Report by the Swiss Confederation concerning the application of the action programme to prevent, combat and eradicate illicit trade in SALW in all its aspects

April 2005

List of abbreviations

DFA: Federal Department of Foreign Affairs
DDPS: Federal Department of Defence, Civil Protection and Sports
DJP: Federal Department of Justice and Police
DEA: Federal Department of Economic Affairs
DETEC: Federal Department of Environment, Transport, Energy and Communication
Seco: State Secretariat for Economic Affairs
FDF: Federal Department of Finance
RS: Systematic collection of federal law
LArm: Federal law of 20 June 1997 on arms, accessories and munitions
OArm: Ordinance of 21 September 1998 on arms, accessories and munitions
LMG: Federal law of 13 December 1996 on defence equipment
OMG: Ordinance of 25 February 1998 on defence equipment
OCB: Ordinance of 25 February 1998 on defence equipment
LEmb: Federal law of 22 March 2002 on the application of international sanctions
A) At the national level

1. National coordination agency

*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)*

Five of the seven Swiss ministries (federal departments) are concerned in one way or another with the subject: the Federal Department of Foreign Affairs (DFA); the Federal Department of Defence, Civil Protection and Sports (DDPS); the Federal Department of Justice and Police (FDJP) and notably its Federal Office for Police Matters; the Federal Department of Economic Affairs (DEA) and in particular its State Secretariat for Economic Affairs (Seco); and finally the Federal Department of Finance (FDF), and above all its Federal Customs Administration.

As well as the federal authorities, the 26 cantons also have considerable responsibilities in the area of SALW: particularly when it comes to criminal proceedings in the context of the law on weapons, the granting of permits for the purchase of arms, and of licences for the sale of arms. Switzerland’s police forces also come under the responsibility of the cantons. The Confederation has no internal security forces at the national level.

At the federal level, the Federal Department of Foreign Affairs (Political Affairs Division IV [PD IV]) and in particular its Peace Policy Section, is responsible for coordination. The Division organises regular interdepartmental coordination meetings addressing current issues pertaining to Swiss policy on SALW. And it coordinates Switzerland’s policy in this area at the international level. International projects relating to SALW are above all organised and financed by the DFA (Peace Policy Section, International Security Policy Centre) and the DDPS.

2. National point of contact

*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 Programme of Action? (II.5)*
The SALW desk officer of the DFA/PD IV is the central clearing office for implementation of the UN Programme of Action.
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3. Legislation, administrative regulations and procedures

Preliminary remarks

On the legislative level, several laws deal simultaneously with questions related to small arms and light weapons (including their munitions). The three main laws are the Law on arms (LArm), the Law on defence equipment (LMG) and the Law on control of goods (LCB).

The LMG and LCB cover all SALW in the sense of the definition by the UN panel of government experts in 1997. The LArm applies to all small weapons in the sense of the definition by the panel of government experts in 1997. These three laws deal in part with the same weapons. However their objectives and consequently their fields of application are distinct.

The main goal of the LArm is the maintenance of internal security. The LMG and the LCB are intended to serve foreign policy and foreign security policy goals and are intended to implement Switzerland’s international commitments. So, generally speaking, the import, manufacture and brokering of arms in Switzerland fall under the LArm. On the other hand, the export, transit and brokering for foreign countries and trade to foreign countries of the same goods are basically regulated by the LMG and the LCB.

However a distinction must be made between small arms and light weapons. In fact the import and manufacture of light weapons comes under the LMG and not under the LArm.

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

• production
• exports
• imports
The following laws and ordinances are of special importance for the control of small arms and light weapons:

Production:


- Ordinance of 21 September 1998 on arms, accessories and munitions (Ordonnance sur les armes, Oarm, RS 514.541).

- Federal law of 13 December 1996 on defence equipment (Loi sur le matériel de guerre, LMG, RS 514.51).

- Ordinance of 25 February 1998 on defence equipment (Ordonnance sur le matériel de guerre, OMG, RS 514.511).

Exports

- Federal law of 13 December 1996 on defence equipment (Loi sur le matériel de guerre, LMG, RS 514.51).

- Ordinance of 25 February 1998 on defence equipment (Ordonnance sur le matériel de guerre, OMG, RS 514.511).

- Federal law of 22 March 2002 on the application of international sanctions (Loi sur les embargoes, LEmb, RS 946.231).

- Ordinance of 2 October 2000 instituting measures against persons and entities linked to Osama bîn Laden, the Al Qaeda group and the Taliban (RS 946.203).

- Ordinance of 7 August 1990 instituting economic measures towards the Republic of Iraq (RS 946.206).

- Ordinance of 19 January 2005 instituting measures against Liberia (RS 946.231.16).

- Ordinance of 8 December 1997 instituting measures against Sierra Leone (RS 946.209).

- Ordinance of 19 January 2005 instituting measures against Côte d’Ivoire (RS 946.231.13).
(In addition, regarding weapons for sport and hunting)
- Federal law of 13 December 1996 on the Control of Dual-Use Goods and of Specific Military Goods (Loi sur le control des biens, LCB, RS 946.202)

Imports

- Ordinance of 21 September 1998 on arms, accessories and munitions (Ordonnance sur les armes, Oarm, RS 514.541)
- Federal law of 13 December 1996 on defence equipment (Loi sur le matériel de guerre, LMG, RS 514.51)
- Ordinance of 25 February 1998 on defence equipment (Ordonnance sur le matériel de guerre, OMG, RS 514.511)

Transit and Re-exportation

- Federal law of 13 December 1996 on defence equipment (Loi sur le materiel de guerre, LMG, RS 514.51)
- Ordinance of 25 February 1998 on defence equipment (Ordonnance sur le matériel de guerre, OMG, RS 514.511)
- Federal law of 13 December 1996 on the Control of Dual-Use Goods and of Specific Military Goods (Loi sur le control des biens, LCB, RS 946.202)

Insofar as weapons of the armed forces are concerned the main laws and ordinances are as follows:
The main provisions concerning production, import, export and transfer in the following pages are explained in each case. For details, the reader should refer to the full text of the instrument in question. The relevant laws and ordinances can be consulted in extenso in the Swiss national languages via the Internet, at the following site:  http://www.admin.ch/ch/f/rs/rs.html

**Production**

The issuing of authorisations for the manufacture of SALW in principle comes under the law on arms and the Law on defence equipment. However, following the coordination of legislation concerning arms, defence equipment, explosives and the control of goods, the manufacture of personal long guns and handguns (small arms) no longer requires initial authorisation in the context of the Law on defence equipment. All that is required is a licence to sell arms in accordance with the Law on defence equipment. A licence to sell arms is granted to anyone who, under Art. 18, LArm,

- meets the conditions pertaining to the granting of a permit to buy arms (Art. 8, para. 2)¹;

¹ LArm, Art. 8, para. 2-5 : No permit to buy arms shall be granted to persons:
- who are not yet 18 years of age;
- who are incapacitated;
- if there is reason to suspect that those persons would use the weapon to endanger themselves or others
- who have a criminal record for acts denoting a dangerous or violent character or for repeated crimes or offences as long as they have not been stricken from the record.

² The competent authority of the domicile canton, or for Swiss living abroad, the authority of the canton of the place of purchase grants the permit. It is valid throughout Switzerland.

