e.g. international instruments; regional instruments; national legislation; regional cooperation; and SALW). Most activities include a focus on more than one of these areas.

In addition to being categorized according to their focus, activities are classed according to their type. Here, the database employs the three classes used in the ATT (see above), together with a fourth category for 'sensitization and outreach'—these are efforts focused on building awareness among governments, parliamentarians and NGOs, usually about a particular international or regional instrument. Each activity has an individual page in the database with information on the following: (a) what the activity involved; (b) any larger project of which the activity was a part; (c) the activity's focus, type, partner states, implementers, donors, and budget; (d) any websites detailing the activity; (e) any other related activities, such as those also connected to the larger project; and (f) contact details for the implementer(s).<sup>53</sup>

*The need to achieve greater awareness and coordination of cooperation and assistance activities has become more acute*

#### IV. Cooperation and assistance activities in Latin America and the Caribbean

At least 130 ATT-focused and ATT-relevant activities have been carried out during 2012–16 involving states from Latin America and the Caribbean.<sup>54</sup> Of

<sup>52</sup> Bromley and Holtom (note 3).

<sup>53</sup> For more information about the scope and content of the database see Arms Trade Treaty, Mapping ATT-relevant Cooperation and Assistance Activities, 'About the project', <[http://www.att-assistance.org/?page\\_id=45](http://www.att-assistance.org/?page_id=45)>.

<sup>54</sup> The activities included in this assessment vary significantly in terms of their scale and content. Some activities lasted one day while others lasted several weeks or years. Some activities had 1 partner state while others engaged with all states from a particular region or subregion. Also, for the sake of brevity, some sets of connected activities—particularly those focused on issues relating



these activities, 63 were ATT-focused while 67 were ATT-relevant. In addition, at least 84 included a focus on the core concerns of the ATT and at least 72 included a focus on issues relating to SALW controls more broadly.<sup>55</sup>

Of the 84 activities focused on the core concerns of the ATT, approximately 56 per cent were—in whole or in part—sensitization and outreach type activities. The majority of these were ATT-focused activities, including, by way of example, the following.

1. In 2013 the first Heads of State and Government Summit of the Community of Latin American and Caribbean States (Comunidad de Estados Latinoamericanos y Caribeños, CELAC), held in Chile, issued the Declaration of Santiago expressing, among other things, a joint compromise to implement the UN POA on SALW and support for the adoption of a legally binding ATT.

2. In 2015 the UN Office on Drugs and Crime (UNODC) ‘Global Firearms Programme’, in collaboration with the Government of Costa Rica, undertook a regional meeting on synergies between the ATT and other global arms control instruments, paying specific attention to the 2000 UN Convention against Transnational Organized Crime (UNTOC) and in particular the Firearms Protocol, and the UN POA and related International Tracing Instrument.<sup>56</sup>

3. In 2015 the Association for Public Policy (APP), as the coordinating agency for the Human Security in Latin America and the Caribbean (Seguridad Humana en Latinoamérica y el Caribe, SEHLAC), spearheaded a social media campaign to raise general awareness, generate public support, mobilize states’ political will, and make visible the importance of the ATT across the region prior to the First Conference of State Parties to the ATT in 2015.

Of the 84 activities focused on the core concerns of the ATT, approximately 65 per cent were legal or legislative assistance, institutional capacity building, or technical, material or financial assistance type activities or a mixture of those areas. They included, for example, the following.

1. In 2014 the Caribbean Community (CARICOM) Implementing Agency for Crime and Security (IMPACS) and the International Committee of the Red Cross held a workshop—bringing together at least 14 states—with a focus on brokering controls, particularly the development of a CARICOM Common Position on Arms Brokering. The workshop also promoted the

***At least 130 ATT-focused and ATT-relevant activities have been carried out during 2012–16 involving states from Latin America and the Caribbean***

to SALW controls more generally—have been condensed into a single entry. In addition, the database does not claim to be comprehensive, but rather it is illustrative, and there are likely to be many activities—particularly those focused on issues relating to SALW controls more generally—that are not included. For all of these reasons, the authors urge caution when interpreting the data presented here. For further details see Arms Trade Treaty, Mapping ATT-relevant Cooperation and Assistance Activities, ‘About the project’ (note 53).

<sup>55</sup> Since several activities include focus areas that relate to both the core concerns of the ATT and SALW controls more generally, these numbers do not add up to 130.

<sup>56</sup> UN General Assembly Decision 60/519, International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument, ITI), 8 Dec. 2005.



adoption and implementation of a CARICOM coordinating and implementing ATT mechanism.

