

Implementation Plan for the Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly

Contents	<i>Page</i>
Introduction	27
I. Purpose and definitions.	28
II. Transfers	28
III. Possession by civilians	29
IV. Manufacture, distribution and repair	31
V. Operational procedures	32
VI. Transparency and exchange of information.	35
VII. Harmonization of national legislation	37
VIII. Institutional arrangements and implementation	39
IX. General and final provisions	41

Introduction

The Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly were adopted on 30 April 2010 in Kinshasa, Democratic Republic of the Congo, at the thirtieth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa (hereinafter “the Committee”).

Upon adoption of the Sao Tome Initiative in May 2007 by the Committee’s 11 member States (the Republic of Angola, the Republic of Burundi, the Republic of Cameroon, the Central African Republic, the Republic of Chad, the Republic of the Congo, the Democratic Republic of the Congo, the Republic of Equatorial Guinea, the Gabonese Republic, the Republic of Rwanda and the Democratic Republic of Sao Tome and Principe), the United Nations Regional Centre for Peace and Disarmament in Africa was tasked with drafting the Code of Conduct for the Defence and Security Forces in Central Africa, what is known as the Kinshasa Convention and a plan to implement the Convention. The Regional Centre drafted this Implementation Plan following a procedure agreed to by the Committee.

In accordance with the decision taken at the Committee’s thirtieth ministerial meeting, the Regional Centre finalized the draft Implementation Plan for consideration and adoption by the 11 States members of the Committee at its thirty-first ministerial meeting.

The draft Implementation Plan for the Kinshasa Convention includes a series of activities incumbent on the 11 States members of the Committee, the Secretariat of the Economic Community of Central African States (ECCAS) and the depositary of the Convention, namely, the Secretary-General of the United Nations.

The Plan is structured around the chapters and articles of the Convention:

- I. Purpose and definitions;
- II. Transfers;
- III. Possession of small arms and light weapons by civilians;
- IV. Manufacture, repair and distribution;
- V. Operational procedures;
- VI. Transparency and exchange of information;
- VII. Harmonization of national legislation;
- VIII. Institutional arrangements and implementation; and
- IX. General and final provisions.

The implementation of each chapter and article will be based on three types of measures:

1. institutional measures;
2. regulatory measures; and
3. operational measures.

Chapter I. Purpose and definitions

Chapter II. Transfers

Implementation at the national level

States parties shall take the following actions:

Institutional measures

- (a) build the capacity of the national body responsible for overseeing transfers

Regulatory measures

- (b) create a form for requesting the authorization of transfers
- (c) create an end-user certificate
- (d) define the procedure for verifying end-user certificates
- (e) adopt or amend national legislation and implementing regulations on the authorization of transfers
- (f) define the administrative procedures required to request the authorization of transfers

Operational measures

- (g) train officials involved in monitoring transfers

Implementation at the subregional level

The ECCAS Secretariat shall take the following actions:

Institutional measures

- (a) support capacity-building of the national bodies responsible for overseeing transfers

Regulatory measures

- (b) support the adoption or amendment of national legislation and implementing regulations on the authorization of transfers
- (c) develop and introduce guidelines on creating forms to request the authorization of transfers
- (d) develop and introduce guidelines on creating end-user certificates

Operational measures

- (e) support the training of officials involved in monitoring transfers

Chapter III. Possession by civilians

Implementation at the national level

States parties shall take the following actions:

Institutional measures

- (a) build the capacity of the national body responsible for controlling the possession and trade of small arms and light weapons by civilians

Regulatory measures

- (b) establish administrative and legal procedures on the possession and trade of small arms and light weapons by civilians
- (c) define the procedures for verifying permits to carry weapons
- (d) ensure that visitors' certificates are issued in line with harmonized measures
- (e) adopt and clarify the implementing regulations on the bearing of weapons by civilians
- (f) disseminate national legislation pertaining to the possession and trade of light weapons by civilians

(g) adopt the standardized sub regional procedure for notification and follow up in cases of lost or stolen weapons

Operational measures

(h) train officials involved in controlling the possession and trade of light weapons by civilians