³ It gives the right to buy a single weapon or one essential component for the weapon. The Federal Council can make exceptions, notably in cases involving the purchase of several arms or essential components from the same person and in cases of replacement of essential components for legally purchased arms.
- is registered in the trade registry;
- has passed an exam qualifying that person as having sufficient knowledge about different types of arms and munitions and about all relative legal provisions;
- has special business premises where the arms, essential components, accessories, munitions and munitions components can be kept securely;
- offers all the guarantees of a business that is above suspicion.

A licence to sell arms must be obtained from the competent authority of the canton in which the applicant has established the main office of his company. Only the manufacture of light weapons, which comes under the Law on defence equipment, requires initial authorisation in accordance with the provisions of that law. Such authorisation is granted only to physical persons or legal entities able to offer the necessary guarantees for proper management of their affairs and only if the proposed activities are not contrary to national interests. If at any time these conditions are no longer met the authorisation can be revoked. Seco will rule on requests for initial authorisation in consultation with the Federal Office for Police Matters.

**Exports**

In accordance with the provisions of Art. 22a, par. 1, LArm, the provisions of the **LMG** or the **LCB** are applicable. Seco (DEA) is the competent authority.

The export of SALW requires specific authorisation in accordance with the **LMG**. In general such authorisation is granted only in the case of supplies destined for a foreign government or a company employed by a foreign government, and only when the latter has submitted a declaration of non-re-exportation. In the case of exports to non-governmental services, the exporter must prove the existence of the importation authorisation of the country of final destination, or that such authorisation is not required. Moreover no export will be authorised if it is found to be in violation of international law or contrary to the principles of Switzerland’s foreign policy or international obligations. The **OMG** gives additional details on the reasons behind the decisions to authorise such exports. The main criteria for such decisions are as follows:

- The maintenance of peace, international security and regional stability

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5 The permit to purchase weapons is valid for six months. The competent authority may extend this period by three months at the most.
• The prevailing situation in the country of destination, in particular with regard to the observance of human rights and the ban on the recruitment of child soldiers
• Switzerland’s activities in the area of development cooperation
• The attitude of the country of destination with regard to the international community and in particular with regard to international law
• The attitude of countries participating (like Switzerland) in international export control regimes.

All requests for authorisation are examined by Seco in consultation with the DFA. If necessary a request may be forwarded to the Swiss government (Federal Council) for its consideration.

The authorisations are granted for a limited time and can be suspended or revoked if the circumstances require.

The Law on defence equipment is also applicable in the cases of transfers of “intangibles” such as know-how, under conditions which are the same as for other exports.

As for light weapons that come under the law on the control of goods, the export requirements are slightly different than in the case of exports governed by the Law on defence equipment. The OCB stipulates that anyone wishing to export arms under Annex 3 of the ordinance (specific list of military goods) must be in the possession of an export permit from Seco. Generally speaking these export authorisations take the form of an individual permit granted to physical persons or legal entities whose domicile or head office is in Switzerland. When examining a request for the export of arms to a body other than a foreign government or a company employed by a foreign government, Seco requires an import certificate issued by the country of final destination, or proof that such a certificate is not needed.

For exports destined to certain specific countries (cited in Annex 4 of the OCB, being countries which like Switzerland participate in all export control regimes) the authorisation procedure is simplified. These exports can be made on the basis of general export licences rather than individual licences.
There are exceptions to the permit requirements. They mainly involve the export of arms for sport or hunting on behalf of persons travelling abroad to engage in such activities or the re-exportation of arms by security agents after official visits.

Export licences (individual or general) can be refused, notably in the following cases:

- The planned activity would be in violation of international agreements or measures decided in the context of export control requirements.
- There is reason to believe that the planned activity would benefit terrorist groups or organised crime.
- The UN or certain States which participate in international export control regimes forbid the export of goods for which a permit is necessary, and Switzerland’s main trading partners respect these bans.
- The goods to be exported would add to the conventional arsenal of a State whose behaviour is a threat to regional or international security.
- The State of origin of a particular good does not consent to its re-exportation.

The decision by Parliament on 17 December 2004 to bring the arms law into conformity with European directive 91/477 means introducing a licence for arms exported to a country adhering to one of the Schengen association agreements. The licence will follow the exported arms from the sender to the consignee; the destination state will be kept directly informed by the central clearing office. A referendum has been called against the federal decree of 17 December 2004 on the adhesion of Switzerland to the Schengen/Dublin agreement and thus against the implementation of directive 91/477. The Swiss electorate will decide on the matter 5 June 2005.

**Planned change in the arms law**:  
Art. 22 b Licence  
1 Any person wishing to export firearms to a state adhering to one of the Schengen association agreements must inform the central clearing office before the planned export.  
2 The central office for arms delivers a licence to accompany the firearms to their destination.  
3 The licence contains all the necessary information on the transport of the exported arms as well as all the data required to identify the people involved.  
4 The licence is not provided if, because of the laws of the destination state, the receiver is not authorised to possess the arms in question.  
5 The office for arms transmits the information it has available to the competent authorities of the state involved in the export of firearms.

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2 Federal decree of 17 December 2004 on the approval and implementation of the bilateral agreements concerning association with the Schengen/Dublin Areas
Imports

The **LMG** stipulates that the import of defence equipment is subject to authorisation by the Swiss Confederation. Specific authorisation is required for light weapons unless these are being supplied to the Confederation. The import of defence equipment will be authorised insofar as it does not violate international law and is not contrary to national interests. The body responsible for authorisation is sec.

This provision does not apply to personal long guns or handguns as per the law on arms (small arms). The import of small arms (as per Art. 4 **Larm**) is governed by the law on arms.

The Central Office for Arms monitors the import of long guns or handguns and the munitions for such arms in accordance with the requirements of Art. 4 **LArm** and issues the necessary authorisations in accordance with Art. 24 and 25 **LArm**, together with Art. 22, 24, 24a and 25a **OArm**.

Authorisation is generally granted unless there are reasons for refusing it such as those cited in Art. 8, par. 2, **Larm** (see footnote 1).

A distinction is made between import authorisations granted to the holders of a licence for the sale of arms and those granted to private individuals: The holders of a licence for the sale of arms will be granted a general authorisation enabling them to import arms and munitions to Switzerland for a period of 12 months in accordance with Art. 22 **OArm**. The prerequisite for the granting of such authorisation is the possession of a valid licence for the sale of arms in accordance with Art. 17 **LArm**. A general authorisation for the import of arms does not cover the import of arms as intended under Art. 5 **LArm**. In the latter case it is necessary to request exceptional authorisation from the Central Office for Arms (Service for Analysis and Prevention of the Federal Office for Police Matters) as per Art. 5, par. 3bis, **LArm**, together with Art. 48, par. 3, **OArm**.

The Central Office for Arms will issue private persons with special authorisation enabling the holder to import arms and munitions in accordance with Art. 25, par. 3, **LArm**, insofar as none of the reasons for refusing such authorisation exist in accordance with Art. 8, par. 2, **LArm**. The authorisation, which is valid for six months, covers the import of three arms, essential components of arms, munitions or munitions components. It may be extended for three months.
For the arms mentioned under Art. 5, par. 1, LArm (includes automatic weapons and automatic weapons modified into long guns or semi-automatic handguns as well as specially-designed components; weapons looking like everyday objects), exceptional authorisation must be obtained from the Central Office for Arms, in accordance with the procedures described in the provisions of Art. 48 OArm. Exceptional import authorisations are granted only in cases where exceptional cantonal authorisation as per Art. 5, par. 3, LArm, has been granted in accordance with Art. 24a, let. b, OArm.

