

*Republic of the
Marshall Islands*



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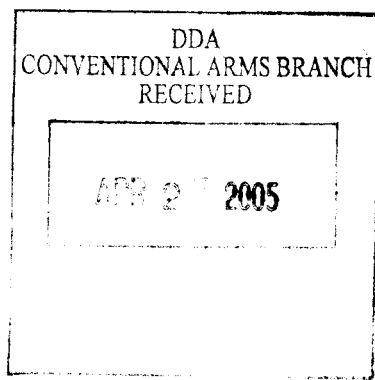
25 April 2005

The Permanent Mission of the Republic of the Marshall Islands to the United Nations presents its compliments to the Under-Secretary General for Disarmament Affairs of the United Nations and in reference to resolution 59/86 entitled "The illicit trade in small arms and light weapons in all its aspects" adopted by the General Assembly on 3 December 2004, has the honour to transmit herewith the national report of the Republic of the Marshall Islands.

The Permanent Mission of the Republic of the Marshall Islands to the United Nations avails itself of this opportunity to renew to the Under-Secretary General for Disarmament Affairs of the United Nations the assurances of its highest consideration.



Under-Secretary General for Disarmament Affairs
Conventional Arms Branch
Department for Disarmament Affairs
United Nations Headquarters, Room S-3170K
New York, NY 10017



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Small Arms and Light Weapons UN Report

National level

1. National coordination agency

- (a) Does your country have a national coordination agency or body that is responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects? (II.4)

Answer: The office of the Office of the Attorney General is responsible for national coordination and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects.

2. National point of contact

- (a) Does your country have a national point of contact to act as liaison with other states on matters relating to the implementation of the UN Program of Action? (II.5)

Answer: The Office of the Attorney General of the Republic of the Marshall Islands is the national point of contact in all matters affecting national security including acting as liaison with other states on matters relating to the implementation of the UN Program of Action.

3. Legislation, regulations, administrative procedures

- (a) What national laws, regulations, and administrative procedures exist to exercise effective control over SALW in the following areas? (II.2)

- Production
- Export
- Import
- Transit
- Retransfer

Answer: Pursuant to Title 7 MIRC (Marshall Islands Revised Code), Section 18, *“(1) No person shall manufacture or deal in firearms, dangerous devices or ammunition at wholesale unless:*

- (a) he is the holder of a dealer’s license issued pursuant to Section 11 of this Chapter; or*
(b) he is the holder of a license issued pursuant to this section.

(2) Any person proposing to manufacture or deal at wholesale in firearms, dangerous devices or ammunition, which person is not the

Answer: There has never been any known reported cases in the Republic with regard to groups or individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW, therefore we do not have any comments to make on this question.

(c) What national measures have been taken, including legal or administrative means, against activity that violates a United Nations Security Council arms embargo in accordance with the charter of the United Nations? (II.15)

Answer:

5. Stockpiling management and security

(a) What national standards and procedures exist for the implementation and security of SALW stocks held by armed forces, police or other authorized bodies? (II.17)

Answer: The Office of the Police Commissioner keeps records and inventory of all SALW stocks held by the police force and licensed individuals in the Republic and reports the same annually to the Office of the Attorney General.

(b) How often are stocks of SALW held by armed forces, police and other bodies reviewed? (II.18)

Answer: The Police Commissioner reviews the stocks of SALW held by the police force at varied times during the year. RMI does not have any military force.

(c) How are those stocks of SALW held by armed forces, police and other authorized bodies that are surplus to requirements identified? (II.18)

Answer: The Police Commissioner is in charge of procuring stocks of SALW for the police force. The Auditor General audits the Office of the Police Commissioner every year. Thus the surplus is usually identified during the audit.

6. Collection and disposal

- (a) Give details of any national programs that have been established and implemented for the responsible disposal of surplus stocks of SALW held by armed forces, police and other authorized bodies. (II.18)**

Answer: The Procurement and Supply Officer verifies the surplus stocks of SALW that would need to be disposed of after the Police Commissioner has identified and reported the surplus stocks of SALW to the Office of the Attorney General.

- (b) Is destruction the means used to dispose of such stocks? Give details, including information on any other forms of disposal used. (II.18)**

Answer: Yes, destruction by way of dumping in the deep sea is the means often used to dispose of such stocks.

- (c) What national measures exist to safeguard such stocks prior to their disposal? (II.18)**

Answer: These stocks are under the custody of the Office of the Police Commissioner and the Office of the Attorney General.

