



UNLIREC

**AMMUNITION
CONTROL MEASURES
IN LATIN AMERICA AND
THE CARIBBEAN**
A Legal Approach

With the support of



the Government of
the Federal Republic
of Germany

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This legal study aims to promote dialogue on ammunition control through the revision of measures adopted within national legal frameworks in Latin America and the Caribbean. In this regard, a context analysis is presented to contribute to the debate on effective ammunition control measures on a wide range of related aspects.

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About UNLIREC

The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC), headquartered in Lima, Peru, was created by a UN General Assembly resolution in 1986. UNLIREC is one of the three Regional Centres of the United Nations Office for Disarmament Affairs (UNODA), which oversees and coordinates the activities of all UN disarmament centres for peace and development.

UNLIREC is the only UN regional entity specialized in disarmament and non-proliferation in the Latin American and Caribbean region. Its main function is to translate the decisions, instruments, and commitments of Member States in the field of disarmament and non-proliferation into actions, at national, sub-regional, and regional levels. In short, UNLIREC supports Latin American and Caribbean States in achieving and maintaining peace and security through disarmament.

UNLIREC has established itself as a centre specialized in assisting States in combating illicit trafficking in small arms, ammunition, and explosives. It is increasingly being called upon to apply its human and technical resources for institutional capacity-building, legal assistance, and advocacy in a range of peace and security matters relevant to the region. These issues include, but are not limited to, arms control, armed violence reduction, the privatization of security, and confidence-building measures.

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Preliminary Remarks

The purpose of this publication is to present an exploratory analysis of the provisions set out in the relevant regulations of the 33 Latin American and Caribbean States on firearms and ammunition control.

There is no universally accepted definition of “firearms and ammunition control”. Ammunition control refers to all the provisions contained in national laws and regulations governing ammunition-related activities, from manufacture to final disposal. In particular, it focuses on the following elements: competent authority for applying ammunition controls; regulating production or manufacture; controlling international transfers; controlling domestic trading; controlling and reporting on consumption by brokers and users; security measures in transport, storage; as well as marking; reloading; and final disposal.

The compilation of national legislation and their subsequent revision made it immediately clear that the control measures that could be analysed in a study of this nature would be limited to those established in the laws regulating firearms and ammunition legally available to civilians, and their implementing regulations.

In this sense, it is important to highlight that the national control measures to be analysed in Chapter 2 only cover firearms and ammunition, which civilians are permitted to possess or carry, that is, it does not include ammunition for other conventional weapons. This is due to the fact that the vast majority of laws and regulations reviewed in this study include national laws whereby their primary objective is to establish the legal regime for matters such as the possession, carrying, export, import or trade of firearms, ammunition, parts and components or other related materials by civilians.

It is worth noting that the present document will focus on regulatory aspects as opposed to operational ones. In other words, it will not include an analysis of public policies, programmes or protocols, nor the practical implementation of the national provisions in force.

To develop this document, UNLIREC formally requested the 33 Latin American and Caribbean States to share their laws and regulations on ammunition control. In cases in which a State did not respond to this request, UNLIREC undertook to compile current laws and regulations from official State websites.

By way of introduction, this document will present the importance of analysing ammunition control measures in a context, such as that of Latin America and the Caribbean, a region that is not exempt from challenges, such as armed violence. The general aspects of the international and regional framework on ammunition control will be the subject of **Chapter one**, particularly the legal instruments to which most States of the region are parties and the internationally recognized guidelines or directives on the subject.

While this publication does not attempt to contrast national legal provisions on ammunition control with the few existing international standards on the subject, it will however be useful to show how some States implement international obligations on ammunition, such as export assessment. On the other hand, it will also be interesting to consider that some States in the region include ammunition control measures that do not exist in the international legal framework, such as marking.

Chapter two, the core of this publication, will present an analysis of the laws and regulations of the 33 Latin American and Caribbean States on ammunition control. In this chapter, the control measures abovementioned have been divided into sections, each of which present corresponding specific conclusions. This section will not focus on State-by-State ammunition control measures, but will rather attempt to demonstrate provisions that are common in the region, as well as highlight some that may be considered remarkable due to their particular traits.

List of acronyms

CIFTA	Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials
IATG	International Ammunition Technical Guidelines
ITI	International Tracing Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons
MOSAIC	Modular Small-Arms-Control Implementation Compendium
OAS	Organization of American States
PoA	Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
Firearms Protocol	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition supplementing the United Nations Convention against Transnational Organized Crime.
ATT	Arms Trade Treaty
UN	United Nations
UNLIREC	United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean
UNODA	United Nations Office for Disarmament Affairs

Glossary of terms

This section consolidates a list of definitions of terms that appear in the document for the purpose of clarity, and have been taken or adapted from international instruments, in particular the Firearms Protocol and the Arms Trade Treaty. Definitions were also taken from technical guidelines, such as MOSAIC 01.20 (Glossary of terms, definitions and abbreviations) and IATG 01.40 (Glossary of terms, definitions and abbreviations).¹

It should be noted, however, that not all definitions are taken up at the national level and that national definitions, where they exist, do not always coincide with those listed here.

Ammunition

Complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party.

Ammunition marking

Application of marks - including colours, descriptive text and symbols - to munitions, parts and components thereof, and associated packaging, for the purposes of identifying, among other things, their role, operational features, and age; and the potential hazards posed by those munitions.

Ammunition storage

Deposit of munitions in a covered or uncovered enclosure, awaiting transportation to or from operational theatres or direct use. Normally, the munition is stacked, in its logistic package, and ideally in a controlled environment.

Ammunition transfer

General term encompassing the import, export, transit, transshipment and brokering of munitions.

Broker

Person or entity acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of small arms and light weapons in return for some form of benefit, whether financial or otherwise.

¹ Definitions not available in Spanish have been translated. This is not an official translation.

Brokering

Activities carried out by a broker in the context of arranging or facilitating an international transfer of small arms or light weapons. Brokering activities include, but are not limited to:

- serving as a finder of business opportunities to one or more parties;
- putting relevant parties in contact;
- assisting parties in proposing, arranging or facilitating agreements or possible contracts between them;
- assisting parties in obtaining the necessary documentation; and
- assisting parties in arranging the necessary payments.

Some activities closely associated with brokering in small arms and light weapons, that do not necessarily in themselves constitute brokering activities, might be undertaken by brokers as part of the process of putting a deal together to gain a benefit. These activities may include, for example, acting as dealers or agents in small arms and light weapons, providing for technical assistance, training, transport, freight forwarding, storage, finance, insurance, maintenance, security and other services.

Brokering activities can take place in the broker's country of nationality, residence or registration; they can also take place in another country. The small arms and light weapons do not necessarily pass through the territory of the country where the brokering activity takes place, nor does the broker necessarily take ownership of the small arms and light weapons.

Demilitarization

Complete range of processes that render weapons, ammunition and explosives unfit for their originally intended purpose.

Demilitarization not only involves the final destruction process, but also includes all of the other transport, storage, accounting and pre-processing operations that are equally critical to achieving the final result.

Destruction

Process of final conversion of weapons, ammunition and explosives into an inert state so that the item can no longer function as designed.

Diversion

Movement – either physical, administrative or otherwise – of a small arm or light weapon, its parts, components or ammunition, from the legal to the illicit realm.

End-user and end-use documentation

Documents whose purpose is to identify, authorize, commit to certain undertakings and verify delivery to end-users of internationally transferred small arms or light weapons.

Includes end-user certificates, end-user statements and delivery verification certificates; and, under certain conditions, import authorizations and International Import Certificates.

Export

Movement of goods or services out of a State's customs jurisdiction.

Firearm

Any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899.

Import

Movement of goods or services into a State's customs jurisdiction.

Manufacturing, illicit

Manufacturing or assembly of firearms, their parts and components or ammunition:

- I. From parts and components illicitly trafficked;
- II. Without a license or authorization from a competent authority of the State where the manufacture or assembly takes place; or
- III. Without marking the firearms at the time of manufacture.

License or authorization of the manufacture of parts and components shall be granted in accordance with domestic law.

Parts and components

Any element or replacement element specifically designed for a firearm and essential to its operation, including barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm.

Stockpile management

Procedures and activities regarding safe and secure accounting, storage, transportation and handling of ammunition and explosives.

Tracing

Systematic tracking of illicit ammunition from the point of their manufacture or import, through the lines of supply, to the point at which they became illicit.

Re-export

Export of goods from the State that previously imported them, without further processing or transformation of the imported goods.

Reloading, ammunition

Process whereby a previously fired cartridge case is re-fitted with a new primer, propellant and projectile in order to create a complete, functioning round of ammunition.

Trafficking, illicit

Import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State to that of another State if any one of the States concerned does not authorize it or if the firearms are not marked.

Transit

Movement of goods across the territory of a State as part of a transfer between two other States, including the transloading of the goods at the points of entry into and exit from the transit State.

Transshipment

Transport of goods to an intermediate location outside the exporting and importing States, where they are loaded to a different transport vessel and transported to their final destination (or additional point of transshipment) without crossing the territory of the State in which the transshipment takes place.

Transshipment usually takes place in transport hubs and often takes place within designated customs areas, which are not subject to customs checks or duties.

Introduction

Firearms control has a permanent place on the agendas of international security forums. The need to combat proliferation and illicit trafficking in firearms has led to the adoption of legal instruments and multilateral initiatives to reinforce their control. Even so, discussions on the issue pay little attention to the problem of ammunition control.

It is not arms, but rather ammunition that causes injury and ultimately death. Its proliferation provokes conflicts, armed violence and violations of human rights. As an object of illicit trafficking, ammunition progressively occupies more and more space in international discussions and in national arms control legislation. In June 1999, the “Group of Governmental Experts on the Problem of Ammunition and Explosives”, established pursuant to United Nations General Assembly Resolution 52/38 J, spoke out to that effect by concluding that ammunition “are an inseparable part of the problem of the excessive and destabilizing accumulation, transfer and misuse of small arms and light weapons.”² The Group consequently noted that measures to control small arms and light weapons “would not be complete if they did not include ammunition.”³

Due to the fact that ammunition is subject to less strict control by States in comparison to other weapons, and tends to be less marked, registered or stored and to be transported under deficient security conditions, it is therefore more exposed to diversion, illicit trafficking and misuse.

The matter becomes more difficult to analyse when considering the large number of actors involved in its manufacturing, trade transport, storage, and use. In addition to the State – which continues to be the principal party responsible for the supervision and guarantee of ammunition transfer – private industry, brokers and users all likewise play important roles in avoiding its diversion and illicit trafficking.

Unlike arms, which have a longer lifecycle, ammunition is used only once and, therefore, circulates massively and continuously across the world. Globalization has made international ammunition transfers more complex. These are no longer limited to its export or import, but also include processes, such as its transport, transit and transshipment, during which diversion is possible. This characteristic has security implications for countries that, despite not being large producers, are involved in global trade in ammunition.

Very little public information is available about the global flow of ammunition. The United Nations estimates that over 80% of the trade in these goods is not covered by reliable recorded data.⁴ Even so, the little data that is available offers a general idea of the economic magnitude of the global trade in ammunition. In 2012, Small Arms Survey⁵ published a study showing that authorised trade in ammunition at the global level amounted to 4,266 million dollars in that year. This figure was slightly larger than the sum of all reported international transfers of small arms, light weapons, and their parts and components, which amounted to 4,251 million dollars. Unfortunately, very

² United Nations General Assembly (1999). *Report of the Group of Experts on the problem of ammunitions and explosives*, New York, document A/54/155, paragraph 104, p. 16, in UN Documents, available at <https://undocs.org/A/54/155>

³ *Idem*.

⁴ United Nations Office for Disarmament Affairs (2020). *Poorly managed ammunition – a key driver of conflict and crime*, New York, in UNODA, available at <https://www.un.org/disarmament/convarms/ammunition/more-on-ammunition/>

⁵ Small Arms Survey (2012). *Small Arms Survey 2012: Moving Targets (chapter 8. Piece by piece: Authorised transfers of parts and accessories)*, Geneva, in *Small Arms Survey*, available at <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2012/eng/Small-Arms-Survey-2012-Chapter-08-EN.pdf>

few studies provide information of this kind. Lack of transparency in regard to the ammunition trade works as a constraint on understanding the lifecycle of ammunition, from its manufacturing to its use or disposal.

The Latin American and Caribbean region is not free from challenges posed by firearm ammunition control. High rates of armed violence, the significant presence of organised crime, illicit trafficking and inadequate management of ammunition deposits are just some of the matters that seriously concern States. In this context, the region as a whole has recognised that the “continuous threat of the illicit manufacturing, transfer, and circulation of small arms and light weapons, their parts and components; ammunition and its excessive accumulation; as well as its uncontrolled distribution in many regions of the world have a wide range of humanitarian and socio-economic consequences, and pose serious threats to peace, reconciliation, security, stability and sustainable development at many levels”.⁶

The endless flow, availability and proliferation of ammunition to all potential perpetrators of violence –whether through its use in criminal activities, illicit use by governmental forces, use in interpersonal violence or incidents involving private security forces – are an element that helps to explain the high levels of armed violence in the region. Firearms are the principal means for committing homicide and, largely, other crimes in Latin America and the Caribbean. It is worth noting that over 120,000 people were murdered in the region between 2010 and 2017 and that two out of every three of these cases were committed using firearms.⁷ While many of these arms and much of this ammunition is legally registered, they proliferate in national contexts that reveal the existence of legal gaps.

In 2018, the United Nations Secretary General presented his “Disarmament Agenda – Securing our Common Future”. The Agenda recognises the need to address control of small arms and their ammunition through a single integrative lens encompassing legislation, police, foreign trade, public health, gender issues, migration, maritime and aviation transport security, peacekeeping, development, and urban violence.⁸

It is in these terms and with the purpose of offering Latin American and Caribbean States an analysis that could contribute to their continuous firearm and ammunition control efforts that UNLIREC has prepared the present publication.

⁶ *Statement by El Salvador on behalf of the Community of Latin American and Caribbean States – CELAC*, First Committee of the 73rd session of the United Nations General Assembly, New York, 10 October 2018, paragraph 11, in United Nations, available at <http://statements.unmeetings.org/media2/19409574/el-salvador-on-behalf-of-celac.pdf>

⁷ United Nations Office on Drugs and Crime (2019). *Global Study on Homicide. Homicide Dataset 2019, National Data*, Vienna, in UNODC, available at <https://www.unodc.org/unodc/en/data-and-analysis/global-study-on-homicide.html>

⁸ United Nations Office for Disarmament Affairs (2020). *UN Secretary-General's disarmament agenda: Focus on small arms*, New York, in UNODA Information Bulletin [No.1 | Oct.2018], available at <https://www.un.org/disarmament/es/2018/10/24/savinglives-issue1-sp/>

**INTERNATIONAL
FRAMEWORK ON
AMMUNITION
CONTROL**



1. International framework on ammunition control

1.1 International instruments

Although ammunition controls have received less attention than arms in international instruments, States are nonetheless bound by a number of international obligations and commitments. Apart from the provisions on ammunition contained in these international instruments, as we will see later, a series of guidelines are also available in the international arena, which are recommended for compliance, although they are not legally binding.

Both the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA)*⁹ and the *International Tracing Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI)*,¹⁰ which are politically binding and universal instruments, exclude ammunition from among their provisions.

In any case, most countries in the region are legally bound by the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol).¹¹ A total of 28 countries¹² in Latin America and the Caribbean are obliged by this instrument to adopt a series of control measures as follows:

- The criminalisation of the illicit manufacture of and trafficking in ammunition.
- The seizure, confiscation and destruction of ammunition to prevent diversion.
- The establishment of an authorisation or licensing system for the export and import of ammunition, as well as transit control.

⁹ Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects, in Small Arms Review Conference 2006, New York, document A/CONF.192/15, available in United Nations at <https://www.un.org/events/smallarms2006/pdf/PoA.pdf>

¹⁰ *International Tracing Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, New York, available at https://unoda-web.s3.amazonaws.com/wp-content/uploads/2020/02/ITI_English.pdf

¹¹ *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime (Resolution 55/255)*, New York, 8 June 2001, in United Nations General Assembly Documents, available at <https://www.unodc.org/documents/treaties/UNTOC/Publications/ARES%2055-255/55r255e.pdf>

¹² Latin American and Caribbean States that have ratified the Firearms Protocol: Antigua and Barbuda, Argentina, Bahamas, Barbados, Brazil, Chile, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis, St. Vincent and the Grenadines, Trinidad and Tobago, Uruguay and Venezuela. For further information about the status of signatures and ratifications of the Firearms Protocol, see *United Nations Treaty Collection*, available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&clang=_en

- The adoption of measures to ensure the security of ammunition during manufacture, import and export and transit to prevent its loss or diversion.
- The exchange of information about parties involved in ammunition transactions and related dynamics.
- In addition, the Firearms Protocol recommends the recording of information on ammunition that is necessary for the tracing of firearms, as well as information on ammunition that has been illicitly manufactured or trafficked.

More recently, Article 3 of the Arms Trade Treaty (ATT)¹³ determines that States Parties “shall establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1), and shall apply the provisions of Article 6 and Article 7 prior to authorising the export of such ammunition/munitions.”

As a result, Latin American and Caribbean States Parties¹⁴ are already legally bound to apply the provisions on prohibited transfers and to conduct risk evaluation processes for any ammunition export process. This means that those countries are prohibited from carrying out ammunition transfers that violate a UN Security Council embargo on arms, other UN binding agreements or ammunition that could be used to commit genocide, crimes against humanity or war crimes. It also means that a risk analysis must be conducted for each ammunition export operation, which could, on occasion, result in authorisation being denied to export ammunition that would “contribute to or undermine peace and security”, or that could be used to commit or facilitate a serious violation of international humanitarian law, a serious violation of human rights law, or an act constituting an offence under international conventions or protocols on terrorism or transnational organised crime.

Even so, ammunition is not considered in all ATT provisions. As a result, it is not explicitly mandatory for States to consider ammunition in cases of import, transit/transshipment, brokering, diversion, recordkeeping or reporting, subjects with regard to which the Treaty has considered only “the conventional arms covered under Article 2(1)”.

Together with these international instruments and treaties, it is important to mention the multilateral regime guidelines of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (the Wassenaar Arrangement), to which Argentina and Mexico are Parties and under which they are bound to “promote transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus

¹³ Arms Trade Treaty, New York, 2 April 2013, in United Nations Treaty Collection, vol. 3013, No. 52373, available at https://treaties.un.org/doc/Treaties/2013/04/20130410%2012-01%20PM/Ch_XXVI_08.pdf

¹⁴ As at April 2020, the following Latin American and Caribbean States are Parties to the *Arms Trade Treaty*: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Brazil, Chile, Costa Rica, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, and Uruguay. Colombia and Haiti are signatory States. See the status of signatures and ratifications of the Arms Trade Treaty in United Nations Treaty Collection, available at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XXVI-8&chapter=26&clang=_en

preventing destabilizing accumulations”.¹⁵ Member countries of the Wassenaar Arrangement must apply a series of controls to the articles enumerated on a detailed control lists,¹⁶ and have committed to implement, in country, some guidelines for, among other things, enforcement of effective export control, national reporting, re-export control, brokering, transit/transshipment, disposal of surplus or demilitarized military equipment, and end user control.¹⁷ This series of guidelines could be used to orient other Latin American and Caribbean countries that, although not members of the arrangement, wish to reinforce their control of ammunition for conventional arms, together with other States that aspire to become parties to this multilateral arrangement.

15 The Wassenaar Arrangement (2020). *Introduction - The Wassenaar Arrangement on export controls for conventional arms and dual-use goods and technologies*, Vienna, The Wassenaar Arrangement, available at <https://www.wassenaar.org>

16 The Wassenaar Arrangement (2020). *Control Lists*, Vienna, in The Wassenaar Arrangement, available at <https://www.wassenaar.org/control-lists/>

17 The Wassenaar Arrangement (2020). *Best practices and guidelines*, Vienna, in The Wassenaar Arrangement, available at <https://www.wassenaar.org/best-practices/>

1.2 Regional Instruments

At the regional level, the Organization of American States' Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA)¹⁸ was approved in 1997 as the first legally binding international regulation to explicitly consider ammunition (and explosives). It was a pioneering instrument that served as inspiration for both the Firearms Protocol and the UN PoA.

It is mandatory, insofar as ammunition controls are concerned, for States Parties to the CIFTA in Latin America and the Caribbean¹⁹ to establish illicit manufacturing and trafficking as criminal offenses; ensure their capacity for confiscation or forfeiture of illicitly manufactured or trafficked ammunition and guarantee that ammunition confiscated or forfeited as a result of illicit manufacturing or trafficking does not fall into the hands of private individuals or legal entities through auction, sale, or other disposal; undertake to adopt the necessary measures to ensure the security of firearms, ammunition, explosives and other related materials imported into, exported from, or in transit through their respective territories; establish or maintain an effective system of export, import, and international transit licences or authorisations; exchange information, experience and training; and cooperate with each other in tracing ammunition, among other things.

CIFTA was supplemented by a series of especially useful recommendations in the form of Model Legislation which, insofar as ammunition is concerned, includes detailed prescriptions for controlling “international movement” (Chapter II is specifically dedicated to ammunition),²⁰ “strengthening control at points of export”,²¹ establishing criminal offenses,²² security measures,²³ confiscation,²⁴ and even marking.²⁵

Other pertinent regulatory efforts vis-à-vis ammunition control have been made at the subregional level. These include initiatives within the framework of the Central American Integration System,

¹⁸ *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials*, Washington, D.C., 13 November 1997, in Department of International Law of the Organization of American States, available at http://www.oas.org/en/sla/dil/inter_american_treaties_A-63_illicit_manufacturing_trafficking_firearms_ammunition_explosives.asp

¹⁹ Organization of American States (2020). [Status of signatures and ratifications of the] *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials*, Washington, D.C., 13 November 1997 in Department of Law of the Organization of American States, available at <https://www.oas.org/juridico/english/signs/a-63.html>

²⁰ Inter-American Drug Abuse Control Commission (1999). *Model Regulations for the control of the international movement of firearms, their parts and components and ammunition*, Washington, D.C., 10 January 1999, in Organization of American States, available at http://www.oas.org/juridico/spanish/cicad_traf_inter_sp.pdf

²¹ CIFTA-CICAD Group of Experts to Prepare Model Legislation on the Areas covered by the CIFTA (2008). *Proyecto de legislación modelo y comentarios para el fortalecimiento de los controles en los puntos de exportación de armas de fuego, municiones, explosivos y otros materiales relacionados*, Washington, D.C., 9 May 2008, Doc. OEA/Ser.L/XXII.6.2GE/CIFTA-CICAD/doc.2/06rev.4.

²² OAS Group of Experts to Prepare Model Legislation on the Areas covered by the CIFTA (2008). *Proyecto de legislación modelo y comentarios sobre medidas legislativas para tipificar delitos en relación con la fabricación y/o el tráfico ilícitos de armas de fuego, municiones, explosivos y otros materiales relacionados*, Washington, D.C., 9 May 2008, Doc. OEA/Ser.L/XXII.6.3GE/CIFTA/doc.2/07rev.3corr.1.

²³ Consultative Committee of CIFTA (2010). *Model legislation and comments on the maintenance, confidentiality and exchange of information relating to the illicit manufacturing and trade in firearms, ammunition, explosives and other related materials*, Washington, D.C., 6 May 2014, Doc. OEA/Ser.L/XXII.2.15CIFTA/CC-XV/doc.15/14.

²⁴ Consultative Committee of CIFTA (2010). *Legislación modelo y comentarios en relación con la confiscación y el decomiso de armas de fuego, municiones, explosivos y otros materiales relacionados*, Washington, D.C., 23 April 2010, Doc. OEA/Ser.L/XXII.2.11CIFTA/CC-XI/doc.12/10.

