

## 2. Grounds for Action<sup>34</sup>

The difficulties inherent in tracing the source of illicit small arms and light weapons have been stressed in several reports produced by governmental, intergovernmental and non-governmental organisations alike. The lack of adequate marking makes it impossible to identify the manufacturer and the various intermediaries who facilitate the transfer of small arms to combatants, criminal circles or other entities that use these lethal instruments abusively. These difficulties have for instance impeded the work of the UN Commission of Inquiry on Rwanda, leaving traffickers to proceed with impunity and rendering the task of dismantling their channels unlikely, if not impossible. Responsibilities end up being diluted, enabling unscrupulous manufacturers and merchants to go about their business without worrying about possible consequences.

However, rapid technological advances in marking small arms and ammunition should go a long way towards remedying this situation. New techniques involving computer science and lasers mean that arms can be marked in a permanent and harmonized way worldwide. This will allow transfers to be traced using registers that keep track of each transaction. The establishment of a small arms register, inspired by the UN register which is currently limited to general data on heavy conventional weapons, could be used to trace each transaction. An international small arms register would be a powerful instrument for enhancing transparency, particularly for states committed to reporting all of their arms manufacture and transactions. It would help build confidence in unstable regions and would contribute to conflict prevention by flagging excessive transfers.

An international system for marking and tracing small arms would be an efficient tool to combat their illicit manufacture, transfer and use.<sup>35</sup> While it would not provide an instant solution to the problem of illicit arms stockpiled worldwide, it could prevent these stocks from accumulating and might eventually foresee their elimination. It would go a long way towards reversing the current trend, particularly prominent since the end of the Cold War, that features a growing number of small arms

users resulting in a growing number of victims. Only a global public policy initiative can overcome this grave human security and public health problem. An international instrument that would allow the systematic physical control of arms transfers as well as the verification of their final destination and use is therefore necessary. It should also facilitate determining the route taken by the weapons for the purpose of establishing the point at which a potential breach took place, and to assign responsibility for it.

There is mounting international pressure to find a solution to the problem of small arms and light weapons trafficking and impunity. The fervent work of civil society, notably the development of three draft conventions on small arms and light weapons traceability<sup>36</sup>, arms transfers, and brokering<sup>37</sup>, have begun to produce encouraging results.<sup>38</sup> The complementary nature of these three conventions is such that, in a middle term, this should lead to a single convention embracing the three models. Indeed, the convention on brokering is a particularly important aspect of the treaty on arms transfers, which is especially concerned with controlling and verifying paperwork. This treaty should be completed through the incorporation of the convention on traceability, which is aimed exclusively at the physical control of arms transfers.

### *Is the Traceability Convention feasible?*

Traceability is undoubtedly the subject around which there is the highest degree of consensus within the international negotiations on small arms and light weapons. All recent initiatives on small

34. Note that the basis for this text was elaborated in June 2003, before the publication of the report of the United Nations Group of Governmental Experts on the traceability of small arms and light weapons. It should also be noted that among the points included in the latter report one finds almost all those outlined in GRIP's draft convention.

35. See paragraph 96c of the Group of Governmental Experts on the traceability of small arms and light weapons.

36. Developed by GRIP in order to stimulate the debate during the meetings of the Governmental Group of Experts on marking and tracing small arms and light weapons, and which is analyzed in the present report.

37. Developed by the non-governmental organizations the Arias Foundation for Peace and Human Progress, and the Fund for Peace, respectively.

