

1. Draft Convention on the Marking, Registration and Tracing of Small Arms and Light Weapons

Preamble¹

The States Parties to the present Convention,

Considering...

Recognizing...

Recalling...

Conscious of...

Convinced...

Have agreed as follows:

Article 1. Definitions

For the purposes of this Convention:

1. The term “small arms and light weapons” includes firearms that can be carried by an individual, a pack animal or a light vehicle, having a calibre of less than 100 millimetres.² This term also includes ammunition destined for use by such arms, explosives, and components and replacement parts subject to registration under the present Convention.
2. The term “portable firearms” encompasses the following weapons, whether or not mounted on a vehicle or a fixed support structure:
 - Revolvers and self-loading pistols,
 - Rifles and carbines,
 - Sub-machine-guns,
 - Assault rifles,
 - Light machine-guns,
 - Heavy machine-guns,
 - Portable grenade-launchers,
 - Portable anti-aircraft guns,
 - Portable anti-tank guns and recoilless rifles,
 - Portable launchers of anti-tank missile and rocket systems,
 - Portable launchers of anti-aircraft missile systems,
 - Mortars.
3. The term “ammunition” encompasses notably the following items:
 - Cartridges, munitions for portable firearms,

- Shells and missiles for portable firearms,
- Mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems,
- Hand-held anti-personnel and anti-tank grenades,
- Landmines.

4. The term “explosives”³ means any substance or mixture of substances within which can propagate an explosive reaction.⁴
5. The term “tracing” means the systematic tracking of the circuits followed by small arms and light weapons and, where possible, of their components and parts with a view to assisting the competent authorities of States Parties to determine the identity of the manufacturer, as well as the place and date of manufacture, transfer, sale, acquisition, and stockpiling of these weapons.
6. The term “non-compliant small arms and light weapons” covers all small arms and light weapons manufactured, sold, purchased, transferred or stocked in a manner that contravenes the provisions of this Convention.
7. The term “International Control Agency” refers to the organisation envisaged under Article 9 of this Convention.
8. The term “national agency” refers to the authority designated by each State Party to act as a liaison with other States Parties and the International Control Agency, with a view to ensuring the execution of the obligations conferred under this Convention.

1. To be completed subsequently.

2. According to the Report of the UN Panel of Governmental Experts on Small Arms (UN, Doc. A/52/298 of 27 August 1997). Article 1, definitions 2 and 3 are also based on the same report.

3. While admittedly difficult, it is not advisable to exclude chemical fertilisers (ammonium nitrate) from the scope of the Convention. However, a compromise needs to be found between explosives for civil versus military use in order to target their use in violent conflicts and for terrorist purposes.

4. An explosive reaction is a self-propagating and extremely rapid exothermic reaction which, in a very short period of time, produces a large quantity of heated gas. An explosion is the mechanical phenomenon which results from the expansion of this heated gas, the speed of explosion (expressed in metres per second) being the time it takes the explosive reaction to travel through the explosive.

Article 2. Scope and Coverage

1. This Convention covers all small arms and light weapons manufactured after the entry into force of the Convention, as well as stocks existing at the moment of its entry into force, within the implementation deadlines set out in article 6 of this Convention.
2. This Convention applies to the manufacture of small arms and light weapons, as well as to all national and international transactions relating to these weapons, irrespective of the identity, status or nationality of the parties to the transactions.

Article 3. Reservations

Upon ratifying this Convention, contracting States may choose to be exempted from the application of its provisions concerning munitions and/or explosives, either indefinitely or for a period of fixed duration.

No further reservations may be made under this Convention.