Exceptions to these provisions are as follows:
- Weapons which are not covered by the law on arms (e.g. grenade launchers)
- Weapons intended for police forces, customs authorities, and the armed forces (Art. 2, par. 1, LArm)

The import of arms under the heading KM2 of appendix 1 of the Ordinance on defence equipment (OMG; RS 514.511), such as grenade launchers is subject to approval under the terms of the Federal Law on defence equipment (FMG; RS 514.51). The decision to grant approval or not is left to seco. Arms and equipment for the Swiss military are not subject to authorisation.

The field of application of the Law on arms has been broadened following its adjustment to European directive 90/477 approved by Parliament on 17 December 2004. Henceforth, the law includes all types of military devices capable of launching munitions, projectiles or explosive missiles which can be transported and used by one person. A referendum has been called against the federal decree of 17 December 2004 on the adhesion of Switzerland to the Schengen/Dublin agreement and thus against the implementation of directive 91/477. The Swiss electorate will vote on the issue on 5 June 2005.

Planned amendments to the arms law:\(^3\):

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Federal decree of 17 December 2004 on the approval and implementation of the bilateral agreements concerning association with the Schengen/Dublin Areas
components for automatic firearms are forbidden.

Transit

In accordance with the provisions of Art. 22a, par. 1, LArm the provisions of the LMG or the LCB are applicable, under the authority of seco (DEA).

The transit of SALW is regulated in a way similar to legislation on the export of defence equipment and legislation on the control of goods. The LMG stipulates that such transit is subject to authorisation in the same way as exports and under the same conditions. The authorisation criteria are identical to those which apply to decisions on exports. Exceptions to the normal procedures include persons travelling by air carrying firearms for their personal use and security agents accompanying official visits.

The OCB forbids the transit of SALW in cases where their exportation is forbidden by the country of origin. Transit is also forbidden in cases where there are reasons to believe that it would be in violation of export control measures supported by Switzerland. Finally, as in the Law on defence equipment, arrangements can be made to cover arms for the personal use of air travellers in transit through Switzerland as well as security agents who provide protection during official visits.

Retransit

In accordance with the provisions of Art. 22a, par. 1, LArm, the provisions of the LMG or the LCB are applicable. Seco is the competent authority.

*ii) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW? How have these been implemented? (II.8)*

Civilian arms

The existing laws and ordinances on arms and defence equipment do not include
measures concerning the marking, possession or the transfer of unmarked or insufficiently SALW.

The decision by Parliament on 17 December 2004 to bring the arms law into conformity with European directive 91/477 means that Switzerland must introduce these kinds of measures. If Switzerland joins the Schengen/Dublin treaty, this alignment of Swiss legislation will be imperative. The uses will be decided in a referendum on 5 June 2005 on adhesion to the Schengen/Dublin area.

Planned amendment to the arms law:

Art.1 Goal and object

Para.2 It controls purchase, import, export, transit, keeping, possession, carrying, transport, brokering, manufacture and sale a of arms, their main components, components for specially designed arms and accessories; b of munitions and munitions components.

Art. 18 a Marking firearms

1 The manufacturers of firearms and of their main components and accessories must mark each of these objects to enable their identification and traceability.
2 Each firearm as well as each main component or accessory imported to Switzerland must be clearly marked. The Federal Council can authorise the importation of unmarked firearms for the maximum duration of one year.
3 All markings must be made in such a way that they cannot be removed or modified without the aid of mechanical methods.

SALW held by the army
Please refer to 9i and to Appendix 1.

iii) Please describe how these national laws, regulations and procedures intended to impact the prevention, control and suppression of illicit trade in SALW in all its aspects have been made public. (II.23)

All the texts of the relevant laws and ordinances are available on the Internet in the three national languages (German, French and Italian) (http://www.admin.ch/ch/f/rs/rs.html).
In case of a national vote, the Confederation sends voters background information on the projects being voted on. The amendments to the law are constantly addressed by the media insofar as the possession of SALW by civilians is relatively widespread in Switzerland. Various hunters’ organisations, marksmen’s groups and
collectors are also informed of the planned changes by their own publications.

4. Application of the law and criminalisation

i) What national legislative measures exist to prosecute people charged with illicit manufacture, possession, storage and trade? How are these measures applied? (II.3)

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Brief description including the penalties incurred:

Personal long guns and handguns (small arms)(LArm, Art. 33):
a sentence of up to five years in prison or a fine of up to CHF 100,000, for anyone who has deliberately, in a professional capacity and illegally

a. transferred, imported or manufactured arms, their essential components or components of specially designed arms, accessories, munitions or their components, or brokered such transactions
b. modified basic components of arms.

Criminal prosecution in the sphere of the Law on arms is the responsibility of the cantons (Art. 36, LArm).

Law on defence equipment (Art. 33, LMG):
imprisonment or a fine of a maximum CHF one million for anyone who acts without official authorisation or has violated the conditions or responsibilities of the authorisation; in serious cases, a sentence of 10 years in prison maximum can be accompanied by a fine of up to CHF 5 million. If the accused has acted out of negligence, the prison sentence is six months maximum or a fine of CHF 100,000 maximum.

Link: http://www.admin.ch/ch/f/rs/rs.html
### Possession

| Title | Small arms: Federal law on arms  
Light weapons: There are no legal stipulations regarding the possession of LW. | 20.6.1997 |
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<td>Brief description including the penalties incurred:</td>
<td>The Law on arms does not explicitly regulate the possession of arms. Only Art. 3 LArm and Art. 31 in combination with Art. 8, para. 2, LArm, provide for minimal control over arms possession.</td>
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### Storage

| Title | Small arms: Federal law on arms  
Light weapons: There are no legal stipulations regarding the storage of LW. | 20.6.1997 |

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4 Law on arms:

Art. 3 Right to purchase, possess and carry arms
The right to purchase, possess and carry arms is guaranteed in the context of the present law.

Art. 8 Purchase from a dealer

² No arms purchase permit will be given to people:
  a. who have not turned 18;
  b. for whom it is forbidden;
  c. if there is reason to suspect that they would use the weapon to endanger themselves or others;
  d. - who have a criminal record for acts denoting a dangerous or violent character or for repeated crimes or offences as long as they have not been stricken from the record.

Art. 31 Sequestration

¹ The competent authority shall sequestrate
  a. the arms carried by people without legal permission;
  b. the arms, essential components, accessories, munitions and munitions components found in the possession of people who come under the interdictions mentioned in Art. 8, para. 2.

² The arms, essential components, accessories, munitions and munitions components which are seized from a person other than their legitimate owner are returned to the owner as long as that person does not come under the interdictions mentioned in Art. 8, para. 2.

³ Sequestrated objects are definitively withdrawn in case there is a risk of harmful use.

⁴ The Federal Council shall determine the procedure to apply in cases where restitution is not possible.
Brief description including the penalties incurred:

Neither the Law on arms, nor the Law on defence material contains stipulations specific to storage. Only Art. 26 of the Law on arms (see Internet, RS 514.54) stipulates prudent storage.

Criminal prosecution in this sphere of the Law on arms is the responsibility of the cantons (Art. 36, LArm).