²⁵ Technical Secretariat of the CIFTA-CICAD Group of Experts to Prepare Model Legislation on the Areas covered by the CIFTA (2006). *Draft Proposed Model Legislation on the Marking and Tracing of Firearms and Ammunition*, Washington, D.C., 12 January 2006, in Organization of American States, available at http://www.oas.org/juridico/english/cifta_mod_leg_markings.pdf

such as the Code of Conduct of Central American States on the Transfer of Arms, Ammunition, Explosives and Other Related Material²⁶ and the Framework Treaty on Democratic Security in Central America.²⁷

In the Andean area, Andean Community Decision 552, which approves the Andean Plan to Prevent, Combat and Eradicate Illicit Trafficking in Small Arms and Light Weapons in all its Aspects,²⁸ stands out. The Andean Plan considers ammunition to be an integral part of small arms and light weapons (Annex I. Definition of small arms and light weapons).

In the sphere of Mercosur, the Southern Cone Presidential Declaration on Combating the Illicit Manufacture and Trafficking in Firearms, Ammunition and Related Materials, approved in April of 1998, ordered preparation of a draft joint mechanism for registration of purchasers and sellers of firearms, ammunition, explosives and other related material. This mechanism was created through Resolution No. 7/98. Resolution 15/04 approved a Memorandum of understanding for the exchange of information about illicit manufacturing and trafficking of firearms, ammunition, explosives and other related materials among the States Parties to Mercosur.²⁹ Prominent on a more operative level is the Mercosur Working Group on Firearms and Ammunition (GTAFM), which has been holding meetings since 2001 to discuss harmonising the operational aspects of arms and ammunition control, and whose most recent meeting took place in May of 2019 in Buenos Aires.³⁰

In the Declaration on Small Arms and Light Weapons (2011), the governments of the Caribbean Community (CARICOM) “solemnly commit to implement all necessary actions at the national and regional level to fully combat the illicit trade in small arms and light weapons and their ammunition,” and to implement international instruments fully, strengthen national capacities, policies and legislation, harmonise subregional legislation, enhance ammunition stock security (“including the identification and destruction of surplus”) and “continue to accord the highest national and regional priority to matters relating to combating and eradicating the illicit trade in small arms and light weapons and their ammunition”.³¹ These objectives have also been followed up in practical terms by creating model legislation for implementation of the UN PoA and the ATT, as well as for providing training to national points of contact on marking, border security, ammunition stockpile management and end user control systems.

Operationally, CARICOM’s Regional Integrated Ballistic Information Network (RIBIN) and the Regional Intelligence Fusion Centre (CERFI) are important for supporting government efforts to obtain information for use in tracing firearms and ammunition used in criminal activities.

²⁶ *Code of Conduct of Central American States on the transfer of arms, ammunition, explosives and other related material*, San Salvador, 25 November 2005, in the United Nations Digital Library, available at <http://www.poa-iss.org/RegionalOrganizations/SICA/CentralAmerica-CodeofConduct-English.pdf>

²⁷ *Framework Treaty on Democratic Security in Central America*, San Pedro Sula, 15 December 1995, Central American Integration System, available at https://www.sica.int/busqueda/busqueda_archivo.aspx?Archivo=trat_33842_2_19032009.htm

²⁸ *Andean Plan to Prevent, Combat and Eradicate Illicit Trafficking in Small Arms and Light Weapons in all its Aspects, adopted by Decision 552 of the Andean Community Council of Foreign Ministers*, Quirama, 25 June 2003, in Andean Community, available at <http://webcache.googleusercontent.com/search?q=cache:z9djUw8z17EJ:intranet.comunidadandina.org/Documentos/decisiones/DECISION%2520552-%5Bvesi%25C3%25B3n%2520en%2520Ingl%25C3%25A9s%5D.doc+&cd=1&hl=es-419&ct=clnk&gl=pe>

²⁹ Common Market Group (2020). *Resolutions of the Common Market Group, Montevideo*, in Mercosur, available at: <https://www.mercosur.int/documentos-y-normativa/resoluciones/>

³⁰ Ministry of Foreign Affairs, International Trade and Worship of Argentina (2019). *Mercosur: commitment to the fight against the illicit arms trade* (press release N° 211/19), Buenos Aires, in Ministry of Foreign Affairs, International Trade and Worship of Argentina, available at <https://www.cancilleria.gob.ar/es/actualidad/noticias/mercotur-compromiso-con-la-lucha-contra-el-trafico-ilicito-de-armas>

³¹ Caribbean Community Implementation Agency for Crime and Security (S. A.). *CARICOM Declaration on Small Arms and Light Weapons*, Port of Spain, in Caricom Impacs, available at <https://www.caricomimpacs.org/Portals/0/Project%20Documents/Small%20Arms%20and%20Light%20Weapons.pdf>

1.3 Guidelines and other initiatives

It is important to refer, not only to the above-cited regulatory instruments, but also to a series of international ammunition control guidelines available to States for reaching optimum levels of security and safety and compliance with best practices in those controls. It should be pointed out, however, that some of those guidelines provide for management of all ammunition for conventional arms and explosives (like the International Technical Ammunition Guidelines, IATG), while others refer specifically to ammunition for small arms and/or light weapons.

The most important of these are the IATG,³² which are designed to establish standardised management and safety and security procedures for storage of conventional arms, considering that improperly managed ammunition stocks are a threat to public safety and represent a risk for State security. Their application is voluntary, and they are highly detailed and useful for national authorities seeking to implement more advanced control measures. The IATG are organized into “three levels of ascending comprehensiveness” that offer governments immediate solutions regardless of their starting points.

The United Nations SaferGuard Programme, which supervises IATG dissemination and provides support for their implementation, was established in response to the request by the United Nations General Assembly for the development of guidelines for appropriate ammunition management. The programme maintains a variety of training courses and a supplementary roster of skilled experts for their delivery.³³ The online implementation support tool includes several risk management resources (such as a checklist through which risk reduction³⁴ and explosion consequence analysis³⁵ can be assessed), as well as tools for technical calculations.³⁶

³² United Nations Office for Disarmament Affairs (2020). *International Ammunition Technical Guidelines*, New York, in UN SaferGuard - International Ammunition Technical Guidelines, available at <https://www.un.org/disarmament/un-safeguard/guide-lines/>

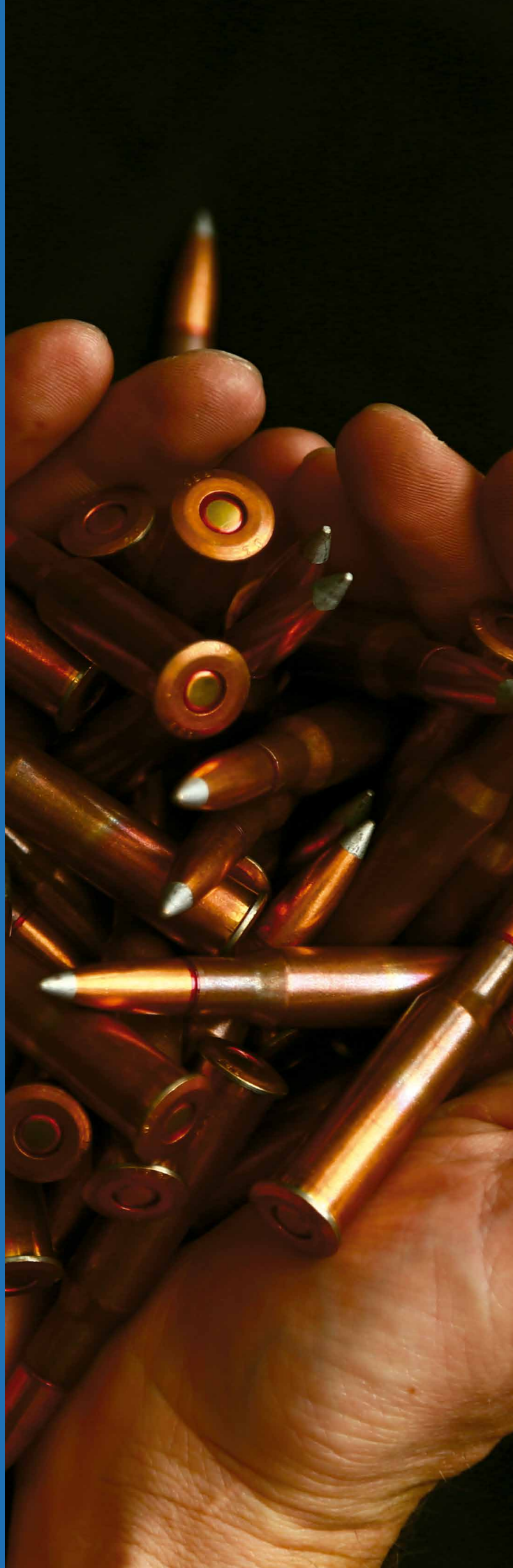
³³ United Nations Office for Disarmament Affairs (2020). *UN SaferGuard Programme Training Courses on the IATG*, New York, in UNODA, available at <https://www.un.org/disarmament/convarms/Ammunition/IATG/training/>

³⁴ United Nations Office for Disarmament Affairs (2020). *Risk Reduction Process Levels*, New York, in UN SaferGuard - International Ammunition Technical Guidelines, available at <https://www.un.org/disarmament/un-safeguard/risk-reduction-process-levels/>

³⁵ United Nations Office for Disarmament Affairs (2020). *Explosion Consequence Analysis*, New York, in UN SaferGuard - International Ammunition Technical Guidelines, available at <https://www.un.org/disarmament/un-safeguard/explosion-consequence-analysis/>

³⁶ United Nations Office for Disarmament Affairs (2020). *IATG Implementation Support Toolkit*, New York, in UN SaferGuard - International Ammunition Technical Guidelines, available at <https://www.un.org/disarmament/un-safeguard/toolkit/>

**NATIONAL LEGAL
MEASURES ON
AMMUNITION CONTROL**



2. National legal measures on ammunition control

2.1 Competent authority for the application of ammunition controls

In their respective regulations, the 33 Latin American and Caribbean States establish the authorities responsible for implementation of the control provisions for firearm ammunition and related actions. In the case of Latin American States, the Ministry of Defence, Ministry of Interior, or Ministry of Justice are the main State institutions responsible for ammunition control for civilian use.

More information is provided in the notes on page 28 about each of the national authorities in Latin America and the Caribbean.

Table 1:
National Authorities Responsible for Ammunition Control in Latin America

State	Control Authority
Argentina	- National Agency of Controlled Materials ⁱ - General Directorate of Military Manufacturing ⁱⁱ
Bolivia	- Ministry of Government ⁱⁱⁱ - Ministry of Defence ^{iv}
Brazil	- National Arms System ^v - Army Command ^{vi}
Chile	- General Directorate of National Mobilisation ^{vii}
Colombia	- Arms Committee of the Ministry of National Defence ^{viii} - Department for the Control of the Arms, Ammunition, and Explosives Trade ^{ix} - Joint Chiefs of Staff of the smaller Operational Units or their equivalents in the Navy and the Air Force ^x - Executive and Deputy Commanders of the Tactical Units in the Army, or their equivalents in the National Navy and the Air Force ^{xi} - Military Industry (INDUMIL) ^{xii}
Costa Rica	- Department of Arms and Explosives Control of the General Directorate of Armament of the Ministry of Public Security ^{xiii}
Cuba	- Ministry of Revolutionary Armed Forces ^{xiv} - Ministry of Internal Affairs ^{xv}

Ecuador	<ul style="list-style-type: none"> - Ministry of National Defence - Joint Forces Command of the Army - Brigades Command and the Command for the Air and Naval Zones - National Police Commands at District and Provincial levels - Customs Surveillance Service - Guayas Transit Commission - Other control agencies determined by the Joint Command^{xvi}
El Salvador	<ul style="list-style-type: none"> - Logistics Directorate of the Ministry of National Defence - Ministry of Governance through the National Civil Police^{xvii}
Guatemala	<ul style="list-style-type: none"> - Directorate-General for Arms and Ammunition Control of the Ministry of National Defence^{xviii}
Haiti	<ul style="list-style-type: none"> - Armed Forces^{xix}
Honduras	<ul style="list-style-type: none"> - Firearms, Ammunition, Explosives, and Other Related Materials Control Unit of the Secretariat of State of National Defence^{xx}
Mexico	<ul style="list-style-type: none"> - Secretariat of Internal Affairs - Secretariat of National Defence^{xxi}
Nicaragua	<ul style="list-style-type: none"> - Directorate for the Registration and Control of Firearms, Explosives and Other Related Materials of the National Police^{xxii}
Panama	<ul style="list-style-type: none"> - Institutional Directorate on Public Security Affairs of the Ministry of Public Security^{xxiii}
Paraguay	<ul style="list-style-type: none"> - Directorate for War Material - National Police^{xxiv}
Peru	<ul style="list-style-type: none"> - National Regulatory Entity for Security Services, Firearms, Ammunition and Explosives for Civilian Use^{xxv}
Dominican Republic	<ul style="list-style-type: none"> - Ministry of Internal Affairs and Police^{xxvi}
Uruguay	<ul style="list-style-type: none"> - Ministry of Internal Affairs - Ministry of National Defence^{xxvii}
Venezuela	<ul style="list-style-type: none"> - Bolivarian National Armed Forces^{xxviii}

Regarding English-speaking Caribbean States, the authorities in charge of executing firearm ammunition control measures are the Police Commissioner, the Minister responsible for home or security affairs, the Attorney General, as well as the Firearms License Boards, to a lesser extent.

Table 2:
National Authorities Responsible for Ammunition Control in the Caribbean

State	Control Authority
Antigua and Barbuda	- Firearms Licensing Committee ^{xxxix} - Commissioner of Police ^{xxx}
Bahamas	- Commissioner of Police ^{xxxi}
Barbados	- Commissioner of Police ^{xxxii} - Minister responsible for Police Administration ^{xxxiii}
Belize	- Commissioner of Police - Minister responsible for firearms ^{xxxiv}
Dominica	- Commissioner of Police ^{xxxv}
Grenada	- Minister responsible for home affairs ^{xxxvi} - Chief Officer of Police ^{xxxvii} - Customs and Excise Comptroller ^{xxxviii}
Guyana	- Minister ^{xxxix} - Commissioner of Police - Firearms Licencing Approval Board ^{xl}
Jamaica	- Minister responsible ^{xli} - Firearms Licensing Authority ^{xlii}
Saint Kitts and Nevis	- Commissioner of Police ^{xliii} - Chief Officer of Police ^{xliiv}
Saint Lucia	- Commissioner of Police ^{xlv}
Saint Vincent and the Grenadines	- Firearms Licensing Board ^{xlvi} - Customs and Excise Comptroller ^{xlvii}
Suriname	- Attorney General ^{xlviii}
Trinidad and Tobago	- Commissioner of Police - Firearms Appeal Board ^{xlix}

Notes to Section 3.1 Competent authority for ammunition control

- ⁱ Acting under the authority of the Ministry of Justice and Human Rights, see *Artículo 2 de la Ley N° 27192 (2015)*.
- ⁱⁱ The General Directorate of Military Manufacturing of the Ministry of Defence is responsible for auditing the manufacturing and export of ammunitions, see *artículo 50 de la Reglamentación parcial del Decreto Ley N° 20.429 (1975)*.
- ⁱⁱⁱ In accordance with *Artículo 13, párrafo I, de la Ley 400 (2013)*, the Ministry of Government has powers, *inter alia*, to administer, through the Bolivian Police, the registry of firearms and ammunition for civilian use, as well as to authorize, register, and control, through the Registry of Firearms and Ammunition for Civil Use, the trade of firearms and ammunition by civilians.
- ^{iv} In accordance with *artículo 13, párrafo II, de la Ley 400 (2013)*, one of the powers of the Ministry of Defence is to administer the authorization, registration, control processes, and to audit the manufacturing, import, export, internment, transfer, donation, transportation, transit, delivery, storage, weapon stowage areas, possession, handling, marking, use, carrying and other activities related to firearms and ammunitions.
- ^v Established under the Ministry of Justice and subordinated to the Federal Police, see *artículos 1 y 2 de la Ley N° 10.826 (2003)*.
- ^{vi} *Artículo 6° del Decreto 10.030 (2019)*.
- ^{vii} Established under the Ministry of Defence, see *artículo 1 de la Ley 17.798 (1977)*.
- ^{viii} *Artículo 31 del Decreto-Ley N° 2535 (1993)*
- ^{ix} Acting under the authority of the General Command of the Military Forces, see *artículo 32 del Decreto-Ley N° 2535 (1993)*.
- ^x *Artículo 32 del Decreto-Ley 2535 (1993)*.
- ^{xi} *Artículo 32 del Decreto-Ley 2535 (1993)*.
- ^{xii} State industrial and commercial enterprise with legal capacity, independent capital, administrative and financial autonomy, and attached to the Ministry of Defence, see *artículos 2 y 3 del Acuerdo Número 0439 (2001)* embodying internal regulations of the Military Industry.
- ^{xiii} *Artículo 11 de la Ley de armas y explosivos No. 7530 (1995)*.
- ^{xiv} *Artículo 19 del Decreto-Ley N.º 262 (2008)*.
- ^{xv} *Artículo 21 del Decreto-Ley N.º 262 (2008)*.
- ^{xvi} *Artículo 3 del Decreto ejecutivo N.º 169 de 1997, modificado el 13 de septiembre de 2012*.
- ^{xvii} *Artículo 12 de la Ley de control y regulación de armas (Decreto N.º 655 de 1999)*.
- ^{xviii} *Artículo 24 de la Ley de armas y municiones (Decreto N.º 15-2009)*.
- ^{xix} Article 1 del *Décret du 23 mai 1989 modifiant certains Artículos du décret du 12 janvier 1988*.
- ^{xx} *Artículos 5 y 6 de Decreto N.º 101-2018 (2018)*.
- ^{xxi} *Artículo 4º de la Ley federal de armas de fuego y explosivos (última reforma de 2015)*.
- ^{xxii} *Artículo 4 de la Ley N.º 510 (2004)*.
- ^{xxiii} *Artículo 6 de la Ley N.º 57 (2011)*.
- ^{xxiv} *Artículo 3 de la Ley N.º 4.036 (2010)*.
- ^{xxv} *Artículo 3 del Reglamento de la Ley n.º 30299 (Decreto Supremo N.º 010-2017-IN)*.
- ^{xxvi} *Artículo 4 de la Ley N.º 631-16 (2016)*.
- ^{xxvii} *Artículo 1 de la Ley N.º 19.247 (2014)*.

^{xxviii} *Artículo 8 de la Ley para el desarme y control de armas y municiones (2013).*

^{xxix} Consisting of the Commissioner of Police or, in his/her absence, the Deputy Commissioner of Police and two other persons appointed by the Minister, see Section 15 A (1), Firearms (Amendment) Act, 2015.

^{xxx} Section 15 (2), Firearms Act.

^{xxxi} The application for a Firearms Certificate shall be submitted to the Commissioner of Police, see Section 10 (1), Firearms Act.

^{xxxii} Section 5, Firearms Act.

^{xxxiii} The Minister is authorised to receive and hear appeals when the Commissioner refuses or revokes a licence. The decision of the Minister can confirm or annul the decision of the Commissioner (Section 16, 1 y 4). Furthermore, the Minister has the power to issue regulations prescribing the form of licences, as well as prescribing the requirements to be satisfied in respect of a place where ammunitions are to be stored and for the manner in which such place is to be secured.

^{xxxiv} The Minister responsible for firearms is authorised to issue regulations of the Firearms Act, Chapter 143 (Section 44), can also revoke a firearms dealer's licence (Section 4, 2), receive appeals regarding the refusal of the Commissioner of Police to grant a licence (Section 7, 3) and to restrict the carrying of firearms, including the carrying of firearms by licence holders, in certain cases (Section 43).

^{xxxv} Section 2, Firearms Act, 2011.

^{xxxvi} Competent authority with powers to grant, amend or revoke any Firearm Manufacturer's Licence, see Section 38 (1), Firearms Act.

^{xxxvii} Competent authority with powers to grant, amend or revoke any Firearm Dealer's Licence or Gunsmith's Licence, see Section 38 (2), Firearms Act. This competent authority also has the powers to grant, amend or revoke any Firearm Import Permit, Firearm Export Permit, and Firearm User's (Special) Permit, Section 38 (3), Firearms Act. Furthermore, this competent authority is authorised to grant, amend or revoke Firearm User's License or Firearm Disposal Permit and Firearm User's (Employee's) Certificate, Section 38 (5), Firearms Act.

^{xxxviii} Competent authority with powers to grant, amend or revoke any Firearm Transshipment Permit, Section 38 (4), Firearms Act.

^{xxxix} Section 7 (1), Firearms (Licensing) Regulations.

^{xl} Section 6 (1) of the Firearms (Licensing) Regulations: "The Minister shall appoint three persons to form the Firearms Licensing Approval Board shall with clear terms of reference to review all applications received from the Commissioner for the grant of firearms licences and the registration of firearms and the registration of firearms dealers, under section 18 and 24 of the Act, respectively."

^{xli} Section 22, Firearms Act.

^{xlii} Section 26A and 26B, Firearms Act.

^{xliii} Section 38, Firearms Act.

^{xliv} Section 2, Firearms Act.

^{xlvi} Section 2, Firearms Act.

^{xlvi} Set up to replace the Commissioner of Police in the Firearms Amendment Act, 2010. Its functions are described in Section 2E, Firearms Amendment Act, 2010.

^{xlvii} Section 2 (b), Firearms Act, "for granting or revocating transshipment permits".

^{xlviii} Article 3, Firearms Act.

^{xlix} Section 22A, Firearms Act.

**AMMUNITION
MANUFACTURING**



2.2 Ammunition Manufacturing

2.2.1 Subjection to the principle of prior authorisation

Most Latin American and Caribbean States abide by the prior authorisation principle in their respective firearm and ammunition control legislation and regulatory provisions. On that basis, an individual or a legal entity can legally manufacture or produce firearms. It should be pointed out, however, that not all States authorise individuals to manufacture ammunition. In the cases of Colombia, Haiti, Honduras and Venezuela,³⁷ for example, the government holds exclusive power to produce ammunition for both civilian use and the exclusive use of the army and police.

It is the State, through its respective arms and ammunition control institutions,³⁸ that has the exclusive power to authorise ammunition manufacturing by means of either a licence, a permit, or a resolution. The differences among these terms are not significant; what is important is that their issuance constitutes formal State authorisation to manufacture ammunition.

Most States, it should be indicated, do not issue a specific licence or permit to manufacture ammunition. Permits and licences usually have a general scope; in other words, they authorise production of both firearms and ammunition, although the holders of those licences do not necessarily manufacture both products at the same time.

Review of the firearms and ammunition control regulations of the 33 Latin American and Caribbean States reveals the existence of the following licence categories authorising their holders to manufacture ammunition:

Types of licences	What do they authorise?	States that include them
Firearms and ammunition manufacturer's Licence	Represents State's authorisation to manufacture ammunition and firearms.	Most Latin American and some Caribbean States ³⁹ .
Gunsmith's licence	Entre otras actividades, puede contener la autorización para fabricar municiones, siempre y cuando se cuente con un permiso adicional previo, emitido de forma escrita por la autoridad de control competente.	Some Caribbean States ⁴⁰ .

³⁷ Colombia: *artículo 2° del Decreto-ley 2535 (1993)*; Haiti: *Article 1, Décret du 23 mai 1989 modifiant certains articles du décret du 12 janvier 1988*; Honduras: *artículo 292 de la Constitución de la República*; Venezuela: *artículo 56 de la Ley para el desarme y control de armas y municiones (2013)*.

³⁸ See table 1.

³⁹ Grenada: Section 2 (definition of "Firearm Manufacturer's Licence") and section 9 (1) (a), Firearms Act; Jamaica: Section 2 (definition of "Firearm Manufacturer's Licence") and Section 9 (a), Firearms Act; St. Kitts and Nevis: Section 2 (definition of "Firearm Manufacturer's Licence") and Section 9 (1) (a), Firearms Act.

⁴⁰ Antigua and Barbuda: Section 15 (1, 2), Firearms Act; and Trinidad and Tobago: Section 15 (1, 2), Firearms Act.