Article 4. Marking

1. For identification purposes, all small arms and light weapons shall be assigned a unique and specific marking upon manufacture;⁵ this marking shall include the elements defined below.
2. For arms covered under Article 1, paragraph 2 of this Convention,
 - a) "Classic marking"⁶ shall include a unique serial number, the manufacturer's identity, as well as the identification of the country and year of manufacture, as elaborated in the technical annex to this Convention.⁷ Information concerning the purchaser's identity and the country of destination should also be included if known at the time of manufacture.⁸ The markings shall be expressed alphanumerically. They must be legible to the naked eye and should be featured on a maximum number of main parts of the weapon, and at the very least on the part designated by the manufacturer as essential as well as on one other important part of the arm;
 - b) A "Security marking" shall be applied to all weapons produced after the entry into force of this Convention; this will permit the iden-

tification of the weapon in the event that the classic markings have been destroyed or falsified. Security markings must be undertaken on component parts that are not easily manipulated after the weapon's manufacture, and the falsification of which would render the weapon unusable;

- c) Each State Party shall establish a nationally accredited technical committee comprised of independent experts to determine, for each type of weapon, the manner in which markings must be effectuated (i.e. ideal placement, depth, technique to be used); this shall take place following consultations with the manufacturers concerned, in line with the directives adopted by the Assembly of States Parties and in conformity with Article 9, paragraph 7.1, e) of this Convention. A certificate of conformity shall be delivered to this effect by the national authority for each type of weapon manufactured within the territory of a State Party.⁹ A copy of each certificate of conformity shall be transmitted to the International Control Agency.
- d) States Parties that import a weapon that is not marked in keeping with the provisions outlined under sub-paragraphs a) and b) of the present paragraph: (i) shall apply a classic

5. Example: 12345678-FN-BE-01. The standardization for markings will be defined in the technical annex.

6. Classic marking can be done by stamping, engraving or casting (see technical annex)

7. A comparison can be made with car chassis and vehicle registration numbers; see the report "Marking and Tracing Small Arms and Light Weapons: Improving Transparency and Control," GRIP Report, Special Issue (March 2002), paragraph 3.1.1.

8. Bearing in mind that legislation in a number of countries require the purchaser to sign an end-user certificate (and requires authorization from the original exporting country should the purchaser decide to re-export the weapon thereafter), it is especially important to render the original purchaser responsible.

9. Similar to the international rules and regulations inspired by the recommendations of the UN Committee of Experts on the Transport of Dangerous Goods (United Nations, "Recommendations on the transport of dangerous goods", Model Regulations ref. ST/SG/AC10/1/rev. 12, Twelfth Revised Edition, New York and Geneva, August 2001), which convenes twice yearly along with authorized transporters and control bodies (e.g. the Institut Belge de l'Emballage, IBE, in Belgium), and which sets out recommendations and regulations and determines modifications that are then adopted by the competent authorities of each country. A certificate of approval is issued by the relevant public authority for each type of packaging following acceptance by the controlling organisation.

marking if the weapon was manufactured before the entry into force of this Convention; (ii) shall apply a classic marking and a security marking if the weapon was manufactured after the entry into force of this Convention; failing this, the weapons can not be imported or must be destroyed;

e) If the importing country and the year of import are unknown at the time of manufacture, the acronym of the importing country and the year of import shall be marked by an authorized institution¹⁰ in the importing country.¹¹

3. For arms covered under Article 1, paragraphs 3 and 4 of this Convention,

a) The markings shall include a unique lot number,¹² the manufacturer's identity, as well as the country and year of manufacture, as stipulated in the technical annex of this Convention. Information concerning the purchaser's identity and the country of destination should also be included if known at the time of manufacture. These details must feature at least once on the envelope containing the powder or liquid used in the ammunition or explosive.¹³ The markings shall be expressed alphanumerically.

b) On the basis of the type of ammunition or explosive concerned, a nationally accredited technical committee comprised of independent experts shall determine the manner in which the markings must be effectuated. The technical committee shall also define the minimum number of markings that must be assigned to each type of ammunition and explosive,¹⁴ upon consultation with the manufacturers concerned and in line with the directives adopted by the Assembly of States Parties, in conformity with Article 9, paragraph 7.1, e) of this Convention. A certificate of conformity shall be delivered to this effect by the national authority for each type of ammunition or explosive manufactured within the territory of a State Party. A copy of each certificate of conformity shall be transmitted to the International Control Agency.

4. The technical committee shall also determine which component and replacement parts of small arms and light weapons must be marked.

