



**PERMANENT MISSION OF THE DEMOCRATIC SOCIALIST
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No. POL/G/188

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations presents its compliments to the Office for Disarmament Affairs of the United Nations and has the honour to forward herewith the National Report of Sri Lanka, containing the first chapter on the Implementation of the International Tracing Instruments and the second chapter on the Implementation of the Programme of Action.

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations avails itself of this opportunity to renew to the Office for Disarmament Affairs of the United Nations, the assurances of its highest consideration.

08 May 2008
New York

Officer for Disarmament Affairs
United Nations
New York

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**PERMANENT MISSION OF
SRI LANKA TO THE U.N.**

UNITED NATIONS CONFERENCE TO REVIEW PROGRESS MADE IN THE
IMPLEMENTATION OF THE PROGRAMME OF ACTION TO PREVENT, COMBAT AND
ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND
LIGHT WEAPONS IN ALL ITS ASPECTS

14 – 18 July 2008

Report Submitted by the Government of Sri Lanka

CHAPTER 1

International Tracing Instrument (ITI)

Sri Lanka is not a weapons manufacturing country. All her requirements of weapons and ammunition are imported from reputed suppliers. They are duly marked at source. Comprehensive records are maintained in respect of State holdings. Further improvements are being made with regard to record keeping for example by the adoption of electronic methods. Assistance is requested to further improve capacity.

CHAPTER 2

A. NATIONAL LEVEL

1. National Coordination Agency

The Secretary, Ministry of Defence is also the Chairman of the National Commission. An Additional Secretary of the same ministry has been appointed to coordinate its activities.

2. National point of contact

NCAPISA is chaired by the Defence Secretary and its Co-ordinator is Brigadier Ranjan de Silva. Contact: National Commission to Combat the Proliferation of Illicit Small Arms and Light Weapons (NCAPISA), No. 68, Bandaranaike Mawatha, off Saranankara Road, Dehiwela, Sri Lanka. Tel: +94 11 2714308, +94 773 679 162, +94 11 2786215; Fax: +94 11 2714308; +94 11 2786215, email:ranjan36@eureka.lk

3. Legislation, regulations, administrative procedures

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

Relevant provisions under the Firearms Ordinance No. 33 of 1916 as finally amended by Act No. 22 of 1996 are appended below with regard to the following:-

- **Production**

The license to manufacture guns can be given only by the licensing authority who is the Secretary to the Ministry of Defence, Public Security, Law and Order (Section 17(1)).

The license should be in the form prescribed (Section 17 (2)). The license should be renewed annually (Section 17(3)).

Every licensed manufacturer is required to keep a register in the form prescribed and enter therein a correct description of all guns made by him, of the numbers with which they are marked and the manner in which such guns are disposed of, verify at the end of every month the number of guns in his possession and enter such numbers in his register (Section 19 (1)). It shall be lawful for any police officer not below the rank of Sub-Inspector or any person authorized in writing by the Inspector General of Police, at any reasonable time, to take a copy of any entries in such register and to examine the stock of guns of any such manufacturer (Section 19(2)).

Any person manufacturing a gun in contravention of the provisions of this Ordinance shall be guilty of an offence against this Ordinance (Section 17 (5)).

Any person failing to keep a register and make entries prescribed by this Ordinance shall be guilty of an offence against this Ordinance, and any person obstructing any officer or person acting in pursuance of the provisions of this Ordinance shall also be guilty of an offence and shall be punishable with the penalties prescribed in the Penal Code.

Even though these laws exist, Sri Lanka does not manufacture small arms and light weapons and no licenses have been issued in this regard.

- **Export**

No person is permitted to leave Sri Lanka taking a gun with him unless he has previously informed the licensing authority in writing that he is taking a gun (Section 48(1)).

Sri Lanka does not export guns, not being a manufacturer.

- **Import**

The import of guns or parts of guns into Sri Lanka is prohibited except through any approved port of entry or by passengers arriving at any approved port of entry as part of their personal baggage (Section 9(1)).