2. In 2015, as part of the European Union's (EU) Partner-to-Partner (EU P2P) Export Control Programme, the German Federal Office for Economic Affairs and Export Control (BAFA) held a first national seminar in Colombia to work on the existing national control lists, risk assessment procedures, and facilitating interagency cooperation.

3. In 2016, as part of UNLIREC's ATT implementation assistance package, UNLIREC carried out its ATT Implementation Course (ATT-IC) attended by 19 transfer control authorities in Panama City, Panama, with a particular focus on transit and trans-shipment controls.

Of the 72 activities focused on the SALW controls more generally, approximately 74 per cent were legal or legislative assistance, institutional capacity building, or technical, material or financial assistance type activities or a mixture of those areas. They included, for example, the following.

1. During 2009–14, UNLIREC's Firearms Destruction and Stockpile Management Caribbean Assistance Package assisted at least 13 Caribbean states in the regular destruction of surplus, obsolete, and confiscated weapons, ammunition and explosives. UNLIREC also donated destruction equipment, trained national authorities on destruction methodologies and promoted good stockpile management practices.

2. From at least 2010, the OAS Programme to Promote the Marking of Firearms in Latin America and the Caribbean planned to provide approximately 30 states from the Americas with marking equipment and training on marking practices.

3. In 2013 the 24th Meeting of MERCOSUR's Working Group on Firearms and Ammunition (GTAM) discussed the potential for regional harmonization of firearms marking codes to facilitate tracing.

### **Key implementers of cooperation and assistance activities**

In recent years, a wide range of international and regional organizations, NGOs, and states have been involved in implementing ATT-focused and ATT-relevant cooperation and assistance activities in Latin America and the Caribbean. Particularly important has been UNLIREC's work on both arms

transfer and SALW controls. UNLIREC has provided tailored assistance to states to aid understanding of ATT obligations through its ATT-IC, and by building or strengthening relevant institutional structures and procedures to enable effective ATT implementation. As of February 2017, UNLIREC has delivered ATT-focused assistance to Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Mexico, Panama and Uruguay. UNLIREC also provides support to states from

Latin America and the Caribbean aiming to strengthen their transfer control systems and their legislative frameworks, with the goal of preventing the proliferation of weapons of mass destruction (WMDs). UNLIREC has also implemented several programmes on the destruction of surplus, obsolete and seized firearms and ammunition, providing training on good inventory

*A wide range of international and regional organizations have been involved in implementing ATT-focused and ATT-relevant activities in Latin America and the Caribbean*



and stockpile management practices, donating related equipment to national authorities, and assisting PSCs on issues related to marking firearms and maintaining stockpiles in line with relevant international standards.

BAFA has implemented the German- and EU-funded EU P2P Export Control Programme since 2014. It has been an important provider of ATT-focused assistance in Latin America and the Caribbean. For example, the EU P2P has supported Colombia, Costa Rica, Jamaica and Peru in strengthening their arms transfer control systems through the implementation of bilaterally developed road maps. BAFA has also held ad hoc seminars in Barbados and the Dominican Republic. The EU P2P, set to begin implementing Phase II in 2017, aims to increase ownership of the ATT at national and regional levels, and uses experts to offer guidance on issues identified as priorities by the state. In order to improve the effectiveness of their respective efforts, UNLIREC and BAFA have developed a high level of coordination. This has involved planning joint activities, avoiding duplication, participating as external experts in each other's activities, and providing input for each other's agenda. They have also worked together on developing road maps for assistance with partner states.

*Regional organizations have played a fundamental role in strengthening pertinent national capacities in arms transfer and SALW controls*

Regional organizations have also played a fundamental role in strengthening pertinent national capacities in arms transfer and SALW controls. While most of the activities carried out by regional organizations have not been explicitly ATT-focused, they have helped states to develop capacities in areas relevant to ATT implementation and to build capacities in SALW controls more broadly. These activities have included, for example, the following.

1. The OAS and states parties to the CIFTA designed a joint action plan in 2012–16 to strengthen controls in export locations as well as the firearms, ammunition and explosives import and export licensing system, supervise brokering, and harmonize marking standards. In addition, the OAS and states parties to the CIFTA agreed on the promotion of tracing cooperation. In previous years, the OAS had also carried out projects on stockpile management best practices and ammunition destruction, on marking practices and donated marking equipment, and on combating armed violence and strengthening institutional capacities, paying specific attention to the normative frameworks for the effective implementation of the CIFTA.

2. CARICOM is working to develop draft model legislation to assist CARICOM member states in the implementation of the ATT. It has scheduled training for ATT and UN POA points of contact to widen their understanding of arms control instruments and provide access to related monitoring tools. Moreover, the US-funded Caribbean Basin Security Initiative (CBSI)—implemented by CARICOM—brought together CARICOM member states and the Dominican Republic with the purpose of reducing illicit flows of SALW.