Article 5. Packaging

The packaging of small arms and light weapons must be marked according to the norms defined in the technical annex to this Convention.¹⁵

Article 6. Implementation deadlines

The States Parties to this Convention shall endeavour to implement the obligations set out in Articles 4 and 5 of the Convention within seven years of its entry into force for existing stockpiles of small arms and light weapons belonging to the military and security forces, and within three years of its entry into force for other existing stockpiles of small arms and light weapons. A State Party may request of other States Parties the transfer of technology necessary for the implementation of marking requirements set out in this Convention.¹⁶ A maximum two-year extension of the implementation deadlines may be accorded to the

10. Such as the *Banc d'Épreuves* in Belgium. However, it would be useful to research a technique that would enable a weapon to be marked with a specific code readable only by specialized institutions in order to prevent the falsification of the importing country's initials. One solution could be to impose script characters specific to a country and manufacturer, similar to the markings used by car manufacturers, each having their own marking characters.

11. However, marking upon import would not be necessary if, in addition to national registries, there existed an international registry in which all national data could be compiled. Such a registry would enable the ownership history and all transactions concerning a weapon to be identified at once. Indeed, rather than further complicating the marking system, it would be preferable to accord more attention to the management of centralized registries.

12. Indeed, it would be practically impossible to assign a unique serial number for each piece of ammunition.

13. All of these details can be marked using such techniques as engraving or laser, which enable information to be inscribed in the space of a few square millimetres in the form of a bar code or a matrix codification system, irrespective of the material used for the external envelope.

14. See the GRIP reports concerning marking techniques for ammunition and explosives (chapters 5 and 6 of the report "Marking and Tracing Small Arms and Light Weapons: Improving Transparency and Control," *op. cit.*; see also the "Notes d'analyse" of January, March and July 2001: www.grip.org).

15. The Convention could find inspiration in or simply adopt the international harmonized system for marking and documenting packaging used for ammunition and explosives. Indeed, as ammunition and explosives are considered 'dangerous goods', their packaging must be approved by an institution recognized by the exporting country (e.g. Institut Belge de l'Emballage in Belgium) respecting international regulations set out by the UN Committee of Experts, *op. cit.*: <http://www.unece.org/trans/danger/danger.htm>.

16. Notably those countries falling under the United Nations' Least Developed Countries category.

latter for the purpose of undertaking the necessary measures to fulfil the obligations conferred under this Convention.

States Parties undertake to implement the obligations set out in Articles 4 and 5 of this Convention within one year of its entry into force for existing stocks of small arms and light weapons subject to a new transaction.

Article 7. Registration

Information pertaining to the ownership and transfer of small arms and light weapons shall be recorded in the national registry of each State Party, according to the following agreed terms:

1. Each State Party shall possess a computerized and centralized national registry in which all small arms and light weapons are registered, irrespective of ownership or the nature of the transaction applying to the weapon.¹⁷
2. At a minimum, the following information shall be recorded in the national registry:
 - a) a description of the product (type or model, calibre) and quantity (if it concerns a batch);
 - b) the content of the marking;
 - c) the names and addresses of the former and current owners and, if possible, successive owners;
 - d) the date of entry in the registry;
 - e) information concerning each transaction, including:
 - i) the name and address of the shipper, the intermediary (if applicable), the consignee and the user as indicated on the end-user certificate;
 - ii) the point of departure (city and country), transit (if applicable) and destination, as well as the customs references and the dates of departure, transit and delivery to the end-user;
 - iii) the export, transit and import licenses (quantities and batches corresponding to the same license as well as the validity of the license);
 - iv) full details concerning the method of transport and transporter(s);
 - v) the controlling agency or agencies (at point of departure, transit and arrival);
 - vi) the nature of the transaction (commercial, non-commercial, private or public, conversion, repair);
 - vii) if applicable, the insurer and/or the financial institution intervening in the transaction.¹⁸
3. Data shall be maintained in the registry until such time as the weapons, munitions or explosives are classified as antique portable firearms or their replicas, at which point the data shall be archived. Antique portable firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique portable firearms include those manufactured after 1899.¹⁹
4. Data concerning destroyed weapons shall also be archived.
5. Registries maintained by manufacturers and vendors must be computerized, and all data entered in these registries must be transmitted to the national registry every three months. Furthermore, the data must be kept indefinitely. The registries of manufacturers and vendors shall be centralized with the national registry in countries where this is feasible.
6. The national registry should be operational in each State Party no later than two years after the ratification of the Convention, or after the entry into force of the Convention if the ratification takes place prior to this.
7. Existing small arms and light weapons must be registered according to the terms stipulated in the above provisions no later than one year after the establishment of the national registry.²⁰
8. In the event that the constitution of a State Party prohibits the centralization of data of the type

17. In order to ensure effective tracing, information must be registered beginning with the point of manufacture through each change of ownership, that is, each time a transaction occurs, whether internally within one country or else exported to another state.