Link: [http://www.admin.ch/ch/f/rs/rs.html](http://www.admin.ch/ch/f/rs/rs.html)

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<td>Small arms and light weapons: → Law on defence equipment</td>
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Brief description including the penalties incurred:

See under manufacture.

Criminal prosecution in this sphere of the Law on arms is the responsibility of the cantons (Art. 36, LArm).

Link: [http://www.admin.ch/ch/f/rs/rs.html](http://www.admin.ch/ch/f/rs/rs.html)

**ii) Have groups and individuals been identified who manufacture, sell, store, transfer or illegally own illicit SALW or who illegally finance the purchase of such weapons? What measures does your legislation provide for against these groups and individuals? (II.6)**

See reply 4.i. (national level)

**iii) Have measures been taken on the judicial and administrative levels against activities which violate an arms embargo declared by the UN Security Council? (II.15)**

The Law on the application of international sanctions (LEmb) of 22 March 2002 enables Switzerland to declare coercive measures to implement in particular, sanctions declared by the UN Security Council. The LMG stipulates specifically that no export authorisation will be granted if such measures have been decreed (Art. 25). The LCB stipulates that the permit concerning specific military goods (including firearms indicated in Appendix 3 of the Ordinance) will be refused if the UN forbids their export (Art. 6).

In cases where UN Security Council Resolutions only call for an arms embargo, a specific ordinance is not enacted, and the arms embargo is implemented by the
powers of the Law on Defence Equipment, the Law on the Control of Dual-Use Goods and of Specific Military Goods and their respective ordinances. However, if in addition to an arms embargo other measures such as financial sanctions, trade or travel restrictions are adopted, a specific ordinance is usually enacted in addition to the arms embargo. The different sanctions programmes are decreed in the form of ordinances (see list under point 3.i, Exports). Violation of these ordinances is punishable under the LEmb. To facilitate carrying out these coercive measures, the law makes provisions that permit the Swiss authorities to cooperate with foreign authorities or international organisations.

Section 5, Arts. 9 to 14 of the Law on the application of international sanctions contains the main penal provisions and measures. An extract follows:

Art. 9 Offences

1 Whoever intentionally violates the provisions of the ordinances applying to Art. 2, para. 3, for which the violation is declared punishable shall be imprisoned for a maximum of one year or fined a maximum of CHF 500,000.

2 In serious cases, the penalty is imprisonment for up to five years and possibly also a fine of up to CHF one million.

3 If the person charged acted out of negligence, the penalty is up to three months imprisonment or a fine of a maximum of CHF 100,000.

Art. 10 Infringements

1 Facing arrest or a fine of CHF 100,000 maximum is anyone who intentionally

a. refuses to provide information, documents or access to business premises under Arts. 3 and 4, para. 1, or makes false declarations or misleading statements;

b. contravenes in other ways the law or the provisions of ordinances mentioned in Art. 2, para. 3, whose violation is declared punishable, or a decision referring to penal measures of the present article unless he faces charges on another offence.

2 Attempted infringement and complicity are punishable.

3 If the perpetrator acted out of negligence, the penalty is a fine of up CHF 40,000.

4 The penal action lapses after five years. In case of an interruption, this period cannot be extended by more than half.

5. Managing and ensuring the security of stockpiles
Introductory remarks

The particular structure of the Swiss Armed Forces must be described in order to give a full assessment of the practices relating to the management and disposal of SALW stocks. The Swiss Armed Forces are based on a militia system, resting mostly on non-active units that are activated for periods of training. In order to allow a timely reaction in a crisis situation a new system of gradual readiness was introduced. Consequently, Armed Forces personnel still hold their military equipment, including weapons and ammunition, at home, under specific regulations concerning storage and safety measures in accordance with the 'Ordinance of the Federal Department of Defence, Civil Protection and Sports on Personal Equipment' dated 9 December 2003 (SR 514.101).

As a rule “Personal Firearms” are defined as small arms given to the members of the Swiss Armed Forces as part of personal equipment such as the 9 mm model 49 pistol, the 9 mm model 75 pistol, the 7.5 mm model 57 assault rifle and the 5.6 mm model 90 assault rifle. “Collective Firearms” are small arms or light weapons handed over for temporary use to military training schools, military units and formations for engagement in training or missions (e.g. sub-machine guns, machine guns, portable missile launchers, etc.).

Furthermore, the Swiss Armed Forces lend small arms to Armed Forces personnel for private use in shooting clubs, for approved shooting clubs for instruction (e.g. adolescent marksmen) and participants in sports shooting events in accordance with the “Ordinance of the DDPS on Target Practice” dated 11 December 2003 (SR 514.101). This is notably the case with the 7.5 mm model 57 and the 5.6 mm model 90 assault rifles, as well as the 9 mm model 75 pistol.

Subsequent subscriptions refer to the storage of these "collective weapons" and the relevant security procedures. It should be pointed out that there are no stockpiles for specific categories of SALW in Switzerland in the strictest sense of the term. Generally speaking, weapons are stored together with other materials in designated military arsenals or depots belonging to them. This means that security regulations are based on the requirements placed on the arsenals (depots) as a whole, though of course the weapons or materials with the highest security requirement are of relevance here. They are under the overall responsibility and administrative authority of the Armed Forces Logistics Organisation or in special cases of the Air Force Logistics.
i) What standards and procedures exist for the management and safe-keeping of stockpiles of SALW held by the army, the police and other groups permitted to hold SALW? (II.17)

The management, storage and safety of state-owned weapon systems that fall into the category of SALW are based on the security concept defined by Federal Department of Defence, Civil Protection and Sports (DDPS security concept):

- In a mandate dated 30 April 1986, the Chief of General Staff requested a concept defining the protection of all goods, facilities and objects that fall within the sphere of responsibility of the DDPS.
- In 1991, the relevant supervisory authority approved this concept, which deals with the main aspects of threats, optimisation of security measures and coordinated intervention, as well as with implementation planning.
- The concept, which is based on the criteria of quantitative risks and marginal costs, comprehensively addresses security problems and is therefore constantly being adapted to changes relating to the threat situation, mandate and general environment.
- The Chief of General Staff went on to issue the following applicable directives:
  - Directives of the Chief of General Staff dated 1 July 1991 concerning security measures for low-risk objects, goods and facilities of the DDPS
  - Directives of the Chief of General Staff dated 6 August 1993 concerning security measures for objects, goods and facilities of the DDPS in risk category 5
  - Directives of the Chief of General Staff dated 30 December 1994 concerning security measures for objects, goods and facilities of the DDPS in risk categories 1, 2, 3 and 4.

Regulations concerning the storage of weapons by the police come under cantonal legislation. As a result there are 26 different sets of regulations which cannot be surveyed in this report.

The LArm does not stipulate how weapons held by individuals should be stored except to say that the arms and munitions must be stored with caution and must not fall into the hands of unauthorised persons, Art. 26, para. 1, LArm. This compares to Art. 28, para. 2, OArm, which refers explicitly to military legislation.

5 Objects, goods and facilities are classified in six risk categories (low-risk, risk categories 1 to 5) which serve as classification parameters for the equivalent risk in CHF per annum.
As concerns arms dealers, provisions in the Ordinance on minimum standards relating to premises involved in the sale of firearms (RS 514.544.2) apply:

Art. 1 Purpose
The present ordinance sets the minimum requirements relating to commercial premises whose owner must have a permit to sell weapons.