(i) raise public awareness of issues related to the possession and trade of small arms and light weapons by civilians, including procedures for the voluntary surrender of weapons

(j) include in the national database information on licenses or authorizations to possess, carry or trade light weapons

Implementation at the sub regional level

The ECCAS Secretariat shall take the following actions:

Institutional measures

(a) support capacity-building of the national bodies responsible for the possession of and trade in small arms and light weapons by civilians

Regulatory measures

(b) develop and introduce a standard template for visitors' certificates

(c) define and enact procedures for verifying visitors' certificates

(d) harmonize and enact administrative procedures and measures for the granting or withdrawal of authorizations for the possession of light weapons

(e) develop and introduce norms and standards for the proper management of stocks of weapons and ammunition possessed by civilians, particularly manufacturers and dealers

(f) support the adoption and implementation of national laws and regulations on small arms and light weapons

(g) develop, disseminate and implement guidelines on creating visitors' certificates, permits and licenses

(h) develop and disseminate a guide to keeping records on the possession and trade of light weapons by civilians

(i) create a sub regional common system to verify the validity of licenses issued to civilians at the national level to possess, bear, use and trade in light weapons

Operational measures

(j) support the training of officials responsible for controlling the possession and trade of light weapons by civilians

(k) assist States in raising awareness among civilians of issues pertaining to the possession, bearing, use and trade of light weapons by civilians

Chapter IV. Manufacture, repair and distribution

Implementation at the national level

States parties shall take the following actions:

Institutional measures

(a) build the capacity of the national body responsible for overseeing the manufacture, repair and assembly of small arms and light weapons and their ammunition, and for licensing and monitoring/inspecting their manufacture

Regulatory measures

(b) issue licences or permits to assemble and repair

(c) implement the legislation regulating weapons

Operational measures

(d) establish production quotas to limit manufacturing

(e) conduct an inventory of local manufacturers

(f) establish record-keeping procedures regarding local manufacturers

(g) obtain the materials required for marking locally manufactured weapons

(h) equip and train local manufacturers, including on marking

(i) conduct inspections of official weapons marking sites

(j) draft and submit to the ECCAS Secretariat an annual report on local manufacturing

(k) educate local manufacturers about the legislative and regulatory framework in force

(l) train officials responsible for monitoring local manufacturing

(m) initiate programmes to retrain local manufacturers or incorporate them in income-generating activities

(n) include information on local manufacturing in the national database

Implementation at the sub regional level

The ECCAS Secretariat shall take the following actions:

Institutional measures

(a) support capacity-building of the national bodies responsible for: overseeing manufacture, repair and assembly; licensing manufacturers; and monitoring/inspecting manufacturing

Regulatory measures

(b) define the methods, regulations and standards for marking

(c) define, in coordination with States parties, the procedures for the exchange of information between national databases and the sub regional database

Operational measures

(d) record in the sub regional database on small arms and light weapons the information sent by the competent authorities in States parties concerning local manufacturers and manufacturing

(e) support the procurement by States parties of the materials required for marking locally manufactured weapons

(f) support training for local manufacturers on marking weapons and ammunition

(g) urge States parties to mark weapons upon manufacture

(h) urge States parties to adopt policies and strategies to reduce and/or limit the local manufacturing of small arms and light weapons and their ammunition

Chapter V. Operational procedures

Implementation at the national level

States parties shall take the following actions:

Institutional measures

(a) build the capacity of the national body responsible for implementing the Convention, including activities related to brokering, marking, tracing, registration, management and security of stockpiles, destruction, border control and public awareness

Regulatory measures

Marking

(b) devise a system for conventional marking and for security marking

Brokering

(c) develop legislative and/or regulatory measures on brokers and brokering

Management and security of stockpiles

(d) adopt or amend and implement disciplinary measures against officials involved in the theft, diversion or loss of weapons and ammunition

(e) apply the ECCAS Secretariat standards for managing and securing stockpiles

(f) implement a procedure for monitoring and evaluating the condition and management of official stockpiles and civilian stocks

(g) take measures to ensure the physical security of stockpiles

Tracing

(h) apply the standards developed by the ECCAS Secretariat for storing and tracing weapons and ammunition