Any licensed dealer importing a gun for the purpose of his business or a passenger importing a gun as part of his personal baggage, is prohibited from removing such gun from the customs premises to his place of business without first obtaining a permit from the police authorities

authorizing him to remove such gun. The permit should be in the form prescribed (Section 10).

In any special case, the application may be referred for the order of the Minister (Section 10(3)).

The customs authorities may refuse to grant such permit until a license is obtained from the licensing authority for that gun (Section 11(2)).

- **Transit**

Any person who lawfully imports a gun into Sri Lanka is prohibited from removing such gun from the customs premises until he has made a declaration and obtained from the customs authorities a permit in the prescribed form (Section 10(2)). In any special case, the application may be referred for the order of the Minister (Section 10 (3)).

The above laws shall not apply to passengers from or to India passing through Sri Lanka provided such passengers deliver their guns to the customs authorities at the port of entry to be conveyed to the port of departure in accordance with customs regulations (Section 11(3)).

- **Retransfer**

No person can keep for sale any gun without a license from the licensing authority (Section 12(1)). The license should be in the form prescribed (Section 12 (2)).

No person is allowed to transfer a gun to another unless the transferee has obtained a permit from the licensing authority authorizing such transfer (Section 15(1)).

The permit should be in the prescribed form (Section 15 (2)).

Every person transferring a gun in accordance with such permit must deliver to the transferee with the gun the license under which he is authorized to possess the gun.

Thereafter the transferee must, within ten days of obtaining the gun and license, apply to the licensing authority for the endorsement to himself of such license (Section 16(1)).

In the event of a transfer to a licensed dealer, the transferee must insist that the license issued in respect of the gun should be delivered to him along with the gun, and within three days of the receipt of such license, to forward same to the licensing authority endorsed with a memorandum of the transaction (Section 16(2)).

- **Possession**

Any person possessing a gun in contravention of the provisions of this Ordinance shall be guilty of an offence against this Ordinance (Section 22(3)).

Where the offence consists of having the custody or possession of or using an automatic gun or a repeater gun, the offender shall be punishable with imprisonment for life (Section 22 (3b)).

- **Stockpiling**

The stockpiling is not addressed in the current legislation.

- **Trade**

Any person exposing or keeping for sale any gun except in accordance with the provisions of this Ordinance shall be guilty of an offence against this Ordinance (Section 12(4)).

Any person failing to keep a register and make the entries prescribed by this section shall be guilty of an offence against this Ordinance (Section 13 (3)).

Any person obstructing any police officer not below the rank of Sub-Inspector, or any person authorised in writing by the Inspector General of Police, at any time to take a copy of the entries in such register or any portion thereof and to examine the stock of guns of any person licensed as aforesaid, shall be guilty of an offence and shall be punishable with the penalties prescribed in Section 183 of the Penal Code (Section 13(3)).

Any licensed dealer selling or otherwise disposing of any gun in contravention of the provisions of this Ordinance shall be guilty of an offence against this Ordinance (Section 14(5)).

- **Marking of guns**

The licensing authority shall before granting a license require the applicant to produce before him any such gun and thereupon cause the same to be marked on the barrel with some permanent mark whereby the same may afterwards be known and identified (Section 28 (1)).

Any person obliterating, defacing, altering or counterfeiting any such mark shall be guilty of an offence (Section 28 (2)).

- **Register for guns**

The licensing authority shall maintain a register for all gun licenses issued (Section 27).

- **Loss of guns**

The loss of licensed guns shall be reported to the licensing authority within seven days of the loss (Section 33 (1)).

- **Unlicensed guns**

All unlicensed guns should be delivered to the officer-in-charge of the nearest police station by persons who possess such guns (Section 30 (1)).

- **Confiscation of guns**

Any gun in respect of which an offence is committed shall be liable to confiscation (Section 45 (1)).