38. Among other recent initiatives, for example, the European Union adopted a Common Position on the control of arms brokers.

arms and light weapons underline the importance of establishing a feasible, universally recognised marking system as well as the maintenance of registers for stockpiles and transfers to facilitate rapid tracing.<sup>39</sup>

In accordance with the United Nations Programme of Action on Small Arms and Light Weapons of July 2001<sup>40</sup>, a Governmental Group of Experts (GGE) studied the feasibility of an international instrument to identify and trace small arms and light weapons. The United Nations Secretary-General presented his report to the 58th session of the UN General Assembly in October 2003.<sup>41</sup> The Group concluded that such an instrument is both desirable and highly feasible. The Group's President, Rakesh Sood, underlined at numerous seminars<sup>42</sup> the lack of harmonisation on small arms and light weapons marking and registration and the total absence of tracing mechanisms in conflict and post-conflict situations. Moreover, he stipulated that the eventual development of international norms must facilitate regional processes, which face difficulties in applying these on the ground<sup>43</sup> (para. 96f of the report of the GGE).

### ***What does the Convention contain?***

The following section presents GRIP's draft convention on marking, registration and tracing of small arms and light weapons, presented in this report. Note that almost all its contents are reproduced among the options enumerated in the aforementioned report of the GGE on small arms and light weapons traceability.

Having initially provided definitions and the scope of the instrument, the Convention sets out the most appropriate method for transferring information and the tools that allow the information to be controlled. In order to transfer information, weapons

must first be located in a register on the basis of their markings, and all information relative to transactions must be registered.

The Convention then foresees a tracing mechanism that would establish controls for both weapons transfers and use. This involves a new method whereby weapons are physically verified at the various stages of a transaction in order to determine whether they conform to the documentation, and to control their movements with a view to preventing their deviation from the legal circuit. To this effect, the model convention proposes the establishment of an International Control Agency charged with centralising data transmitted to it by national agencies that are specialized and work only on small arms and light weapons in each State Party.

Finally, states must take legislative or other measures necessary to ensure the application of the Convention and foresee penal sanctions. This involves, among other things, regulating the various activities related to arms transfers such as manufacturing, sales, brokering, transport and financing.

39. See the GRIP study undertaken on behalf of UNIDIR, "Small Arms and Light Weapons Tracability: A Comparison of the Principal Existing International Mechanisms," in *The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons*, UNIDIR and Small Arms Survey, UNIDIR/2002/20, Geneva, January 2003.

40. Section IV, art. 1c.

41. UN Document A/58/138 of 11 July 2003.

42. For instance in Bucharest in February 2003 and in Bonn in April 2003.

43. For example, the effective implementation of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials is hampered by the absence of international norms governing small arms and light weapons emanating from outside the region, but also from the lack of harmonization of national legislations.

### 3. Overview of the Articles of the Convention<sup>44</sup>

#### Article 1. Definitions

1. All small arms and light weapons (paras. 15c, 34 and 35 of the GGE report)<sup>45</sup> as defined by the first Group of Experts in 1997<sup>46</sup> (para. 32 of the GGE report) should be covered, since they all potentially contribute to the perpetuation of conflicts and crime, and form part of the illicit arms market (paras. 22 and 39 of the GGE report).

While it is generally understood that the Programme of Action that resulted from the July 2001 UN Conference covers all small arms and light weapons<sup>47</sup>, this has not been put on paper and some countries appear to be calling into question the definition in order to limit its scope.

As far as other existing international mechanisms are concerned, none presently covers all small arms and light weapons (furthermore, those covered differ from one mechanism to the next). To cite but one important example, the Firearms Protocol<sup>48</sup> features three significant limitations in this regard (paras. 30 and 31 of the GGE report):

- (i) It does not apply to transactions from State to State—at least not when the national security provision is invoked (art. 4.2.)<sup>49</sup>;
- (ii) Investigations are only launched if a transnational criminal organisation is implicated in the transaction (art. 4.2.);
- (iii) The articles relating to traceability apply only to firearms, whereas ammunition and explosives are excluded (art. 3.a.)<sup>50</sup>.

The traceability of ammunition and explosives is of utmost importance, however, given that ammunition has an important short-term impact on the perpetuation of conflicts, and explosives are used extensively in acts of terrorism (paras. 33 and 39 of the GGE report).