3. CAN's Andean Regional Seminar on Arms and Ammunition Marking in 2012, under the umbrella of the Andean Plan, advanced the design of a standard regulation for marking small arms and ammunition to facilitate tracing and information exchange at the subregional level. In the seminar, a first proposal of an Andean norm on the subject was examined.



Several international NGOs have also carried out both ATT-focused and ATT-relevant cooperation and assistance activities. These include Control Arms, Parliamentarians for Global Action (PGA), the Parliamentary Forum on SALW (PF-SALW) and Saferworld. Many of these projects have been funded by the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR).<sup>57</sup> These activities have included, for example, the following.

1. In 2014 the PGA hosted a Regional Parliamentary Workshop in Argentina to promote ratification and implementation of the ATT. The PGA aimed to discuss and clarify the key elements of the ATT, and to disseminate its parliamentary handbook and toolkit on ratification and implementation of the ATT.<sup>58</sup>
2. In 2014 the PF-SALW organized a regional forum in Panama to review the role of parliamentary dialogue as a tool to monitor arms transfers and the relationship of the ATT with other regional instruments.
3. In 2015 Saferworld organized the fourth meeting of its informal Expert Group on ATT Implementation (EGAI) in Costa Rica. In the meeting, experts discussed how to implement appropriate and effective controls on brokering and transit and trans-shipment, and how to mitigate diversion risks.

Regional NGOs are taking a more prominent role than international NGOs in implementing both ATT-focused and ATT-relevant cooperation and assistance activities in Latin America and the Caribbean. Nonetheless, while indigenous capacities seem highly developed, funding still comes from traditional donor state sources, such as UNSCAR. These activities have included, for example, the following.

1. Since 2012 the APP has implemented a number of projects aimed at building awareness of the ATT and assisting states with their implementation efforts. Using funds provided by UNSCAR, the APP is currently working with Project Ploughshares and the Arias Foundation for Peace and Human Progress to produce a series of recommendations for effective ATT implementation.
2. Since 2015 the Arias Foundation for Peace and Human Progress has held a series of subregional workshops, with funding from Finland, on armed violence and arms control instruments, including the ATT. The foundation has also held a series of roundtables aimed at sharing firearms and ammunition marking experiences across Central American states.
3. In 2016 the Institute of Education for Sustainable Development (Instituto de Enseñanza para el Desarrollo Sostenible, IEPADES) and the Foundation for Peace and Democracy (Fundación para la Paz y la Democracia, FUNDAPEM) launched a UNSCAR-funded project to promote the ratification of the ATT in Guatemala and the implementation of the UN

<sup>57</sup> UNSCAR was established to support conventional arms regulations and, to date, it has received funding from Australia, Denmark, Finland, Germany, Ireland, the Netherlands, Spain, Switzerland, Sweden, and the United Kingdom. For further details see the UNSCAR section on the UNODA website, <<https://www.un.org/disarmament/unscar/>>.

<sup>58</sup> Parliamentarians for Global Action (PGA), 'PGA Parliamentary Handbook promoting signature, ratification and implementation of the Arms Trade Treaty', [n.d.].



POA across Central America. IEPADES has also provided support for the implementation of the Central American Security Strategy (Estrategia de Seguridad de Centroamérica, ESCA) in its violence prevention and crime fighting components related to small arms and armed violence, with funding from the EU.

### Differences among subregions within Latin America and the Caribbean

The overall number of activities that took place involving states from each of the three subregions does not vary significantly. States from South America participated in at least 76 activities. Mexico and states in Central America took part in 72 activities, while states in the Caribbean participated in 67. Such slight variation suggests a roughly equal willingness among the states