18. They should also inform the authorities of their participation in any transaction.

19. According to Article 3a) of the Vienna Protocol, UN Document A/RES/55/255, 8 June 2001 Other existing mechanisms also exclude antique arms, such as Article 1.2 of the SADC Protocol

20 This concerns the last owner of the weapon known by the authorities. He/she must be registered in the national registry without waiting for the markings or any other parameters to be adapted in accordance with the provisions of this Convention

foreseen in the present provisions, the national agency²¹ shall be charged with collecting and exchanging all information necessary for effective tracing.

9. Every three months the national agencies shall transmit all data collected to the International Control Agency.

Article 8. Tracing

1. States Parties shall ensure, without restriction, the exchange of data relative to non-compliant small arms and light weapons; this exchange shall be conducted through the national agencies.
2. In the case of other small arms and light weapons, States Parties shall exchange the following data²² on a regular basis²³ and insofar as possible:
 - a) on manufacture (the marking system and techniques used, and authorized manufacturers);
 - b) on transfers (exports to and imports from all other states, transits, information available concerning national legislation, existing practices and controls, authorized vendors and intermediaries);
 - c) on existing stockpiles (management, inventory, security, surplus, losses, theft, destruction);
 - d) on seized small arms and light weapons, as well as trafficking in weapons that contravene international law or the internal laws of the states in which the operations take place (condemnation of implicated juridical and physical persons, sanctions, destruction and destruction methods, neutralisation).

Article 9. International Control Agency²⁴

1. The States Parties to this Convention shall establish an International Control Agency to achieve the object and purpose of this Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.²⁵
2. The Headquarters of the Agency shall be located in²⁶
3. The International Control Agency shall conduct its verification activities provided for under this

Convention with a view to attaining the objectives set out herein in the least intrusive manner possible, consistent with the timely and efficient accomplishment of its objectives. It shall only request information and data necessary to carry out its responsibilities as conferred by this Convention. The Agency shall take every precaution necessary to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Convention.

4. The costs of the International Control Agency's activities shall be paid by States Parties in accordance with the scale of contributions established by the Assembly of States Parties. The budget of the International Control Agency shall comprise two separate chapters, one relating to administrative costs, and the other relating to verification costs.²⁷

21. Operating as the point of contact foreseen in the Programme of Action adopted by the UN July 2001 Conference (Article II.5) and other existing mechanisms (for example, Art. 13.2. of the Vienna Protocol) The national agency could also be responsible for controlling markings and in-field registration, and for any other issues related to small arms and light weapons. This would facilitate traceability and constitute an improvement over the current situation whereby six or seven different authorities are involved, rendering investigations practically impossible to carry out.

22. Numerous clauses exist on the exchange of data and cooperation among States in different existing mechanisms (for example the OSCE document on small arms, FSC DOC/1/00, 24 November 2000); See also the GRIP study "Small Arms and Light Weapons Traceability: A Comparison of the Principal Existing International Mechanisms," in "The scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons," UNIDIR, January 2003, which compares existing principal mechanisms related to weapons traceability.

23. In the case of an investigation, a deadline of 48 to 72 hours may be set (taking into account statutory holidays)

24. We wish to emphasize that statutes of the International Control Agency (Assembly of States Parties, Executive Council, Technical Secretariat) are inspired by the Chemical Weapons Convention

25. The International Control Agency may also be assigned other missions involving the control of small arms and light weapons within the framework of other international conventions that seek to regulate the transfer, control, brokering or other activities related to these weapons