Moreover, in practice a major overlap exists between military and civilian arms (para. 83 of the GGE report) and it is becoming increasingly difficult to distinguish between the two. Indeed, civil society is supplied from the resale of surplus military stocks and via post-conflict

situations. Furthermore, certain civil and military calibres are the same and therefore easily mistaken.

2. The term “portable firearms” was introduced to distinguish them from ammunition and explosives. The list of arms and ammunition provided is not exhaustive.
5. Tracing: All small arms and light weapons should be potentially traceable in the event of a request. It must be possible to undertake a tracing operation at any moment, including when the weapon is in use or stockpiled (para. 20 of the GGE report).
6. The term “non-compliant small arms and light weapons” was introduced to distinguish from the term “illicit”, which, while widely used in the jargon on small arms and light weapons, has various connotations and interpretations, notably political (paras. 34–38 of the GGE report).
8. Similar to the point of contact foreseen in the Programme of Action of the UN Conference of July 2001 (Art. II.5) and in paragraph 93c of the GGE report, as well as in other existing mechanisms (for example, Art. 13.2. of the Firearms 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 (see articles 4, 7 and 9 of the draft convention). This would facilitate traceability and constitute an improvement over the current situation whereby six or seven different agencies are involved, rendering investigations practically impossible to carry out. We stress that the national agency must be specialised and deal only with small arms and light weapons. At present, most are

44. For each section, where relevant, the paragraphs of the report of the GGE (A/58/138) that are similar to the articles of GRIP’s model Convention will be noted in parenthesis.

45. Since almost all illicit weapons started out as licit, licit as well as illicit weapons must also be covered under the international instrument.

46. UN Document A/52/298, 27 August 1997.

47. It was understood during the Conference that the reports of the Group of governmental experts constituted the basis for the Programme of Action. The first report (1997) defined small arms and light weapons as all firearms of a calibre of less than 100 mm, as well as their ammunition and explosives.

48. UN Document A/RES/55/255, 8 June 2001.

49. Certain countries even appear to interpret this article as excluding outright all inter-state transfers.

50. While ammunition is included in the Vienna Protocol, it is excluded from the specific provisions related to traceability.

responsible for various different issues and do not have sufficient time for nor knowledge of questions concerning small arms and light weapons.

## Article 2. Scope and Coverage

As with the definition, the scope of the Convention is vast in order to include all small arms and light weapons in circulation. Indeed, the illicit arms trade and the civilian market can not be clearly dissociated from the legal trade and the military market (paras. 32 and 83 of the GGE report). The exclusion of any category could become a source for the deviation of arms towards the illicit market simply due to the fact that small arms and light weapons have a long lifespan. Moreover, the final user and the political stability of certain countries can change in the medium and long term.

## Article 3. Reservations

In order to avoid the rejection of the Convention by certain countries that remain sensitive to the issue of explosives and/or munitions, it is possible to exclude the latter from the scope and coverage of the Convention.<sup>51</sup> However, it is not possible to exclude portable firearms. Moreover, it would be preferable to render adherence to munitions obligatory after a period that would be determined upon signature of the Convention.

## Article 4. Marking

Current marking practices are neither sufficient nor uniform (paras. 40 and 53 of the GGE report), and are sometimes altogether lacking (para. 43 of the GGE report). No existing international convention defines a comprehensive standard for marking arms at a global level. Nevertheless, firearms are normally marked (paras. 41 and 42 of the GGE report) by stamping, casting or engraving. Usually, the marking indicates the type of arm, serial number and, in some cases, a quality standard number or acronym.<sup>52</sup> This does not however enable a firearm's exact source or path to be traced.

Problems regularly arise in attempting to trace recovered firearms. Firstly, markings are not indelible. Serial numbers are often removed or falsified. While there are methods to recover original serial numbers (para. 48 of the GGE report), they are costly and only successful in one third of

cases.<sup>53</sup> Secondly, the numbers marked on arms do not identify the country of manufacture or the factory that produced them. Moreover, the same serial number can be found on several of the same type of firearm if these are manufactured in different countries under the same license. It is known that since 1945, at least 15 countries have produced nearly 7 million FAL<sup>54</sup> assault rifles, while approximately 50 million AK rifles have been produced in the USSR and, under license in 14 other countries since 1948. It is therefore easy to recognise the difficulties in identifying arms due to the lack of precise marking. Furthermore, the arms industry continues to produce and export new small arms and light weapons.