Types of licences	What do they authorise?	States that include them
Firearms dealer's licence	Authorises its holder to manufacture ammunition, as well as to perform common dealer activities.	Some Caribbean States. ⁴¹
Firearm ammunition propellant gunpowder importer's and/or manufacturer's licence	The necessary authorisation to manufacture ammunition gunpowder or propellants is additional to and independent from that required to produce complete firearms or ammunition.	Guatemala ⁴² (no similar provision has been found in the region).

As can be seen above, while a firearms dealer's licence in some Caribbean States authorises its holder to manufacture ammunition, not all of the region's regulations specify whether the licence or permit to manufacture ammunition also covers authorisation to sell those goods. In cases like that of Mexico,⁴³ its legislation specifies this by establishing that general permits issued to manufacture ammunition "do not include authorisation for its sale or transfer of its ownership", for which the corresponding specific permit must be obtained. Ecuador, for its part, considers that possibility by providing in its regulations that authorised ammunition manufacturers "may sell their products directly to the final purchasers without brokering of any kind."⁴⁴

As for the types of ammunition covered in the manufacturing licences, most regulations in the region do not allow private individuals to manufacture firearms or ammunition for exclusive army or police use. In Uruguayan legislation,⁴⁵ for example, civilians are prohibited from manufacturing ammunition with the following characteristics: calibre of over 9 mm, frangible, explosive, incendiary and armour-piercing, as well as other ammunition for the exclusive use of State security forces. In this example, the law is explicit in enumerating the types of ammunition that private parties are not permitted to manufacture.

⁴¹ The Bahamas: Section 2 (definition of "firearms dealer") and section 22 (1), Firearms Act; Dominica: Section 30 (1, a), Firearms Act, 2011; Guyana: Section 2 (1) (definition of "firearms dealer") and Section 23 (1), Firearms Act; St. Vincent and the Grenadines: Section 20 (1, a), Firearms Act, 1995. and Saint Lucia: Section 28 (1), Firearms Act, 2003.

⁴² Guatemala: *artículo 40 de la Ley de armas y municiones (Decreto número 15-2009)*.

⁴³ Mexico: *artículo 41 del Reglamento de la Ley federal de armas de fuego y explosivos (1972)*.

⁴⁴ Ecuador: *artículo 62 del Decreto Ejecutivo 169 de 1997, modificado el 13 de septiembre de 2012*.

⁴⁵ Uruguay: *artículo 12 del Decreto 377/2017 (2017)*.

2.2.2 Administrative requirements for manufacturing authorisation

In their ammunition manufacturing authorisation process, Latin American States⁴⁶ specify administrative requirements like presentation of: a copy of the articles of incorporation of the legal entity applicant for authorisation, the legal representative's absence of a police record, an operating licence granted by the municipal government, the taxpayer's identification number, a sketch or the architectural plans of the plant location, planned ammunition depots, together with information about safety and security measures and insurance policies against theft or fire. In the Caribbean, apart from the administrative requirements like filling out a written application for a specific licence, emphasis is placed on evaluation of the applicant's suitability by the competent control authority. Some of these elements are discussed in the following text.

2.2.2.1 Information to be furnished and conditions to be fulfilled by the individual or legal entity

The legislation and regulatory provisions of the region's States are generally limited to requiring an applicant for manufacturing authorisation to be an adult, if an individual, or be lawfully constituted, in the case of a legal entity. Salvadoran legislation⁴⁷ establishes a specific additional requirement; it states that the Minister of Defence, Minister of Interior or Director General of the National Police, among other State positions of leadership in the arms and ammunition control area, are prohibited from being owners, shareholders or contractors of private legal entities engaged in firearms and ammunition manufacturing. This prohibition is relevant in the sense that it prevents public office holders from using their official authority within the national arms and ammunition control regime to unduly favour their own personal or economic interests. Argentina,⁴⁸ for its part, also has additional mandatory conditions to be fulfilled by interested parties, but specifically by private parties authorised to enter into aid agreements or to set up joint ventures for arms and ammunition manufacturing. In that case, they must be legal entities incorporated in the country that do not depend upon or belong to any legal entity, trust or holding with similar interests abroad in the manufacturing of those goods.

Another common administrative requirement in the region involves the obligation to submit evidence that the legal entity's legal representative does not have a criminal record. In the case of Guatemala,⁴⁹ applicants for a licence must present evidence of the absence of a criminal and police record for not only the legal representative of the plant or legal entity, but also for all workers who will staff the entity, including security personnel and guards.

The Bahamas' legislation lists requirements for licence applicants, which the Police Commissioner is responsible for guaranteeing; these include, among others, that the applicant must have a "good character".⁵⁰ It is necessary to add that the regulation does not define what a person of "good character" means. It is up to the discretion of the control authority to decide whether a person fulfils the necessary conditions to be defined as such. Similarly, one of the requirements stipulated in the regulations of St. Vincent and the Grenadines is the obligation of the Commissioner of Police to determine whether granting the licence will endanger the public or threaten the peace.⁵¹ This provision likewise does not establish criteria for determination by the competent authority of whether an applicant could endanger the public or threaten the peace.

⁴⁶ Bolivia: *Decreto supremo N° 2470 (2015)*; Chile: *artículo 18 del Decreto 83 promulgado el 22 de febrero de 2007*.

⁴⁷ El Salvador: *artículo 58-A de la Ley de control y regulación de armas (Decreto N° 655 de 1999)*.

⁴⁸ Argentina: *artículo 8 de la Ley 12.709 sobre creación de la Dirección General de Fabricaciones Militares*

⁴⁹ Guatemala: *artículo 27 de la Ley de armas y municiones (Decreto número 15-2009)*.

⁵⁰ The Bahamas: Section 23 (2), Firearms Act.

⁵¹ St. Vincent and the Grenadines: Section 6 (1, b), Firearms Act, 1995.

2.2.2.2 Operating licences granted by municipal authorities

The regulations of some States⁵² establish, as a requirement for obtaining ammunition manufacturing authorisation, the obligation to secure a permit from municipal or provincial entities to erect a firearms or ammunition plant within the territory under their jurisdiction. In other words, an operating licence or municipal registration issued by the municipal government of the ammunition plant's intended place of operation. In some cases, it is also mandatory for ammunition factories to be situated within industrial zones specifically determined by the corresponding municipality. In short, before granting the pertinent manufacturing licence or permit, the competent authority requires concurrent authorisation from the municipality where the ammunition plant's intended site is located.

2.2.2.3 Technical specifications and ammunition plant siting

This requirement is present in most Latin American and Caribbean legislation. It involves the applicant's obligation to provide the competent control authority with a location sketch of, or architectural plans for, the respective ammunition plants and depots.

In the case of Chile,⁵³ its regulations stipulate that factories or armouries can only be opened in rural or industrial areas declared "suitable for those purposes" by the respective territorial legislation instruments. Construction is prohibited within the plant's security perimeter. In other words, an individual or legal entity wishing to build an ammunition plant cannot do so in just any geographic environment. Furthermore, no structure can be situated within the plant security area or space.

Salvadoran legislation⁵⁴ prohibits the erection of ammunition plants less than one hundred metres from homes, recreation centres, ecological reserves or educational, religious, sports or similar institutions. The intent of this provision can be inferred to be the safeguarding of spaces for social coexistence and avoidance of possible accidents in ammunition production or handling activities that could affect third parties.

The environmental element is considered in Guatemalan regulations.⁵⁵ The country's legislation stipulates that in order to set up an arms and ammunition plant, applicants for authorisation must have an affidavit issued by the competent authority stating that the plant complies with all environmental impact requirements.

Nicaragua,⁵⁶ for its part, has a requirement that is worth drawing attention to due to its particularity. It establishes the obligation to provide the control authority with a copy of the ammunition plant operating manual. That is, a document, in narrative and sequential form, describing each of the operations involved in the manufacturing process and explaining what they consist of, and when, how, where, and with what and in what timeframe each is accomplished, with an indication of the persons responsible for their performance.⁵⁷

In the case of the Caribbean, a common security requirement is to conduct firearms and ammunition production activities only at the domicile specified in the corresponding licence and

⁵² Bolivia: *artículo 15 del Decreto supremo N° 2175 de 5 de noviembre de 2014*; Chile: *artículo 28 del Decreto 83 promulgado el 22 de febrero de 2007*; Ecuador: *artículo 61 del Decreto Ejecutivo 169 de 1997, modificado el 13 de septiembre de 2012*; Mexico: *artículo 35 del Reglamento de la Ley federal de armas de fuego y explosivos (1972)*; Paraguay: *Resolución DIMABEL 874/2015*.

⁵³ Chile: *artículo 23 del Decreto 83 promulgado el 22 de febrero de 2007*.

⁵⁴ El Salvador: *artículo 48 del Decreto No. 25 de 2000*.

⁵⁵ Guatemala: *artículo 27 de la Ley de armas y municiones (Decreto número 15-2009)*.

⁵⁶ Nicaragua: *artículo 118 del Reglamento a la Ley No. 510 (Decreto No. 28-2005, aprobado el 21 de abril de 2005)*.

⁵⁷ Nicaragua: *artículo 120 del Reglamento a la Ley No. 510 (Decreto No. 28-2005, aprobado el 21 de abril de 2005)*.

therefore authorised for such purposes. Some Caribbean States⁵⁸ also require placement at the main entrance to the establishment indicated in the pertinent licence, of a legible sign affirming possession of the respective licence (producer's, dealer's or gunsmith's licence).

2.2.2.4 Security measures in ammunition manufacturing facilities

It is mandatory in most States of the region for ammunition plants to employ permanent surveillance and, in some cases, possess an insurance policy, as well as comply with security distancing provisions.

In the case of Brazil, security measures are emphasised as being a precondition for obtaining authorisation to manufacture controlled products like ammunition. That authorisation must be preceded by approval of the project as the result of a successful "conformity assessment," consisting of the verification of compliance with minimum security and yield requirements for activities involving controlled products, like ammunition manufacturing.⁵⁹ The general principles of the conformity assessment process include: ensuring that products manufactured in the country meet existing technical requirements established by the Army Command and guaranteeing compliance with the quality, safety, durability and performance requirements⁶⁰ defined by that institution. In other words, this means certifying or validating compliance with security measures and the effective operation of the ammunition manufacturing processes, among others.

Continuing with Brazil, it is the responsibility of the legal entity authorised to manufacture ammunition to present a security plan including, among other things: a risk assessment of the activities; measures for controlling personnel access; preventive measures against the theft of materials; and personnel training for implementation of the security plan.⁶¹

2.2.2.5 Subjection to inspections by the competent authority

Although not a requirement *per se*, this element should be considered among the constraints by which ammunition producers should abide on becoming holders of authorisations to manufacture those goods.

The legislation of some States⁶² stipulates that the competent authority, where deeming it necessary, may order or conduct firearm and ammunition factory inspections. In the particular case of Guatemala, it is mandatory for the authority to continuously supervise the ammunition manufacturing processes of legally authorised legal entities and certify the quality of the arms and ammunition produced by means of special markings.⁶³ This provision is important, for it implies that all firearms and ammunition manufactured in the State must bear a special marking to certify its quality.

⁵⁸ Antigua and Barbuda: Section 26 (1), Firearms Act; Grenada: Section 16 (1), Firearms Act; Jamaica: Section 16, Firearms Act; St. Kitts and Nevis: Section 16, Firearms Act.

⁵⁹ Artículo 92 del Decreto N° 10.030 de 30 de septiembre de 2019.

⁶⁰ Artículo 93, párrafos I y II, del Decreto N° 10.030 de 30 de septiembre de 2019.

⁶¹ Artículo 99 del Decreto N° 10.030 de 30 de septiembre de 2019.

⁶² Colombia: artículo 61 del Decreto-Ley 2535 de 1993; Mexico: artículo 72 de la Ley federal de armas de fuego y explosivos (última reforma de 2015).

⁶³ Guatemala: artículo 6 del Acuerdo gubernativo Número 85-2011.

2.2.2.6 Information about products to be manufactured

In some States, it is mandatory to keep production and transaction registers. The control authority must be given information about ammunition production, like: type and calibre of ammunition produced, for whom the output is intended, plant production capacity, and list or inventory of the machinery and equipment to be used, among other things. In the particular case of Nicaragua,⁶⁴ not only is it mandatory to keep a production register, but national legislation requires manufacturers to report to the competent authority on the nature, amount, and source of the raw materials to be used in manufacturing the ammunition. In other words, the ammunition producer must report the inputs used to produce the ammunition or for the manufacturing activity.

The question of daily production books – ammunition consumption reports – will be taken up more fully in the following section.

⁶⁴ Nicaragua: *artículo 118 del Reglamento a la Ley No. 510 (Decreto No. 28-2005, aprobado el 21 de abril de 2005)*.

2.2.3 Daily production books: consumption reports

The legislation of some States⁶⁵ in the region requires the issuance and continuous updating of arms and ammunition production books or registers. These reports should generally specify the amount of ammunition produced daily. Most of the provisions are limited to stipulating the need for reports to contain quantitative data. In other words, how much is being produced, but not all require inclusion of specific elements or data, the importance of which could make them relevant for reinforcing ammunition control. On the other hand, Argentina's legal regulations⁶⁶ specify that daily production reports should contain information not only about production and stocks, but also about types and serial numbers of arms, spare parts or accessories and quantities, types and lot numbers of ammunition.

Ammunition manufacturers in Mexico⁶⁷ are to report to the control authority not only on the monthly production figure, but also on ammunition sales, and noting who the buyers were,⁶⁸ if they are additionally authorised to sell the goods they produce.

In the case of some Caribbean States, as previously mentioned, the holder of a firearms dealer's licence may be authorised to produce firearms ammunition. And although they are required to report periodically on arms and ammunition purchases and sales, including data, such as the buyers' and dealers' names, not all countries make it mandatory to include the amount of ammunition produced. It would be important to include this requirement for holders of those licences. The requirement exists in Grenada⁶⁹ and its regulatory provisions specify how holders of manufacturer's licences should keep their records, including monthly ammunition production (date, amount and calibre) and sales (date, amount, calibre), together with data concerning the purchasers (names, addresses, licence numbers).

There are obvious disparities within the region on the periodicity for presentation of consumption reports to the competent authority. In most cases, it is monthly and, in others, every two or three months. No periodicity is stipulated in the case of the Caribbean States; their legislation empowers an authority like a police official to demand the presentation of production books by holders of ammunition manufacturer's licences.⁷⁰ This means that there is no sanctioned obligation to report within a specified period of time, but that the competent authority may request that information at his/her discretion.

⁶⁵ Argentina: *artículo 15 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975)*; The Bahamas: Section 26 (2), Firearms Act; Bolivia: *artículo 40 del Decreto Supremo N° 2175 de 5 de noviembre de 2014*; Chile: *artículo 34 del Decreto 83 promulgado el 22 de febrero de 2007*; Dominica: Section 26 (1), Firearms Act, 2011; Ecuador: *artículo 55 del Decreto Ejecutivo 169, modificado el 13 de septiembre de 2012*; El Salvador: *artículo 49 del Decreto No. 25 de 2000*; Grenada: On page 22 of the Firearms Regulation is a registration form to be filled out by the Manufacturer's Licence holder, including ammunition production and sales data; Guatemala: *artículo 29 de la Ley de armas y municiones (Decreto número 15-2009)*; Guyana: Section 28 (1,2), Firearms Act; Mexico: *artículo 83 del Reglamento de la Ley federal de armas de fuego y explosivos (1972)*.

⁶⁶ Argentina: *artículo 15 del Decreto Nacional 395/75*.

⁶⁷ Mexico: *artículo 83 del Reglamento de Ley federal de armas de fuego y explosivos (1972)*.

⁶⁸ Mexico: *artículo 88 del Reglamento de la Ley federal de armas de fuego y explosivos (1972)*.

⁶⁹ Grenada: Pages 24 - 25, Firearms Regulations, made under Section 52 of the Firearms Act.

⁷⁰ Dominica: Section 43 (1), Firearms Act, 2011.

2.2.4 Manufacturers Registers

According to the legislation and regulations reviewed, not all Latin American and Caribbean States have an express obligation to create or keep a firearm or ammunition manufacturers register. Three Caribbean States⁷¹ and six in Latin America⁷² do have an express mandatory provision to that effect. Of course, that obligation is generally intended for the State authority responsible for firearm and ammunition control. Peru,⁷³ however, constitutes an exception, for there the State authority empowered to maintain the Control Register for production of firearms, ammunition and related materials for civilian use is the Ministry of Production.

It should be mentioned in this regard that it is not recommendable to obviate the need for a firearms and ammunition manufacturers register. Keeping such a register is considered an effective control measure, enabling the competent authority to have access to up-to-date information about authorised ammunition manufacturers, both individuals and legal entities. This can facilitate ammunition tracing in possible cases of diversion of these products and for criminal investigation tasks.

71 Antigua and Barbuda: Section 23 (1), Firearms Act; The Bahamas: Section 23 (1), Firearms Act; Guyana: Section 24 (1), Firearms Act.

72 Argentina: *artículo 14 de la Reglamentación parcial del Decreto Ley 20.429/73 sobre armas y explosivos (Decreto Nacional 395/75)*; Bolivia: *artículo 15, párrafo 4, de la Ley de control de armas de fuego, municiones, explosivos y otros materiales relacionados (Ley de 18 de septiembre de 2013, No. 400)*; Brazil: *artículo 1 de la Ley No. 10.826 de 22 de diciembre de 2003 y artículo 61 del Reglamento de Productos Controlados (Decreto N° 10.030 de 30 de septiembre de 2019)*; Chile: *artículos 25 y 28 del Reglamento complementario de la Ley N° 17.798 sobre control de armas (Decreto 83 promulgado el 22 de febrero de 2007)*; Ecuador: *artículo 6, b, del Reglamento a la Ley sobre armas, municiones, explosivos y accesorios (Decreto Ejecutivo 169, modificado el 13 de septiembre de 2012)*; Peru: *artículo 73.2 del Reglamento de la Ley N° 30299, Ley de armas de fuego, municiones, explosivos, productos pirotécnicos y materiales relacionados de uso civil (Decreto supremo N° 010-2017-IN)*.

73 Artículo 73.2 del Reglamento de la Ley N° 30299 (2015).

Conclusions

- Most of the region's States abide by the principle of prior authorisation, whereby an individual or legal entity can carry out ammunition manufacturing activities.
- Manufacturing authorisations are granted by State control authorities in the form of licences, permits or resolutions. In most cases, these authorisations are general in scope. In other words, they permit their holders to produce both firearms and ammunition.
- Manufacturing licences do not always imply authorisation to buy and sell ammunition, but require an additional permit in order to engage in marketing activities. In some cases, in the Caribbean, dealers' licences permit their holders to manufacture ammunition.
- Regulations of the region's States strongly emphasise technical conditions that plants must fulfil, as well as safety and security measures to be followed: separation between manufacturing and storage areas, permanent surveillance, security perimeters, reporting of accidents to the authority, environmental considerations, and geographic locations of plants.
- Less than one-third of the Latin American and Caribbean States requires submission of reports on ammunition production. This provision is to be recommended for strengthening ammunition control and above all as a measure for the prevention of illicit trafficking.
- A minority of the States maintain a formal ammunition producers or manufacturers register. Regulations to this effect are recommendable, for they can facilitate ammunition tracing in possible cases of diversion.

INTERNATIONAL TRANSFERS



2.3 International Transfers

2.3.1 International transfer authorisation regime

Appropriate regulation of international transfers is essential for ammunition control and specially to avoid its diversion. Unlike other aspects considered from a national standpoint alone, international transfers are addressed in the provisions of international instruments.

As we have seen, both the Firearms Protocol and the CIFTA limit States Parties to the establishment of a series of measures on different aspects of ammunition control, including instituting an ammunition export and import authorisation or licensing system, as well as transit control.

Of more recent adoption, Article 7 of the ATT refers to authorisation for the export of ammunition fired, launched or delivered by the conventional arms referred in its article 2 (1). The Treaty also subordinates the possibility of authorising export operations to application of the criteria for prohibition stipulated in Article 6 and conduct of an assessment prior to each export, as provided for under Article 7.

All countries of the region abide by the principle of prior authorisation for international transfers. For purposes of this document, we shall consider import, export, transit, transshipment, and brokering as such. Nevertheless, regulation of each of these transfers varies widely among States of the region, with import being the transfer regulated in all the national legislation analysed.

2.3.1.1 Import and export authorisation regime

a. Principle of prior authorisation

In order for an import or export operation to take place, Latin American and Caribbean States must first issue the corresponding authorisation, permit, licence, or certificate, in accordance with the different terminologies in use in national laws. Violation of this principle leads to forfeiture and some States have established it as a crime.⁷⁴

The case of The Bahamas is interesting, in that its Firearms Act establishes not only the principle of prior authorisation for the import, export, and transit of ammunition authorised by the Licencing Authority, but also makes authorisation of preparations for those operations mandatory, with violation of this obligation being punishable.⁷⁵ Even so, evidence has also been found in the region of cases where the principle of prior import authorisation is obviated in the event of certain circumstances.⁷⁶

In some States, licences are not specific to import or export operations, but are broader and enable their holders to conduct these operations, as well.⁷⁷ In Barbados, for example, a firearm dealer's licence allows for import and export of legally permitted ammunition. On the other hand, some States like Guatemala include export activities in the manufacturing authorisation.⁷⁸

The existence of States with no detailed export regulation is noteworthy; this can be due to the fact that they have no registered production activity and could perhaps be considered from the viewpoint that only if production exists can there be export. In some countries, particularly those with important production and marketing activity, regulatory provisions are more developed or regulations could even exist for overseeing controlled products, together with firearm control measures.

It is well-known that some States, particularly in the Caribbean subregion, pay more attention to firearms for personal use brought into or taken from the country than to import or export as commercial activities.

Some countries of the region require compliance with prior formalities like those cited below, before import and/or export authorisations can be issued:

- Registration in an operators (importers/exporters) register,⁷⁹ or
- Possession of an operating licence or condition of being an authorised person.⁸⁰

⁷⁴ Belize: Section 12, Firearms (Amendment) Act, 2018; Brazil: *artículo 18 de la Ley N° 10.826 de 22 de diciembre de 2003*; Grenada: Section 4, Firearms Act; Guatemala: *artículos 100, 102 y 120 del Ley de armas y municiones (Decreto número 15-2009)*; Jamaica: Section 4, Firearms Act; St. Kitts and Nevis: Section 4, Firearms Act and Subsidiary Legislation, Chapter 19.05; St. Vincent and the Grenadines: Section 24, Firearms Act, 1995; Saint Lucia: Section 21, Firearms Act 2003; The Bahamas: Section 3A, Firearms Act; Trinidad and Tobago: Section 31, Firearms Act; Uruguay: *artículo 8 de la Ley N° 19.247 (2014)*.

⁷⁵ The Bahamas: Section 3B, Firearms Act.

⁷⁶ El Salvador: *artículo 35, literal g, de la Ley de control y regulación de armas (Decreto N° 655 de 1999)*.

⁷⁷ Barbados: Section 7, Firearms Act.

⁷⁸ Guatemala: *artículo 31 de la Ley de armas y municiones (Decreto número 15-2009)*.

⁷⁹ Argentina: *artículos 11.2 y 34 de la Ley N° 20.429 (1973)*; Brazil: *artículo 2, IX, de la Ley N° 10.826 de 22 de diciembre de 2003 y artículo 3, II, del Decreto N° 9.847, de 25 de junio de 2019*; Chile: *artículo 61, literal b, del Decreto 83 promulgado el 22 de febrero de 2007*; Colombia: *Portal del Gobierno, para más información acceder: <https://www.gov.co/servicios-y-tramites/T8894>*; Costa Rica: *artículos 3.1 y 129 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*; Ecuador: *artículo 14 del Decreto Supremo 3757, modificado el 9 de marzo de 2009*; Nicaragua: *artículo 8 de la Ley No. 510 (2004)*; Paraguay: *artículo 48 Ley N° 4.036 (2010)*; Dominican Republic: *artículo 33 de la Ley No. 631-16 (2016)*; Venezuela: *artículo 4 del Decreto N° 881 (2014)*.