26. We suggest Brussels (Kingdom of Belgium).

27. The costs of verification and the corresponding administrative costs should be met by the clients (sellers and buyers), equal to a percentage of the value of the consignment. This varies between 0.1 and 1% for controls usually undertaken by accredited agencies in other commercial domains. For instance, the Société Générale de Surveillance (SGS), which has offices in over 120 countries, is regularly consulted by States, to assist them in tracing credits and food or other aid provided to third countries and organisations, with a view to verifying that their use conforms to that intended under the original agreement

5. The International Control Agency shall comprise an Assembly of States Parties, an Executive Council and a Technical Secretariat.
6. The International Control Agency shall function under the general supervision of the Assembly of States Parties, which includes all States Parties to this Convention.
- 7.1. The Assembly of States Parties shall
- a) consider and adopt at its regular sessions the report, programme and budget of the International Control Agency, as presented by the Executive Council;
 - b) determine the scale of contributions to be paid by States Parties;
 - c) elect members of the Executive Council;
 - d) appoint the Director-General of the International Control Agency (hereinafter referred to as "the Director-General");
 - e) consider proposals by the Technical Secretariat for directives concerning marking techniques, and adopt those directives by simple majority vote. Directives shall be implemented by the States Parties within a maximum of 24 months, with a view to their application by the national technical committees outlined in Article 4, paragraphs 2, c) and 3, b).
- 7.2. The Assembly shall meet biennially in regular sessions in its Headquarters, unless it decides otherwise. Each State Party shall be represented by a delegate, who may be accompanied by substitutes and advisers. Each State Party shall have one vote, and decisions of the Assembly shall be taken by a simple majority of the members present and voting.
- 8.1. The Executive Council shall comprise 19 members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council. The members of the Executive Council shall be elected by the Assembly of States Parties for a term of two years. In order to ensure the effective functioning of this Convention, due regard being specially paid to equitable geographical distribution, to the importance of the armaments industry, as well as to political and security interests, the Executive Council shall be composed as follows:
- a) Four States Parties from Africa to be designated by States Parties located in this region;
 - b) Four States Parties from Asia to be designated by States Parties located in this region;
 - c) Two States Parties from Eastern Europe to be designated by States Parties located in this region;
 - d) Three States Parties from Latin America and the Caribbean to be designated by States Parties located in this region;
 - e) Five States Parties from among Western European and other States to be designated by States Parties located in this region;
 - f) One further State Party to be designated consecutively by States Parties located in the regions of Asia and Latin America and the Caribbean. As a basis for this designation it is understood that this State Party shall be a rotating member from these regions.
- 8.2. The Executive Council shall elaborate its internal rules of procedure and submit them to the Assembly of States Parties for approval.
- 8.3. The Executive Council shall elect its Chairman from among its members.
- 8.4. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as often as may be required for the fulfilment of its powers and functions. The Director-General shall participate in the meetings of the Executive Council but shall not have the right of vote.
- 8.5. Each member of the Executive Council shall have one vote. Unless otherwise specified in this Convention, the Executive Council shall take decisions by a simple majority of all its members.
- 8.6. The Executive Council shall be the executive organ of the International Control Agency. It shall be responsible to the Assembly of States Parties. The Executive Council shall carry out the powers and functions entrusted to it under this Convention, as well as those functions delegated to it by the Assembly of States Parties. In so doing, it shall act in conformity with the recommendations and decisions of the Assembly of States Parties and assure their proper and continuous implementation.
- 8.7. The Executive Council shall promote the effective implementation of, and compliance with, this Convention. It shall supervise the activities of the Technical Secretariat.
- 8.8. The Executive Council shall:

- a) Consider and submit to the Assembly of States Parties the draft programme and budget of the International Control Agency;
 - b) Consider and submit to the Assembly of States Parties the draft report of the International Control Agency on the implementation of this Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the Assembly of States Parties may request;
 - c) Make arrangements for the sessions of the Assembly of States Parties including the preparation of the draft agenda.
- 8.9. The Executive Council may request the convening of a special session of the Assembly of States Parties.
- 8.10. The Executive Council shall consider any issue or matter within its competence affecting this Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Assembly of States Parties.
- 8.11. Any State Party or the Director-General may call upon the Executive Council to consider doubts or concerns regarding compliance and cases of non-compliance with this Convention. In so doing, the Executive Council shall consult with the States Parties involved and, as appropriate, request the State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, *inter alia*, one or more of the following measures:
- a) Inform all States Parties of the issue or matter;
 - b) Bring the issue or matter to the attention of the Assembly of States Parties, should it be deemed necessary;
 - c) Authorize the Technical Secretariat to conduct an investigation into the situation, in conformity with paragraph 9.1, d) of this provision.