## Appropriate marking

Marking must impart on a weapon a unique and easy identification, and must be reliable and inexpensive. With this in mind, we feel that the following issues must be accorded significant attention (para. 62 of the GGE report):

- a) *Contents of the markings*: apart from a unique serial number (para. 53 of the GGE report), the manufacturer's identification as well as the country of manufacture, it seems necessary to include also the year of manufacture, if only to signal whether a weapon was produced before or after the entry into force of the new instrument. The OSCE Document is the only one which takes this into consideration;<sup>55</sup> The marking is applied to the essential (structural) component of the weapon (para. 62i of the GGE report) and to a maximum number of important locations,

51. This article provides the Convention with a measure of flexibility and allows States who wish to regulate the transfer of ammunition and/or explosives to adhere to a convention that is global in scope (which was not the case during the discussions concerning the Vienna Protocol, for example).

52. See the 13 nation Permanent International Commission (PIC) for the Proof of Small Arms (para. 46 of the GGE report).

53. According to the heads of the Belgian Ministry of Justice's Institut National de Criminologie et de Criminologie.

54. For instance, FN Herstal often manufactures arms on behalf of the Group's subsidiaries in other countries. For lack of registration of the transaction in an international registry, this can generate confusion since the sale of the weapons is undertaken by another factory. Similarly, manufacturers often help each other out in the manufacture of ammunition.

55. OSCE Document FSC.DOC/1/00 of 24 November 2000.

as defined by the manufacturer (para. 62d of the GGE report).

- b) Applying a *simple marking upon import*, which would identify the country and year of import (para. 62f of the GGE report). This provision is included in the Vienna Protocol and can offer an important guarantee in the event that data or information would be inaccessible or defective.
- c) *Harmonisation of markings* would considerably facilitate subsequent efforts. Markings should be expressed alphanumerically (para. 54 of the GGE report), without which the registration of arms in registries would prove complicated, as is currently the case under the Vienna Protocol, where for certain countries markings using geometrical symbols is permitted. Only the producing country can decipher such markings, which is far from practical.
- d) Traditional markings are very easy to obliterate, alter or remove (para. 50 of the GGE report). It is therefore important to foresee, for all newly manufactured weapons, a “*security*” marking that is indelible or very difficult to erase without rendering the weapon inoperable (para. 62i of the GGE report), and which can be turned to in the event that traditional markings have been destroyed (paras. 51 and 52 of the GGE report). Security markings should contain the same information as traditional markings (but should not replace these, since traditional markings have the advantage of being easy to read). As explained below, the laser marking technique allows security markings to be applied simply and economically (para. 52 of the GGE report).
- e) More flexible provisions for ammunition and explosives could be foreseen:
  - (i) On the one hand, applying traditional markings should be sufficient because it is difficult and of little efficiency to traffickers to erase them;
  - (ii) On the other hand, it would be possible to assign a unique batch number rather than a unique number per piece.
- f) Finally, the Convention foresees technical committees at national level which would

determine the most appropriate way to mark each type of weapon. The committee would work together with industry according to evolutions in marking technology, and would as such avoid imposing a type of marking that would risk being incompatible with certain materials and models. The same considerations already exist, for instance, for the transport of dangerous goods where, for each product, the conformity of the packaging is verified by the control agency. The latter verifies packaging not only post-production, but also during production and provides technical advice in cooperation with the manufacturer (see relevant footnote in the draft Convention text).

#### Article 5. Packaging

In order to facilitate controls, packaging should be marked according to norms that could be similar to those regulating the packaging of dangerous goods (see relevant footnote in the draft Convention text).