⁸⁰ Costa Rica: *artículo 62 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*; Nicaragua: *artículo 100 de la Ley No. 510 (2004)*; Peru: *artículo 28 de la Ley N° 30299 (2015)*.

The distinction between an operator's licence or registration in an operator register permitting the exercise of a given commercial activity, and a licence authorising an import or export operation, individually considered, makes it possible to fine-tune an operator's assessment. Concentration can then be centred on evaluating the requested transfer, thus resulting in better general control of the transfer.

Some countries reserve the capacity to import and export for the State, with private parties able to do so only through competent State bodies after compliance with established regulations.⁸¹

Determination of licence untransferability or establishment of validity periods or expiration dates contributes effectively to preventing their wrongful or fraudulent use. Several examples can be found in the region of express invocation of licence untransferability in national regulations.⁸²

Furthermore, several States of the region refer to licence expiration or validity periods, which vary from country to country, to ensure the unchanged state of the circumstances that determined their issuance.

In Argentina, for example, authorisations to import ammunition become effective in a single act, with whose execution the authorisation automatically expires. A validity period of 180 running days is also established for import authorisations, counted as of the date of issuance. Export authorisations must be executed in a single act, as well. Once that act has been fulfilled, the authorisation shall automatically expire; they have a given expiration date. This Argentine regulation is noteworthy as a good practice, because it links validity of the authorisation to the expiration date of the import licence in the country of final destination. If that licence fails to state the expiration date, it will be 180 days after the date of issue.

Import certificates in Belize should specify the expiration date which, in any case, may be no later than one year after the date of issuance. As in the Argentine case, validity of the export licence (and also of the transit licence) is linked to that of the import licence in the country of final destination. Issued authorisations can guarantee several transactions within their period of validity, until the total number of elements for authorised transfer has been completed.⁸³

Some national provisions consider the possibility of extensions. These provisions establish different conditions for granting such extensions: production for a single time and for a period no longer than the original one, due justification of the need, application for its extension before the permit expires, or accreditation that the circumstances motivating its concession remain unchanged.⁸⁴

⁸¹ Colombia: *artículo 57 del Decreto-Ley 2535 de 1993*; Cuba: *artículo 18 del Decreto-Ley N° 262 (2008)*.

⁸² Ecuador: *artículo 25 del Decreto Ejecutivo 169 de 1997, modificado el 13 de septiembre de 2012*; Honduras: *artículo 4, numeral 5, del Decreto No. 101-2018 (2018)*; Mexico: *artículo 44 de la Ley federal de armas y explosivos (1972)*; Nicaragua: *artículo 100 de la Ley No. 510 (2004)*; Dominican Republic: *artículo 2, numeral 9, de la Ley No. 631-16 (2016)*; Suriname: *article 5.5, Act of 7 February 1930 (Bulletin of Acts, Orders and Regulations G.B. 1930 No. 73)*.

⁸³ Argentina: *artículos 1, 2, 3 y 5 de la Disposición 36/2016 de la RENAR*; Belize: *Sections 9 and 11, Firearms (International Movement of Firearms, Firearms Parts, Components and Ammunition) (Control) Regulations*; Cuba: *artículo 138 de la Resolución No. 30 del Ministerio del Interior (2010)*; Venezuela: *artículo 4 del Decreto N° 881 (2014)*.

⁸⁴ Argentina: *artículo 2 de la Disposición 36/2016 de la RENAR*; Bolivia: *artículo 22 del Decreto supremo N° 2175 (2014)*; Nicaragua: *artículo 100 de la Ley No. 510 (2004)*.

b. Types of permits or licences

States in the region consider different types of licences.

For import activities, the basic criterion and the one in widest use distinguishes between ammunition imports by individuals for their own use, which is subject to the possession of the pertinent arms licences, and import by individuals or legal entities for dealing purposes, sports purposes in shooting organizations, or scientific development and research for ammunition manufacturing.⁸⁵ In some cases, the rules analysed provide for imports intended for State institutions or bodies. Brazilian legislation, for example, stipulates that ammunition for use by a series of State bodies, among them the Federal Police, must be imported through the Army Command, while Costa Rica has a specific permit for importing ammunition for police bodies.⁸⁶

Mexico refers to different types of permits for both import and export operations, distinguishing between:

- General permits for legal entities or individuals engaged permanently in those activities.
- Ordinary permits for each operation, individually considered, provided that a valid general permit is held.
- Special permits, to be granted to those who occasionally have need for one of these operations.⁸⁷

c. Temporary import and export operations

Aside from the consideration of different types of licences, some States have incorporated into their legislation differentiated authorisation processes for temporary import and/or export,⁸⁸ as provided for by the *Firearms Protocol*.⁸⁹

Normally recognised grounds for issuance of temporary permits are hunting activities, participation in sports competitions, repairs, use as samples, as accompanied baggage for one's own use, and for security reasons, such as, for example, for foreign delegations visiting the country or accredited diplomatic personnel. Information that applicants must certify concerns the reason for the import or export, the applicant's personal data, the place and starting or ending dates of the event for which, the temporary transfer is requested, and the amount and type of ammunition, among other data.

⁸⁵ Bolivia: *artículo 21 del Decreto supremo N° 2175 (2014)*.

⁸⁶ Brazil: *artículo 26 del Decreto N° 10.030 (2019)*; Costa Rica: *artículo 46 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*.

⁸⁷ Mexico: *artículo 43 de la Ley federal de armas de fuego y explosivos (1972)*.

⁸⁸ Brazil: *artículo 30 del Decreto N° 10.030 (2019)* y *artículo 44 del Decreto N° 9.847 (2019)*; Colombia: *artículo 58 del Decreto-Ley 2535 (1993)*; Cuba: *artículos 12 y 15 del Decreto-Ley N° 262 (2008)*; Chile: *artículos 62 y 65 del Decreto 83 (2007)*; Mexico: *artículo 59 de la Ley federal de armas de fuego y explosivos (1972)*; Paraguay: *artículo 49 de la Ley N° 4.036 (2010)*; Peru: *artículo 26, literales j, k y l de la Ley N° 30299 (2015)*; Suriname: article 4, Act of 7 February 1930 (Bulletin of Acts, Orders and Regulations G.B. 1930 No. 73).

⁸⁹ Article 10, paragraph 6, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

d. Import and export licencing requirement

Review of national regulations in the region reveals the existence of a wide variety of import and export licencing requirements. The diversity of legal systems is also noteworthy.

This document has given special attention to requirements strictly concerned with the transnational nature of these operations and prevention of their diversion, setting aside other demands, such as, for example, lack of criminal records on the part of individuals/legal entity managers, accredited possession of minimum capital stock or existence of an insurance contract, accreditation of a legal status, fulfilment of tax, legal entity or commercial obligations, etc.

Requirements most frequently adopted in national legislation or that, although infrequent, are noteworthy as good practices, are listed below:

- Information that, as a minimum, the licence should include: with variations among States, country of export, country of final destination, place and date of issuance and expiration, licencing authority, importer, final recipient, shipment description, and country of transit, if applicable. In the case of Belize, the mandatory shipment description is highly detailed: lot number, country of import and country of export, shipment date, port of shipment, port of departure, planned routes, stakeholder information and information about previous shipments. Ammunition quantities are also required, although its shipment is permitted through a single or several transactions.⁹⁰
- Express reference to carrying user/end-user certificates, together with the licences, is not very frequent, although some countries do consider it.⁹¹
- Argentina stipulates that exported material cannot be re-exported to third States without prior consent from the control authority.⁹² More strictly, Panama prohibits the export of material that has been imported into the country.⁹³
- Some States of the region incorporate a good practice in the sequencing of licence issuance by making it mandatory for applicants for export licences to first present an import licence issued by the country of final destination.⁹⁴
- A noteworthy requirement of Argentine legislation is that all documentation must be certified by the Argentine Consular Authority in the country of destination of the material. Nicaraguan legislation similarly establishes that correspondence with and documentation

⁹⁰ Argentina: *artículo 6 de la Disposición 36/2016 de la RENAR (2016)*; Belize: Section 6, Firearms (International Movement of Firearms, Firearms Parts, Components and Ammunition) (Control) Regulations; Venezuela: *artículo 13 de la Ley para el desarme y control de armas y municiones (2013)*.

⁹¹ Brazil: *artículo 27 del Decreto N° 10.030 (2019)*; Chile: *artículo 65 Decreto 83 (2007)*; Guatemala: *artículo 31 del Acuerdo gubernativo Número 85-2011 (2011)*; Venezuela: *artículo 6 del Decreto N° 881 (2014)*.

⁹² Argentina: *artículo 8 de la Disposición 36/2016 de la RENAR (2016)*.

⁹³ Panama: *artículo 63 de la Ley N° 57 (2011)*.

⁹⁴ Argentina: *artículo 6 de la Disposición 36/2016 de la RENAR (2016)*; Belize: Section 6, Firearms (International Movement of Firearms, Firearms Parts, Components and Ammunition) (Control) Regulations; Honduras: *artículo 53 del Decreto No. 101-2018 (2018)*; Mexico: *artículo 56 de la Ley federal de armas de fuego y explosivos (1972)*; The Bahamas: Section 4A, Firearms Act.

of the country of final destination must be duly authenticated by the closest Nicaraguan Consulate.⁹⁵ The Chilean regulation likewise requires certification by the Chilean Consulate in the country of final destination.⁹⁶

- Some States make it mandatory for imports to be cleared through authorised airports, ports or customs.⁹⁷
- Some Caribbean States require the importer's justification of a good reason for the import, provided that possession of the arm is lawfully permitted. Importation is normally also subject to proof of certain mental or behavioural conditions of the applicant, to be assessed at the discretion of the competent authority.⁹⁸

The requirement for prior evaluation which, as stipulated in the ATT, should precede export authorisation, is worth singling out. This mandate is not yet reflected in national regulations for international firearm and ammunition transfers.

Even so, several relevant provisions can be cited in this context. Some even predate the ATT's entry into force, but could provide the legal basis for implementation of the cited obligations in some aspects:

- In Brazil, according to information provided by the Ministry of Foreign Affairs, it is mandatory for prior export authorisation to take export restrictions⁹⁹ into consideration. It is to be assumed that some of these restrictions could coincide with ATT evaluation criteria under Article 7, particularly those concerning embargos.
- Chile stipulates that the General Directorate of National Mobilisation should verify that exports do not go to countries that prohibit or restrict arms exports and that arms to be exported are not prohibited in the country of destination. Files on legal entities that export arms obtained through Armed Forces and law enforcement agency transfers of ownership are to be transmitted by the General Directorate to the Ministry of National Defence for analysis and proposed acceptance or rejection by that Ministry's Advisory Committee on Arms Exports.¹⁰⁰
- Honduran legislation prohibits international transfers of controlled materials to States under UN embargo or sanction; States condemned for systematic violation of human rights; and in cases of the presumed or proven indication of their use in genocide or crimes against humanity and/or human rights violations in contravention of international law, support for terrorist acts and/or for irregular armed or organised criminal groups; and transgression of bilateral or multilateral agreements binding the Honduran State with respect to the

⁹⁵ Argentina: *artículo 6 de la Disposición 36/2016 de la RENAR (2016)*; Nicaragua: *Ley No. 510 (2004)*.

⁹⁶ Chile: *artículo 65 del Decreto 83 (2007)*.

⁹⁷ Argentina: *artículo 11, numeral 4 de la Ley N° 20.429 (1973)*; Cuba: *artículo 11 del Decreto-Ley N° 262 (2008)*; Guyana: Section 12, Firearms Act; Paraguay: *artículo 48 de la Ley N° 4.036 (2010)*; Peru: *artículo 28, numeral 3, de la Ley N° 30299 (2015)*; Suriname: article 3.2, Act of 7 February 1930 (Bulletin of Acts, Orders and Regulations G.B. 1930 No. 73).

⁹⁸ Jamaica: Section 29, Firearms Act; St. Kitts and Nevis: Section 29, Firearms Act and Subsidiary Legislation, Chapter 19.05; Trinidad and Tobago: Section 17, Firearms Act, Chapter 16:01

⁹⁹ Brazil: *artículo 32 del Decreto N° 10.030 (2019)*.

¹⁰⁰ Chile: *artículo 65 del Decreto 83 (2007)*.

control and non-proliferation of arms and other controlled material.¹⁰¹ Honduras' law on the control of firearms, ammunition, explosives and related materials was enacted very recently, in 2019, with its preambular paragraphs recognising the obligations imposed by the State-ratified ATT on the consideration of national provisions.

- Nicaraguan law prohibits ammunition exports to countries under UN embargo and those that systematically violate human rights and promote terrorism and drug trafficking.¹⁰²

2.3.1.2 Transit and transshipment authorization process

Regulation of transit varies widely among countries of the region, there being States where it is not regulated, where transshipment alone is regulated, and even where it is prohibited.¹⁰³

In States with transit control measures, its existence is subject to express authorisation.¹⁰⁴ Among the requirements for that authorisation or licence, the following can be mentioned:

- Accompaniment of an international transit application by the corresponding import licence or its equivalent, issued by the competent authority of the country of destination. Some States even demand the licence issued by the country of export.¹⁰⁵
- Certification of the documentation by the national consular authority.¹⁰⁶
- Certain States refer to the information that transit licences must contain, including: country of final destination, issuance and expiration dates, licensing authority, final recipient, shipper, description of the shipment, and transit licence, if applicable, authorised ports of entry and departure, specific information about cargo handling during movement through the country and estimated transit time and location of the goods during that period, together with any restriction imposed by the control authority. Countries like Belize expressly stipulate that ammunition transit cannot be authorised if the contents of the shipment or the shipper's identity do not appear as specified in the supplied documentation.¹⁰⁷

¹⁰¹ Honduras: *artículo 51 del Decreto No. 101-2018 (2018)*.

¹⁰² Nicaragua: *artículo 104, numeral 5, de la Ley No. 510 (2004)*.

¹⁰³ Cuba: *artículo 75 del Decreto-Ley N° 262 (2008)*.

¹⁰⁴ Argentina: *artículo 122 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975)*; Belize: Section 8 (a), Firearms (International Movement of Firearms, Firearms Parts, Components and Ammunition) (Control) Regulations; Bolivia: *artículo 20 de la Ley No. 400 (2013)*; Chile: *artículo 10 del Decreto 83 (2007)*; Guatemala: *artículo 54 de la Ley de armas y municiones (Decreto número 15-2009)*; Honduras: *artículo 50 del Decreto No. 101-2018 (2018)*; Nicaragua: *artículo 108 de la Ley No. 510 (2004)*; Paraguay: *artículo 50 de la Ley N° 4.036 (2010)*; Suriname: article 3, Act of 7 February 1930 (Bulletin of Acts, Orders and Regulations G.B. 1930 No. 73).

¹⁰⁵ Argentina: *artículo 6 de la Disposición 36/2016 de la RENAR (2016)*; Belize: Section 8 (a), Firearms (International Movement of Firearms, Firearms Parts, Components and Ammunition) (Control) Regulations; Guatemala: *artículo 54 de la Ley de armas y municiones (Decreto número 15-2009)*; The Bahamas: Section 3B, Firearms Act; Honduras: *artículo 53 del Decreto No. 101-2018 (2018)*; Nicaragua: *artículo 108 de la Ley No. 510 (2004)*.

¹⁰⁶ Argentina: *artículo 6 de la Disposición 36/2016 de la RENAR (2016)*; Nicaragua: *artículo 108 de la Ley No. 510 (2004)*.

¹⁰⁷ Argentina: *artículo 6 de la Disposición 36/2016 de la RENAR (2016)*; The Bahamas: Section 4A, Firearms Act; Belize: Section 7-8, Firearms (International Movement of Firearms, Firearms Parts, Components and Ammunition) (Control) Regulations; Guatemala: *artículo 54 de la Ley de armas y municiones (Decreto número 15-2009)*; Nicaragua: *artículo 108 de la Ley No. 510 (2004) y artículo 90 del Decreto No. 28-2005 (2005)*.

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- In some States, the deadline for the transit authorisation period is linked to the expiration date of the import licence, as it is with that of the export licence.¹⁰⁸
 - Some States require a military escort during transit.¹⁰⁹

Several countries of the region, above all in the Caribbean area, regulate transshipment,¹¹⁰ making that transfer conditional on the issuance of the corresponding permit by the competent authority.

2.3.1.3 Brokering authorisation

No binding international provisions exist on brokering activities. Even so, the Firearms Protocol does establish a series of recommendations for regulation of brokers' activities and suggests the application of one or more of the following measures:

- a. Mandatory registration of brokers under its jurisdiction;
- b. Possession of a licence or authorisation for the exercise of brokering; or
- c. Mandatory inclusion in import and export licences or authorisations, or in documentation attached to the goods, of the names and locations of brokers involved in the transfer.

Despite not being frequently regulated in the region, provisions on brokering activities have already been incorporated by a handful of countries.¹¹¹

Control measures adopted can be summarised as follows:

- Brokering is conditional on prior licensing and/or registration (Panama, Paraguay, Guatemala and Nicaragua).
- Insofar as the validity of brokering authorisation is concerned, Guatemala and Nicaragua stipulated that it shall cover a single transaction and expire within a 90-day period if unused and be non-transferable and non-extendable.
- Nicaragua has an interesting regulation, in the case of information to be supplied by applicants for a brokering licence. This information concerns transport services contracted for, financial and technical services utilised, and insurance contracting services, together with shipment import, export, and transit certificates.

108 Argentina: *artículo 4 de la Disposición 36/2016 de la RENAR (2016)*; Belize: Section 9 (2), Firearms (International Movement of Firearms, Firearms Parts, Components and Ammunition) (Control) Regulations.

109 Bolivia: *artículo 20 de la Ley No. 400 (2013)*.

110 Argentina: *artículo 122 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975)*; Grenada: Section 4(1), Firearms Regulations (Section 52); Jamaica: Section 4(1), Firearms Act; St. Kitts and Nevis: Section 4(1) and 24, Firearms Act and Subsidiary Legislation, Chapter 19.05.

111 Guatemala: *artículos 97 y 98 de la Ley de armas y municiones (Decreto número 15-2009)*; Honduras: *artículo 21 del Decreto No. 101-2018 (2018)*; Nicaragua: *artículos 113-119 de la Ley N°510 (2004) y artículos 92-94 del Decreto No. 28-2005 (2005)*; Panama: *artículo 70 de la Ley N° 57 (2011)*; Paraguay: *artículo 51 de la Ley N° 4.036 (2010)*.

- Both the Guatemalan and the Nicaraguan regulation stipulate that their control authorities must evaluate the periodicity of the broker's efforts to guarantee that ammunition is not diverted from the established route towards a third country or will not be returned to the country of shipment.
- Insofar as jurisdiction is concerned, the Nicaraguan regulation provides for mandatory application of control measures, regardless of whether the brokers operate in the national territory or the ammunition is brought into the country.
- Provisions that regulate brokering in Guatemala establish express prohibitions against ammunition brokering with given States (for example, States under UN embargo, that are systematic human rights violators, that promote terrorism and crime or serve as refuge for drug traffickers, in the cases of presumed or proven existence of indications of ammunition use in genocide or crimes against humanity, human rights violations contravening international law, etc.).
- Honduras stipulates that materials for exclusive use by State institutions shall be acquired officially without the intervention of brokers.

2.3.2 Transfer registration

The Firearms Protocol establishes precepts about the obligation to keep information. Even so, these precepts are binding only with respect to firearms and are mere recommendations in the case of ammunition.

This international regulation, accordingly, stipulates that, when feasible, each State Party shall guarantee the keeping of ammunition information needed to trace and identify firearms, as well as information about illicitly manufactured or trafficked ammunition. This information shall be kept for a period of no less than 10 years and shall include the following data when referring to international transactions: the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles involved.

Based on a review of Latin American and Caribbean national regulations, it can be affirmed that by having incorporated provisions on the record-keeping of ammunition transfers into their legislation, some countries echo these recommendations, as can be seen below:

- As pointed out previously, registration of operators is mandatory in several of the region's countries as a precondition for applying for authorisation for international transfers, mainly for import and export purposes. This registration can be subject to expiration, after which the competent authority is able to verify whether the conditions in effect at the time of registration continue to exist.¹¹²
- In addition to the operators register, some States require a register of authorisations granted or of arms imported/exported.¹¹³
- National regulations of certain countries refer to the information that, as a minimum, State registers should contain. Some elements cited are: quantity, description and classification of ammunition subject to transactions, and total amount of ammunition transferrable under a given authorisation.¹¹⁴
- Some national legislation also regulates mandatory maintenance periods for State registers,¹¹⁵ which range from five to 10 years.
- An interesting matter concerns the exchange of information about ammunition transfers

112 Argentina: *artículos 11, párrafo 2 y 34 del Decreto Ley N° 20.429 (1973)*; Brasil: *artículo 2, párrafo IX, de la Ley No. 10.826 (2003) y artículo 3, párrafo II, del Decreto N° 9.847 (2019)*; Chile: *artículo 61 literal b) del Decreto 83 (2007)*; Colombia: *Portal del Gobierno, para más información acceder: <https://www.gov.co/servicios-y-tramites/T8894>*; Costa Rica: *artículos 3, párrafo 1 y 129 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*; Ecuador: *artículo 14 del Decreto Supremo 3757 (2009)*; Nicaragua: *artículo 8 de la Ley N°510 (2004)*; Paraguay: *artículo 48 de la Ley N° 4.036 (2010)*; Dominican Republic: *artículo 33 de la Ley 631-16 (2016)*; Venezuela: *artículo 4 del Decreto N° 881 (2014)*.

113 Argentina: *artículo 39 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975)*; Belize: *Section 13, Firearms (International Movement of Firearms, Firearms Parts, Components And Ammunition) (Control) Regulations*; Bolivia: *artículo 21 del Decreto supremo N° 2175 (2014)*; Brazil: *artículo 3 del Decreto N° 9.847 (2019)*; Costa Rica: *artículo 3, párrafo 1 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*; Ecuador: *artículo 8 del Decreto Ejecutivo 169 de 1997, modificado el 13 de septiembre de 2012*; Trinidad and Tobago: *Section 21C, c), Firearms Act*; Venezuela: *artículo 51 de la Ley para el desarme y control de armas y municiones (2013)*.

114 Belize: *Section 13, Firearms (International Movement of Firearms, Firearms Parts, Components And Ammunition) (Control) Regulations*; Bolivia: *artículo 21 del Decreto supremo N° 2175 (2014)*.

115 Belize: *Section 13, Firearms (International Movement of Firearms, Firearms Parts, Components And Ammunition) (Control) Regulations*; Chile: *artículo 69 del Decreto 83 (2007)*.

among countries of the region, as expressly reflected in Belizean and Honduran regulations.¹¹⁶ Belize has an established focal point to receive and answer requests from Member States of the Organization of American States (OAS) for information about ammunition imports, exports and transit. Any State involved in a given transfer is able to request information from the focal point about shipments leaving or entering Belize. Furthermore, when an authorisation is cancelled in Belize, the focal point should request cancellation of authorisations issued by the third countries involved. Honduran legislation, for its part, expressly reflects the commitment to inform other countries, international organizations and multilateral institutions about its international transfers, and to exchange, with other countries every three months, any information it may have about registered international ammunition transfers. Those initiatives put the emphasis on cooperation among countries to establish more effective controls over international transfers by ensuring legitimate use of authorisations and, thereby, minimising the risk of diversion.

- Some national provisions refer not only to State registers, but also to the obligation to register and/or report periodic movements imposed upon operators in connection with international transfers.¹¹⁷

As a result, legal entities that import and export ammunition must keep a register and inventory of those transfers.

Importers in Brazil must give the competent authority access in real time to their databases, which they must keep up for a 10-year period. Upon expiration of that period, the database is transferred permanently to the pertinent authority in digital form.

¹¹⁶ Belize: Sections 14 and 15, Firearms (International Movement of Firearms, Firearms Parts, Components And Ammunition) (Control) Regulations; Honduras: *artículo 52 del Decreto No. 101-2018 (2018)*.