- **Sale of cartridges**

Sale of cartridges shall be possible only to licensed gun holders (Section 50 (1)).

- **Using a gun to commit certain offences**

Any person who uses a gun to commit certain offences as specified in schedule A and B of the Firearms Ordinance shall be liable upon conviction to imprisonment for life or imprisonment for a term not less than 15 years and also to a fine (Section 44 a and b).

The relevant sections of the Firearms Act are enforced by the Sri Lanka Police, the Department of the Attorney General and the courts. The National Commission is developing a National Policy and a National Plan of Action to strengthen SALW control in light of a recent national report on illicit small arms.

The National Action Plan would include provisions to ensure increased public awareness of relevant laws and efforts to control illicit small arms and to increase public support.

4. Law enforcement/criminalization

(On legislative and other measures, see section 3 above)

The National Illicit Small Arms Survey conducted by NCAPIISA has identified those groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW. While national law and the criminal justice system currently address the activities of such individuals and groups, the report also contains recommendations for follow up by all relevant stakeholders to further combat these illicit activities, to be co-ordinated through the future work of NCAPIISA.

Regarding any national measures 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, there have been no known violations of UN embargoes involving Sri Lanka or its citizens.

5. Stockpile management and security

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

At present, the Sri Lankan Armed Forces, Police and Civil Security Department maintain high standards of stockpile management and security. However, the National Small Arms report has analysed the system in order to identify recommendations for strengthening stockpile management.

6. Collection and disposal

Section 30 of the Firearms Ordinance empowers the Minister to, from time to time, by order published in the Gazette and declared applicable either to the whole of Sri Lanka or any specified area thereof, direct every person who has any unlicensed gun in his custody or possession, to deliver that gun to the officer in charge of the nearest police station within such period as may be specified for that purpose.

The Ordinance also empowers the Minister to cancel or suspend licenses. Section 36 Empowers the Minister, whenever it appears necessary for the public security in any district that licenses to possess and use guns should be cancelled or suspended by order published in the Gazette, cancel or suspend all such licenses held by persons residing in the district for a period to be named in the order.

The method commonly resorted to until 2005 for the disposal and destruction of weapons was to dump them in the deep sea. In July 2005, about 30,000 weapons were destroyed by crushing them under road rollers. Wide publicity was given to this event so as to build up public opinion against the possession of illicit weapons.

7. Export controls

(See information on control procedures included above)

The Commercial Explosives and Firearms Procurement Unit (CEFAP) of the Sri Lanka Navy is the sole agency authorised to import firearms, ammunition and explosives for civilian or commercial purposes in Sri Lanka. CEFAP's imports of firearms, ammunition, commercial explosives and ammunition, chemical explosives (only the two types used in match production) are decided upon, on the basis of demand, by a procurement committee. This is composed of the Director of CEFAP, and several officials from the Ministry of Defence, Public Security, Law and Order, including the Assistant Secretary, the Deputy Controller of Explosives, and the Chief Accountant of the

MODPSLO. Following the committee's decision, a procurement plan is drawn up based on the shelf life of the goods.

Procurement for security agencies is not carried out through CEFAP. Military procurement deals are done through tenders issued by the MODPSLO, or the purchasing force, based on different categories of weapons and equipment.

8. Brokering

There is no national legislation or administrative procedures to regulate the activities of those who engage in SALW brokering in Sri Lanka. The brokering of licensed firearms is not possible as the firearms are issued solely by the licensing authority on payment of the relevant price. Legal firearms cannot be purchased elsewhere. However, in terms of illicit firearms, the issue of brokering cannot be ruled out.

9. Marking, record keeping and tracing

(See information in section 3 above on relevant legislation)

The legislation requires a unique mark identifying the country of manufacture to be made on each weapon manufactured. The Firearms Ordinance lays down in Section 18 that every gun made by a manufacturer shall bear the name of the manufacturer, together with a consecutive number legibly engraved on the barrel. Any manufacturer who fails to mark any gun made by him shall be guilty of an offence against this Ordinance. Such weapons could therefore be traced through accepted international channels. However, at present, no licensed manufacture of small arms takes place in Sri Lanka.