#### Article 6. Implementation Deadlines

A deadline for implementing the technical requirements of the Convention is foreseen. Technical assistance and a two year extension of the implementation deadline may be granted to states requiring it.

#### Article 7. Registration

In the absence of international or national registers for small arms and ammunitions transfers, tracing their circulation is nearly impossible. To better illustrate the problem, a comparison can be made with cars which, for their part, are well registered. While the model and type of a small arm found anywhere in the world can be identified (e.g. AK-47 or FAL assault rifle), unlike cars, its former owners, place of manufacture, and path cannot. A firearm serial number is like a car chassis. Firearms lack the equivalent of license plates and registration numbers that could be kept track of, preferably in an international register.

This means that once a firearm leaves its country of origin, the responsibility of manufacturers and other players becomes difficult to establish

since, once transferred, it is no longer subject to the producer country's controls. The difficulty in imposing sanctions against infractions incite traffickers to continue carrying out illicit activities and accounts in part for the large share of illicit trafficking in the small arms market.

### **Appropriate registration**

In order to trace small arms and light weapons quickly and precisely, it is also important to take into account the following elements in the process of keeping their records (para. 76 of the GGE report):

- a) Records of *all transactions*<sup>56</sup>—international and internal—should be kept;
- b) *Information to be registered (para. 76c of the GGE report)*: at a minimum, all indispensable information (the coordinates of those involved in the transaction, contents of the markings, the description and quantity of the weapons, date, etc), but it would also be very useful to register any information normally required in customs documents. These include the intermediaries and transport companies as well as the route taken by the weapons—in short, information that could prove essential in tracing an eventual diversion of weapons towards the illicit market.
- c) Data should be kept until the SALW concerned fall under the category of antique firearms<sup>57</sup>, particularly given that computerised information systems permit the efficient maintenance of registers at low cost (para. 76d of the GGE report calls for records to be maintained as long as needed for the purposes of tracing);
- d) Each State should nominate an entity to manage a *single national register*, or – in the case of federal or confederate states where this may pose a problem – a body that would be in close contact with the different national registries in such a way as to have a unique national contact point or agency to exchange information with those of other countries, as foreseen in the Programme of Action.

As far as the maintenance of electronic registries<sup>58</sup> (para. 77b of the GGE report) and the development of security markings are concerned,

it would be useful to foresee the possibility of providing technical assistance to least developed countries (para. 97g of the GGE report). In both cases, the costs do not appear to be excessive.

### **Article 8. Tracing (paras. 93 and 96c of the GGE report)**

Tracing operations are principally carried out through the exchange of data relative to non-compliant small arms and light weapons between Member States via national agencies. This is an obligatory procedure. As far as other small arms and light weapons are concerned, States Parties regularly exchange data on manufacture, transfers and stockpiles, as foreseen in a number of existing initiatives.<sup>59</sup> Physical controls during each transfer, for which all relevant data are recorded, permit an eventual tracing operation to be completed.

### **Article 9. International Control Agency**

- An international small arms and light weapons control Agency shall be established within the United Nations for the purposes of implementing the Convention (para. 94e of the GGE report). According to professor Eric David from the Centre for International Law of the Université Libre de Bruxelles, the structure of the control agency foreseen for chemical weapons transfers

<sup>56</sup> To date, registers contain only individual arms holders. Once sold, the weapon is removed from the register and only the individual remains. Yet, the objective is to be able to follow the weapon's path throughout its lifespan, not the individuals in possession of it. That is why registration should concern first and foremost all transactions involving the same weapon, along with all related information. This would also help to avoid constitutional impediments in certain countries, such as the United States and Switzerland, which do not permit the centralisation of data pertaining to their nationals. In the case of the present Convention, the data centralised would only concern the weapons. This type of data centralisation is already in application in ministries responsible for the delivery of export and import licenses and which keep information covering all licenses issued. However, the absence of registers on transactions and the lack of harmonised marking constitute obstacles to accessing this information. In this regard, the Convention therefore proposes an existing follow-up method

<sup>57</sup> The Vienna Protocol foresees the maintaining of data for only 10 years

<sup>58</sup> In contradiction to the vast majority of trade, registers kept by sellers of small arms and light weapons are not yet computerised and are still hand written in a book in archaic fashion. This renders the work of relevant authorities very difficult to undertake in practice.