¹¹⁷ Bolivia: *artículos 40 y 41 del Decreto supremo N° 2175 (2014)*; Brazil: *artículo 5 del Decreto N° 9.847 (2019) y artículo 6 de Portaria N° 16-D LOG (2004)*; Nicaragua: *artículo 83 del Decreto No. 28-2005 (2005)*.

Conclusions

- International instruments have taken up binding and non-binding provisions about international ammunition transfers (import, export, transit, transshipment and brokering) that have been incorporated into national legislation to a certain extent.
- Regulation of each of these transfers among States of the region varies widely, with import operations being regulated in all national provisions studied. Nonetheless, this is not true in the case of the other transfers. When regulated, the exercise of these activities is subject to the principle of prior authorisation.
- Import, export and brokering in some States is conditional on registration in an operator register, possession of an operating licence, or on being an authorised person. Some countries reserve the capacity to import and export for the State, allowing private parties to do so only by way of competent State bodies.
- Frequently, and in the case of imports, States have considered different types of permits according to their holder, thus distinguishing between imports of ammunition by individuals for their own use, imports by individuals or legal entities for marketing, sporting purposes or scientific development and research, and imports for State institutions or bodies. Special procedures are also in place for temporary import and export operations.
- The granting of import, export and transit licences is conditional on compliance with requirements that differ widely among States, particularly those regarding, inter alia, minimum information, end-user documentation, sequencing of licence issuance, certification, and authorised customs points.
- Brokering is not regulated with any frequency, but a small group of countries have incorporated into their legislation control measures like prior licensing or registration in a brokers register, the express stipulation that control measures shall be mandatory, regardless of whether brokers operate inside or outside the country or whether ammunition is brought into the country, and the establishment of prohibitions on the exercise of brokering, among others.
- Insofar as maintaining a register is concerned, in addition to the operators register, some States require the keeping of a register of authorisations granted or of arms imported/exported. Some national legislation refers to information that, as a minimum, should be included in State registers and to the minimum period they should be kept. Some provisions, in addition to referring to State registers, concern mandatory registration and/or reporting of periodic movements imposed on operators.

2.4 Domestic ammunition trade

2.4.1 Licencing regime

Most Latin American and Caribbean countries have established provisions for regulating ammunition trade by individuals or legal entities under the principle of prior authorisation. On the other hand, in States, such as Colombia, Honduras and Venezuela,¹¹⁸ only the government is empowered to sell ammunition.

An analysis of the region's legislation reveals the issuance of firearms and ammunition dealer's permits or licences (*Firearms dealer's licence - Gun dealer's licence, in the Caribbean States*) that authorise their holders to trade in ammunition and firearms. In some Caribbean States,¹¹⁹ this type of licence also permits the manufacturing of ammunition.

The duration of permits or licences varies among States.¹²⁰ Some are issued for one, two, five or up to 10 years, the most common is for one year.

Most States of the region agree that licences granted for this purpose enable their holders to sell ammunition only in authorised places by the competent authority.

Also, in Jamaica and St. Kitts and Nevis,¹²¹ a firearms manufacturer's licence authorises its holder, to carry out not only manufacturing activities, but also ammunition trading.

Some Caribbean countries¹²² consider selling ammunition to people under the influence of alcohol or drugs or suffering from mental disorders as a crime and liable to a fine or imprisonment.

118 Colombia: *artículo 2 del Decreto-Ley 2535 (1993)*; Honduras: *artículo 292 de la Constitución Política de la República (1982)*; Venezuela: *artículo 56 de la Ley para el desarme y control de armas y municiones (2013)*.

119 The Bahamas: definition of "dealer's licence", Section 2 (1), Firearms Act; Belize: definition of "gun-dealer", Section 2 (1), Firearms Act; Guyana: definition of "firearms dealer", Section 2 (1), Firearms Act; St. Vincent and the Grenadines: definition of "firearm dealer's licence", Section 2, Firearms Act, 1995, Chapter 386; Saint Lucia: Section 15 (3), Firearms Act 2003.

120 Dominican Republic: *artículo 21 de la Ley N° 631-16 (2016)*; Costa Rica: *artículo 73 de la Ley de armas y explosivos No. 7530 (1995)*; El Salvador: *artículo 57 del Decreto No. 25 (2000)*; Guatemala: *artículo 143 de la Ley de armas y municiones (Decreto número 15-2009) y artículo 17 del Acuerdo gubernativo Número 85-2011 (2011)*; Bolivia: *artículo 72 del Decreto supremo N° 2175 (2014)*; Peru: *artículo 90 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN)*; Chile: *artículo 45 del Decreto 83 (2007)*; Brasil: *artículo 12 del Decreto N° 9.847 (2019)*; Ecuador: *artículo 11 del Decreto Ejecutivo 169 de 1997, modificado el 13 de septiembre de 2012*.

121 Jamaica: definition of "firearm manufacturer's licence", Section 2 (1), Firearms Act; St. Kitts and Nevis: definition of "firearm manufacturer's licence", Section 2 (1), Firearms Act and Subsidiary Legislation, Chapter 19.05.

122 Antigua and Barbuda: Section 9 (2), Firearms Act; The Bahamas: Section 31 (1), Firearms Act; Barbados: Section 25 (1), Firearms Act; Belize: Section 30, Firearms Act; Guyana: Section 35 (1), Firearms Act; Trinidad and Tobago: Section 9 (2), Firearms Act.

2.4.2 Authorisation requirements to sell ammunition

In order to obtain a licence or permit to sell ammunition, it is mandatory in some of the region's countries¹²³ for the applicant, as an individual or legal entity, to fulfil the following requirements, among others:

1. Specify the amount, type, brand, calibre and characteristics of the ammunition for sale.
2. Present the document accrediting purchase of the ammunition.
3. Comply with security measures in sales place.
4. Have neither a criminal, nor a police record in the case of an individual, or of legal entity members, in the case of a legal entity.
5. Have life insurance and liability policies.
6. Have an operating licence issued by municipal authorities.

On the other hand, it is noted that ammunition trading activities are not only carried out by ammunition trading houses or establishments, but also that some States¹²⁴ allow the sale of ammunition in the following locations:

- Shooting ranges or galleries, but only for purposes of sports shooting or defence practice.
- Shooting clubs, but only for members and consumption on the premises.
- Firearms training schools or centres.

123 Cuba: *artículo 134 de la Resolución No. 30 del Ministerio del Interior (2010)*; Dominican Republic: *artículo 29 de la Ley No. 631-16 (2016)*; Mexico: *artículo 46 del Reglamento de la Ley Federal de Armas de fuego y explosivos (1972)*; Costa Rica: *artículo 72 de la Ley de armas y explosivos No. 7530 (1995) y artículo 42 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*; El Salvador: *artículo 16 de la Ley de control y regulación de armas (Decreto N° 655 de 1999)*; Guatemala: *artículo 55 del Ley de armas y municiones (Decreto número 15-2009) y artículo 17 del Acuerdo gubernativo Número 85-2011 (2011)*; Nicaragua: *artículo 97 de la Ley No. 510 (2004) y artículo 81 del Decreto No. 28-2005 (2005)*; Panama: *artículo 26 de la Ley N° 57 (2011)*; Bolivia: *artículo 71 del Decreto supremo N° 2175 (2014)*; Peru: *artículo 89 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN)*; Chile: *artículo 39 del Decreto 83 (2007)*.

124 Dominican Republic: *artículo 57 de la Ley No. 631-16 (2016)*; Guatemala: *artículo 91 de la Ley de armas y municiones (Decreto número 15-2009)*; Costa Rica: *artículo 44 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*; Colombia: *artículo 66 del Decreto-Ley 2535 (1993)*; Argentina: *artículo 118 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975)*; Chile: *artículo 98 del Decreto 83 (2007)*; Peru: *artículo 26 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN)*; Brazil: *artículo 9 de la Portaria N° 012 – COLOG (2009)*.

2.4.3 Ammunition sales and quantitative limits on purchases

Most States¹²⁵ regulate ammunition sales through the presentation of a firearm owner's or user's licence prior to the sale. Only ammunition of the calibre associated with the registered firearm is sold. We found a singular case in Chilean legislation¹²⁶ that regulates issuing authorisations for ammunition purchases that expire after 10 calendar days. Applicants must select the ammunition dealer and amount of ammunition to be purchased in advance. This authorisation must be obtained by users for each individual ammunition purchase.

We also found a prohibition in Guatemalan legislation¹²⁷ against ammunition ownership transfers among individuals.

Some States stipulate quantitative limits on the buying and selling of ammunition and the timeframe within which these acquisitions can be carried out (monthly and annual). Such is the case of Guatemala¹²⁸, Panama¹²⁹, Venezuela¹³⁰, Peru¹³¹, Chile¹³² and Brazil.¹³³ On the contrary, countries like Mexico¹³⁴, Bolivia¹³⁵ and Argentina¹³⁶ have established a quantitative limit but not a timeframe within which the acquisitions can be carried out. In the case of Argentina, through the Ammunition Consumption Control Card, a holder can acquire ammunition up to the stipulated legal limit, as long as their condition as a legitimate user is still valid. It is worth noting that stockpiling has been classified as a crime.

It must be noted that the limits vary enormously among countries and are not subject to compliance with any requirement or justification of need. Regulated limits are not found in the legislation of Caribbean States. Although quantitative limits are not established in legislation, the Commissioner of Police can at his discretion, issue a license, allotting a maximum amount of ammunition that can be acquired in a given time (Bahamas, Grenada, Jamaica, St. Kitts and Nevis, Saint Vincent and the Grenadines, Trinidad and Tobago).

In most cases, limits are set in accordance with the use and type of arm (personal defence, hunting, sports, rifle, etc.). The limit is broader for sports and hunting activities, which can even be limitless, and narrower for personal defence.¹³⁷

Occasionally, different limits are set by type of arms permit; in other words, whether the permit is for carrying or for possession of the arm, it being shorter for possession. Some States¹³⁸ offer the

¹²⁵ Cuba: *artículo 61 de la Resolución No. 30 del Ministerio del Interior (2010)*; Costa Rica: *artículo 44 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*; El Salvador: *artículo 20 de la Ley de control y regulación de armas (Decreto N° 655 de 1999)*; Guatemala: *artículo 60 de la Ley de armas y municiones (Decreto número 15-2009)*; Honduras: *artículo 121 del Decreto No. 101-2018 (2018)*; Panama: *artículo 33 de la Ley N° 57 (2011)*; Bolivia: *artículo 79 del Decreto supremo N° 2175 (2014)*; Colombia: *artículo 48 del Decreto-Ley 2535 (1993)*; Peru: *artículo 21 de la Ley N° 30299 (2015) y artículo 26 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN)*; Venezuela: *artículo 67 de la Ley para el desarme y control de armas y municiones (2013)*; Argentina: *artículo 13 del Decreto Ley N° 20.429 (1973)*; Brazil: *artículo 4 de la Ley No. 10.826 (2003)*.

¹²⁶ *Artículos 48, 49 y 56 del Decreto 83 (2007)*.

¹²⁷ *Artículo 60 de la Ley de armas y municiones (Decreto número 15-2009)*.

¹²⁸ *Artículo 60 de la Ley de armas y municiones (Decreto número 15-2009)*.

¹²⁹ *Artículo 33 de la Ley N° 57 General de Armas de Fuego, Municiones y Materiales Relacionados (2011)*.

¹³⁰ *Artículos 64, 65, 69 y 70 de la Ley para el desarme y control de armas y municiones (2013)*.

¹³¹ *Artículo 21 de la Ley N° 30299 (2015) y artículo 26 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN)*.

¹³² *Artículo 172 del Decreto 83 (2007)*.

¹³³ *Artículos 5 y 9 de Portaria N° 012 – COLOG (2009) y artículos 1 y 3 de Portaria normativa N° 1.811 (2006)*.

¹³⁴ *Artículo 50 de la Ley federal de armas de fuego y explosivos (última reforma de 2015)*.

¹³⁵ *Artículo 79 del Decreto supremo N° 2175 (2014)*.

¹³⁶ *Disposición RENAR 119/04 - Régimen de contralor para la venta de munición de uso civil (2004)*.

¹³⁷ Panama and Peru.

¹³⁸ Guatemala: *artículo 60 de la Ley de armas y municiones (Decreto número 15-2009)*; Chile: *artículo 174 del Decreto 83 (2007)*; Peru:

option of applying for a higher limit, but subject to obtaining a special permit from the national authority by justifying the need for it.

A matter that merits discussion, but that is barely regulated by the States, is supervision by the authority of user consumption within permissible limits. In other words, how registers of ammunition selling establishments coordinate with those of the authority for their due supervision and how information is shared among ammunition selling establishments in order to keep users from purchasing ammunition above and beyond the legal limits.

In Guatemala,¹³⁹ for example, ammunition dealers, in order to keep a register of their ammunition sales, are connected online with the computer system of the ammunition and arms control authority. It is mandatory for dealers, before making a sale, to check whether users have exceeded the monthly limit on ammunition purchases.

Brazil¹⁴⁰ has a Sales and Stock Control System (SICOVEM, by its acronym in Portuguese), in addition to the mandatory monthly reports by ammunition selling establishments of their sales and stocks. The SICOVEM system electronically records sales by manufacturers to ammunition selling establishments and sales by the latter to the final consumers, who/which have the obligation to report their ammunition purchases. While it is true that the regulation imposes no obligations to ammunition selling establishments to check user consumption limits, it does however constitute a significant advance in regulation that allows the authority to better control user's consumption of ammunition.

An ammunition control measure that has been incorporated into Guatemalan¹⁴¹ and Panamanian¹⁴² legislation is the stamping of the establishment seal on each box of ammunition, together with the date of sale.

artículo 26 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN).

139 Guatemala: *artículo 56 de la Ley de armas y municiones (Decreto número 15-2009) y artículos 20 y 21 del Acuerdo gubernativo Número 85-2011 (2011).*

140 *Artículo 1, Portaria Normativa No. 581/MD (2006).*

141 *Artículo 60 de la Ley de armas y municiones (Decreto número 15-2009).*

142 *Artículo 34 de la Ley N° 57 (2011).*

2.4.4 Registers and reports

Review of legislation in Latin America and the Caribbean reveals that the national arms and ammunition control authority keeps the following registers:¹⁴³

a. Register of authorised ammunition dealers

By means of this register, the authority keeps a check on duly authorized dealers that sell firearms and ammunition.

Caribbean regulations¹⁴⁴ place special emphasis on having this register include information about where these establishments conduct their business.

The registers are normally centralised. However, a federally structured country like Argentina¹⁴⁵ has a National Arms Dealers Register and also Local Arms Dealers Registers in which registration is possible only after prior registration in the national register.

b. Register of authorised shooting ranges or galleries, shooting clubs or federations or training centres

Due to the fact that some States permit shooting ranges or galleries, shooting clubs or federations or training centres to deal in ammunition, in addition to their regular activities, all of these establishments are registered by the authority.

Furthermore, most legislation of the region's countries¹⁴⁶ has paid special attention to making it mandatory for ammunition selling establishments or other authorised dealers of ammunition, like shooting galleries, shooting clubs and training centres, to report their ammunition sales transactions.

¹⁴³ El Salvador: *artículo 7 del Decreto No. 25 (2000)*; Peru: *artículo 11 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN)*; Bolivia: *artículo 23 del Decreto supremo N° 2175 (2014)*; Argentina: *artículo 48 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975)*; Brazil: *artículo 2 de la Ley No. 10.826 (2003)*; The Bahamas: Section 23, Firearms Act; Belize: Section 10 (1), Firearms Act; Guyana: Section 24 (1), Firearms Act; Trinidad and Tobago: Section 21-C, Firearms Act.

¹⁴⁴ The Bahamas: Section 25, Firearms Act; Guyana: Section 26 (1), Firearms Act.

¹⁴⁵ *Artículo 48 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975)*.

¹⁴⁶ Mexico: *artículo 68 de la Ley federal de armas de fuego y explosivos (última reforma de 2015)*; Cuba: *artículo 65 de la Resolución No. 30 del Ministerio del Interior (2010)*; Dominican Republic: *artículo 31 y 51 de la Ley N° 631-16 (2016)*; Costa Rica: *artículo 44 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*; El Salvador: *artículo 18 de la Ley de control y regulación de armas (Decreto N° 655 de 1999)*; Nicaragua: *artículo 99 de la Ley No. 510 (2004) y artículo 83 del Decreto No. 28-2005 (2005)*; Panama: *artículo 28 de la Ley N° 57 (2011)*; Bolivia: *artículo 34 de la Ley N° 400 (2013) y artículo 75 del Decreto supremo N° 2175 (2014)*; Guatemala: *artículo 91 del Ley de armas y municiones (Decreto número 15-2009)*; Peru: *artículo 26 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN)*; Chile: *artículo 51 del Decreto 83 (2008)*; Argentina: *artículo 48 y 49 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975)*; Brazil: *artículo 10 del Decreto N° 9.847 (2019) y artículo 10 de Portaria N° 012-COLOG (2009)*; Ecuador: *artículo 55 del Decreto Ejecutivo 169 de 1997, modificado el 13 de septiembre de 2012*; Uruguay: *artículo 3 de la Ley N° 19.247 (2014) y artículo 54 del Decreto 377/2017 (2017)*; Belize: Section 15 (1), Firearms Act; The Bahamas: Section 26 (1,4), Firearms Act; Antigua and Barbuda: Section 27, Firearms Act; Barbados: Section 8 (5), Firearms Act; Guyana: Section 28 (1,2), Firearms Act; Saint Vincent and the Grenadines: Section 21 (2,3), Firearms Act, 1995, Chapter 386; Saint Lucia: Section 15 (4,5), Firearms Act 2003; Jamaica: Section 17 (1,2), Firearms Act; St. Kitts and Nevis: Section 17 (1,2), Firearms Act; Trinidad and Tobago: Section 26 (1, 2), Firearms Act; Dominica: Section 19 (4), Firearms Act 2011; Grenada: Section 17 (2), Firearms Act.

The following obligations have been established in that regard:

- Monitoring of inventories by specifying the amount and characteristics of incoming and outgoing ammunition and the amount left. Some states require keeping these inventories in record books.
- Strict monitoring of ammunition sales, with records of the amount of ammunition sold, by type, brand, calibre, full name of the buyer, licence or permit number, address, date and time of purchase, full name of the vendor and sales invoice number. Some States request the keeping of sales record books, as well as of a parallel digital register.

There are also States¹⁴⁷ that have established obligations with regard to conservation of ammunition sales invoices and the data they should contain:

- Purchaser's name and address.
- Firearm owner's licence number.
- Month, day and time of the sale.
- Characteristics of the ammunition sold.
- Signatures of receipt by the seller and purchaser.

Inventory data and sales register information should be sent to the competent authority on a weekly, monthly, bimonthly, quarterly or biannually, as determined by each particular State.

Under Brazilian law,¹⁴⁸ it is mandatory for purchasers of ammunition to inform the authority about their purchase by providing the following information:

- Identification of the producer, importer or dealer from whom the ammunition was purchased.
- Address where the ammunition will be stored.

¹⁴⁷ Cuba: *artículo 65 de la Resolución No. 30 del Ministerio del Interior (2010)*; El Salvador: *artículo 20 de la Ley de control y regulación de armas (Decreto N° 655 de 1999)*; Guatemala: *artículo 20 de la Ley de armas y municiones (Decreto número 15-2009)*; Panama: *artículo 33 de la Ley N° 57 (2011)*; Uruguay: *artículo 3 de la Ley N° 19.247 (2014)*.

¹⁴⁸ *Artículo 5 del Decreto N° 9.847 (2019)*

Conclusions

- Ammunition trading is subject to the principle of prior authorisation in all Latin American and Caribbean countries.
- Ammunition is generally sold after presentation of the firearm owner's or user's licence and only in the calibre suitable for the firearm.
- Dealers licenses enable their holder to carry out ammunition sales activities, and in some Caribbean States, this type of permit also allows for ammunition manufacturing activities.
- Shooting ranges, shooting clubs and training centres are permitted to sell ammunition, additionally to their regular activities.
- Some States set quantitative limits on ammunition sales by firearm use and type, those for hunting and sports are higher than those for personal defence and in some cases even unlimited. Those limits also differ as to the type of firearm permit held, whether for possession or use, the limit is lower for firearm possession.
- Quantitative limits are set on ammunition purchases in some legislations that do not specify the period of time users are given to reach those limits.
- Coordination of control measures for user's consumption to keep them from exceeding legal limits, is not regulated in most States.
- Ammunition dealers, as well as shooting galleries, shooting clubs and training centres, which must keep a strict check on inventories and registers of ammunition sales, must report volumes of business. This reporting obligation is also binding on users in some countries.
- States have registers of firearm and ammunition dealers and of authorised shooting ranges or shooting galleries, shooting clubs or federations or training centres.

AMMUNITION TRANSPORT SECURITY MEASURES



2.5 Ammunition transport security measures

Review of legislation in the region reveals that not all States have express provisions on the regulation of ammunition transport. Those that do regulate this activity use prior State authorisation as their starting point.

2.5.1 Transport authorisation

The region's States authorise ammunition transport by means of two main instruments: a transport permit or licence and a transit or traffic guide. Licences or permits are generally intended for legal entities that regularly transport special material or ammunition producers and dealers with their own means of transport. Transit or traffic guides, on the other hand, tend to be issued for specific or sporadic activities such as: a change in domicile, movement for repairs or inspections, transfers, arms left in custody, exhibitions, sports shooting practice, and movements between branches of the same ammunition commercial entity. As a result, the validity of transit or traffic guides is shorter than that of permits or licences (from 15 to 30 days, on average).

The different instruments used in the region to authorise ammunition transport emphasise the security measures to be taken by such transporters. Mexican legislation, for example, establishes a general permit for individuals or legal entities intending to devote themselves permanently to specialized firearm and ammunition transport. The security measures required to obtain that permit are, in this case: 1) obtaining a certificate attesting to coverage of the necessary security requirements, issued by the top administrative authority of the intended locations and branches where the ammunition depots or stores are to be situated; 2) presentation of a guarantee that the facilities shall not represent a danger for public security; and 3) protection of the applicant's facilities against theft; 4) presentation of plans for the legal entity's projected ammunition depots and dumps, with an indication of the distances from communication routes, nearby population centres, electric power lines, and gas pipelines¹⁴⁹.

Other States provide additional security measures for transport such as an explicit obligation to transport arms and suppliers unloaded and in different packaging.¹⁵⁰ It is also mandatory to report to the national control authority the make and licence plate number of the intended transport vehicle, together with personal data of the driver and escorts.¹⁵¹ In Nicaragua, individuals or legal entities authorised to transport ammunition in land vehicles should do so specifically between the hours of 12 midnight and 6 a.m.¹⁵² Argentina's regulatory provisions, for their part, stipulate that ammunition should be transported "with the greatest reserve, concealing insofar as possible the nature of the goods being transported, and preferably using a different mode for each shipment and taking different routes in order to avoid an identifiable routine."¹⁵³ Some States¹⁵⁴ explicitly indicate the transporter's responsibility for obtaining, from the shipper, a copy of the permit granted for receipt of the arms or ammunition shipment, through either purchase or another type of transaction.

¹⁴⁹ Artículo 68 del Reglamento de la Ley federal de armas de fuego y explosivos (1972).

¹⁵⁰ Cuba: artículo 75 del Decreto-Ley N° 262 (2008); Colombia: artículo 3 del Decreto 1809 (1994); Guatemala: artículo 49 de la Ley de armas y municiones (Decreto Número 15-2009); Argentina: artículo 125 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975).

¹⁵¹ Cuba: artículo 82 de la Resolución No. 30 del Ministerio del Interior (2010).

¹⁵² Artículo 20, párrafo 2, de la Ley No. 510 (2004).

¹⁵³ Artículo 125 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975).

¹⁵⁴ Belize: Section 18, Firearms Act, 2011; Costa Rica: artículo 80 de la Ley de armas y explosivos No. 7530 (1995); Mexico: artículo 70 del Reglamento de la Ley federal de armas de fuego y explosivos (1972).