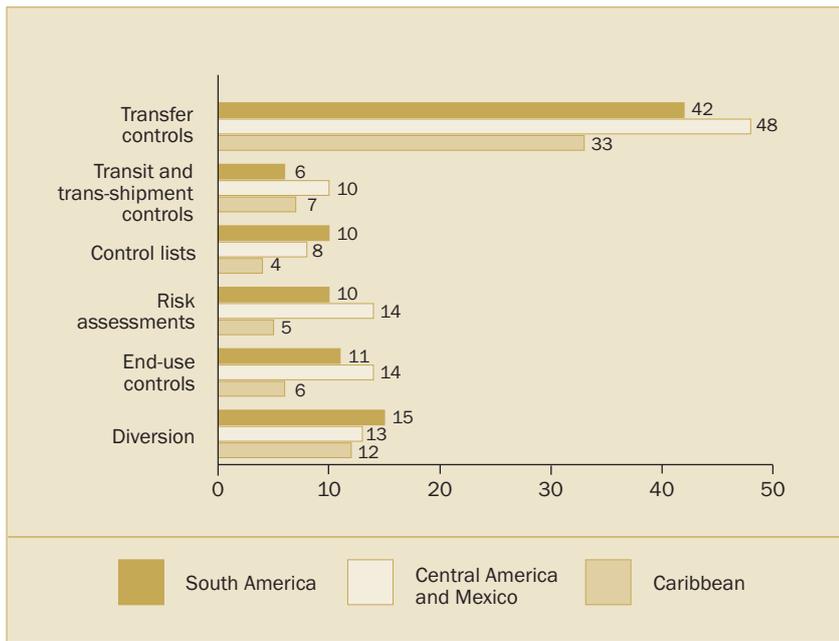
in the three subregions to engage in activities aimed at building national capacities in arms transfer and SALW controls. It also reflects the fact that many activities—particularly many ‘sensitization and outreach’ type activities—involved most, if not all, states from the region. The difference in the number of activities participated in by states from South America and Central America and Mexico compared with the Caribbean is likely due to the more active role that NGOs from the former two regions have had in implementing ‘sensitization and outreach’ type activities (see figure 1).

There is important regional variation regarding the type of assistance provided. States from the Caribbean and Central America and Mexico took part in more ‘institutional capacity building’ type activities than other kinds. For the Caribbean, ‘technical, material or financial assistance’ was the second most common type, while for Central America and Mexico, it was ‘sensitization and outreach’. For South America, ‘sensitization and outreach’ was by far the most recurrent type of activity, followed by ‘institutional capacity building’. One first key takeaway is that the higher number of ‘sensitization and outreach’ type activities involving states from South America may reflect the fact that three of the five states in Latin America and the Caribbean that have yet to sign the ATT are from the subregion, and there is a consequent need to build political support for the ATT. A second key takeaway is that states in the Caribbean appear to prefer practical activities, as demonstrated by the significant difference in ‘technical, material or financial’ type activities compared with the other two subregions. A third key takeaway is that ‘legal or legislative assistance’ type activities are significantly lower than other types for all three subregions. This phenomenon might be an indication that future planning should consider providing more of this type of assistance.



**Figure 1.** The types of cooperation and assistance activities carried out, by subregion, 2012–16

Source: Arms Trade Treaty (ATT), Mapping ATT-relevant Cooperation and Assistance Activities database, <[www.att-assistance.org](http://www.att-assistance.org)>.



**Figure 2.** Cooperation and assistance activities focused on the core concerns of the Arms Trade Treaty, by subregion, 2012–16

Source: Arms Trade Treaty (ATT), Mapping ATT-relevant Cooperation and Assistance Activities database, <[www.att-assistance.org](http://www.att-assistance.org)>.

The frequency also varies regarding which states from each subregion have participated in activities focused on the core concerns of the ATT (see figure 2). Among these activities, ‘transfer controls’ was the most common focus for all three subregions. However, it is noticeable that the number of activities with a focus on establishing or improving a specific aspect of a transfer control system (e.g. ‘transit and trans-shipment controls’, ‘control lists’, ‘risk assessments’, ‘end-use controls’, and ‘diversion’) was, in each case, far lower. For South America and the Caribbean, the second most recurrent focus was ‘diversion’, whereas for Central America and Mexico ‘end-use controls’ and ‘risk assessments’ ranked roughly equally behind ‘transfer controls’. Also noticeable is that the number of activities with a focus area on establishing or improving a specific aspect of a transfer control system was—with the excep-

tion of ‘transit and trans-shipment controls’—lower for the Caribbean than for South America and Central America and Mexico. The lower number of activities with a focus on establishing or improving a specific aspect of a transfer control system signals a potential area for improvement.

There is greater fluctuation with regard to the number of times states from each subregion have taken part in activities focused on SALW controls more generally (see figure 3). For states from Central America and Mexico and South America the most recurrent focus for these activities was ‘armed violence’, whereas for states from the Caribbean it was ‘inventory and stockpile management’. For South America ‘inventory and stockpile management’ ranked second. For Central America and Mexico ‘tracing’ was in second place. For the Caribbean ‘ammunition’, ‘armed violence’ and ‘destruction’ were roughly equal behind ‘inventory and stockpile management’. Poorly maintained stockpiles continue to be a major source of concern in Central America and Mexico. As such, one key takeaway is that the lower number of assistance activities focused on those issues, as well as the lower number of assistance activities focused on the destruction of surplus, obsolete, seized or confiscated firearms, being carried out in Central America and Mexico—in comparison with other parts of Latin America and the Caribbean—might be a potential area for improvement.