<sup>59</sup> OSCE Document, op.cit., Art II.2.C and Art IV.B.1.

could be applied for small arms and light weapons. However, the statutes could be simplified.<sup>60</sup> An Executive Council is foreseen in order to ensure the daily functioning of the Technical Secretariat without always having to consult the Assembly of States Parties.

- The International Agency shall be responsible for operations involving the tracing of small arms and light weapons via its Technical Secretariat. To this end, the Agency shall ensure that all data related to the manufacture, stockpiling and transaction of small arms and light weapons transmitted to it by the national agencies is permanently centralised. Data collected by the Agency can not be transmitted to a State Party except within the framework of an official investigation on the non-compliant manufacture or transfer of small arms and light weapons.<sup>61</sup> The Technical Secretariat is also responsible for elaborating directives concerning marking techniques, and carrying out any controls necessary as part of an investigation of production or stockpile sites.

As with environmental, nuclear or chemical and biological weapons concerns, we have increasingly come to consider the problem of small arms and light weapons as a global problem jeopardising human security, and which should be tackled through a global policy effort. On this basis, the establishment of an International Control Agency that would hold the various actors on the arms circuit accountable for their actions seems justified. The following paragraph demonstrates that such an Agency can also be financially and administratively justified.

### Article 10. Inspections

Physical controls are carried out through the national agencies. They must be systematic and must compare points of shipment, eventual transit and reception. This is the only way to verify that the operation has conformed to the documentation and to prevent the deviation of arms towards the illegal market during transport or via transit countries, with the eventual assistance of intermediaries.<sup>62</sup> The national agency or organisations authorized by them to this effect also undertake controls of and inventory stocks of weapons situated on the territory of a State Party. This would allow the verification

of final use and would subject re-exports to tighter controls.

### *Are national agencies justifiable?*

In order to answer this question one must envisage the totality of the small arms and light weapons problematic, and not to simply limit oneself to the establishment of new organisms.

First, the existence of entities specialised in small arms and light weapons would permit the systematic control of arms transfers from the point of departure to the end destination, as well as their follow up beyond delivery. This is currently impossible because customs agencies can not physically verify more than 5-10% of all shipments, and customs agents are not properly trained to carry out arms controls and the client is free to choose at which border customs office to present his goods. Furthermore, there are no external controls of arms stockpiles and use. Yet, in traditional commerce it is usual practice to rely on control organisations (such as, for instance, the Société Générale de Surveillance, SGS, in Geneva, which has over 120 offices in countries throughout the world, or COTECNA, whose headquarters are also located in Geneva)<sup>63</sup> to verify the quantities and quality of products and to arbitrate in case of disputes. However, these organisations are not skilled in controlling armaments. As far as the transport of dangerous goods is concerned, the control organisations recognised by the relevant authorities systematically verify the conformity of packaging and may undertake controls during their production. Even the raw material of packaging is traceable in order to assign responsibility in the event of an accident.

60 More detailed institutional provisions concerning the Agency's statutes, powers, composition, etc., have been elaborated within the framework of the model convention on SALW tracing.

61 See the explanation given in the relevant footnote of the draft Convention text. If the centralisation of data is not permitted under the Constitution of a State, the national agency will be responsible for providing the information necessary in carrying out tracing operations.

62 The Agency can also verify the activities of brokers.

63 The eventual implication of control organisations in the transfer of small arms and light weapons is the subject of a separate study currently being carried out by GRIP. These organisations could accept to subcontract controls only within the frame of an international convention.