The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the United Nations General Assembly and the United Nations Security

Council. It shall at the same time inform all States Parties of this step.

- 9.1. The Technical Secretariat shall be responsible for small arms and light weapons tracing operations. To this end, it shall:
- a) elaborate directives pertaining to marking techniques;
 - b) centralise all data and information transferred to it by the national agencies relating to the production, stockpiling and transactions of small arms and light weapons. Data and information collected by the Technical Secretariat may not be transferred to a State Party unless in response to a duly motivated request formulated by the authorities of the State Party within the framework of an official investigation into the production and/or transfer of small arms and light weapons that contravene the provisions of the present Convention²⁸;
 - c) provide technical assistance to States Parties and establishes technical evaluations with a view to implementing the provisions of this Convention;
 - d) undertake investigations, following a decision of the Executive Council, into the manufacture and/or transfer of small arms and light weapons that contravene the provisions of this Convention. Investigations aim to verify the correct implementation of the Convention in a given situation and to determine responsibilities incurred in this context. The Technical Secretariat may question States Parties, companies and individuals implicated in these investigations. Agents of the Technical Secretariat may, if required for the purposes of the investigation, enter the territory of a State Party. The Technical Secretariat may inspect small arms and light weapons production and stockpile sites, with the assistance of the national agency. The national

28. Note that the purpose of the International Control Agency is not to render transparent that which is legal, but rather to allow identification of those responsible in the case of deviations towards illicit channels. The centralisation of data would permit tracing operations to be carried out without risk of encountering inaccessible data (refusal or loss) should it be required.

- agency may request the assistance of public security forces should it prove necessary for the purposes of the investigation. The results of the investigation shall be presented to the Assembly of States Parties, which shall take, if necessary, the appropriate measures to ensure their implementation, in conformity with international law.
- 9.2. The Technical Secretariat shall comprise administrative and technical personnel as required to carry out its duties, under the authority of the Director-General.
10. The Director-General shall be appointed by the Assembly of States Parties for a term of six years; this mandate shall be non-renewable. The Director-General shall be responsible to the Assembly of States Parties for the appointment of the staff as well as the organization and functioning of the Technical Secretariat.
11. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as other members of the professional and clerical staff. Subject to this limitation, recruitment shall be carried out on as wide a geographical basis as possible. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the International Control Agency.
12. In the performance of their duties, the Director-General, the inspectors and the other members of the staff of the Technical Secretariat shall not seek or receive instructions from any Government or from any other source external to the International Control Agency. They shall refrain from any action that might reflect on their positions as international officers. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors and the other members of the staff and shall not seek to influence them in the discharge of their duties.
13. The International Control Agency shall have international legal personality. It shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.
14. Delegates of States Parties, together with their substitutes and advisers, the Director-General and the staff of the Technical Secretariat shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the International Control Agency.
15. The legal capacity, privileges, and immunities referred to in this Article shall be defined in agreements between the International Control Agency and the States Parties, as well as in agreements between the International Control Agency and the State in which the headquarters of the International Control Agency is seated.

Article 10. Inspections²⁹

1. Inspections shall be undertaken upon expedition, at the eventual transit points and upon reception of small arms and light weapons, by means of the national agency or organisms authorized by them to this effect. Each State Party shall oversee inspections on its own territory. These inspections shall involve the verification of documents relevant to each transaction, as well as markings of related weapons, and the verification that the weapons and their mode of transportation correspond to those cited in the documents.

2. Data collected in the course of an inspection shall be cross-checked by the national agencies concerned, with a view to preventing any deviation of small arms and light weapons to markets not regulated by the present Convention.

3. States Parties shall ensure that stockpiles of small arms and light weapons situated on their territory are subject to appropriate inspection and inventory measures.³⁰ These operations shall be undertaken by the national agency concerned or by organisms authorized by them to this effect.