Registration and destruction

(i) apply the ECCAS Secretariat standards for registering, collecting and destroying weapons and ammunition

Operational measures

Brokering

(j) conduct an inventory of legal brokers who are active in the country

(k) equip and train officials responsible for overseeing brokering activities

Management and security of stockpiles

(l) conduct inspections of official sites used for storing or stocking

(m) equip and train officials responsible for overseeing the management and security of stockpiles

(n) conduct an inventory of official stockpiles of State weapons

Registration and destruction

(o) equip and train officials responsible for registering, collecting or seizing and destroying obsolete, surplus or illicit weapons and ammunition

(p) determine weapons destruction sites and identify and destroy obsolete, surplus or illicit weapons

(q) prepare an annual report on the condition and management of stockpiles

Marking and border control

(r) obtain adequate equipment for the agencies responsible for marking and border control

(s) equip and train officials responsible for marking and border control

(t) organize joint patrols of borders

Public awareness

(u) develop and implement a national public awareness programme

Implementation at the subregional level

The ECCAS Secretariat shall take the following actions:

Institutional measures

(a) support capacity-building of the national bodies responsible for implementing the Convention, including activities related to brokering, marking, tracing, registration, management and security of stockpiles, destruction, border control and public awareness

Regulatory measures

Brokering

(b) establish among States parties common criteria and terms to define the occupation of broker

(c) harmonize the individual licences issued to brokers to conduct business

(d) harmonize the individual licences issued for each brokering transaction

(e) develop guidelines or a practical guide to brokering

Marking

(f) develop guidelines or a practical guide to marking

(g) propose a standard model for marking, taking into account the specifications for conventional marking and security marking

Registration, destruction and border control

(h) disseminate the technical information available on collecting and destroying weapons and ammunition

(i) develop and introduce standards for registering, collecting and destroying weapons and ammunition

(j) determine the appropriate indicators for collecting information on cross border movement of small arms and light weapons and ammunition

Management and security of stockpiles

(k) develop a practical guide to managing and securing stockpiles

Public awareness

(l) develop a communications and advocacy manual on small arms and light weapons

Tracing

(m) establish a subregional procedure for the exchange of information between competent authorities on cross-border traffic of small arms and light weapons and ammunition, including within the framework of the Central African Early Warning Mechanism

(n) draft and introduce standards for documenting and tracing weapons and ammunition

Operational measures

Marking and tracing

- (o) disseminate international standards on marking and tracing
- (p) support the training of officials responsible for marking and tracing
- (q) support community disarmament projects conducted through national initiatives or by external partners

Collection and destruction

- (r) support the training of officials responsible for destroying weapons and ammunition

Registration

- (s) disseminate international standards on managing, registering, securing and identifying weapons stocks in the possession of armed and security forces
- (t) support the training of officials responsible for registering, managing, storing, identifying and securing stocks

Management and security of stockpiles

- (u) develop a practical guide on managing and securing stockpiles

Border control

- (v) provide technical and financial support to States parties in procuring appropriate equipment for their border control agencies
- (w) support the training of officials responsible for controlling borders
- (x) urge States to cooperate in their efforts to control borders

Public awareness

- (y) develop and implement a sub regional communications and advocacy strategy on small arms and light weapons
- (z) develop and introduce a standard annual report model for States parties on the condition and management of stockpiles
- (aa) develop public awareness materials

Chapter VI. Transparency and exchange of information

Implementation at the national level

States parties shall take the following actions:

Institutional measures

- (a) build the capacity of the national body responsible for hosting and managing the national electronic database

Regulatory measures

(b) implement procedures to exchange information with the databases of other States parties and the subregional database created by the ECCAS Secretariat

(c) prepare a report on small arms and light weapons and submit it to the United Nations

Operational measures

(d) create and launch a national databank on small arms and light weapons

(e) acquire the material and human resources required to manage the national database

(f) record relevant information in the national database, including on transfers

(g) submit relevant data to the sub regional database and share data on possession by civilians

(h) prepare an annual report on management of the database

(i) prepare an annual report on transfers

(j) submit data on transfers to the sub regional database

(k) establish and maintain cooperation with external partners on arms transfer issues