The regional overview and breakdown by subregions provides a general picture and highlights some trends observed from the mapping study. However, the information collected can also be used to carry out a more detailed analysis of whether the activities that a state has engaged in have corresponded to its indicated needs. Such an exercise could help to identify areas where future assistance efforts could be targeted. While such a comparison is

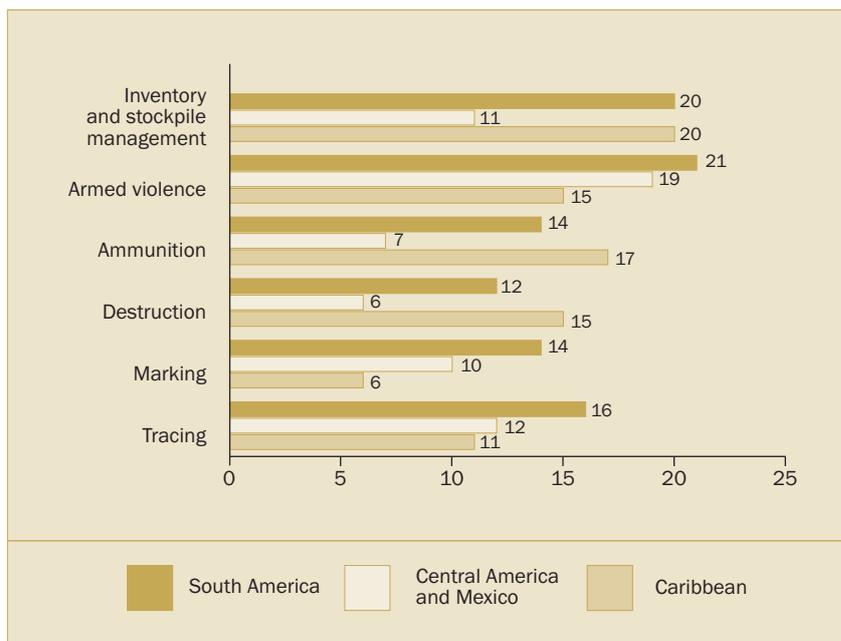
beyond the scope of this paper, it may be helpful to briefly illustrate how it could work by focusing on the ATT-relevant and ATT-related assistance that one state—Colombia—has requested and received in recent years.

#### Case study: Colombia

Colombia signed the ATT in 2013 but has not yet ratified it. Colombia has identified three areas in need of further progress to implement the ATT: (a) establishing a conceptual framework and adjusting regulations to adapt them to the obligations contained in the ATT in relation to conventional arms transfers; (b) defining the national authority or the interinstitutional mechanism that will lead the implementation of the ATT; and (c) promoting the technical, legal and operative training of all personnel involved in the implementation of the ATT, as well as designing transversal procedures for licensing and

strengthening the role of customs authorities in the licensing procedure.<sup>59</sup> By way of its 2016 UN POA implementation report, Colombia has indicated that it requires assistance to update its legal framework with a view to complying with the obligations contained in the ATT. Additionally, Colombia has indicated that it requires assistance with elaborating tracing procedures—an area of relevance to the control of SALW. In its UN POA implementation report Colombia expresses that it requires the following information: (a) details of manufacturers' brands, logos and test marks as well as the characteristics of the identifying serials; (b) details of portable arms and their components; (c) details related to special ammunition, non-conventional ammunition, multiple projectile ammunition, and their components; and (d) details of methods used in the identification of firearms serials and their materials.<sup>60</sup>

Since 2012, Colombia has participated in at least nine cooperation and assistance activities focused in whole or in part on the core concerns of the ATT, covering institutional capacity building, legal or legislative assistance, technical, material or financial assistance, or a combination of those types. All of these activities were focused, in whole or in part, on transfer controls: three were on end-use controls, three were on control lists, and three were



**Figure 3.** Cooperation and assistance activities focused on SALW controls more generally, by subregion, 2012–16

Source: Arms Trade Treaty (ATT), Mapping ATT-relevant Cooperation and Assistance Activities database, <[www.att-assistance.org](http://www.att-assistance.org)>.

<sup>59</sup> Multilateral Political Affairs Directorate of the Chancellery (Dirección de Asuntos Políticos Multilaterales de Cancillería), [Retos en la implementación del Tratado sobre Comercio de Armas] ‘Challenges in the implementation of the Arms Trade Treaty’, presentation at the Follow-up Meeting to the Conference—Armed Violence and Vulnerable Populations: Improving Arms Control and Violence Prevention in Bolivia, Colombia, Ecuador and Peru, Bogota, Colombia, 26–27 Oct. 2016. The meeting was organized by the National Network of Initiatives for Peace and Against the War (Redepaz) and the Arias Foundation.