²⁹ Verification is currently limited to states via their points of contact (see the OSCE Document, *op cit*, for example Section III art. B 6). These could evolve according to the competences accorded to the International Control Agency.

³⁰ See the OSCE Document, Section IV, Art. B.1.i-ix. *Op cit*.

Article 11. Confidentiality

Subject to Article 9 of this Convention as well as the fundamental concepts of its legal system or any international agreements, each State Party shall guarantee the confidentiality of and comply with any restrictions on the use of information that it receives from another State Party in the context of this Convention, including proprietary information pertaining to commercial transactions, if requested to do so by the State Party providing the information. If such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.

Article 12. Legislative Provisions

States Parties shall, within one year of the entry into force of this Convention, take the necessary legislative and administrative measures to:

1. render illegal small arms and light weapons that have not been marked and registered according to the provisions of this Convention, and prohibit the transfer, stockpiling or manufacture within their territory of small arms and light weapons that have not been marked in accordance with the provisions set out in Article 4 of the present Convention;
2. render punishable by law³¹ the manufacture, transfer, acquisition, sale, transport and possession of non-compliant small arms and light weapons, as well as the falsification, removal or alteration of markings that these weapons must exhibit in conformity with this Convention;
3. prohibit transport companies, insurance companies and financial institutions from carrying out or underwriting transactions involving small arms and light weapons unless these are accompanied by documentation conforming to existing laws and conventions applying to such transactions;
4. render obligatory the registration with the national authorities of all manufacturers, vendors and brokers engaged in the production of or trading in small arms and light weapons;³²
5. regulate the transport of small arms and light weapons such that authorization shall only be granted to transport companies specially authorized to transport arms.³³

Article 13. Relations between the Convention and the Vienna Protocol on Firearms and other related instruments

Insofar as this Convention modifies certain provisions of the “Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplement to the UN Convention against Transnational Organized Crime,” as well as other analogous instruments, this Convention substitutes for the Protocol and those instruments in the mutual relations of States that are Parties to all or part of these texts.

Article 14. Settlement of Disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation.
2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by submitting an application in accordance with the Statute of the Court.

Article 15. Signature, ratification, acceptance, approval and accession

1. This Convention shall be open to all States for signature at the United Nations Headquarters in New York from the thirtieth day after its adoption by the General Assembly and until...

31. Sanctions shall be defined in the legislation of each State Party. However, a certain degree of international harmonization is preferable.

32. The potential to include this clause in the Convention as a preventative measure requires further consideration. Indeed, the model Convention on brokerage foresees, for example, the registration of brokers.

33. The potential to include this clause in the Convention as a preventative measure also requires further consideration. It aims to prevent the deviation to the illicit market of small arms and light weapons through the use of unauthorized transport companies.

2. This Convention shall also be open for signature by regional economic integration organizations provided that at least one member of such organization has signed this Convention in accordance with paragraph 1 of this article.
3. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competences with respect to the matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.
4. This Convention is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Convention. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

Article 16. Entry into Force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession. For the purposes of this paragraph, instruments deposited by regional economic integration organization shall not be counted as additional to those deposited by the member States of such organization.
2. For each State or regional economic integration organization which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fortieth instrument, it shall enter into force on the thirtieth day after the date of deposit by such State or organization of relevant instrument, or on the date of its entry into force

pursuant to paragraph 1 of this article, which ever is the later.

Article 17. Amendments

1. Amendments to this Convention may be proposed by any State Party no sooner than five years after its entry into force. Amendments shall be deposited with the Secretary-General of the United Nations, who will then communicate to the States Parties the proposed amendment. Meeting in the Assembly of States Parties, the States Parties shall make every effort to reach agreement on any proposed amendment by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties present and voting at the Assembly of States Parties.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to this Convention. Such organizations shall not exercise their right to vote if any of their member States exercise theirs and vice versa.
3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.
4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.
5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Convention and any earlier amendments that they have ratified, accepted or approved.

Article 18. Withdrawal

1. A State Party may withdraw from this Convention by written notification to the Secretary-General of the United Nations. Such denunciation

shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Convention when all of its member States have denounced it.

Article 19. Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Convention.

2. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.