(l) raise awareness among all competent national bodies of the need for internal cooperation within States

Implementation at the sub regional level

The ECCAS Secretariat shall take the following actions:

Institutional measures

(a) support capacity-building of the national bodies responsible for hosting and managing national electronic databases

Regulatory measures

(b) determine, in coordination with States parties, the process by which the sub regional database on small arms and light weapons and the database on weapons used in peacekeeping operations will be established and managed and the areas they will cover

(c) define and introduce the procedures for exchanging information between the databases of States parties

(d) develop and introduce a practical guide on recordkeeping using databases and registers

(e) determine the type of software and equipment to be used by States parties to establish their national databases and provide such material accordingly

(f) obtain the materials required to establish the two sub regional databases

(g) develop and introduce a template for preparing reports

Operational measures

(h) support States parties in obtaining the technical resources required to establish national databases and conduct training at the national level

(i) create and operationalize the sub regional database on small arms and light weapons and the sub regional database on weapons used in peacekeeping operations

(j) obtain the materials and human resources required to manage the two sub regional databases

(k) develop and submit an annual report to the heads of State and Government on the management of the sub regional database on small arms and light weapons and the sub regional database on weapons used in peacekeeping operations, including information on end-user certificates, transfers, licenses, brokers, purchases and manufacturers

(l) in the interest of strengthening implementation of the Convention, establish dialogue with international weapons manufacturers and suppliers, including through official visits to their headquarters, including those of the Wassenaar Arrangement and other suppliers

(m) officially inform the Secretariat of the Wassenaar Arrangement and other international weapons suppliers of the adoption and signing of the Convention

(n) sign memorandums of understanding with the Wassenaar Arrangement and other international weapons suppliers

(o) assist States parties with drafting reporting

(p) consolidate States parties' annual reports on transfers

(q) urge States parties to establish a system for mutual legal assistance on issues related to: sources and supply routes of weapons, means of transport and financial support available; criminal groups and networks of illicit trafficking in weapons; and the conviction of individuals or legal entities involved in illicit activities linked to small arms and light weapons.

Chapter VII. Harmonization of national legislation

Implementation at the national level

States parties shall take the following actions:

Institutional measures

(a) create or build the capacity of the national bodies responsible for implementing legislation

Regulatory measures

(b) amend, update, harmonize and adopt national legislation to bring it in line with the relevant provisions of the Convention

Operational measures

- (c) conduct a review of national laws regulating small arms and light weapons in the context of the Convention
- (d) educate the authorities and defense and security forces on the provisions of the Convention
- (e) increase the visibility of the body responsible for implementing the Convention and strengthen its policymaking capacity
- (f) enhance the effective functioning of inter-ministerial coordination mechanisms to control small arms and light weapons, corruption, money-laundering and drugs
- (g) disseminate, including through public awareness campaigns, the laws and implementing regulations on the trade, bearing, manufacture, use and possession of small arms and light weapons
- (h) disseminate the laws and implementing regulations regarding civil and/or criminal penalties against corruption related to the manufacture, traffic, trade, possession and use of illicit small arms and light weapons
- (i) prepare an annual report on the implementation of national laws and regulations on small arms and light weapons
- (j) strengthen cooperation between States in the fight against corruption
- (k) train officials to fight against corruption and crime
- (l) cooperate with other States parties with a view to incorporating anticorruption measures into national legislation

Implementation at the sub regional level

The ECCAS Secretariat shall take the following actions:

Institutional measures

- (a) support capacity-building of the national bodies responsible for implementing legislation
- (b) institute the exchange of information between the security agencies of States parties to enhance the fight against small arms and light weapons and improve security

Regulatory measures

- (c) develop a guide to harmonizing national legislation on small arms and light weapons
- (d) institute the exchange of information between State security agencies in order to strengthen the fight against the proliferation of small arms and light weapons and improve sub regional security
- (e) adopt and implement in States parties international standards on the establishment and functioning of national commissions on small arms and light weapons