<sup>60</sup> Government of Colombia, National Report on the Implementation of the UN Programme of Action, 2016.



*Colombia has sought access to international assistance to train and prepare relevant personnel at all levels*

on risk assessment. In addition, since 2012, Colombia has taken part in at least nine cooperation and assistance activities focused, in whole or in part, on SALW controls more generally, covering institutional capacity building, legal or legislative assistance, technical, material or financial assistance, or a combination of those types. Of these activities, seven included some focus on tracing, seven covered some aspects of marking, and three were related to inventory and stockpile management. In response to the challenges faced with regard to ATT implementation, Colombia has sought access to international assistance, through strategic partnerships, in order to train and prepare relevant personnel at all levels to start implementing the ATT in an efficient manner as soon as it is ratified.<sup>61</sup>

## V. Conclusions

As a 2008 review of the SALW challenges facing Latin America and the Caribbean noted, ‘small-arms policies should control the supply of weapons, eliminate potentially dangerous stockpiles, end misuse, and attempt to lessen demand’.<sup>62</sup> Many of the factors that contribute to the illicit trade in SALW in Latin America and the Caribbean are the same now as they were in 2008, particularly the region’s many poorly secured stockpiles and the cross-border ant trade. However, new challenges are also emerging in the region, especially the growth of the private security sector and the expansion of several states’ capacities in the field of arms production, which place even greater emphasis on the need for effective arms transfer and SALW control instruments. Regional and subregional instruments have been developed to help to improve controls in these areas. However, while their content is detailed, the level of implementation has often been weak and uneven.

The ATT—which has achieved a high level of political support throughout Latin America and the Caribbean—creates an opportunity to refocus states’ attention on the issue of improving arms transfer and SALW controls while generating resources to help states to build national capacities in these areas. The ATT focuses on only one aspect of the SALW challenge—establishing an effective system for regulating arms transfers. However, by embedding itself within the broader range of other international, regional and subregional instruments in the field of SALW controls, the ATT could help to generate a more holistic response to the SALW challenges facing states in Latin America and the Caribbean. Moreover, the efforts to establish an effective system for regulating arms transfers in line with the ATT could also help to create greater transparency in arms imports and exports in the region, as well as in the procurement processes used by states in the region. Transparency of the arms trade is an important tool for generating effective oversight of the armed forces. Greater openness in this area is crucial and has suffered in recent years with the decline in reporting to both the OAS Transparency Convention and UNROCA.

The goal of expanding the activities in the Mapping ATT-relevant Assistance Activities database to include Latin America and the Caribbean was

<sup>61</sup> Conversations and interviews carried out by the authors.

<sup>62</sup> Stohl and Tuttle (note 37), p. 17.



to provide key stakeholders with an overview of the arms transfer and SALW control cooperation and assistance activities that have been—and are being—carried out in the region. The hope is that the expanded database will help users to identify areas where practices can be improved, synergies can be developed, unnecessary duplication can be avoided and gaps can be filled. Unexamined is the question of whether these cooperation and assistance efforts have effectively corresponded to partner states' needs and priorities. A useful next step would be to compare the assistance provided with the requests for assistance that states have submitted under the different systems for highlighting needs in the field of arms transfer and SALW controls, particularly reports on UN POA and ATT implementation, and interviews with national authorities. Such context would offer a wider view of the state of assistance in the region and provide a better basis for trend analyses or case studies.

One clear lesson learned from the mapping study is that there is a high level of technical capacity and know-how within the region in issues relating to arms transfer and SALW controls. This is shown in the number of local NGOs and subregional and regional organizations that have acted as implementers of cooperation and assistance activities. However, the necessary financial or material support needed to execute these activities is not always present in the region. In particular, even when activities are implemented by local actors, most funding seems to originate from traditional donor states either through bilateral mechanisms or from the recently established UNSCAR funding instrument. In addition, many activities rely on the use of experts from outside the region.

Past experience has demonstrated that national ownership and high-level political will are fundamental for assistance efforts to be successful, as well as ensuring that partner states are able to effectively absorb any training or equipment provided.<sup>63</sup> Generating a higher level of funding for activities from sources within the region and utilizing local expertise in the delivery of activities would be key ways to achieve these goals. In particular, if the various assistance efforts are to prove successful and regional technical capacities are to be taken advantage of, there is a clear need to emphasize local ownership, common objectives, goals and understanding, and joint assessments and planning. The value of 'South–South cooperation', where states within a region provide assistance to each other, has also been repeatedly underlined as established good practice. Some assistance efforts mapped in this study include elements of South–South cooperation. For example, in 2016, in an event supported by the Arias Foundation for Peace and Human Progress, Argentina shared its experience of implementing its national arms transfer control system with Costa Rica, recounting the judicial, procedural and administrative processes, and delineating the functions of the authority in charge of arms transfer controls. In a similar fashion, the 24th meeting of MERCOSUR's GTAM in 2013 put forward the nomenclature used by Argentina to mark firearms as a starting point for regional harmonization of

***One clear lesson learned from the mapping study is that there is a high level of technical capacity and know-how within the region***

<sup>63</sup> Paul, C. et al., *What Works Best When Building Partner Capacity and Under What Circumstances?* (RAND Corporation: Santa Monica, 2013).



marking codes to facilitate tracing. Nonetheless, this is clearly an aspect of cooperation and assistance which could be developed further within Latin America and the Caribbean.