- (d) Subject to the exceptions set out in paragraph II.16 of the UN Program of Action, are all confiscated, seized or collected SALW destroyed? Give details, including information concerning any exceptions to destruction. (II.16)**

Answer: Yes, it is the standard policy of the Republic that all confiscated, seized or collected SALW would normally be destroyed through the means of dumping in the deep sea by the Office of the Police Commissioner.

- (e) What methods has your country used to destroy surplus stocks of SALW designated for destruction? (If appropriate, make reference to the report of the UN Secretary-General (s/2000/1092) of 15 November 2000.) (II.19)**

Answer: The only means used to destroy surplus stocks of SALW designated for destruction is by dumping them in the deep sea according to the standard procedures.

- (f) Give details of any information on SALW confiscated or destroyed within your jurisdiction that is submitted to relevant regional and international organizations. (II.23)**

Answer: RMI does not report any information on SALW confiscated or destroyed to other regional or international organizations unless it is warranted.

7. Export controls

- (a) Describe the system of export and import licensing or authorization, as well as measures on international transit, used by your country for the transfer of all SALW. (II.11)**

Answer: Pursuant to Title 7 MIRC, Section 10, “(1) No dealer, manufacturer or wholesaler shall transfer firearms, dangerous devices or ammunition except pursuant to a license therefore as provided in this section. (2) Any person, firm, corporation, association or other entity proposing to engage in the business of selling firearms, ammunition, and dangerous devices at retail shall apply for a dealer’s license....”

- (b) Describe the national laws, regulations and administrative procedures used by your country to ensure effective control over the export and transit of SALW. How are these measures implemented? (II.12)**

Answer: As stated above, licensing is the statutory means to control export and transit of SALW and it has been implemented for many years in the Republic.

- (c) Does your country use authenticated end-user certificates for this purpose? (II.12)**

Answer: No

- (d) Does your country notify the original exporting State when re-exporting or retransferring previously imported SALW? (II.13)**

Answer: No

8. Brokering

- (a) What national legislation or administrative procedures exist to regulate the activities of those who engage in SALW brokering within national jurisdiction and control? (e.g. registration of brokers, licensing or authorization of brokering transactions and appropriate penalties). (II.14)**

Answer: Pursuant to Title 7 MIRC, Section 13, “(1) Every licensed dealer shall maintain records containing an inventory of firearms, dangerous devices, and ammunition or any of them received together with the name and address of the person from whom received, and the manufacturer, type and serial number of each firearm and dangerous device, the name and address of the person to whom transferred, the identification card number of such person, the manufacturer, type and serial number of the gun or dangerous device transferred and the date of transfer. Such records shall be available for inspection at all reasonable times by the office of the Attorney-General and his duly designated representatives.”

Pursuant to Title 7 MIRC, Section 31, “ (1) Any person who, being the holder of a valid identification card, fails to comply with section 7 of this Chapter shall be guilty of a misdemeanor, and shall upon conviction be liable to a fine not exceeding \$100, or to a term of imprisonment not exceeding three (3) months or both.

(2) Any person who violates any other provisions of this Chapter or any regulations issued pursuant thereto shall be guilty of a felony, and shall upon conviction be liable to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding five (5) years...”

9. Marking, record keeping and tracing

(a) Does your country require licensed manufacturers of SALW to apply an appropriate and reliable marking on each weapon as an integral part of the production process? (II.7)

Answer: Yes

(b) Is this marking unique? (II.7)

Answer: Yes, the serial numbers must be different/unique.

(c) Does this marking identify the country of manufacture? (II.7)

Answer: Yes, the name and address of the manufacturer is a mandatory prerequisite for registration.

(d) How does this marking otherwise allow concerned authorities to identify and trace the relevant weapon? (II.7)

Answer: By referring to the serial number and the name and address of the manufacturer.

- (e) How long are records kept on the manufacture, holding and transfer of SALW under your jurisdiction? (II.9)**

Answer: By law, the Office of the Attorney General is responsible for maintaining a registry of firearms and the records in the registry must be kept permanently unless there is a record of the destruction of the gun.

- (f) What national measures exist for tracing SALW held and issued by the State? (II.10)**

Answer: Pursuant to Title 7 MIRC, Section 22, *“Whoever owns or possesses a firearm or dangerous device shall, within twenty-four (24) hours of discovery, notify the office of the Attorney-General of the loss, theft or destruction of any such firearm or dangerous device and, after such notice, of recovery thereof.”*

- (g) Give details of any steps taken by your country to cooperate in tracing illicit SALW, including the strengthening of mechanisms based on the exchange of relevant information. (II.11)**

Answer: If, in the event, there is a need for our country to cooperate in tracing illicit SALW, the Office of the Attorney General would take immediate action to initiate appropriate actions in order to comply with International laws prohibiting illicit trade of SALW.

