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**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**

New York, 26 June-7 July 2006

Working paper submitted by Nicaragua

**Code of conduct of Central American States on the Transfer
of Arms, Ammunition, Explosives and Other Related Materiel**

Preamble

Recognizing that the strengthening of peace and security in the region is the fundamental objective of the Framework Treaty on Democratic Security in Central America and that economic and social development and cooperation between the Central American States are essential to the consolidation of a region of peace, freedom, democracy and development,

Recognizing that the Central American countries wish to strengthen the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the resolutions of the General Assembly of the United Nations on transparency measures with regard to the transfer of conventional arms and the need for States to guarantee their security referred to in the glossary to the present instrument,

Whereas the intent of this Code is to establish a preventive early warning mechanism in response to threats to democratic security of any kind whatsoever and an ongoing programme to build confidence among the States of the Central American region,

Convinced of the urgent need to develop national and regional initiatives to promote the effective exchange of information as well as transparency regarding the transit of arms through the region,

Bearing in mind that the programme for arms limitation and control in Central America promotes transparency and the monitoring of international transfers of conventional, non-conventional, small and light weapons, ammunition and explosives, as well as high levels of manufacture and lethality of technology so as to strengthen security in the region,



Aware of the need to provide the Central American States with a preventive mechanism that will promote principles, approaches and actions with a view to facilitating cooperation so that international transfers of conventional, non-conventional, small and light weapons, ammunition and explosives and other related materiel are carried out with transparency and are subject to oversight and monitoring,

The States Parties hereby agree to sign this Code of Conduct, as follows:

Article I

Transfer of arms, ammunition, explosives and other related materiel

Transfers of conventional, non-conventional, small and light weapons, ammunition, explosives and other related materiel shall not be carried out from or to States which:

1. Commit and/or sponsor crimes against humanity or human rights violations or commit serious violations of the laws and customs of war contained in the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977 or other rules and principles of international humanitarian law applicable to situations of armed conflict between States and within States;
2. Prevent their citizens from choosing their representatives through free, fair and periodic elections by secret ballot;
3. Restrict the right of their citizens to express their political views through freedom of expression, the dissemination of ideas and information, and the right of assembly, association and organization, including the establishment of political parties;
4. Lack democratic government institutions for the formulation of national security and defence policies or the monitoring of activities by and expenditure on the armed forces and the public security of the State;
5. Fail to comply with international agreements on arms embargoes or other sanctions imposed by the Security Council of the United Nations adopted pursuant to the Charter of the United Nations;
6. Fail to comply with arms embargoes or other sanctions imposed by regional organizations or pursuant to regional agreements to which States are parties;
7. Violate resolutions and inter-American and hemispheric agreements on treaties adopted by the Organization of American States;
8. Do not report the totality of their arms transfers to the United Nations Register of Conventional Arms, as defined in General Assembly resolution 46/36 L of 9 December 1991;
9. Are involved in an armed conflict, unless that conflict is recognized to be an act of self-defence as set out in the Charter of the United Nations or in the Charter of the Organization of American States, or is part of a peacekeeping operation under United Nations auspices;

10. Introduce arms that pose a risk to the Central American Democratic Security Model, contained in the Framework Treaty on Democratic Security in Central America;

11. Fail to comply with an agreed ceasefire;

12. Promote nationalist, racial or religious hatred that incites to discrimination, hostility or violence, or that incites individuals to overthrow their Government or the Government of another country;

13. Are involved in actions or practices that might lead to a significant number of displaced persons or refugees;

14. Fail to comply with international agreements and instruments on terrorism and related acts;

15. Allow their territories to be used to commit an act of terrorism, in violation of international instruments on terrorism adopted by the States of the Central American Integration System (SICA).