Furthermore, the mapping study seems to indicate that ‘legal or legislative assistance’ has been the least frequent type of assistance provided across the three subregions. At the same time, several officials from states within the region have highlighted concern over loopholes in their national transfer controls—particularly brokering and transit and trans-shipment controls—as well as outdated or poorly integrated legislation on other issues relating to illicit trafficking.<sup>64</sup> While determining the reason behind this discrepancy is beyond the scope of this paper, it is worth noting that this gap presents an opportunity to effectively coordinate future cooperation and assistance activities and to potentially investigate the viability for more ‘legal or legislative assistance’ type activities.

As responsibility for pursuing international assistance that fulfils national needs lies primarily with partner states, it is also crucial that states dispel any sort of resistance to openly publicizing known inadequacies and instead embrace the appropriate assistance, whether this comes from a neighbouring state, or regional or international organizations or NGOs. It is often the case that government offices fail to adopt their ideal structures due to resistance to change. If such is the case, then ‘sensitization and outreach’ activities carried out by civil society must play a crucial role in keeping constituents informed and engaged in demanding compliance from their representatives. For that reason, assistance activities aimed at organizing public opinion to demand action from parliamentarians or mobilizing political will should be seen as positive activities.

In addition, it is also often the case that different government offices fall short of appropriate interagency cooperation and may not be aware of the different strands of assistance that are being provided or assistance projects being offered. As such, tailored assistance with a focus on developing or improving interagency cooperation practices (which fall under the ‘information sharing’ section of the Mapping ATT-relevant Cooperation and Assistance Activities database) could reap practical benefits given that effective arms transfer control systems involve a wide range of government activities. The number of activities with a focus on information sharing identified by the database is at a relative low level, indicating that this is an area for improvement.

It is also imperative that implementers coordinate assistance efforts to target their resources effectively, maximize impact and avoid duplicating activities or overwhelming partner states’ human resources. In addition, it is of the utmost importance that providers of assistance avoid promoting ‘one-size-fits-all’ models, both with regard to the designing of activities and—particularly—the types of legislative solutions that are promoted. It is well recognized that each state must find its own path to establishing or developing effective arms transfer and SALW control systems in accordance with its size, geography, industrial structure, trading patterns, legal system,

*Past experience has demonstrated that national ownership and high-level political will are fundamental for assistance efforts to be successful*

<sup>64</sup> Conversations and interviews carried out by the authors.



institutional set-up, security perceptions and policy priorities.<sup>65</sup> This seems particularly true for Latin America and the Caribbean where states' trade patterns, priorities, interests and capacities vary significantly. For example, Brazil and Argentina have well-established defence industrial structures, while other partner states have very limited production capacities or none at all. Meanwhile, some states have an arms transfer control system in place that is broadly in line with the requirements of the ATT, while others have outdated or poorly enforced systems in place. As such, BAFA and UNLIREC's practice of bilateral development of road maps for assistance activities designed by the implementer and partner is a useful practice to emulate and draw from in future planning.

The mapping study carried out by SIPRI and UNLIREC points to an increase in ATT-focused activities since the ATT came into force. Naturally, many of these activities are concentrated on the core concerns of the ATT, that is, building effective transfer control systems. The increase in the level of assistance focused on these areas is a welcome development. However, due care is needed to ensure that this rise does not lead to a reduction in the amount of assistance focused on SALW controls more generally. As this Background Paper makes clear, many of the issues driving the illicit trade in SALW can be effectively tackled through improvements to states' transfer control systems. Determining if SALW control assistance has actually decreased since the rise of ATT-focused activities is beyond the scope of this paper; nonetheless, the potential risk of this occurring underlines the need to maintain effective and integrated mechanisms for tracking states' requirements with regard to assistance in the field of arms transfer and SALW controls, and for maintaining an effective overview of the work being carried out.