Art. 2 Protection against breaking and entering
1 The envelope of the commercial premises (outside walls, ceilings and floors) must be of a construction solid enough to ensure sufficient mechanical protection against breaking and entering.
2 Doors, windows and all other openings must ensure sufficient mechanical protection against breaking and entering. If that is not the case, additional mechanical protection (bars, shutters, etc.) must be installed.
3 Business premises must have an anti-intrusion alarm system connected to monitoring post occupied 24/7.

Art. 3 Protection against theft
1 In gun shops, the firearms must be kept in locked showcases or be protected electronically or mechanically.
2 Munitions must also be kept under lock and key.

Art. 4 Protection against armed attacks
Business premises must have an alarm system connected with a monitoring post occupied 24/7.

Art. 5 Exceptions
If the applicant does not do business in firearms or munitions, or if he restricts himself to brokering weapons, the cantons can grant him a business licence for weapons accompanied by the corresponding mention even if the business premises do not meet minimal requirements set down in the present ordinance.

ii) How often are checks made of SALW stocks of the army, police and any other body permitted to have SALW? (II.18)

SALW held by the army

Audits are ordered by the responsible sector heads. Inspections are carried out at different levels, e.g. inventory controls, status checks, technical inspections, and at intervals of two or more years. Certain weapons are subject to special inspection regulations stipulated by the manufacturer. For example, inspections of the STINGER light anti-aircraft guided missile system are subject to the provisions governing

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6 These range from audits at management level to individual controls of personnel.
security controls defined by the US Department of Defence in February 1983\(^7\). By acquiring this weapons system, Switzerland acknowledged the various provisions governing security and at the same time undertook to strictly observe them.

a) Are all records retained that concern inventories, their use, issue and disposal?
In accordance with the Directive of the Chief of General Staff concerning reporting following the occurrence of events within the military administration and the Armed Forces that threaten security (23 November 1995), the various reporting channels and message flows are fully regulated. Furthermore, depot inventories are recorded and any shortcomings and/or missing items then become traceable.

b) Amount of time records are retained following the most recent entry
As a general rule, records are retained for ten years in both electronic form and on paper. In the event of losses, these records are retained until such time as the weapon has been found or the weapons system has been liquidated.

c) Reporting procedure in the event of loss or theft (included attempted theft)
All reports go to IOS (division for information security and facility protection) within the DDPS.
Reports are submitted on the basis of findings obtained from inquiries and, if applicable, from investigations conducted by the military or civil authorities (police and/or military/civil examining magistrate).

d) How frequently are these records examined and subjected to security reviews?
In accordance with the stocktaking directive issued by the Armed Forces Logistics Organisation (AFLO), all records must be examined at least once within six years.

e) Criteria for on-site reviews/auditing procedures
The range of procedures extends from internal reviews to audits of entire systems / processes / procedures through to complete inventory and number controls (e.g. STINGER in accordance with DOD 5100.76-M, US Department of Defence, February 1983).

**SALW held by police forces**
The stockpiling of arms belonging to the police and all related aspects are governed

by cantonal legislation. There are thus 26 different models, i.e. too many to describe in the scope of this report.

iii) According to what criteria are surplus weapons identified in these stocks? (II.18)

SALW held by the army
At national level, the Armed Forces Planning Staff is the responsible agency for defining and identifying stocks that are surplus to requirements. As the Swiss Armed Forces are still in a transitional phase, due to the implementation of the Armed Forces XXI project and the subsequent reorganisation, they are not yet in a position to define what stocks are surplus to requirements. Moreover, it is difficult to reduce calculations of this type to simple formulas in view of the fact that the Swiss Armed Forces are based on a militia system with varying reserve numbers.

SALW held by police forces
The stockpiling of arms belonging to the police and all related aspects are governed by cantonal legislation. There are thus 26 different models, i.e. too many to describe in the framework of this report.

6. Collection and elimination

i) Describe national programmes for the rational elimination of weapons held by the army, the police and any other body legally holding SALW. (II.18)

See 5.iii. and 6.v.

ii) Did elimination of these stockpiles involve destroying them? (II.18)

See 5.iii. and 6.v.

iii) What measures exist to duly guard these weapons until they are eliminated? (II.18)

For the question of weapons surpluses in the army, see 5.iii.

iv) Beyond the exceptions outlined in paragraph II.16 of the action programme, are all the SALW which have been confiscated, seized or collected subsequently destroyed? (II.16)
Police forces in Switzerland are the responsibility of the cantons. It is for this reason that illegally acquired small arms and light weapons are sequestered or confiscated at the cantonal level. In such cases the police forces take their orders from the district courts or cantonal courts. Most of the arms confiscated by the cantonal authorities are destroyed by crushing in installations belonging to civilian recycling companies, in accordance with the norm ISO 9000. Other arms are destroyed under the supervision of RUAG Land Systems, a subsidiary of the RUAG Holding, which is wholly owned by the Swiss Confederation. The ammunition is destroyed by RUAG Munition, which is also part of the RUAG Holding. A register is kept of the arms eliminated in this way.

v) How are these surpluses destroyed? (II.19)

**SALW held by the army**

Armasuisse (the former Defence Procurement Agency) is responsible for the management of the entire life cycle of military systems of the Armed Forces, from the definition phase right up to the actual elimination (see response to question 6.i for details). Armasuisse entrusts the task of eliminating the small and light weapons of the Swiss Armed Forces to "RUAG Ammunition", a subsidiary of the "RUAG Holding" (Swiss Military Technology Group), which is wholly owned by the Swiss Confederation. SALW of the Armed Forces will be destroyed through shredding by civil ISO-9000 certified recycling companies under the supervision of the RUAG Ammunition.

“RUAG Components” is the responsible agency for record keeping of destroyed SALW of the Armed Forces. Generally, records are kept for ten years after liquidation. After this time period, the records are eliminated in accordance and with the permission of Armasuisse. These data are stored in electronic and paper form and are accessible only for authorised personnel of “RUAG Components” and Armasuisse. Hence, military personnel do not have direct access to this information.
One traditional liquidation procedure is the transfer of personal firearms of Armed Forces personnel who have completed their compulsory service days to private property. According to the new “Ordinance on Personal Equipment of the Members of the Armed Forces” dated 5 December 2003 (SR 514.10), this is done only after the Cantonal Military Administration in cooperation with the police have checked the background of each service man having applied to receive their firearm (see afterimage). Previously, Armed Forces personnel who completed their military service requirement had only been allowed to keep the 7.5mm model 57 assault rifle, even those who were retrained on the new 5.6 mm model 90 assault rifle after having accomplished basic military training on the 7.5 mm model 57 assault rifle. Since April 2005, Armed Forces personnel who were solemnly trained on the new 5.6 mm model 90 assault rifle can hold on to this firearm after their discharge. Furthermore, the 7.5 mm model 57 and the 5.6mm model 90 assault rifles are mechanically modified to become single-shot weapons. Armed Forces personnel being equipped and trained on the 9 mm pistols can keep their personal firearm as private property. The markings of all weapons transferred to private property are changed from A (Armed
Forces) to P (private) before they are handed over (see Annex 1 on National Marking Systems). With the transfer to private property, these firearms become subject to the Law on Arms.
Transfer of personal firearms to private property after fulfilment of military service requirements, according to art. 11 and 12 of the “Ordinance on Personal Equipment of the Members of the Armed Forces” (SR 514.10)