Guatemala offers two specific types of ammunition transfer authorisation: “a licence for sporadic transfer of firearms and/or ammunition” and a “specific authorisation for the transfer of ammunition, gunpowder, and/or propellants.” The former is issued free-of-cost for sporadic firearm transport for civilian and/or sports use, as well as of ammunition for purposes of maintenance, hunting, recreation or other occasional needs. This licence has a maximum validity of 15 days.¹⁵⁵ Specific authorisation for the transfer of ammunition, gunpowder and/or propellant”, due to its specialised nature, contains the origin, destination, planned itinerary, security and surveillance conditions of the shipment, ammunition type and amount, and the means of transport authorised by the competent authority.¹⁵⁶

Unlike the previous case, there are countries like Costa Rica, where general manufacturing, trade, import and export permits encompass authorisation to transport ammunition within the country.¹⁵⁷ Permit holders should, therefore, abide by the security provisions, such as the transporter’s obligation to demand remittance of a copy of the authorisation guaranteeing the operation’s legality.¹⁵⁸

Transit or traffic guides are the most common type of authorisation used among the region’s countries.¹⁵⁹ In some cases, they are requested when individuals or legal entities interested in ammunition movement have no permit for its carriage or transport¹⁶⁰ or, as mentioned above, for sporadic transfers or specific needs. Those guides are to be carried from the place of origin to the destination of the shipment¹⁶¹ and it is mandatory not to make any changes in or diversions from the itinerary.¹⁶² In other cases, like that of Peru, its regulations stipulate that the transport or transfer of the ammunition requires a transit guide when the amount to be moved exceeds 600 cartridges.¹⁶³

Guatemalan legislation establishes that the document accrediting active membership in a legally recognised shooting club shall serve as authorisation to move arms and ammunition from the domicile of the interested member to the corresponding shooting range and back. These arms must be moved in their respective cases or holders, unloaded and separately from their magazines.¹⁶⁴ The regulatory provision in Bolivia’s case also authorises members of shooting organisations to carry out the domestic transport or movement of firearms for sports use and of ammunition belonging to those organisations and/or their members. Those transport authorisations, however, are obtained by shooting clubs, not users. For that reason, interested organisations should provide the national control authority with a list of sportsmen who will carry out the transport operation using their own firearm owners’, carriers’ and users’ licences; the number of arms and amount of ammunition to be transported and their registration numbers, the transport route or itinerary, and the means to be used.¹⁶⁵

155 Artículo 48 de la Ley de armas y municiones (Decreto número 15-2009).

156 Artículo 50 de la Ley de armas y municiones (Decreto Número 15-2009).

157 Artículo 79 de la Ley de armas y explosivos No. 7530 (1995).

158 Artículo 80 de la Ley de armas y explosivos No. 7530 (1995).

159 Brazil: artículo 82 del Decreto N° 10.030 (2019); Chile: artículo 153 del Decreto 83 (2007); Ecuador: artículo 73 del Decreto Ejecutivo 169 de 1997, modificado el 13 de septiembre de 2012; Peru: artículo 94.4 Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN).

160 Chile: Decreto 83 (2007).

161 Brazil: artículo 81 del Decreto N° 10.030 (2019).

162 Ecuador: artículo 74 del Decreto Ejecutivo 169 de 1997, modificado el 13 de septiembre de 2012; Peru: artículo 94.11 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN).

163 Artículo 94.4 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN).

164 Artículo 49 de la Ley de armas y municiones (Decreto Número 15-2009).

165 Artículo 27 del Decreto supremo N° 2175 (2014).

Some States, in order to transport ammunition, require the holder's carriage of the pertinent licence or permit¹⁶⁶ and the visible display of a photostatic copy of that document inside the transport vehicle used.¹⁶⁷ This applies in the cases of both general permits and traffic or transit guides.

It is important to explain that there is a difference between ammunition transport and transit. The former refers to the movement of the good within the borders of a specific State, while transit means the movement of ammunition to and from a third State, passing through the territory of the country authorising that transit. Some cases refer to temporary ammunition transport, which requires a transit permit or licence.

Provisions concerning ammunition transit authorisation also stipulate security requirements. In Chile's case, for example, legal entities interested in transiting ammunition through the country must, among other administrative requirements, present the track record of the legal entities effecting the export, transport and import; the planned route graphically depicted and showing the incoming and outgoing customs; security measures needed for the physical protection of the vehicles and of the containers used; safety regulations for stowing and transport, and demonstrated possession of a shipment protection insurance policy.¹⁶⁸ Cuba, for its part, provides for temporary import of ammunition for hunting or sports shooting purposes, as well as for exhibition and artistic activities (filmmaking and theatre, for example),¹⁶⁹ for which there are requirements, such as: carrying the temporary import permit and the transport permit, as well as complying with pertinent technical safety regulations, such as moving unloaded firearms separately from the ammunition.¹⁷⁰

166 Cuba: artículo 42 del Resolución No. 30 del Ministerio del Interior (2010).

167 Mexico: artículo 69 del Reglamento de la Ley federal de armas de fuego y explosivos (1972).

168 Artículo 314, párrafo a, numerales 1-18, del Decreto 83 (2007).

169 Artículo 84 de la Resolución No. 30 del Ministerio del Interior (2010).

170 Artículo 75 de la Resolución No. 30 del Ministerio del Interior (2010).

2.5.2 Transport modes to be used: air, land, sea and lake

Legislation of the region's countries provides for air, land, sea and lake transport of firearms and ammunition. While there is no explicit limitation on the use of any of these, the need is generally stressed for appropriate technical and security measures to be available to move the corresponding shipment, by whichever mode is chosen.

Attention should be drawn to a unique feature mentioned earlier. Ammunition transport, in Argentina's case, should "preferably use a different mode for each shipment" as a security measure.¹⁷¹ Use of the word "preferably" denotes a recommendation, not an obligation, and would depend upon the conditions of each transport operation.

2.5.3 Custody during transport

As mentioned earlier, regulations of some of the region's States provide for granting transport authorisation to ammunition and firearm manufacturers, dealers or legal entities specialised in transporting ammunition and firearms. Some define a minimum amount of ammunition to be transported to require the custody of State forces¹⁷² or private security institutions.¹⁷³ In other cases, like that of Panama, all ammunition transport should be carried out under National Police escort.¹⁷⁴ The police force in Peru should provide custody when ammunition to be moved has to transit through an area declared to be an emergency zone or site due to a domestic conflict or threat to public security.¹⁷⁵

In Bolivia, the Ministry of Defence can authorise and provide a military escort for national or foreign legal entities engaging in international ammunition import, export, transport and transit activities, *inter alia*, as well as domestic transport or movement for manufacturers of and dealers in those goods.¹⁷⁶ A series of requirements must be fulfilled for that purpose, like providing the transport route and/or itinerary, personal data about the drivers, type and characteristics of the transport vehicle (licence plate and number, colour, make, etc.), photostatic copies of all risk insurance policies, and the characteristics, amount and final destination of the ammunition.¹⁷⁷

In El Salvador's case, ammunition transport from customs to the stores or from the stores to authorised ammunition selling establishments should be carried out under national police escort. It is also mandatory for a delegate from the Ministry of Defence to always be present during the transport activities.¹⁷⁸

Security personnel of the national authority or other State security departments must safeguard all ammunition transport or movement in Guatemala from bonded warehouse to the premises of the national control authority and from those to the ammunition store authorised by the importer. It should be added that all custody expenses shall be covered by the importer.¹⁷⁹ Movement within the country of more than 10,000 ammunition cartridges will necessarily require Guatemalan State custody to be paid for by the interested party after obtaining authorisation for the operation from the national authority.¹⁸⁰

¹⁷¹ Artículo 125 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975).

¹⁷² Guatemala: artículo 51 de la Ley de armas y municiones (Decreto Número 15-2009).

¹⁷³ Peru: artículo 94.4 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN).

¹⁷⁴ Artículo 73 de la Ley N° 57 (2011).

¹⁷⁵ Artículo 8.5 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN).

¹⁷⁶ Artículo 20 del Decreto supremo N° 2175 (2014).

¹⁷⁷ Artículo 26, párrafos II y III, del Decreto supremo N° 2175 (2014).

¹⁷⁸ Artículo 70 del Decreto No. 25 (2000).

¹⁷⁹ Artículo 47 de la Ley de armas y municiones (Decreto Número 15-2009).

¹⁸⁰ Artículo 51 de la Ley de armas y municiones (Decreto Número 15-2009).

2.5.4 Transport prohibitions

Some States prohibit the use of certain modes to transport ammunition. Bolivian law, for example, explicitly prohibits firearm and ammunition transport through the mail.¹⁸¹ In other cases, like those of Brazil, Honduras and Mexico, sending ammunition through the mail is authorised under certain conditions. Honduran law prohibits sending ammunition through the mail, unless through an operation carried out by “*La Armería*”, a subordinate of the National Army’s “*Instituto de Previsión Militar*”.¹⁸² Mexican legislation, for its part, stipulates that if the Mexican Postal Service agrees to an ammunition remittance, it must demand the respective permit¹⁸³ from the sender. While Brazil prohibits sending ammunition through the mail,¹⁸⁴ its Regulations for Controlled Products stipulate that the postal services are authorised to do so when transporting products controlled by the Army Command, including ammunition.¹⁸⁵

2.5.5 Registers of goods transported and of transport companies

It is important to draw attention to other ammunition transport control measures due to their unique characteristics in the region. In Bolivia, for example, transport enterprises have the obligation to keep a record of the ammunition and any related materials they may have transported, with specification of the type of arms and their serial numbers, and to transmit those records to the national control authority, with a copy to the Departmental or Regional Police Command.¹⁸⁶ This is mandatory for transport firms and constitutes a good practice that could be of interest to other States of the region.

Another good practice is the registration of transport enterprises authorised to transport ammunition. Venezuela explicitly includes this obligatory provision. This could be of interest to other States,¹⁸⁷ inasmuch as it makes it possible to establish the past records of those legal entities in regard to traffic incidents and ammunition thefts and diversion during transport.

¹⁸¹ Artículo 27, párrafo III, de la Ley No. 400 (2013).

¹⁸² Artículo 48 de la Decreto No. 101-2018 (2018).

¹⁸³ Artículo 64 de la Ley federal de armas de fuego y explosivos (última reforma de 2015).

¹⁸⁴ Artículo 29 del Decreto N° 10.030 (2019).

¹⁸⁵ Artículo 39, párrafo 8°, del Decreto N° 10.030 (2019).

¹⁸⁶ Artículo 24, párrafo II, de la Ley No. 400 (2013).

¹⁸⁷ Artículo 15 del Decreto N° 881 (2014).

Conclusions

- States with explicit provisions for regulating ammunition transport are subject to the principle of prior State authorisation.
- Authorisation to transport ammunition is granted by means of two main instruments: a transport permit or licence and a transit or traffic guide.
- Ammunition transport authorisation methods emphasise security measures to be taken for carrying out that activity. These include: ensuring that the facilities used do not present any danger and that they have adequate conditions to prevent theft; transporting the ammunition packaged and separated from the firearms; taking custody during transport; submitting information to the authority on the details of the cargo, the vehicle, the drivers and escorts; moving the ammunition at certain times and under reserve; carrying a copy of the permit or transit guide, both by the carrier and the shipper; and carrying out the transport within the route without detours or changes.
- Some States authorise the holders of licences accrediting membership in a shooting club to transport firearms and ammunition from their domiciles to the shooting range and back.
- There is a difference between ammunition transport and transit. Provisions that regulate the transit of ammunition also establish safety/security regulations, such as taking out a cargo protection insurance policy and separating ammunition from firearms.
- Some States prohibit civilians from sending ammunition through the mail. This mode is permitted in some countries providing that authorisation to do so is obtained from the national control authority.
- In certain cases, the State has the sole right to provide custody staff during the ammunition transport. In other cases, private security companies are permitted to provide the protective escort.
- Some States establish good practices, like the obligation of the transport company to turn over to the national authority a list of the materials transported and a register of the legal entities authorised to transport ammunition and firearms.

**AMMUNITION
STORAGE**



2.6 Ammunition storage

2.6.1 Ammunition storage in the region

We have found references to ammunition security at the international level. Article 11 of the Firearms Protocol establishes that, in order to detect, prevent and eliminate theft, loss or diversion of, as well as manufacturing and illicit trafficking in ammunition, States shall take appropriate measures to demand the guarantee of ammunition security during the manufacturing process, its import and export and its transit through the country. The CIFTA has a very similar provision (article VIII). The PoA, for its part, stipulates that the armed forces, police and all other authorised bodies to possess small arms and light weapons shall establish appropriate and detailed regulations and procedures regarding storage places.

As we can see, both the Firearms Protocol and the CIFTA establish the periods when States are to ensure the security of ammunition stockpiles (during manufacturing, import, export and transit). Even so, it is also important for States to take ammunition storage control measures during its selling.

Most of the region's countries have provisions on ammunition storage during those activities, due precisely to the risks of safeguarding considerable amounts of ammunition that could be subject to theft, diversion, trafficking or mishandling that could be damaging to people. For that reason, this chapter will place more emphasis on the physical security of ammunition selling establishments.

The Caribbean States are confronting serious challenges in establishing control measures to ensure the physical security of ammunition. Barbados's legislation,¹⁸⁸ however, regulates ammunition storage in trading activities, services provided by gunsmiths and for holders of arms collectors' permits. Storage of the ammunition to which they have access as a result of their activities is required under safety conditions and in authorised places by the police. For those cases, the person responsible for Police Administration is empowered to establish the requirements for ammunition storage places prior to authorisation by the police.¹⁸⁹

As regards the latter aspect, The Bahamas's legislation¹⁹⁰ stipulates that ammunition dealers, on registering, shall specify their intended places of operation, so that the competent authority can verify that they represent no danger to public security and peace.

Physical ammunition security is regulated more fully in Latin American countries, where it can be seen that the States issue authorisations for its storage. In the cases of Mexico¹⁹¹ and Costa Rica,¹⁹² those authorisations are complementary to the State permits for selling ammunition. In the case of Peru,¹⁹³ on the other hand, authorisations issued to ammunition sellers encompasses its storage, to enable their holders to carry out their activity.

188 Sections 8 (4), 9 (3), 9A (2,3), 23, Firearms Act.

189 Section 32 (1, b), Firearms Act.

190 Section 25, Firearms Act.

191 *Artículo 65 de la Ley federal de armas de fuego y explosivos (última reforma de 2015).*

192 *Artículo 81 de la Ley de armas y explosivos No. 7530 (1995).*

193 *Artículo 84 de la Ley N° 30299 (2015).*

Now then, selling establishments or dealers are requested, in order to obtain that authorisation, to fulfil requirements regarding the ammunition storage place. They are asked, for that purpose, to:

- Have a place that complies with the security conditions specified in the provision¹⁹⁴.
- Present a risk management system plan for the establishment where the ammunition storage and selling to the public are to take place¹⁹⁵.
- Provide a Certificate from the Fire Service verifying¹⁹⁶:
 - Whether the facilities comply with fire security measures.
 - Whether a properly equipped internal service is available to deal with an outbreak of fire.
 - The degree of danger to and from neighbouring buildings, in accordance with the types and amounts of ammunition for storage as requested by the interested party.

It is mandatory in some countries¹⁹⁷ to establish permanent measures of protection for emergency situations, consisting of the presentation to the competent authority of a general Security Plan for the establishment, also specific security measures for the storage site.

2.6.2 Ammunition selling establishments security and safety measures

Very few States¹⁹⁸ have developed security/safety measures for fulfilment by the intended ammunition safekeeping sites. Most of these are limited to general security/safety measures of selling establishments.

Among the most common requirements are:

- To have strong roofs and walls (concrete, cement).
- To have windows be protected by iron grilles or material of similar characteristics.
- To be equipped with an iron door.
- To have doors bearing security padlocks.

¹⁹⁴ Dominican Republic: *artículo 29 de la Ley N° 631-16 (2016)*.

¹⁹⁵ Costa Rica: *artículo 40 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*.

¹⁹⁶ Chile: *artículo 39 del Decreto 83 (2007)*.

¹⁹⁷ Nicaragua: *artículo 146 del Decreto No. 28-2005 (2005)*.

¹⁹⁸ Cuba: *artículo 85 del Resolución No. 30 del Ministerio del Interior (2010)*; Costa Rica: *artículo 42 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013)*; Guatemala: *artículo 22 del Acuerdo gubernativo Número 85-2011 (2011)*; Peru: *artículo 86 de la Ley N° 30299 (2015)*; Chile: *artículo 112 del Decreto 83 (2007)*; Dominican Republic: *artículo 29 de la Ley No. 631-16 (2016)*.

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- To be equipped with fire extinguishers.
 - To be equipped with an anti-theft alarm system with movement monitoring and sensors, sirens, and a panic button.
 - To have security cameras installed inside and outside the selling establishments.
 - To possess a safe.
 - Provision of first aid.
 - Not to be located inside or be a part of any apartment building.
 - Not to share its premises with another enterprise or other type of business.
 - Not to store inflammable or easily combustible materials inside the selling establishment.
 - To be under the protection of security or surveillance personnel.
 - To have all ammunition on display be firmly affixed to and protected in showcases.

Insofar as the compatibilities of the goods to be stored are concerned, some countries' legislation¹⁹⁹ refers to the existence of compatibility and distance-quantity tables approved by the competent State authorities.

Some regulations²⁰⁰ also limit storage to only the amounts authorised by the responsible arms and ammunition control authority. Chilean legislation²⁰¹ stipulates that the maximum amount of ammunition permitted for safekeeping in the ammunition depots is 24,000 cartridges for single projectile arms and up to 640,000 cartridges for multiple projectile arms. And the maximum amount of ammunition that can be on public display (in a showcase) is up to 1,000 cartridges for single projectile arms and 10,000 cartridges for multiple projectile arms.

Bolivian legislation,²⁰² for its part, allows for public display of a total of up to 1,000 cartridges, while, in El Salvador's case, the amount is the same, but for each calibre.²⁰³

Cuban legislation,²⁰⁴ on the other hand, mandates keeping strict control of the keys to the ammunition deposit by means of an official register and control document containing the names of the people who enter the ammunition deposit, site or showroom, also with the date, time, signature and reason for their access. The keys are also to be kept in a place where access by unauthorised people can be impeded.

¹⁹⁹ Mexico: *artículo 67 de la Ley Federal de Armas de fuego y explosivos (última reforma de 2015)*; Costa Rica: *artículo 82 de la Ley de armas y explosivos No. 7530 (1995)*.

²⁰⁰ Mexico: *artículo 72 del Reglamento de la Ley federal de armas de fuego y explosivos (1972)*.

²⁰¹ Chile: *artículo 113 del Decreto 83 (2007)*.

²⁰² Bolivia: *artículo 76 del Decreto supremo N° 2175 (2014)*.

²⁰³ El Salvador: *artículo 60 del Decreto No. 25 (2000)*.

²⁰⁴ *Artículo 86 de la Resolución No. 30 del Ministerio del Interior (2010)*.

Conclusions

- International instruments have not established specific mandatory obligations with respect to ammunition storage. The Firearms Protocol and the CIFTA refer to the States' obligation to establish ammunition control measures to ensure its security during manufacturing, import, export and transit. The PoA obliges State bodies authorised to possess small arms and light weapons to establish appropriate, detailed regulations and procedures regarding the storage sites.
- Regulatory development of the Caribbean States offers opportunities for improvement. Although the regulations establish the obligation of dealers, gunsmiths and collectors to adopt measures to ensure secure ammunition storage, it does not go into detail as to what those measures should be.
- Most Latin American States have established control measures for ammunition storage in trading activities, by requesting selling establishments, as part of their requirements for authorisation, to accredit compliance with measures to ensure ammunition deposits security and protection.
- Security measures for ammunition storage deposits are limited to ammunition selling establishments and most refer to their infrastructure and security measures for the establishment itself, like fire extinguishers, alarm systems and security cameras.
- Storage deposits of ammunition selling establishments also safeguard other types of materials, like firearms and propellant powder, among other things, it can be seen that the compatibilities, as well as the distances-quantity of materials for storage are not fully developed in the respective laws. It is possible, however, that those specifications can be found in lower level regulations that have not been subject to analysis in this document.

AMMUNITION MARKING AND TRACING



2.7 Ammunition marking and tracing

2.7.1 Ammunition marking and tracing in the region

At present, no international instrument addresses small arms ammunition marking. Marking provisions in international instruments have remained limited to firearms.

Both the Firearms Protocol and the CIFTA establish provisions on the marking of arms during manufacturing or import. In the first case, they coincide that the marking should indicate: (1) the name of the manufacturer, (2) the country or place of manufacture and (3) the serial number. While in the second case, the Protocol stipulates that the marking should identify the country of import and, if possible, also the year, while the CIFTA refers to the name and address of the importer.

Even so, ammunition marking to minimise the risk of theft, diversion and illicit trafficking, or for security reasons, is extremely important. It allows for identification of the actors participating in its legal trade, as well as for their tracing, from the moment of manufacture to the final person legally responsible for its import, thereby facilitating the identification of trends in illicit trafficking. Ammunition marking also makes it possible to maintain better control at the national level and facilitates criminal investigation processes. For that reason, the debate over the need to impose ammunition marking obligations at the national level has been growing progressively.

Evidence of the interest of some of the region's States in this matter can be found in their development of regulations incorporating the marking of small arms ammunition within their control policies in an effort to produce a stronger impact on the combat against illicit trafficking.

The national regulations identified in the Latin American and Caribbean region are described below:

Argentina

Argentine legislation²⁰⁵ stipulates that ammunition that is manufactured must have an engraving or stamp on the base of the cartridge the mark or identification of the calibre, unless the area is too small for that information.

As a result, all that is established is that the only information to be included in the marking is the ammunition calibre, and that only if its size so permits.

Bolivia

The Law on the Control of Firearms, Ammunition, Explosives and other related materials,²⁰⁶ promulgated in 2013, provides for marking ammunition with the name of the manufacturer, lot number, and year of manufacture.

²⁰⁵ Artículo 15 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975).

²⁰⁶ Artículo 9 de la Ley No. 400 (2013).

Brazil

The case of Brazil is enlightening in respect to the viability and importance of presenting the most detailed markings possible and, thereby, ensuring greater success of tracing attempts. According to the Brazilian law enacted in 2003, which establishes provisions on firearm and ammunition registration, possession and trading in the National Arms System - Sinarm, defines crimes and establishes other measures,²⁰⁷ all ammunition sold in Brazil is to be placed in packaging bearing a printed barcode on the packing unit (box). This marking makes it possible to identify the manufacturer and purchaser, together with other data determined by the Law's regulations. Furthermore, ammunition for use by the Brazilian Armed Forces must be marked on the cartridge base with information about the lot number and the buyer.

An ordinance²⁰⁸ was approved in 2004, regulating the marking of ammunition packaging and cartridges, which stipulated that all ammunition sold in the national territory, whether manufactured or imported, should be placed in packages marked with a barcode system engraved on the box, allowing for identification of the manufacturer, the buyer, the product and the delivery lot. It was also stipulated that ammunition of certain calibres intended for the Brazilian Armed Forces cited in the regulation should be marked on the cartridge base with an identification of the lot number and buyer.

As a result of these provisions, the technology was incorporated into the production process, making Compañía Brasileña de Cartuchos - CBC the global pioneer in the use of laser technology, to mark cartridges, with standard lots consisting of 10,000 cartridges. This implementation process lasted for several years, coming to an end in 2005.

The regulations of the Law,²⁰⁹ last amended in 2019, empower the Army Command to issue regulations for selling the Armed Forces ammunition with an engraved marking on the base of the cartridge that allows for identification of the manufacturer, sales lot number and buyer.

Subsequently, in April of 2020, the Army Command repealed the ordinance issued in 2004²¹⁰ and, through it, approved new measures on ammunition packaging and cartridge marking, to ensure that all ammunition sold in the country, either manufactured locally or imported, is placed in packages marked with a two-dimensional code containing the SPI (Sole Product Identification) incised on the box in order to identify the manufacturer, dealer and product.