The costs incurred through the establishment of the national agencies and the International Control Agency will be quickly absorbed. On the one hand, controls should be paid for by the clients using a percentage of the total value of the shipment (this is the case for SGS, which between 0,4% and 1%)<sup>64</sup>, and could in certain cases be subject to an upper limit (for example a maximum of 300 euros for the transport of dangerous goods). If we consider the positive effect these controls would have on attenuating the negative impact of small arms and light weapons proliferation on public health care budgets and on development—particularly given the latter's increasingly inclination towards international humanitarian aid, which only treats the symptoms of the problem—it would be a mistake to consider only limited economic issues at the level of the national agencies. Furthermore, by concentrating part of the formalities concerning arms transfers to the national agency, personnel in the various organisms currently dealing with the issue within different ministries would be alleviated of these duties.

#### **Article 11. Confidentiality (para. 93h of the GGE report)**

We should note that as far as commercial confidentiality and security is concerned, there already exist numerous treaties that could serve as models. Take for instance the Chemical Weapons Convention. However it should be noted that, already as concerns export licensing, information is concentrated in the relevant ministries. Moreover, for ammunition and explosives that fall under the category of dangerous goods, confidentiality forms part of the control system undertaken by the authorised agencies and is no longer an issue of exclusive state competence, as some still believe. In fact, the control agencies have access to all commercial and strategic information, and furthermore the authorities no longer keep this data; they simply request it from the agencies as necessary. However, the current system guarantees the client total confidentiality. The same could be said for the body responsible for issuing arms licenses in Sweden (the National Inspectorate of Strategic Products)<sup>65</sup>, which regularly updates its

software programs with a view to ensuring confidentiality.<sup>66</sup>

#### **Article 12. Legislative Provisions**

States Parties should foresee the application of sanctions in the event of non-compliance with the stipulations of the Convention.

Moreover, the model Convention foresees a good system of intrinsic controls by requiring that transporters, insurance companies, and financial organisms (para. 94f of the GGE report) verify the legality of transactions relative to small arms and light weapons which they carry out or insure (art. 12.3).

Finally, the registration of producers, sellers and brokers (art. 12.4) as well as the requirement that transport companies (art. 12.5) be specifically authorised to transport arms are concrete measures to prevent the deviation of arms towards the illegal market.

#### **Articles 14. to 19.**

The subsequent Articles of the Convention will not be analysed here, as they are in large part inspired by existing initiatives, specifically the Vienna Firearms Protocol.

#### **Conclusion**

There is a clear need for a global public policy on small arms and light weapons (para. 96a of the GGE report). It is up to public authorities to improve and enforce controls on these weapons at each stage, including production, transfer and use in order to combat their excessive proliferation and misuse. This public action must be undertaken at several levels. First, within the framework of nation-states who are the most competent in this

64. We know for example that FN Herstal devotes a minimum of 10% of its turnover to research and development. A budget 25-30 times less than this, for the purpose of improving controls and preventing deviations towards the illegal market should be equally advantageous for producers.

65. For further information, see their website at [www.isp.se](http://www.isp.se).

66. Interview with the Director of ISP.



regard. Secondly, at the regional level via institutions such as the European Union, the OSCE or OAS, with a view to furthering the harmonisation of state action. Finally, the significant flow of arms and their negative consequences for international security requires that global public action be coordinated at the international level, via the United Nations.

As long as weapons, ammunition or explosives are not used in an abusive manner, an International Convention should ensure the confidentiality of commercial transactions.

Nothing should stop countries from associating themselves with such a system. An international treaty would help countries to accept more easily the limits set out, and to harmonise national legislation (paras. 96d and 96e of the GGE report). The instrument should include provisions for international assistance to be made available to States with limited domestic capacity to carry out tracing requests (para. 97g of the GGE report).

The objective of this model convention is evidently not to substitute the role of states, but rather to stimulate the debate based on a concrete and precise proposal. This proposal is the result of a combination of ambition and realism as far as technical and economic feasibility is concerned.