Cantonal authorities
- Call-up to discharge with a response slip on transfer personal firearm to private property is send to Armed Force Personnel

Armed Force Personnel
- Response to cantonal authorities whether to transfer personal firearm to private property (YES or NO)

Response NO

Response YES

No response

Notification of the Cantonal Military Administration to the police
- Evaluation of obstacles according to art. 8, para. 2 of the Law on Arms (SR 514.54)

Response of the police / Cantonal MIl Administration
- Obstacles YES

Response of the police / Cantonal MIl Administration
- Obstacle NO

Day of discharge

No transfer of the personal firearm to private property

Transfer to private property
- Modified to a single-shot weapon
- Marking is changed to P

No personal firearm as private property
- Military arsenal retains firearm (revaluation possible)
vi) Please provide details about the information given to competent regional and international bodies about the SALW confiscated or destroyed in your jurisdiction. (II.23)

In the context of Section IV, litt. E of the OSCE Document on Small Arms and Light Weapons (finalized in November 2000), the States Parties have agreed to:

- Exchange information by 30 June 2001 on their techniques and procedures for the destruction of small arms and on relevant national legislation and current practice on export policy, procedures and documentation;

- Share available information on an annual basis, not later than 30 June, beginning in 2002 on the category, subcategory and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territory during the previous calendar year and on their small arms imports and exports.

According to these provisions of the OSCE Document on SALW, Switzerland provided one-off information in 2001 on techniques and procedures for the destruction of small arms. In addition, the information exchange provided information on national marking systems used in the manufacture and/or import of small arms, on national procedures for the control of the manufacture of small arms, on relevant national legislation and current practice on export policy, procedures, documentation and on control over international brokering on small arms. This information was supplemented and updated in March 2003.

Furthermore, since 2002, Switzerland provided quantitative annual information on the category, subcategory and quantity of small arms that have been as surplus and/or seized and destroyed on their territory during previous calendar year.

7. Export authorisation

i) Describe the national system of granting licences and authorisations for import and export, as well as provisions concerning international transit for the transfer of all SALW and to combat their illicit trade. (II.11).

See point 3i (national level).

ii) Describe what legislation, regulations and administrative procedures your country uses to effectively control the export and transit of SALW. How are these measures applied? (II.12)

At the moment of crossing the border the customs authorities make a formal and if
need be a physical check of SALW shipments, paying particular attention to the export or transit permit issued by seco. When these permits expire, the original is returned to seco. This procedure is an important instrument of control and allows the authorities to remain confident that expired licences will not be used in an illegal manner.

For details see point 3i (national level).

**iii) Does your country use authenticated certificates of final use for this purpose? (II.12)**

The export of SALW requires specific authorisation under the LMG and the LCB. As a general rule, such authorisation is granted only in cases where a delivery is going to a foreign government or a company working for that government provided this company has declared that the weapons are not for re-export. For exports to non-governmental services, the exporter must prove the existence of the import authorisation in the final destination country or that this authorisation is not necessary. These certificates must be issued by the government of the state receiving the merchandise. When there is doubt about the validity of such a document, the Swiss authorities mandate their ambassador in the country concerned to verify the certificate.

**iv) Does your country make sure to notify the original exporting state before re-exporting or forwarding arms? (II.13)**

The LMG does not expressly require Switzerland to notify the original exporting State when re-exporting SALW. As for the LCB it stipulates that there must be consultation with the original exporting State if the latter insists on its formal consent in all cases of re-exporting. Consequently the export permit may be denied in the absence of approval by the original exporting State.

**8. Brokering**

**i) 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 authorisation of brokering transactions and appropriate penalties)? (II.14)**

Brokering of arms in the sense of Art. 4 LArm is subject to the requirement of prior authorisation. Brokers must be in possession of a licence for the sale of arms in accordance with Art. 17, par. 1, LArm. This will be granted insofar as there are no
reasons for refusal as mentioned under Art. 8, par. 2, \textit{LArm}^8, and on condition that the requirements of Art. 17, par. 2, are fulfilled. Implementation is the responsibility of the cantons.

The Law on defence equipment requires anyone who wishes to engage in the brokering of SALW to obtain initial authorisation (or a commercial licence in accordance with the law on arms for the brokering of long guns and handguns) as well as specific authorisation. Such authorisation is necessary for anyone doing business on Swiss territory, regardless of where the equipment is located.

Specific authorisation is not required for brokering to countries listed in appendix 2 of the Ordinance on defence equipment (countries adhering, like Switzerland, to all export control regulations): Argentina, Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Great Britain, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland Portugal, Spain, Sweden, United States.

The brokering of SALW is governed by legislation on defence equipment. The LCB gives the Swiss government the right in application of international agreements to supervise the brokering of goods (see Art 4 in the Law on the control of goods). Thanks to this provision, the brokering surveillance in the area of control of goods could be introduced simply by changing the ordinance without modifying the law.

\textbf{9. Marking, record keeping and tracing}

i) \textit{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)}

\textbf{Civilian arms}

The legal provisions concerned (namely the laws and ordinances on arms and defence equipment) have no provision concerning the marking of light weapons.

Most weapons manufacturers in Switzerland have their own marking system. Generally the marks include the name of the manufacturer, the serial number and in many cases the country of manufacture (for details see point 3ii, national level).

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^8 See footnote 1.
SALW held by the army

**Basic markings**
(see detailed description in Annex I on National Marking Systems)

All arms belonging to the Swiss armed forces have been marked in a way that can only be modified or removed by mechanical methods.

The present numbering system for "personal long guns or handguns", as well as for "collective long guns or handguns" - which above all consist of pistols and assault rifles – is based on the General Staff Directives of 1977, which were published at the time of the acquisition of the 9 mm model 75 pistol.

This new system makes it possible to identify a weapon exclusively by means of the weapon number (first digit) without knowledge of the type of weapon. Moreover, this numbering system simplified the registration of weapons.

These Directives were also applied, mutatis mutandis, at the time of the acquisition of 5.6 mm model 90 assault rifles.

They did not however apply to the purchase of the following light weapons:

a) 40 mm grenade launcher for the 5.6 mm model 90 assault rifle
   A separate directive called for the application of a 5-digit number.

b) 9 mm model HK5 sub-machine gun (Heckler und Koch)
   The weapon number was applied by the manufacturer.

**Additional marking**
(see detailed description in Annex I on National Marking Systems)

In order to be able to identify armed forces weapons without any risk of error, the Defence Procurement Agency called for new markings to distinguish Swiss armed forces pistols and assault rifles, in addition to the weapon number. These markings provide information on three other points, namely:

a) The letter “A” for Armed Forces

b) The “shield with the Swiss cross” (= service weapon)
c) The letters “W+K” (= weapon approved by the Federal Weapons Control Agency)
d) The proof firing stamp

These additional markings have been applied to 9 mm pistols (models 49 and 75), the 7.5 mm model 57 and the 5.6 mm model 90 assault rifles.

The decision on the specific marking method is taken by Armasuisse in consultation with the Armed Forces Planning Staff, taking into account the following factors:

- The quantity of weapons to be manufactured
- The manufacturer’s marking and numbering
- The possibility of applying the marking at the time of manufacture (including cost)

The final decision concerning a particular marking technique (die stamping, engraving, laser, etc.) is taken by the Armed Forces Planning Staff. Armasuisse is responsible for its application throughout the acquisition process.