It was also stipulated that all ammunition, purchased from a national manufacturer or imported, and intended for the Brazilian Armed Forces should contain an engraved marking on the cartridge bases permitting identification of the manufacturer, lot number and purchasing entity. Those markings are to be engraved by the manufacturer or importer.

207 Artículo 23 de la Ley N° 10.826 (2003).

208 Artículo 3 de la Portaria N° 16-D LOG (2004).

209 Artículo 35 (c) del Decreto N° 9.847 (2019).

210 Artículos 3, 4 y 11 de Portaria N° 61 – COLOG (2020).

This ordinance was issued to facilitate tracing and follow-up of ammunition manufactured in, imported into, and sold in Brazil. Nevertheless, this regulation was repealed²¹¹ and, with it, also the provisions issued in 2004.

Chile

The Regulations for the Law on the control of arms and similar elements²¹² (2007) makes it mandatory for manufacturers of cartridges and ammunition to incorporate the lot number, year of manufacture or other information specified by the General Directorate of National Mobilisation.

This power attributed to the General Directorate of National Mobilisation has been exercised, inasmuch as today the Chilean Republic's ammunition factory known as Fábricas y Maestranzas del Ejército de Chile - FAMAE marks ammunition with the manufacturer's name "F," two-digit year of production, and calibre. Shotgun cartridges, for their part, include the manufacturer's name and the calibre. Ammunition for civilian use does not normally include the year of manufacture.

Colombia

Colombia has not incorporated any ammunition marking obligations into its regulations. Nonetheless, it has been determined from open sources²¹³ and from information provided by Colombian authorities at the seminars conducted by UNLIREC in that State,²¹⁴ that, in practice, Industria Militar Colombiana -INDUMIL- has been marking military and civilian ammunition differently.

5.56 x 45 mm ammunition for military use includes the producer's code of "IM" (Industria Militar), the 2-digit year of production and the 4-digit lot number. In addition, it is marked by 25,000 cartridge lots and – at the moment of shipment – complete lots are turned over to the security forces, making tracing simpler and permitting identification of the institution to which the ammunition was delivered.

In the case of ammunition for civilian use, only that intended for "personal defence" is marked at the base with the calibre specification of 38, 32 or 7.65 mm and the producer, "INDUMIL". Shotguns, for their part, are marked at the base with the calibre number and on the cartridge body with the producer "Indumil" and the ammunition type (Cóndor, Pijáo or Bochica).

The marking is different for 9 mm calibre ammunition for civilian use, and includes the producer, "IM", the 2-digit year of production, 3-digit lot number, and the calibre. In the case of the remaining ammunition for civilian use, the lot number is marked only on the packages, but not on the cartridges.

²¹¹ Artículo 1 de Portaria N° 62 (2020).

²¹² Artículo 35 del Decreto 83 (2007).

²¹³ Aguirre and Restrepo (2007). *Marcaje y rastreo de munición: Indumil en Colombia*, in CERAC.

²¹⁴ INDUMIL (2019). *Marcación productos Industria Militar*, presentation at the National Seminar on Ammunition Control Measures, organized in Lima, Peru, by UNLIREC on November 13 and 14, 2019.

Dominican Republic

Mandatory marking regulations for the civilian market were enacted in 2007.²¹⁵ Imported ammunition was to bear a marking of at least four digits, the first two corresponding to the letters of the country, the third to the importer, and the fourth letter indicating the lot, related to the number of imports made.

As of August 2016, with the entry into force of the new Law for the Control and Regulation of Arms, Ammunition and Related Materials,²¹⁶ ammunition must be duly identified by means of the marking made by the manufacturer or importer, at the very moment of its manufacture or entry into the country. That marking is made on the cartridge base and includes the following elements: (1) name of the manufacturer, (2) calibre, (3) year of manufacture, (4) lot number related to the number of imports made, and (5) country digits. In the case of ammunition exports, that same information is stamped on the boxes and packaging, together with the importer's name, city and country and the year and month of import.

As a result, the Dominican Republic has gone beyond the stipulations of international instruments by establishing mandatory marking of ammunition in its legislation.

Honduras

Its Act on the Control of Firearms, Ammunition, Explosives and other Related Materials, recently promulgated in 2018,²¹⁷ provides for marking ammunition during import, legibly and unalterably, in a visible place. The only requirement, however, is limited to inclusion of the type of calibre.

Paraguay

Its Law on Firearms, their Parts and Components, Ammunition, Explosives, Accessories and Similar Items,²¹⁸ enacted in 2010, mandates the marking of ammunition with general data about: (1) the name of the manufacturer (2) place and date of manufacture, and serial number, and (3) name and address of the importer. Also included is the marking of ammunition seized, forfeited or confiscated that is assigned for official use.

The regulations for the law,²¹⁹ issued in 2017 by the competent body, the Directorate of War Material-DIMABEL, develop only the marking of imported ammunition assigned for official use, with the Paraguayan national emblem. Nothing is said about conventional ammunition not intended for that purpose, but rather only for consumption by the civilian market.

²¹⁵ Artículo 5 de la Resolución N° 01-07 de la Secretaría de Estado de Interior y Policía (2007).

²¹⁶ Artículos 9 y 10 de la Ley No. 631-16 (2016).

²¹⁷ Artículo 26 del Decreto No. 101-2018 (2018).

²¹⁸ Artículo 52 de la Ley N° 4.036 (2010).

²¹⁹ Artículo 8 de la Resolución N° 228/2017 (2017).

Venezuela

The Act on the Disarmament and Control of Arms and Ammunition (2013)²²⁰ and its regulations²²¹ provide for marking the base of ammunition at the moment of manufacture, with the manufacturer's name, year of manufacture, calibre, lot number, and nomenclature assigned to the recipient by the Bolivarian Armed Forces with competence in arms control, and correlative numbering that individualises each piece of ammunition.

Ammunition used by the Citizen Security Organs and Security Corps that provide policing service is duly marked on the cartridge base with the respective code assigned by the competent Bolivarian National Armed Force responsible for arms and ammunition control.

On the other side, Guatemalan²²² and Panamanian²²³ legislation do not establish mandatory ammunition marking, each box of ammunition that is sold is required to bear the seal of the selling establishment, together with the date of sale.

As we can see, several States have developed the matter of ammunition marking more fully, while others are just beginning to do so. Nonetheless, all of these provisions reflect the importance of an issue which has been a matter of concern to the international community for some time now and is starting to permeate domestic regulations.

2.7.2 Ammunition marking registers

The establishment and maintenance, by the States, of registers of marked ammunition is equally as important as the marking itself. Keeping those records enables ammunition to be located at a later date. In other words, its systematic tracing from manufacturer to buyer. That information can be obtained from the manufacturers, importers, exporters and dealers themselves when applying to the competent authority for their respective permits. There is no doubt that, for this purpose, automation of that record keeping would facilitate rapid attention to national and international ammunition tracing requests.

As for the period during which those registers should be kept, the Firearms Protocol stipulates mandatory registration of firearms for a period of no less than 10 years. Even so, recordkeeping of information about the ammunition collected at the time the licence is granted is needed for locating and identifying ammunition that has been subject to illicit manufacturing or trafficking, as well as for avoiding and detecting those activities. For that reason, it is left to the consideration of the States whether to regulate this control measure in instances they deem to be appropriate and feasible.

²²⁰ Artículo 59 Ley para el desarme y control de armas y municiones (2013).

²²¹ Artículos 122, 158 y 159 del Decreto N° 881 (2014).

²²² Artículo 60 de la Ley de armas y municiones (Decreto número 15-2009).

²²³ Artículo 34 de la Ley N° 57 (2011).

In any case, it should be borne in mind that the provisions of the Firearms Protocol are minimal and that the States are therefore free to establish stricter registration measures.

We shall now examine the Latin American and Caribbean States that have provisions on the establishment and maintenance of registers from which information about marked ammunition is obtained.

Argentina²²⁴ requests that manufacturers send the National Arms Register a monthly report, before the fifth day of each month, specifying the quantities, types and lot numbers of ammunition produced daily.

Bolivian²²⁵ legislation alludes to registers of ammunition marked as of its entry into the country, however, do not stipulate the period of time for which they are to be kept.

Brazil has a National Arms System (Sinarm)²²⁶ under Federal Police control, that contains, among other things, the register of authorised ammunition producers, wholesale and retail dealers, exporters and importers.

It is mandatory for ammunition dealers to send the Federal Police or Army Command data on ammunition sales, for registration in the Sinarm, within 48 hours after the sale. Buyers also have the obligation to report their ammunition purchases within seven days, identifying the producer, importer or dealer from whom the ammunition was purchased.²²⁷

Provisions were issued in 2004²²⁸ about the registers kept by manufacturers and importers, permitting them to make their registers available in real time, starting in 2005, to the Army Command, by virtue of their ammunition marking obligations. Those registers are to be kept for a period of 10 years, after which they shall be definitively transferred, by digital means and using secure methods for transfer of the respective data, to the Army Command and the Federal Police Department. Equal treatment was ordered for ammunition used by the Armed Forces.

224 Artículo 15 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975).

225 Artículo 9 de la Ley No. 400 (2013).

226 Artículos 1 y 2 (IX) de la Ley N° 10.826 (2003).

227 Artículo 3 (2, II) del Decreto N° 9.847 (2019).

228 Artículo 6 y 7 de Portaria N° 16-D LOG (2004).

Ammunition importers authorised by the Brazilian Political Constitution²²⁹ (Federal Police, Federal Highway Police, Federal Railway Police, Civil Policemen, Military Policemen and Military Firefighters Corps) are mandated, after executing customs formalities in the national territory, to report the following information to the Controlled Products Inspection Board (DFPC):

- International import certificate and Import licence numbers.
- **Barcode engraved on the ammunition boxes.**
- **Code used by the manufacturer to mark the cartridge bases.**
- Ammunition lot number and year of manufacture.
- Name of the manufacturer.

In March of 2020,²³⁰ the National System for Monitoring Army-Controlled Products (SisNaR), under the responsibility of the Controlled Products Inspection Board, was created to monitor and trace Army-controlled products, including ammunition used by the Armed Forces of Brazil, across the entire country. Authorised manufacturers and importers were to provide access to their registers, for integration with the SisNaR, and to make a mobile application for recording that sale and locating the respective ammunition available to purchasers. Exporters, dealers and users, for their part, were required to record information about the lifecycle of the ammunition. In other words, their confirmation of having received the ammunition purchased and its location. In both cases, that information was to be kept for a period of five years.

Subsequently, in April of 2020, the provisions issued in 2004 were repealed through an ordinance.²³¹ It was determined that manufacturers, importers, and wholesale and retail dealers should each keep an electronic database updated to identify ammunition manufacturing, import, dispatch, transport, reception, consumption or destruction operations and incidents, and provide access to their databases.

Despite the advances made in regulating ammunition registers, in April of 2020, the ordinance creating the SisNaR,²³² together with the one mentioned in the previous paragraph, were repealed, leaving only the obligations for registration alluded to in Law No. 10,826 and its regulations.

Honduras²³³, on the other hand, has a control system for tracing ammunition by means of its registration on entering the country or at the time of export or domestic production.

²²⁹ *Artículo 144 de la Constitución da República Federativa do Brasil (Texto compilado até a Emenda Constitucional nº 96 de 06/06/2017).*

²³⁰ *Artículo 1 de Portaria Nº 46 – COLOG (2020).*

²³¹ *Artículo 6 y 11 de Portaria Nº 61 – COLOG (2020).*

²³² *Artículo 1 de Portaria Nº 62 – COLOG (2020).*

²³³ *Artículo 3 del Decreto No. 101-2018 (2018).*

Finally, in Venezuela,²³⁴ registers of ammunition manufactured, imported and sold in the country are kept for no less than 30 years through an automated system for which the Bolivarian National Armed Force with competence in arms control is responsible. Registers of sold ammunition must indicate the manufacturers, markings, serial numbers, types, quantity and calibres of the arms for which the ammunition was purchased.

234 *Artículo 51 de la Ley para el Desarme y Control de Armas y Municiones (2013).*

Conclusions

- International instruments do not establish any obligations regarding ammunition marking and, generally speaking, the legislation of the region's countries fails to consider the subject. Nevertheless, adopting policies of this kind contributes to criminal investigation by facilitating tracing processes and minimising the risk of diversion.
- Ammunition marking, despite not having been regulated by international law, is a topic of growing discussion and concern among the States and within the international community. As a result, some countries, such as the Dominican Republic, Brazil, Colombia, Venezuela, Chile and Bolivia have incorporated ammunition marking regulations and/or practices.
- The States that have established the obligation to mark ammunition during its manufacture commonly include one or several of the following elements: the name of the producer, year of manufacture, lot number and calibre.
- The States that mark ammunition keep registers of manufactured, imported and sold ammunition that is authorised in the country, with information about marked ammunition. Efficient management of these registers helps to provide timely attention to national and international tracing requests.

**AMMUNITION
RELOADING OR
RECONDITIONING**



2.8 Ammunition reloading or reconditioning

International firearms and ammunition instruments do not establish any obligations regarding ammunition reloading. This, however, has not impeded States of the region²³⁵ from adopting measures to control this activity in their national regulations.

Now, some of the questions that need to be answered first are what is understood by ammunition reloading and what activities does it involve. It should be added that in Guatemala and the Dominican Republic, the term “ammunition reconditioning” is also used.

That said, we can see that few countries²³⁶ have incorporated the definition of ammunition reloading activities into their legislation. Those who have done so agree in describing this activity as the action by which an authorized person reintroduces a propellant powder, primer and projectile or bullet into the cap of a cartridge that has been previously used, applying special equipment for this purpose.

Based on this definition, it is clear that:

- a. An already used cartridge is employed (one that has been shot).
- b. New inputs are used to reload the cartridge (gunpowder, primer, caps, and bullets).
- c. Special equipment is used, which in the case of Peruvian law²³⁷ is described more fully:
 - Ammunition reloading presses
 - Powder dosers
 - Cap greasers
 - Blocks for diode rectification, cap ejection and projectile settling
 - Reloading scale
 - Cap cleaning device

Ammunition reloading can be dangerous if not duly regulated, because of the introduction into the market of ammunition that is not appropriately controlled.

Special attention will be given to the way in which States have regulated the licencing of individuals and legal entities that perform ammunition reloading activities, security measures on the places where those activities are carried out, registration and authorisation to possess reloading machines, importation of components for the reloading process, and registration of these activities.

²³⁵ Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, and Venezuela.

²³⁶ Bolivia: *artículo 8, literal w) de la Ley No. 400 (2013)*; Venezuela: *artículo 118 de la Ley para el desarme y control de armas y municiones (2013)* y *artículo 147 del Decreto N° 881 (2014)*; Peru: *artículo 124 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN)*.

²³⁷ *Artículo 127 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN)*.

2.8.1 Licencing regime

The legislation of 16 States²³⁸ of the 33 Latin American and Caribbean countries establishes the principle of prior authorisation. In that way, an individual or legal entity wishing to engage in firearm ammunition reloading or reconditioning activities may apply to the arms and ammunition control authority which, shall issue the respective licence. The Caribbean States²³⁹ and some in South America,²⁴⁰ however, have not adopted any legal provisions regulating this matter.

Now then, the States' legislation envisages different types for reloading authorization: commercial and non-commercial. In the cases of reloading for commercial purposes²⁴¹ by authorised individuals or legal entities, it is necessary to possess an operating license for an armoury, a firearms repair shop, a shooting range or a shooting gallery. To obtain a permit for non-commercial reloading,²⁴² on the other hand, it is necessary to hold a firearm owner's permit for hunting or sports. Laws in some States allow for both types of reloading activities and in others, for only one of them.

It is necessary to explain, in this regard, that in the case of services provided by armouries, firearms repair shops, shooting ranges or galleries, they are only permitted to reload ammunition for holders that possess firearm owner's permits for hunting or sports purposes only. Paraguay is the only State of the region that enables the private security sector to reload ammunition. We also found that Argentine legislation does not specify what types of firearm owners' licences entitle their holders to reload ammunition, which leads us to assume that all types would be permitted, but not for commercial purposes, as the regulation expressly stipulates.

Regarding commercial reloading, Mexico²⁴³ and Bolivia²⁴⁴ regulate the procedure to be followed for the sale of reloaded ammunition. This may only take place after the purchaser has shown his/her firearm licence in the form of a permit to reload cartridges. It is necessary to point out, in this regard, that Bolivian law punishes armouries that reload ammunition without asking to see the buyer's ownership and user's licence by revoking their operating licenses.

Another matter of interest is the establishment of limits on sales of reloaded cartridges and inputs for the reloading operation. Such is the case of Mexico,²⁴⁵ which imposes a limit of up to 1,000 cartridges for shotguns or other arms, as well as up to five kilograms of sports gunpowder and 1,000 pieces each of the elements or components of shotgun cartridges or 100 bullets or constitutive elements for cartridges of the other arms permitted.

Some of the region's States²⁴⁶ prohibit the transfer or marketing of reloaded ammunition, in the understanding that these are for the exclusive use of purchasers duly authorised by the competent authority.

238 Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, and Venezuela.

239 Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Vincent and the Grenadines, Saint Lucia, Suriname, and Trinidad and Tobago.

240 Colombia, Ecuador and Uruguay.

241 Argentina, Bolivia, Chile, Cuba, Dominican Republic, El Salvador, Mexico, Nicaragua and Venezuela.

242 Argentina, Chile, El Salvador, Guatemala, Mexico, Panama, Paraguay and Peru.

243 Mexico: *artículo 53 del Reglamento de la Ley federal de armas de fuego y explosivos (1972)*.

244 Bolivia: *artículo 74 del Decreto supremo N° 2175 (2014)*.

245 *Artículo 50 de la Ley federal de armas de fuego y explosivos (última reforma de 2015)*.

246 Dominican Republic: *artículo 27 de la Ley No. 631-16 (2016)*; Guatemala: *artículo 30 de la Ley de armas y municiones (Decreto número 15-2009)*; Panama: *artículo 62 de la Ley N° 57 (2011)*; Paraguay: *artículo 57 de la Ley N° 4.036 (2010)*.

Identifying which individuals or legal entities are entitled to engage in these activities is of basic importance. In the case of legal entities, these are for the most part armouries, shooting ranges, shooting fields, and sports clubs. Some countries even include firearm repair shops.²⁴⁷

In some cases,²⁴⁸ the licences held by armouries permit them to buy the parts and materials they require for the ammunition reloading operation.

A matter that some States²⁴⁹ also regulate is the period of validity of ammunition reloading authorisations issued for commercial purposes, which is one year. The period of validity of the authorisations is an important aspect of national authority control efforts, inasmuch as it makes it possible to verify compliance with the requirements established in the regulation every so often.

2.8.2 Ammunition reloader authorisation requirements and security measures for reloading establishments

As we have seen above, authorisations are issued to both individuals for non-commercial ammunition reloading operations and to individuals and legal entities for commercial reloading. As regards the latter, some States²⁵⁰ of the region, apart from the authorisation issued to the armoury, shooting gallery, sports club, etc., require that the reloader (the reloading machine operator or person involved in pre- or post-ammunition assembly) also be duly authorized.

Review of the region's laws²⁵¹ make it possible to establish that applicants for commercial ammunition reloaders' licences, if individuals, must fulfil the following requirements, among others:

1. Present a police report of good conduct.
2. Pass a medical and psychological examination of suitability.
3. Present a curriculum vitae specifying work experience, practical experience and training in the field of sports ammunition reloading.
4. Present a registration certificate of the sports shooting group of which he/she is a member.
5. Register the machinery and tools to be used in ammunition reloading activities.
6. Present the location map and design plans of the intended ammunition reloading place, including the security arrangements for those establishments.

In the case of legal entities engaged in commercial ammunition reloading activities, like armouries, shooting ranges, and sports clubs, etc., Salvadoran²⁵² and Venezuelan²⁵³ legislation mandates the

²⁴⁷ Argentina: *artículo 16 de la Reglamentación parcial del Decreto Ley 20.429/73 (1975).*

²⁴⁸ Nicaragua: *artículo 70 de la Ley No. 510 (2004); El Salvador: artículo 72 del Decreto No. 25 (2000).*

²⁴⁹ Cuba: *artículo 138-A de la Resolución No. 30 del Ministerio del Interior (2010); El Salvador: artículo 72 del Decreto No. 25 (2000).*

²⁵⁰ El Salvador: *artículo 33 de la Ley de control y regulación de armas (Decreto N° 655 de 1999); Venezuela: artículo 150 del Decreto N° 881 (2014).*

²⁵¹ El Salvador: *artículo 33 de la Ley de control y regulación de armas (Decreto N° 655 de 1999); Venezuela: artículo 150 del Decreto N° 881 (2014).*

²⁵² El Salvador: *artículo 31 de la Ley de control y regulación de armas (Decreto N° 655 de 1999).*

²⁵³ Venezuela: *artículo 151 del Decreto N° 881 (2014).*

security measures to be taken for ammunition reloading premises, with the latter containing more detailed specifications, as follows:

1. The work area must be spacious enough to allow for the movement of reloading machine operators.
2. Only reloading activities are permitted in the work area.
3. Technical specifications must be met in the cases of the flooring material, work table, lighting, and place where lead smelting will be carried out, and security arrangements for the establishments, which must be equipped with fire extinguishers and checked by the fire service.
4. The quantities of gunpowder, primers and other materials that can be stored on these establishments are specified, as are the security measures for that storage.
5. It is necessary to comply with the parameters for the location of the reloading establishments, which must be situated far from where people circulate, heat sources, and excessive humidity and are prohibited from being located in basements or underground rooms.

El Salvador²⁵⁴ established security measures that are checked by the national authority on receiving applications from reloading companies for their respective permits. A Technical Commission created for that purpose is responsible for the security measures. It is important to indicate here that failure to comply with the recommendations of this Commission is sanctioned as gross negligence.²⁵⁵

2.8.3 Reloading machine registration and authorisation for its possession

Very few of the region's States²⁵⁶ have issued provisions for the registration of, and authorisation to possess, an ammunition reloading machine. Countries that have done so grant these permits to *legal entities* authorised to operate reloading premises, namely armouries, shooting ranges, and sports clubs, among others, together with *individuals*, like qualified sportsmen and sportswomen,²⁵⁷ holders of hunting licences or, in the case of Argentina, any holder of a firearm owner's permit, regardless of the modality.

In the case of individuals, use of the reloading machinery is authorised only for the reloading of ammunition in the calibres of arms duly registered by them.

²⁵⁴ El Salvador: artículo 73 del Decreto No. 25 (2000).

²⁵⁵ Artículo 107 del Decreto No. 25 (2000).

²⁵⁶ Argentina, Chile, Guatemala, Panama and Venezuela.

²⁵⁷ Chile: artículo 176 del Decreto 83 (2007).

Insofar as use of the reloading machine is concerned, some States²⁵⁸ prohibit any alteration or change in the ballistic characteristics of the ammunition for reloading.

Below are some of the requirements established by the national authority for registering and authorising use of a reloading machine:

- Accrediting ownership of the ammunition reloading machine, which should specify the brand, model and serial number.²⁵⁹
- Being registered before the competent authority as a hunter or sportsman/sportswoman.²⁶⁰

The Argentine²⁶¹ law even provides for referring to the necessary security measures for operating this equipment.

We can also see that the Venezuelan²⁶² and Argentine States²⁶³ have established measures for marking authorised reloading machines with a single and non-repeatable code. Argentine law stipulates that the marking must be engraved on the equipment frame by an armoury mechanic registered with the national authority and also mandates registration of the reloading machine with the specification of its brand, model and serial number.

Also, according to Guatemalan legislation,²⁶⁴ individuals and legal entities authorised to engage in arms importation, and arms and ammunition marketing are also empowered to import and sell ammunition loading machines after complying with regulatory requirements.

Guatemala²⁶⁵ sanctions possession of ammunition reloading machines without having the necessary authorisation by establishing it as a crime in national law, with imprisonment for from two to five years and confiscation of the machines and materials.