10. Disarmament, demobilization and reintegration (DDR)

- (a) Describe any disarmament, demobilization and reintegration (DDR) programs your country has developed and implemented, including the effective collection, control, storage and destruction of SALW. (II.21) Give details of any peace agreements involving your country that have made provision for these programs.**

Answer: The laws of the Republic provide the means for the Office of the Attorney General to effectively collect, control, store and destroy SALW. However, the Republic does not have any peace agreements signed with another country specifically for disarmament, demobilization and reintegration programs.

- (b) Describe how your country has addressed the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation. (II.22)**

Answer: Our country has been very peaceful country all these years since its independence therefore there has not been

(c) Describe any DDR programs or activities that your country has supported. (II.30, 34)

Answer: None so far.

11. Awareness-raising

(a) Describe any public awareness and confidence-building programs on the problems and consequences of the illicit trade in SALW in all its aspects that your country has developed and implemented (including the public destruction of surplus and the voluntary surrender of SALW. (II.20)

Answer: Due to the fact that only a few people in the Marshallese population own guns, it has not become a necessity for the government to educate the public about the problems and consequences of the illicit trade in SALW and all its aspects.

(b) Describe any education and public awareness programs on the problems of the illicit trade in SALW in all its aspects that your country has encouraged. (II.41)

Answer: Same answer as above.

Regional level

1. Legally binding instruments

(a) Has your country been involved in negotiations for the conclusion of legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects? (II.25)

Answer: No

(b) Where such instruments exist, describe the steps your country has taken to ratify and fully implement them. (II.25)

Answer: N/A

2. Moratoria and action programs

- (a) Give details of any support your country has given moratoria or similar initiatives on the transfer and manufacture of SALW, and/or regional action programs to prevent, combat and eradicate the illicit trade in SALW in all its aspects (including cooperation with States concerned in the implementation of these initiatives). (II.26)**

Answer: None

3. Regional Cooperation

- (a) Describe any involvement your country has had in the establishment of sub-regional or regional or regional mechanisms with a view to preventing, combating and eradicating the illicit trade in SALW across borders (in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies). (II.27)**

Answer: RMI is an active member of the South Pacific Forum so it shares information with the other Pacific islands countries with regard to the illicit trade in SALW across borders, whenever it is needed.

- (b) Describe any initiatives your country has undertaken to encourage regional and sub-regional action on illicit trade in SALW in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures. (II.28)**

Answer: RMI has been adhering to the terms and conditions its agreements with the neighboring countries relating to matters such as illicit trade in SALW, money laundering, the initiatives against terrorism, etc.

Global level

1. International instruments against terrorism and crime

- (a) What existing international legal instruments against terrorism and transnational organized crime has your country ratified or acceded to? (II.38)**

Answer: All UN Security Council Resolutions against terrorism and transnational organized crimes.

2. International cooperation and assistance

- (a) Give details of any assistance, including technical and financial assistance, your country has provided for purposes of supporting the implementation of the measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN Program of Action. (II.3, 6, 10, 14)**

Answer: None

- (b) Describe any initiatives your country has undertaken to enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in SALW in all its aspects. (II.13)**

Answer: RMI has ratified all UN Security Council Resolutions against terrorism which are included its mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions of cases relating to illicit trade in SALW in all its aspects.

- (c) Give details of your country's cooperation with Interpol for the purpose of identifying those groups and individuals engaged in the illicit trade in SALW in all its aspects. (II.37)**

Answer: RMI is an active member of the Interpol.

- (d) Give details of your country's use and support of Interpol's International Weapons and Explosives Tracking System database (including providing relevant information on the illicit trade in SALW). (III.9)**

Answer: As an active member of the Interpol, RMI fully supports all initiatives undertaken by Interpol including providing relevant information on the illicit trade in SALW.

- (e) Give details of your country's cooperation with the UN system to ensure the effective implementation of arms embargoes decided by the UN Security Council in accordance with the UN Charter. (II.32)**

Answer: RMI has been faithfully cooperating with the UN to ensure the effective implementation of arms embargoes decided by the UN Security Council are being carried out smoothly and without delay.

- (f) Describe any steps your country has taken in cooperation with other states, or regional or international organizations, to develop common understandings of the basic issues and the scope of the problems related to illicit brokering in SALW. (II.39)**

(b) Describe any regional and international programs for specialist training on small arms stockpile management and security that your country has developed or supported. (II.8)

Answer: None

(c) Give details of any action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in SALW in all its aspects that your country has developed or supported. (III.18)

Answer: None