Article II

Implementation of the Code

The States Parties express their determination to:

1. Promote accession, ratification, compliance and implementation with regard to treaties, resolutions, declarations, agreements and global and hemispheric treaties on arms control and limitation;

2. Harmonize legislation, regulations, provisions and administrative procedures and cooperate in exchanging information and implementing appropriate measures for preventing the illicit arms trade and promoting transparency in arms transfers and the updating of military and security equipment inventories;

3. Strengthen national procedures and maintain electronic databases for issuing, regulating, controlling and approving licences and permits for arms, ammunition, explosives and other related materiel;

4. Increase the control and regulation capacities of natural and legal persons trading in arms, ammunition, explosives and other related materiel through laws and regulations;

5. Establish and maintain a complete national inventory of arms, ammunition, explosives and other related materiel held by security firms and other entities legally empowered to handle them;

6. Harmonize procedures for importing, exporting, issuing transfer documents and monitoring the recipients of arms, ammunition and other related materiel;

7. Establish a system for the validation, verification and authentication of arms licences issued in the Central American region;

8. Strengthen customs and border controls by increasing and enhancing the capacities of the police, customs department, army and/or other branches of the armed forces, public prosecutor's office, judicial authorities and other related agencies;

9. Coordinate training programmes for the police, customs department, army and/or other branches of the armed forces and other agencies involved in preventing, combating and eradicating, investigating and punishing the illicit trade in arms, ammunition, explosives and other related materiel;

10. Establish and improve national databases and communications systems and acquire equipment for the monitoring and control of arms, ammunition, explosives and other related materiel;

11. Establish inter-agency working groups to improve coordination between agencies and the information they share and analyse at the national level with regard to arms, ammunition, explosives and other related materiel, in conformity with the laws and regulations of each State;

12. Establish, in their respective national bodies of legislation, regulations governing the activities of intermediaries (brokerage) relating to all categories of arms and security and police materiel. Such operations shall not be conducted by natural or legal persons that are not duly registered;

13. Improve national registers of arms in the possession of individuals through a computerized registration system and facilitate the exchange of information among the relevant authorities responsible for the investigation of unlawful acts;

14. Avoid undertaking triangulation activities of weapons of all kinds within the framework of their respective national legislation;

15. Develop, at the national level, public education programmes to promote and support efforts to prevent the proliferation of arms, ammunition, explosives and other related materiel so as to raise the population's awareness of the problem and danger inherent in their use and handling;

16. Identify and adopt programmes for the collection and destruction of arms, ammunition, explosives and other related materiel as a result of the demobilization or reintegration of irregular forces and seizure of weapons from drug trafficking, organized crime, terrorism and related activities;

17. Introduce legislation to levy heavier taxes on the import and local trade in arms, ammunition and other related materiel.

Article III

Final provisions

Monitoring and verification

The States Parties shall report before the Central American Security Commission on measures taken to implement this Code.

Three years following the entry into force of this Code, the Central American Security Commission shall convene a meeting of the Parties to evaluate its implementation and agree on any amendments they may deem necessary. Such amendments shall be submitted through the Council of Ministers of Foreign Affairs to the meeting of Presidents for their consideration.

Amendments

A properly substantiated request for the amendment of this Code of Conduct may be made by any State Party.

The Central American Security Commission shall review and submit the proposed amendment to all the States Parties.

Any amendment shall be adopted by consensus.

Entry into force and implementation

The present Code of Conduct shall enter into force on the date of its adoption and it shall be implemented in accordance with the domestic legal systems.

Depositary

The original text of this Code of Conduct shall be deposited with the Secretary-General of the Central American Integration System, who shall submit certified copies thereof to all the States Parties.

Done in the City of León, Republic of Nicaragua, on 2 December 2005.

Glossary

The terms and expressions defined in this Code of Conduct shall have the meaning used in the following international instruments:

1. Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materiel.
2. Inter-American Convention on Transparency in Conventional Weapons Acquisitions.
3. United Nations General Assembly resolution 43/75 L of 7 December 1988 entitled "General and complete disarmament" concerning measures for promoting transparency in the transfer of conventional arms and the need for States to ensure their security.
4. United Nations General Assembly resolution 46/36 H of 6 December 1991 entitled "General and complete disarmament" concerning measures for promoting transparency in the transfer of conventional arms and the need for States to ensure their security.
5. The United Nations Plan of Action on Small Arms and Light Weapons.