The weapons are supplied to the Armed Forces together with a statement of account. Once the weapons have been introduced, the Armed Forces Logistics Organisation or in special cases the Air Force Logistics has the overall responsibility for accounting as well as for the maintenance and repair of defective markings.

ii) Is this marking unique? (11.7)

See under point 9.i

iii) Does this marking identify the country of manufacture? (11.7)

See under point 9.i

iv) How does this marking otherwise allow concerned authorities to identify and trace the relevant weapon? (11.7)

See under point 9.i
v) How long are records kept on the manufacture, holding and transfer of SALW under your jurisdiction? (II.9)

See under point 9.i

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

See under point 9.i

vii) Please 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)

N/A

10. Disarmament, demobilisation and reintegration (DD&R)

i) Please describe any disarmament, demobilisation and reintegration (DDR) programmes your country has developed and implemented, including the effective collection, control, storage and destruction of SALW. Please also give details of any peace agreements involving your country that have made provision for these programmes. (II.21)

Since the situation in Switzerland is not a post-conflictual one, there are no DDR programmes.

ii) Please 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)

The Swiss Agency for Development and Cooperation (SDC) has supported the following projects:

- Uganda: UNICEF, support for the programme “Child Protection Uganda” from July 2005, duration 18 months: CHF 440,000
- Burundi: Terre des Hommes, “Children in Conflict Situations”: CHF 390,000
- Uganda: Doctors without Borders Switzerland – Reception Centre for the Night Commuters at Gulu, 2004: CHF 310,000
- Uganda: ICRC, contribution to the ordinary programme – programme which includes important protection activities, since the end of 2004: CHF 500,000

See Appendix 2 for more information.

iii) Please describe the DD&R programmes and activities that your country has supported. (II.30, 34)
The Swiss Agency for Development and Cooperation has supported the following projects:

- Liberia: DD&R, UNDP Trust Fund, Cash for Arms, 2004: CHF 1,000,000
- Great Lakes: Local NGOs – reintegration programme “Women and children victims of conflicts”, support for the part of the project dealing with children, 2004: CHF 100,000
- Afghanistan: DD&R, programme FAO seeds for reintegration (2004): CHF 1,600,000
2. At the regional level

1. Legally binding instruments

i) 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)

In 2004 and 2005, Switzerland has not taken part in elaborating legally binding instruments at the regional level in the area of SALW.

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

N/A

2. Moratoria and action programmes

i) Please give details of any support your country has given to moratoria or similar initiatives on the transfer and manufacture of SALW, and/or regional action programmes 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)

Il n'existe pas de moratoire régional auquel la Suisse prend part.

3. Coopération régionale

i) Please describe any involvement your country has had in the establishment of subregional 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)

Switzerland participated in developing the OSCE Document on SALW which was adopted in November 2000. It participates actively in efforts to ensure the full application of the Document. Switzerland takes part in information exchanges provided for by this Document and has also coordinated the writing of one of the eight best practice guides to facilitate its implementation (Best Practice Guide concerning national procedures relating to management and security of stocks). Switzerland now takes an active part in making section V of the SALW Document of the OSCE operational by providing assistance to those participating states who
request it. Switzerland also participated in drafting the OSCE Document on stocks of conventional ammunition adopted in December 2003 and is now contributing to efforts aimed at its full implementation.

Switzerland participated in the creation of a SALW-related mechanism by the Stability Pact for South-Eastern Europe. This took the form of a Regional Implementation Plan on Combating the Proliferation of Small Arms and Light Weapons which first saw the light of day in November 2001. Switzerland also participated, as a member of the Stability Pact, in the creation of a body known as the South-Eastern Europe Clearing House for the Control of Small Arms and Light Weapons (SEESAC) whose mission is to support the countries concerned in their efforts to combat proliferation and trafficking in SALW. Switzerland’s contribution has also been a financial one. In 2002, it contributed CHF 250,000 to SEESAC activities. For 2003, the Swiss contribution to this body amounted to CHF 200,000. Switzerland participates as an observer in the Regional Steering Group which defines the political, strategic and operational direction appropriate for SEESAC. The Group is composed of Albania, Bosnia Herzegovina, Bulgaria, Macedonia, Moldavia, Romania, Serbia and Montenegro.

(ii) Please describe any initiatives your country has undertaken to encourage regional and subregional 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)

In the framework of the Euro-Atlantic Partnership Council/Partnership for Peace (EAPC/PfP), Switzerland has organised several events with various partners with a view to contributing to the application of the different multilateral documents relating to SALW. A workshop was organised in Baku, Azerbaijan in 2001 and another in Zagreb, Croatia in 2002. A workshop on the question of illicit trafficking in SALW in the Black Sea area was held in Chisinau, Moldova in 2004.

Switzerland has supported several destruction programmes in Albania where two projects were carried out in April 2002 and in December 2002, in Georgia in December 2003 and in Serbia and Montenegro which ended in November 2003 in the framework of the special NATO/PfP allocation fund. One of the projects in Albania involved the destruction of 11,650 tonnes of SALW munitions, a public awareness-raising campaign, two workshops and the design of an Internet site for the PfP trust fund.
In the framework of the OSCE Document on SALW and the related regulations for an expert mechanism for implementation of section V (early warning, conflict prevention, crisis management and post-conflict rehabilitation), Switzerland supported Belarus, as the first requesting state, during several assessment visits in 2004 and 2005 in order to analyse the situation and develop a project plan for stockpile management and security as well as for the destruction of declared surplus.
3. Global level

1. National instruments against terrorism and transnational organised crime

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

Switzerland has ratified the 12 conventions against terrorism negotiated in the framework of the UN and the Council of Europe Convention on the Prevention of Terrorism. Moreover Switzerland takes an active part in the development of a general convention on international terrorism and has ratified several other conventions, in particular those of the Council of Europe against cross-border crime and those areas linked to it such as mutual legal assistance.

Furthermore, Switzerland signed the Convention against transnational organised crime on 12.12.00 and its two additional Protocols on 02.04.02 (the first aimed at preventing, suppressing and punishing human trafficking, and in particular women and children and the second aimed at the illicit traffic in migrants by land, air and sea). The Federal Council's bill to Parliament is being developed in light of the preparations for ratification.

Conventions aimed at combating terrorism

1. Conventions against terrorism adopted by the United Nations

- Convention of 14 September 1963 on Offences and Certain Other Acts Committed on Board Aircraft, signed, ratified by Switzerland
- Convention of 16 December 1970 for the Suppression of Unlawful Seizure of Aircraft, ratified by Switzerland
- Convention of 23 September 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation, ratified by Switzerland
- Convention of 14 December 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, ratified by Switzerland
- Convention of 17 December 1979 against the Taking of Hostages, ratified by Switzerland
- Convention of 3 March 1980 on the Physical Protection of Nuclear Material, ratified by Switzerland
Serving International Aviation, ratified by Switzerland


- Protocol of 10 March 1988 for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, ratified by Switzerland

- Convention of 1 March 1991 on the Marking of Plastic Explosives for the Purpose of Detection, ratified by Switzerland

- Convention of 15 December 1997 for the Suppression of Terrorist Bombings; (now in process of adherence)

- Convention of 9 December 1999 for the Suppression of the Financing of Terrorism, signed by Switzerland on 13 June 2001 (now in process of ratification).