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

Records have been maintained for ten years or more.

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

There is room to bring these procedures in line with current international best practices.

- 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. (PoA, III.11)

Mechanisms need to be developed to improve cooperation and exchange of information

10. Disarmament, demobilization and reintegration (DDR)

There are no current programmes for Disarmament, Demobilisation and Reintegration in Sri Lanka.

11. Awareness-raising

During the country's Presidential Election in November 2005, the National Commission Against the Proliferation of Illicit Small Arms and Light Weapons (NCAPISA) with the support of UNDESA and civil society, conducted a countrywide banner campaign under the slogan "Ballot without the Bullet" to encourage voters to oppose any kind of election violence mostly carried-out by using small arms and light weapons. During the above campaign 1250 Banners carrying the message "Ballot without the Bullet" were displayed in various parts of the country during the Presidential Election in November 2005. The National Commission took the initiative to organise this activity with the assistance of UNDDA, UNDESA, UNDP, and civil society.

A public destruction of weapons was undertaken on the 9th of July 2005 (Arms Destruction Day), which received wide media coverage.

A plan of action to mobilize public opinion against the presence of illicit weapons is under consideration by the National Commission.

In 2007 NCAPISA conducted several workshops with the Sri Lanka police and civil society groups to sensitize police and to increase the priority attached to illicit small arms control in their work. NCAPISA also conducted a conference to raise the importance of illicit small arms control through the Ministry of Public Administration with the District Secretaries of all 25 districts in Sri Lanka.

In addition, NCAPISA has planned a project with the National Youth Services Council to raise their awareness and build their capacity to raise awareness at grassroots level throughout the country.

B. REGIONAL LEVEL

While there are no current regional instruments for control of illicit small arms in South Asia, the Sri Lankan Government would be willing in principle to convene a sub regional meeting to promote greater co-operation between South Asian states to combat trafficking of illicit weapons and ammunition in the region.

C. GLOBAL LEVEL

(Please refer to previous Sri Lankan Government reports on implementation of the UNPoA.)

1. International instruments against terrorism and crime

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

Sri Lanka has ratified/acceded to the following instruments:-

- i. 1963 Convention on Offences and Certain Other Acts committed on Board Aircraft.
- ii. 1970 Convention for the Suppression of Unlawful Seizure of Aircraft.
- iii. 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.
- iv. 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons.
- v. 1979 International Convention against the Taking of Hostages.
- vi. 1988 Protocol for the Suppression of Unlawful Acts of Violence at airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.
- vii. 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.
- viii. 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection.
- ix. 1997 International Convention for the Suppression of Terrorist Bombings.
- x. 1999 International Convention for the Suppression of the Financing of Terrorism.
- xi. 2000 UN Convention against Transnational Organized Crime.
- xii. 2005 International Convention for the Suppression of Acts of Nuclear Terrorism.
- xiii. The Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children.
- xiv. The Protocol Against the Smuggling of Migrants by Land, Sea or Air.

- xv. The SAARC Regional Convention on the Suppression of Terrorism in 1988.
- xvi. The SAARC Convention on Preventing and Combating Trafficking in Women and Children for prostitution.
- xvii. The SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia.

2. International cooperation and assistance

Please give details of any assistance, including technical and financial assistance, your country has provided for purposes of supporting the implementation of measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN Programme of Action. (PoA, III.3, 6, 10, 14)