Operational measures

- (f) disseminate the Convention and its relevant provisions to States parties
- (g) harmonize legal and administrative policies and practices against small arms and light weapons, drugs and money-laundering
- (h) organize discussion sessions on threats to regional security
- (i) provide technical assistance to States parties in drafting, revising and disseminating national legislation on small arms and light weapons in line with national and international obligations
- (j) support training and awareness-raising activities for the relevant national and sub regional actors on the fight against corruption related to the manufacture, traffic, trade, possession and use of illicit small arms and light weapons
- (k) support dissemination of national legislation on small arms and light weapons

Chapter VIII. Institutional arrangements and implementation

Implementation at the national level

States parties shall take the following actions:

Institutional measures

- (a) create or build the capacity of the national body (national commission) responsible for coordinating and implementing the Convention in line with international standards

Regulatory measures

- (b) if necessary, develop and adopt an act establishing the national commission
- (c) create a national plan to control small arms and light weapons based on an impact study

Operational measures

- (d) Provide financial support for the implementation of the Convention
- (e) develop a strategy document for mobilizing resources
- (f) create a budget line in the annual budget and provide material resources to the national commission
- (g) train members of the national commission, the armed and security forces, and civil society organizations on issues related to small arms and light weapons
- (h) conduct surveys and studies on the impact of small arms and light weapons on the security of the State and the population
- (i) coordinate national forums to exchange views and raise awareness of issues relating to small arms and light weapons

(j) provide the ECCAS Secretariat with the financial, technical and human resources to implement the Convention

(k) submit an annual report to the ECCAS Secretariat on the implementation of the Convention

Implementation at the sub regional level

The ECCAS Secretariat shall take the following actions:

Institutional measures

(a) create a unit on small arms and light weapons to work in coordination with the Secretariat of the Committee and States parties to implement the Convention

(b) establish (where they are not already in place) or build the capacity of national bodies (national commissions) responsible for coordinating implementation of the Convention

(c) create and launch the Group of Independent Experts

(d) formalize relationships with the International Criminal Police Organization (INTERPOL), the Committee of Central African Police Chiefs (sub regional organization of police forces) and the World Customs Organization

Regulatory measures

(e) develop a resource mobilization strategy

Operational measures

(f) present, at a Committee meeting, a high-priority sub regional programme to implement the Convention

(g) provide financial support for the implementation of the Convention

(h) recruit staff for the small arms and light weapons unit

(i) provide financial and material support to the national commissions

(j) support the training of members of national commissions, including on project planning and management

(k) support the establishment of a network of civil society organizations, provide them with material and financial support and organize training sessions for them

(l) organize meetings at which national commissions of States parties can share experiences

(m) create a programme to build the capacity of national commissions and civil society

(n) coordinate follow-up and evaluation visits to States parties

- (o) coordinate regular meetings to support dialogue and coordination with civil society organizations
- (p) mobilize the financial resources required to implement the Convention
- (q) conduct informational visits within the United Nations system and to the African Union
- (r) publish and disseminate information, studies and research on small arms and light weapons
- (s) create a framework document to assist States parties in preparing annual reports on implementation
- (t) prepare an annual report on implementation of the Convention
- (u) provide the Group of Independent Experts with adequate financial and administrative resources
- (v) encourage cooperation between national bodies
- (w) cooperate with the group of experts
- (x) map progress on the creation and functioning of national commissions
- (y) promote the signing and ratification of the Convention by States parties

Chapter IX. General and final provisions

Implementation at the national level

States parties shall take the following actions:

Regulatory and operational measures

- (a) sign, ratify, promulgate and implement the Convention
- (b) mobilize civil society support for implementing and ensuring compliance with the Convention

Implementation at the sub regional level

The ECCAS Secretariat shall take the following actions:

Operational measures

- (a) devise a strategy for advocating the ratification and entry into force of the Convention
- (b) conduct visits to advocate the signature, ratification and entry into force of the Convention

Functions of the depositary

In his capacity as depositary of the Convention, the Secretary-General of the United Nations shall ensure the safekeeping of this Convention, receive full powers as needed and any instruments of ratification, acceptance, approval and/or accession. He shall inform all States concerned of actions related to the Convention.