2. COUNCIL OF EUROPE

a) European Convention on the Suppression of Terrorism

European Convention on the Suppression of Terrorism of 27 January 1977, ratified by Switzerland

b) Other conventions and protocols

- European Convention on Extradition, of 13 December 1957, ratified by Switzerland;

- Additional Protocol to the European Convention on Extradition, of 15 October 1975, ratified by Switzerland;

- Second Additional Protocol to the European Convention on Extradition, of 17 March 1978, ratified by Switzerland;

- European Convention on Mutual Assistance in Criminal Matters, of 20 April 1959, ratified by Switzerland;


- Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, of 8 November 2001, signed by Switzerland on 15 February 2002


- Convention on the Transfer of Sentenced Persons, of 21 March 1983, ratified by Switzerland;

- Additional Protocol to the Convention on the Transfer of Sentenced Persons, of 18 December 1997, signed by Switzerland on 9 July 2001;

- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, of 8 November 1990, ratified by Switzerland;

2. International cooperation and assistance

i) Please 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 Programme of Action. (III.3, 6, 10, 14)

2004

(Research projects are marked *, see also 5.iii, global level, and 10.ii. and 10.iii., national level)

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<td>* Government of Mali/Small Arms Survey, study on armed non-state actors in ECOWAS</td>
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<td>* Institute for Security Studies, Pretoria, Arms Management Programme</td>
<td>CHF 150,000</td>
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<td>* Small Arms Survey, Geneva, Securing Haiti’s Transition: Prospects for DD&amp;R</td>
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2005

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**ii) Please 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. (III.13)**

Switzerland took an active part in the negotiations of the open-ended working group set up to negotiate an international instrument enabling states to identify and trace, in a timely and reliable manner, illicit SALW. A Swiss representative chaired the working group.

Since 2004, Switzerland has supported the NGO project Viva Rio in Brazil. The project aims to develop effective procedures in Brazil to trace small arms and ammunition coming from illicit national or international trade.

The Arms Management Programme of the ISS (South Africa), which is co-financed by Switzerland, aims to strengthen efforts at the national, regional and sub-regional levels to fight effectively against illicit trade in small arms.

**iii) Please give details of any assistance your country has provided to combat the illicit trade in SALW linked to drug trafficking, transnational organized crime and terrorism. (III.15)**

Switzerland’s co-operation is based on existing legal provisions and specifically on the Federal Law on International Mutual Assistance in Criminal Matters (EIMP, RS 351.1) and the related ordinance (OEIMP, RS 351.11), the Ordinance on the Swiss National Central Interpol Bureau (RS 351.21), and the Ordinance Governing Police Cooperation Agreements.

See also 5.i. global level.

**iv) Please describe your country’s cooperation with Interpol to identify groups and individuals involved in the illicit trade of SALW in all its aspects (II.37)**
The legal basis for cooperation with Interpol consists of the following:
- The federal law of 20 March 1981 on International Mutual Assistance in Criminal Matters (EIMP, RS 351.1);
- Ordinance of 24 February 1982 on International Mutual Assistance in Criminal Matters (OEIMP) RS 351.11;
- Ordinance of 1 December 1986 concerning the central national office of Interpol Switzerland (RS 351.21).

On 17 February 2005, Switzerland stressed during the public debate on SALW in the Security Council that close cooperation between the UN and Interpol is of major importance in the effective identification and tracing of illicit SALW. Ties with Interpol could be strengthened by assigning a law enforcement component to Peacekeeping Operations and sanction committees that have the competence to interact with Interpol, including their access to all Interpol databases relevant for the tracing of illicit small arms and light weapons.

v) Please describe how your country uses and supports the database of Interpol’s international system of tracking down arms and explosives (including the provision of information relating to illicit trade in SALW). (III.9)

See 2.iv. (global level).

vi) Please 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)

See answers to 3.i and 4.ii (national level).

vii) Please describe your country’s initiatives in cooperation with other states or regional and international organisation to reach a common position on the main questions and the extent of the problems linked to illicit brokering of SALW. (II.39)

In the framework of the OSCE, Switzerland has supported the drafting of a decision on the control of brokering SALW (Decision No 8/04 – Principles of the OSCE relating to the control of brokering in SALW). This decision was adopted at the Ministerial Council meeting in Sofia (6/7 December 2004).

In 2004, Switzerland took part in consultations organised by the UN DDA on brokering; Switzerland advocated the creation of a group of experts to examine the feasibility of minimum international norms in the matter.
3. Cooperation with civil society and the NGOs

i) Please give details of cooperation with civil society and non-governmental organizations (NGOs) in activities related to the prevention, combat and eradication of the illicit trade in SALW in all its aspects, at the national, regional and global levels. (II.20, 40, 41; III.2, 18)

See answers to 2.i and 2.ii (global level).

4. Exchange of information

i) Please describe any steps taken by your country to exchange information on national marking systems on SALW (III.12)

In the framework of section II. D of the OSCE Document on small arms and light weapons (adopted in November 2000), the States Parties agreed to:

- conduct an exchange of information before 30 June 2001 on their national marking systems used in the manufacture and/or import of SALW.

- see to it that this information is updated inasmuch as is necessary to take into account any change in their national marking systems and manufacturing control procedures.

In conformity with the provisions of the OSCE Document on SALW, Switzerland provided one-off information in 2001 on national marking systems used in the manufacture and/or import of small arms. This information was supplemented and updated in March 2003.

Since 2003, Switzerland has provided annual national reports on the implementation of the United Nations Programme of Action.

ii) Please describe the information made public or voluntarily communicated by your country to competent regional and international organisations on SALW confiscated and destroyed in the framework of your jurisdiction and on the ways and means used to help eliminate illicit trade in SALW. (II.23)

In the context of the annual information exchanges provided for in the OSCE Document on SALW, Switzerland submits a report on SALW which are deemed surplus and/or seized and destroyed. The conclusions of the information exchange are accessible only to the competent authorities of OSCE member states.
5. Training, Capacity building and research

i) Please describe any initiatives your country has undertaken to enhance cooperation and exchange of experience and training among the responsible officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in SALW in all its aspects. (III.7)

The Swiss Expert Pool for Civilian Peace Building has seconded in 2004 and 2005 around 20 civilian police officers to support police reform projects in the framework of EU or UN missions focusing on the fight against organized crime and terrorism and on border monitoring. These experts have been sent to Kosovo, Bosnia and Herzegovina, Macedonia, Georgia and the Democratic Republic of Congo. In 2004, the Swiss Expert Pool also made three customs experts available to EU missions in Kosovo, Kyrgyzstan and Serbia and Montenegro to support these countries in the area of customs reforms. In 2005, it is planned to delegate another customs expert now working for the UN Sanctions Committee in Côte d’Ivoire.

ii) Please describe regional and international training programmes for specialists in managing and securing SALW stocks that your country has developed and supported. (III.8)

In the framework of the OSCE Document on SALW and the related regulations concerning an expert mechanism for section V (early warning, conflict prevention, crisis management and post-conflict recovery), Switzerland supported Belarus, the first requesting country, during several assessment visits in 2004 and 2005 to analyse the situation and prepare a project plan for the management and safe-keeping of stocks as well as for the destruction of declared surpluses.

iii) Please describe research into activities aiming to increase knowledge and understanding of the problems linked to illicit trade in SALW in all its aspects that your country has developed and supported. (III.18)

See answers to 2.1. (global level). All research projects are marked *.