- The Government of Sri Lanka, along with the United Nations and the Institute of Security and International Studies of the Chulalongkorn University in Bangkok organised a seminar in December, 2001 on regional cooperation against illicit arms trafficking. Several recommendations were made including adoption of laws, monitoring of ship movements, establishing regional networks and other measures directed towards regional cooperation. Governmental experts from Thailand, Sri Lanka, Japan, Singapore and India participated.
 - At the fifty fourth session of the UN Sub Commission on the Promotion and Protection of Human rights held in Geneva in August, 2002, Sri Lanka was an active participant in the debate on "The question of trade, carrying and use of small arms and light weapons in the context of human rights and humanitarian norms."
 - At the Non-Aligned Movement (NAM) Summit held in Kuala Lumpur in February 2003, Sri Lanka along with other member States supported the adoption of the PoA by consensus.
 - An international conference was held in Sri Lanka from 13th to 14th December 2005 on "international Control of Transfer of Illicit Small arms and Light Weapons." This conference was held on the initiative of the U.K. High Commission in Sri Lanka, Saferworld and civil society. It was co-chaired by Sri Lanka's National Commission. Several countries from Asia, Africa and South America participated. Among them were Albania, Argentina, Brazil, China, Ghana, India, Japan, Kenya, Maldives, Nepal, Thailand, UK and Sri Lanka.
- ii. Please give details of any assistance, including technical and financial assistance, your country has received or would like to receive for purposes of implementing measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN Programme of Action.

The United Nations through UNDESA has provided technical and financial assistance:-

- To establish the National Commission.
- To conduct the pilot and countrywide surveys of illicit small arms
- To modernise methodologies relating to recordkeeping of issues of State held small arms.
- Supported the programme to sensitise the country's police force.

Technical and financial assistance are kindly requested for the following activities:-

- To carry out a series of awareness raising programmes for the members of the National Youth Services Council and through the youth so trained, sensitise the country and galvanise public opinion. The project plan has been drawn up already and submitted to UNDESA for support.
- A project to sensitise Parliamentarians
- Other projects being planned to implement recommendations of the survey report. Proposals will be submitted.

- iii. 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. (PoA, III.13)

Sri Lanka stands ready to assist and cooperate with the global community in its investigations and prosecutions relating to the illicit trade in small arms and light weapons.

- iv. 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. (PoA, III.15)

Sri Lanka is ready and willing to support the global efforts to combat illicit trade in SALW linked to drug trafficking, transnational organised crime and terrorism.

3. Cooperation with civil society and NGOs

In terms of civil society activities:-

- The national survey process has been supported by both local partners - the Kelaniya University, the Marga Institute and the Centre for Integrated Communication Research and Advocacy, and the international NGO Saferworld.

- Armed violence at elections is also monitored by the People's Action for Free and Fair Elections (PAFFREL) network.
- SASA net Sri Lanka has been implementing community based projects to tackle small arms problems and establishing district level committees to increase safety and raise awareness of small arms problems.

4. Information exchange

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

Sri Lanka, not being a country manufacturing weapons or ammunition, adheres to the marking systems of countries from where supplies are obtained.

- Please give details of any information on, for example, SALW confiscated or destroyed within the national jurisdiction, or other relevant information, such as illicit trade routes and techniques of acquisition, that your country has submitted to relevant regional and international organizations. (PoA, II.23)

Sri Lanka has complied with international norms and cooperated with the international community in this regard.

5. Training, capacity-building, research

- Please describe any initiatives your country has undertaken to enhance cooperation and exchange of experience and training among competent 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. (PoA, III.7)

Under the national action plan being drawn up, following the conduct of the successful national survey, provision will be made for regional cooperation in this field.

- Please describe any regional and international programmes for specialist training on small arms stockpile management and security that your country has developed or supported. (PoA, III.8)

Sri Lanka intends to develop training programmes on small arms stockpile management and security for those in charge of this subject.

- Please 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. (PoA, III.18)

As stated above, Sri Lanka conducted first a pilot survey and then a countrywide survey (barring the areas affected by the conflict) precisely for this reason – for a better understanding of the nature and scope of the problem and to facilitate greater awareness. The survey revealed a wealth of information relating to the social, political and economic impact of illicit SALWs, their geographical distribution and their demographic relationship. This information will be invaluable when formulating plans of action to deal with the problem.

FINISH