The ATT Secretariat is mandated to perform 'the matching of offers of and requests for assistance for treaty implementation' (Article 18(3)(c)). As such, it is well placed to help to ensure that assistance is channelled effectively to meet partner states' priorities. However, the challenges involved in performing such a coordinating task are significant. Arms transfer control systems touch on, and overlap with, a wide range of government offices and activities, making it difficult to create a single mechanism for channelling all relevant offers and requests for assistance. In addition, establishing a new mechanism to coordinate such offers and requests, or adding further reporting responsibilities, might generate confusion or overstretch partner states' human resources (or both) if prior efforts have not been made to build bridges with existing systems. Thus, for the ATT Secretariat, coordination with already established tools in this area like those developed by the UN POA Implementation Support System (POA-ISS) and the UN's 1540 Committee will be crucial.

For the ATT Secretariat to perform its mandate successfully in Latin America and the Caribbean, it will also need to closely collaborate with the different states, international and regional organizations, and NGOs that are already carrying out ATT-relevant and ATT-focused cooperation and assistance activities. Of particular importance will be to quickly establish

*Many of the issues driving the illicit trade in SALW can be effectively tackled through improvements to states' transfer control systems*

<sup>65</sup> Bauer (note 50).



working relations with the various regional and subregional organizations that are already well positioned to act as both providers and coordinators of assistance activities. Such cooperation will ensure the sustainability of efforts, increasing the effectiveness of arms transfer and SALW control systems.

In sum, the volume and range of ATT-focused and ATT-relevant cooperation and assistance activities that have taken place in Latin America and the Caribbean present both opportunities and challenges. There is a clear opportunity since regional implementers already possess a solid foundation upon which to continue to build and draw experience. However, there is also the risk of duplication or failure to consider important work that has already been undertaken, particularly if there is limited awareness of what has been done or is being done. For these reasons, donor and partner states, the ATT Secretariat, assistance providers and all interested parties are encouraged to use this Background Paper as a stepping stone to continue developing and expanding the information contained in the Mapping ATT-relevant Cooperation and Assistance Activities database. Having a clearer picture of the work that has been carried out to date in terms of assisting states in the region to build capacity in arms transfer and SALW controls will help stakeholders to target future assistance more effectively. Among other positive outcomes, this can, in turn, help to reduce the supplies of SALW that exacerbate the levels of armed violence that hinder citizens' socio-economic development and sustainable prosperity.



## Abbreviations

APP	Association for Public Policy
ATT	Arms Trade Treaty
ATT-IC	Arms Transfer Treaty Implementation Course
BAFA	German Federal Office for Economic Affairs and Export Control
CAN	Andean Community (Comunidad Andina)
CARICOM	Caribbean Community
CBSI	Caribbean Basin Security Initiative
CDS	Council of South American Defence
CELAC	Community of Latin American and Caribbean States (Comunidad de Estados Latinoamericanos y Caribeños)
CIFTA	Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials
CSBM	Confidence and security building measure
DDR	Disarmament and demobilization and reintegration
EGAI	Expert Group on ATT Implementation
ESCA	Central America Security Strategy (Estrategia de Seguridad de Centroamérica)
EU	European Union
EU P2P	European Union Partner-to-Partner
FUNDAPEM	Foundation for Peace and Democracy (Fundación para la Paz y la Democracia)
GTAM	Working Group on Firearms and Ammunition
IEPADES	Institute of Education for Sustainable Development (Instituto de Enseñanza para el Desarrollo Sostenible)
IMPACS	Implementing Agency for Crime and Security
MERCOSUR	Southern Common Market (Mercado Común del Sur)
NGO	Non-governmental organization
OAS	Organization of American States
PF-SALW	Parliamentary Forum on Small Arms and Light Weapons
PGA	Parliamentarians for Global Action
POA-ISS	Programme of Action on Small Arms and Light Weapons Implementation Support System
PSC	Private security company
SALW	Small arms and light weapons
SEHLAC	Human Security in Latin America and the Caribbean (Seguridad Humana en Latinoamérica y el Caribe)
SICA	Central American Integration System (Sistema de la Integración Centroamericana)
UN POA	UN Programme of Action on Small Arms and Light Weapons
UNASUR	Union of South American Nations (Unión de Naciones Suramericanas)
UNLIREC	UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean
UNODC	UN Office on Drugs and Crime
UNREC	UN Regional Centre for Peace and Disarmament in Africa



UNROCA	UN Register of Conventional Arms
UNSCAR	UN Trust Facility Supporting Cooperation on Arms Regulation
UNTOC	UN Convention against Transnational Organized Crime
WMD	Weapons of mass destruction



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SIPRI BACKGROUND PAPER

# ATT-RELATED ACTIVITIES IN LATIN AMERICA AND THE CARIBBEAN: IDENTIFYING GAPS AND IMPROVING COORDINATION

MARK BROMLEY AND ALFREDO MALARET

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