²⁵⁸ Panama: *artículo 62 de la Ley N° 57 (2011)*; Guatemala: *artículo 30 de la Ley de armas y municiones (Decreto número 15--2009)*.

²⁵⁹ Guatemala: *artículo 29 del Acuerdo gubernativo Número 85-2011 (2011)*; Argentina: *artículo 5 de la Disposición 142/07 de la RENAR (2007)*.

²⁶⁰ Chile: *artículo 176 del Decreto 83 (2007)*.

²⁶¹ Argentina: *artículo 7 de la Disposición 142/07 de la RENAR (2007)*.

²⁶² Venezuela: *artículo 153 del Decreto N° 881 (2014)*.

²⁶³ Argentina: *artículo 5 de la Disposición 142/07 de la RENAR (2007)*.

²⁶⁴ *Artículo 41 de la Ley de armas y municiones (Decreto número 15-2009) y artículos 9 y 12 del Acuerdo gubernativo Número 85-2011 (2011)*

²⁶⁵ *Artículo 110 de la Ley de armas y municiones (Decreto número 15-2009)*.

2.8.4 Import of reloading inputs

Import of reloading components or inputs is regulated in the legislation of some Central American States.²⁶⁶ It is authorised by the national arms and ammunition control authority only for sports practice, provided that the applicant is an active and accredited member of a sports club duly recognised by the competent authority.

Even so, imports are allowed without prior authorisation when the maximum legal limit is not exceeded, as in the case of El Salvador,²⁶⁷ which permits imports of up to five pounds of gunpowder, 500 primers, 500 gages and 500 warheads up to once a year. It is also mandatory to inform the national arms control authority within eight days of the import operation for performance of the respective inspections by that authority and the National Police.

2.8.5 Register

An analysis of the region's legislation²⁶⁸ reveals the existence of four kinds of registers of ammunition reloading activities:

2.8.5.1 Registers requested of armouries, shooting ranges, and sports clubs of services provided

This type of register concerns the marketing of reloaded ammunition and reloading materials by armouries, shooting ranges, and sports clubs, among others. Special registers must be used to record the user data, date of the service provided, number of the arm holder's licence, characteristics of the arm, ammunition received and the customer's signature. These books must be made available to the authority when requested.

In some States,²⁶⁹ the national arms and ammunition control authority requires the presentation, by owners of enterprises authorised to reload ammunition, of a bimonthly or quarterly report²⁷⁰ of reloaded ammunition sold and inventory balances. That report is in the nature of a sworn affidavit. Venezuelan law,²⁷¹ in the particular case of sports clubs, shooting fields, galleries and federations, requires the monthly remittance of information about, *inter alia*, consumption of gunpowder and primers, quantity of ammunition reloaded and handed over to sports athletes and a list of reloaded and undelivered ammunition.

266 Costa Rica: artículo 93 del Reglamento a la Ley de armas y explosivos N° 37985-SP (2013); Guatemala: artículo 41 de la Ley de armas y municiones (Decreto número 15-2009).

267 Artículo 35 de la Ley de control y regulación de armas (Decreto N° 655 de 1999).

268 Bolivia, Chile, El Salvador, Nicaragua and Venezuela.

269 El Salvador: artículo 74 del Decreto No. 25 (2000).

270 Bolivia: artículo 74 del Decreto supremo N° 2175 (2014); Venezuela: artículo 156 del Decreto N° 881 (2014)

271 Artículo 154 del Decreto N° 881 (2014).

2.8.5.2 Procurement register of reloading parts and materials requested of armouries, shooting ranges, and sports clubs

Another type of register²⁷² regulated by States contains data about the purchase of parts and materials by armouries and workshops, among others authorised to engage in reloading activities. Once again, it is mandatory for these books to contain detailed information about the use and balance of their ammunition stocks.

In some States,²⁷³ these records must be turned over every month to the competent national authority.

2.8.5.3 Register requested of users

Users who reload ammunition for their own consumption are required to keep registers to be verified by the competent control authority, in which they record the date of acquisition of reloading inputs, amounts of inputs purchased and consumed and remaining stocks, together with the reloading date.²⁷⁴

Some inputs used in reloading activities have been described by Peruvian law²⁷⁵ as follows:

- a. Caps and bases of any material.
- b. Multiple or bare projectiles.
- c. Primer.
- d. Blocks for reloading shotgun cartridges.
- e. Smokeless gunpowder.

2.8.5.4 Registers kept by the national arms and ammunition control authority

- Register of individuals and legal entities authorised to reload ammunition²⁷⁶

In El Salvador, the national arms and ammunition control authority keeps a register of the legal entities, sports clubs, shooting ranges, fields and galleries, and individuals authorised to engage in ammunition reloading activities.

- Register of ammunition reloading machines²⁷⁷

This register established by Chilean law makes it possible to obtain information from authorised owners of ammunition reloading machines.

²⁷² Nicaragua: *artículos 76 y 77 del Decreto No. 28-2005 (2005)*.

²⁷³ Venezuela: *artículo 154 del Decreto N° 881 (2014)*.

²⁷⁴ Chile: *artículo 182 del Decreto 83 (2007)*.

²⁷⁵ *Artículo 127 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN)*.

²⁷⁶ El Salvador: *artículo 8 del Decreto No. 25 (2000)*.

²⁷⁷ Chile: *artículo 10 del Decreto 83 (2007)*.

Conclusions

- 16 of the 33 Latin American and Caribbean States provide for the possibility of reloading ammunition under the principle of prior authorisation. To obtain this permit, it is necessary to possess an arm owner's licence or an armoury, firearm workshop, or shooting range or gallery operating licence.
- Two types of authorisations are granted: reloading for commercial purposes and non-commercial purposes, issued to holders of arms owner's licences. Furthermore, they are granted only for certain activities, like hunting or sports shooting. Alteration of the ballistic characteristics of the ammunition is prohibited.
- Some States regulate security measures for ammunition reloading premises, as well as the security measures to consider for operating reloading equipment.
- Very few States have provisions for the registration, authorisation of possession and marking of ammunition reloading machines.
- Two types of registers have been established by the country's legislation: registers requested of ammunition reloading service users and providers regarding the activities in which they engage, procurement of inputs and materials, consumption, and stocks; and registers kept by the national arms and ammunition control authority on individuals and legal entities authorised to perform ammunition loading activities and reloading machine owners.

AMMUNITION DISPOSAL



2.9 Ammunition Disposal

Several Latin American and Caribbean States²⁷⁸ regulate the final disposal of ammunition, referring to various methods used: destruction, sale, donation and allocation for official use.

In most States, the competent authority responsible for carrying out these procedures is the national authority that controls arms and ammunition, which sometimes coordinates its actions with the Prosecutor's Office, the National Police, the Army and the Court of Justice, so that this process is carried out in accordance with the legislation in force.

Some international instruments establish binding obligations for the final disposal of ammunition. Article 6 of the Firearms Protocol, for example, requires that States, through seizure and destruction, keep ammunition forfeited by reason of its illicit manufacturing or trafficking from falling into the hands of unauthorised persons, unless another form of disposal is authorised and after registration of the methods to be used. The CIFTA, for its part, stipulates that States shall adopt the necessary methods for ensuring that all ammunition seized, confiscated or forfeited as a result of its illicit manufacturing or trafficking does not fall into the hands of individuals or the ammunition trade via auction, sale or other means.

In addition, IATG Module 10.10 “Demilitarisation and destruction of conventional ammunition” delves into technical aspects like the necessary skills of the persons responsible for the destruction process: technologies to be used, depending upon whether the system is open burning, open detonation or industrial demilitarization; or topics related to these processes, including environmental and quality management.

All of these guidelines enable us to gain an understanding of the importance of providing, in national law, for the final disposal of ammunition, specially deteriorated, forfeited and surplus ammunition, in order to minimise the risks of its diversion, theft, and illicit proliferation, as well as of accidental explosion.

Review of Latin American and Caribbean legal provisions on this subject reveals the existence of notable differences among those of the Caribbean subregion and those of Latin America. For that reason, it has been decided to take them up separately in this section.

²⁷⁸ Antigua and Barbuda, Argentina, The Bahamas, Barbados, Belize, Bolivia, Chile, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guyana, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis, St. Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

2.9.1 Final disposal of ammunition in the Caribbean States

The laws of Caribbean countries²⁷⁹ establish grounds that enable the competent authority to destroy ammunition or generically to produce its final disposal, without determining alternative means to its destruction.

Grounds for its destruction are diverse and are presented below in detail:

- Ammunition seized by reason of its illicit manufacturing and trafficking.²⁸⁰
- Ammunition deposited with the police or customs by reason of its entry into the country without the respective permits.²⁸¹
- Ammunition in police custody for reasons other than seizure or a Court order.²⁸²
- Ammunition seized from a person intending to sell or transfer its ownership to third parties for the commission of a crime.²⁸³
- Ammunition seized by the police, whose owner has been unable to be identified.²⁸⁴
- Abandoned ammunition stored on police premises without the Commissioner's express authorisation.²⁸⁵
- Ammunition stored on police premises and uncollected during the three-month period of its temporary storage by reason of the denial of an import or transit licence.²⁸⁶

Grounds can also be found in Caribbean laws for having the authority order the ammunition's forfeiture, but no reference is made to its final use. These grounds are as follows:

- Ammunition seized by reason of its unauthorised possession, manufacturing or sale.²⁸⁷
- Ammunition seized by reason of its unauthorised import, export or transit.²⁸⁸
- Ammunition handed over to the police for safekeeping by executors or administrators of a deceased individual's inheritance, the trustee in a case of bankruptcy, the administrator in the bankruptcy of a person or of a company under liquidation,²⁸⁹ the auctioneer, the bailiff and the legal assistant,²⁹⁰ and not assigned to any person.

279 Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, St. Kitts and Nevis, St. Vincent and the Grenadines, Saint Lucia, Suriname and Trinidad and Tobago.

280 Barbados: Section 6, Firearms Act.

281 Dominica: Section 36, Firearms Act 2011; Saint Lucia: Section 34, Firearms Act 2003; Saint Vincent and the Grenadines: Section 27, Firearms Act, 1995, Chapter 386; St. Kitts and Nevis: Section 7, Firearms Act and Subsidiary Legislation, Chapter 19.05; Grenada: Section 7, Firearms Act; Belize: Section 13, Firearms Act, Chapter 143, Revised Edition 2011.

282 Guyana: Section 6, Firearms Act, Subsidiary Legislation.

283 Antigua and Barbuda: Section 39, Firearms Act; Trinidad and Tobago: Section 38, Firearms Act, Chapter 16:01.

284 Guyana: Section 41-C, Firearms Act.

285 Dominica: Section 41, Firearms Act 2011.

286 Suriname: Article 8, Act of 7 February 1930 (Bulletin of Acts, Orders and Regulations G.B. 1930 No. 73).

287 The Bahamas: Section 40, Firearms Act.

288 The Bahamas: Section 4, Firearms (Amendment) Act, 2011.

289 Antigua and Barbuda: Section 7, Firearms Act; Jamaica: Section 45, Firearms Act (2010); St. Kitts and Nevis: Section 45, Firearms Act and Subsidiary Legislation, Chapter 19.05; Trinidad and Tobago: Section 40, Firearms Act, Chapter 16:01.

290 St. Kitts and Nevis: Section 45, Firearms Act and Subsidiary Legislation, Chapter 19.05; Jamaica: Section 45, Firearms Act (2010).

- Ammunition stored on police premises by the holder of an arm owner's licence absent from the country, who has not made the respective payment for its storage.²⁹¹
- Ammunition in the possession of individuals under Police Supervision Programs (for having been condemned to incarceration), on whom compliance of certain conditions have been imposed, among which are not to have any ammunition in their possession.²⁹²

2.9.2 Final disposal of ammunition in the Latin American States

Destruction of ammunition is regulated by the Latin American countries, together with other systems for its final disposal, such as its sale and allocation for official use.

The most notable grounds for destruction of ammunition by the States are:

- **Ammunition surrendered due to expiration of arms permits.**²⁹³

Persons with expired arms licences must deliver their ammunition to the competent authority for safekeeping or destruction; otherwise, it shall be forfeited for destruction.

- **Surplus Ammunition**²⁹⁴

Honduran law establishes surplus ammunition as being ammunition in the power of a State institution, in a deteriorated condition, damaged, declared as abandoned, that does not correspond to a present or future need of the functions for which it is responsible, or that is related to available materials, and where its accumulation could pose security risks or where it could be the result of a reduction agreement. In those cases, the competent authority is empowered to proceed to its destruction. Peruvian law also authorises destruction of surplus ammunition.

- **Deteriorated ammunition**²⁹⁵

Ammunition that is unusable or in the process of decomposition, damaged or unfit for repair should be destroyed.

²⁹¹ Dominica: Section 47, Firearms Act 2011; Jamaica: Section 45, Firearms Act (2010); St. Kitts and Nevis: Section 45, Firearms Act and Subsidiary Legislation, Chapter 19.05; Saint Vincent and the Grenadines: Section 33, Firearms Act, 1995, Chapter 386; Saint Lucia: Section 36, Firearms Act 2003; Trinidad and Tobago: Section 40, Firearms Act.

²⁹² The Bahamas: Section 32, Firearms Act; Dominica: Section 49, Firearms Act 2011; Guyana: Section 40, Firearms Act; Jamaica: Section 45, Firearms Act (2010). St. Kitts and Nevis: Section 45, Firearms Act and Subsidiary Legislation, Chapter 19.05; Grenada: Section 46, Firearms Act; Saint Lucia: Section 44, Firearms Act 2003; St. Vincent and the Grenadines: Section 33, Firearms Act, 1995, Chapter 386.

²⁹³ Dominican Republic: *artículo 25 de la Ley N° 631-16 (2016)*.

²⁹⁴ Peru: *artículo 41 de la Ley N° 30299 (2015)*; Honduras: *artículo 107 del Decreto 101-2018 (2018)*.

²⁹⁵ Honduras: *artículo 114 del Decreto No. 101-2018 (2018)*; Nicaragua: *artículo 14 de la Ley No. 510 (2004)*; El Salvador: *artículo 65 del Decreto N° 25 (2000)*.

- **Seized or forfeited ammunition**

In the following cases:

- Possession of ammunition prohibited by law or not authorised. In those cases, the competent authority is empowered to proceed to its destruction.²⁹⁶
- Ammunition forfeited by executed judicial decision or seized, whose owner or holder is unknown.²⁹⁷
- Seized or confiscated ammunition, which has not been returned to its bearers or safeguarded by order of the Prosecutor's Office or judicial authority.²⁹⁸
- Ammunition forfeited as a preventive measure in a sanctioning proceeding which, by reason of the seriousness of the violation and for safety reasons, must be immediately destroyed.²⁹⁹
- Ammunition that has been forfeited for violation of the regulations and for failure to pay the fines for such violations.³⁰⁰

- **Ammunition handed over voluntarily³⁰¹**

In cases in which ammunition is voluntarily handed over to the competent authority for destruction or final confinement, the grounds exist for the authority to order its destruction.

- **Unauthorised ammunition³⁰²**

When the holding or ownership of ammunition has not been authorised by the national authority, it must be handed over to that authority for destruction.

- **Ammunition that does not comply with technical and safety requirements³⁰³**

Imported, exported, manufactured and marketed ammunition must comply with certain technical and safety requirements determined by the competent authority. In the event of non-compliance, its destruction shall be ordered and neither the owner, nor the depositary, shall be entitled to any compensation whatsoever.

²⁹⁶ Peru: *artículo 41 de la Ley N° 30299 (2015)*; El Salvador: *artículo 75 y 104 del Decreto N° 655 (1999)*; Nicaragua: *artículo 151 de la Ley No. 510 (2004)*; Paraguay: *artículo 92 de la Ley 4.036 (2010)*; Panama: *artículo 98 de la Ley N° 57 (2011)*; Uruguay: *artículo 7 de la Ley N° 19.247 (2014)*.

²⁹⁷ Chile: *artículo 136 del Decreto 83 (2007)*.

²⁹⁸ Venezuela: *artículo 98 de la Ley para el Desarme y Control de Armas y Municiones (2013)*.

²⁹⁹ Argentina: *artículo 42 de la Ley N° 20.429 (1973)*.

³⁰⁰ El Salvador: *artículo 104 del Decreto N° 655 (1999)*.

³⁰¹ Honduras: *artículo 114 del Decreto 101-2018 (2018)*; Panama: *artículo 98 de la Ley N° 57 (2011)*; Peru: *artículo 41 de la Ley N° 30299 (2015)*; Uruguay: *artículo 7 de la Ley N° 19.247 (2014)*.

³⁰² Nicaragua: *artículo 14 de la Ley No. 510 (2004)*.

³⁰³ Argentina: *artículo 24 de la Ley N° 20.429 (1973)*.

- **Ammunition deposited in the competent authority's ammunition stores or depots³⁰⁴**

Under Paraguayan law, ammunition involved in a legal proceeding shall be destroyed within a period of no more than three years after its deposit in the competent authority's depots, unless it poses an extreme danger, in which case it can be destroyed earlier.

Peruvian legislation³⁰⁵ also provides for the abandonment of ammunition when three years have elapsed without the ammunition deposited in the warehouses of the competent authority having been requested for an investigation by the Judge, the Prosecutor or the National Police.

In that case, before declaring its abandonment, the competent authority shall decide the final destination of the ammunition, which could be its destruction.

In practice, ammunition subject to legal proceedings is often stored by the authority responsible for arms control for long periods, which can pose custody and security problems.

Below we shall describe other forms of ammunition disposal provided for in the legislation of some Latin American countries:

- Allocation for official use:
 - Allocation to the National Police of ammunition that has been confiscated by a final court judgment or administrative order;³⁰⁶ or ammunition that has been seized, confiscated, or is considered surplus or voluntarily surrendered (in the latter case, the ammunition is not for the exclusive use of the Armed Forces or the National Police³⁰⁷). Allocation to national defence institutions or their personnel in the case of ammunition forfeited by executed judicial decision or ammunition seized, whose owner or holder is unknown.³⁰⁸
- Donation to the armed forces, national police, penitentiary institute and accredited shooting clubs of ammunition to be found among their ammunition depots, which is declared by the national control authority to be abandoned.³⁰⁹
- Sale by auction.³¹⁰

304 Paraguay: artículo 93 de la Ley 4.036 (2010).

305 Artículo 70 del Reglamento de la Ley N° 30299 (Decreto supremo N° 010-2017-IN).

306 Nicaragua: artículo 24 del Decreto No. 28-2005 (2005).

307 Peru: artículo 41 de la Ley N° 30299 (2015).

308 Chile: artículo 136 del Decreto 83 (2008).

309 Peru: artículo 31 de la Ley N° 30299 (2015).

310 Peru: artículos 31 y 41 de la Ley N° 30299 (2015).

2.9.3 Ammunition destruction and demilitarisation procedures and methods

IATG module 10.10 refers to ammunition destruction and demilitarisation and defines these concepts as follows:

- **Destruction:** The process of final conversion of ammunition into an inert state so that it can no longer function as designed. Understood as being the physical destruction of ammunition.
- **Demilitarization:** Complete range of processes that render ammunition unfit for its originally intended purpose. Industrial processes are used by this method to demilitarize ammunition and recover the raw materials for recycling or reuse.

States can decide on any method, depending upon their organisational, economic and industrial capacities.

No references to ammunition demilitarisation have been identified in the legislation of the region's countries, only to its destruction, although the procedures for carrying out that activity are not specified. In any case, it is important to stress that the destruction procedures are not always reflected in the legal or regulatory provisions, which goes to say that the States have not yet drawn up protocols for carrying out those processes.

The only express reference to be found in national legislation to that effect is the Nicaraguan provision³¹¹ that stipulates that it is the national arms and ammunition control authority that determines the methods of destruction, as well as safety and environmental impact measures, although these are not further developed. While the regulation expressly mentions firearms, it is to be assumed that said provision refers to ammunition, as well, inasmuch as that State also provides for ammunition destruction obligations.

That legislation also stipulates the formation of a Commission for the destruction of ammunition forfeited by reason of its prohibited ownership or unauthorised use or the unusability or obsolescence of the ammunition. It is made up of representatives of the Ministry of Interior, the Prosecutor's Office, the Office of the Attorney General, the Supreme Court of Justice, the National Police and the Army.³¹²

³¹¹ Artículo 138 del Decreto No. 28-2005 (2005).

³¹² Artículo 136 del Decreto No. 28-2005 (2005).

To that end, the destruction of ammunition shall take place after its inventory, in which the following information is recorded:

- Quantity and lot number
- Records and characteristics of the material for destruction
- Place, date and respective signatures

Bolivia's legislation³¹³ stipulates that the ammunition destruction is to be accomplished in a public act and formalised by means of a duly justified Ministerial Resolution that should contain the following information:

- Characteristics and amount of material for destruction
- Ministry of Defence Testing Laboratory Certification
- An expert police report, if right and proper

2.9.4 Register

Some Latin American and Caribbean States require the keeping of registers of destroyed ammunition, as follows:

- **Records kept by ammunition dealers and gunsmiths³¹⁴**

Insofar as the type of register is concerned, it can be noted that some Caribbean countries require the keeping, by ammunition dealers and gunsmiths with authorisation from the competent authority, of records of the quantities and description of ammunition accepted for destruction. This information should include the names and addresses of the transferring parties and the dates of those transactions.

In some States,³¹⁵ those records are to be sent to the Chief of Police on a monthly or quarterly basis,³¹⁶ before the 15th day of each month. Otherwise, it should be reported that no ammunition was received for destruction. Failure to comply with this obligation is subject to a fine or incarceration, or both.

³¹³ Bolivia: *artículo 36 del Decreto Supremo N° 2175 (2014)*.

³¹⁴ The Bahamas: Section 26 (First Schedule), Firearms Act; Barbados: Section 8, 9 Firearms Act; Dominica: Section 19 (4b, 5, 8), Firearms Act 2011; Trinidad and Tobago: Section 10 (1c, 2), Subsidiary Legislation Firearms Act.

³¹⁵ Barbados: Section 8 (6b, c), Firearms Act.

³¹⁶ Dominica: Section 19 (5), Firearms Act 2011; Trinidad and Tobago: Section 10 (12), Subsidiary Legislation Firearms Act; Saint Lucia: Section 15 (5), Firearms Act 2003.

- **Register for which the national arms and ammunition control authority is responsible**

The law of Trinidad and Tobago³¹⁷ requires the Chief of Police to keep a register of the ammunition destruction operations reported to him/her.

In Honduras,³¹⁸ the competent authority has the obligation to keep a detailed register of the destructions carried out as specified in the records. Each type of ammunition destroyed, together with the final destination of the material resulting from the destruction, is identified in this register.

Argentine law,³¹⁹ for its part, alludes to a register of attached or forfeited ammunition, in which information about its final destination (restitution to the owner or destruction) is recorded. The regulation, however, does not refer to a specific register of destroyed ammunition.

317 Section 21-C (d), Firearms Act.

318 *Artículo 115 Decreto No. 101-2018 (2018).*

319 Argentina: *artículo 1 del Decreto 531/2005 (2005).*

Conclusions

- The final disposal of ammunition is a subject that is regulated in most Latin American and Caribbean States. The forms of disposal most commonly used are destruction, sale, donation, and allocation for official use.
- Latin American provisions regulate cases of destruction of ammunition handed over to the authority by reason of the expiration of the corresponding permits, surplus ammunition, deteriorated ammunition, ammunition forfeited for different reasons, or ammunition that has been abandoned. Other forms of final disposal are provided for, in addition to destruction, such as its sale, donation and allocation for official use.
- Caribbean regulations provide for destruction of ammunition and allude generally to its final disposal without referring expressly to alternative means for its destruction, as we have found in the Latin American countries.
- The laws and regulations of the region's states do not incorporate security procedures or measures for destruction of ammunition, although these may be considered in lower level norms or other protocols.
- National arms and ammunition control authorities have mandatory obligations to record ammunition that has been destroyed; and in the case of the Caribbean countries, ammunition dealers and gunsmiths must register ammunition accepted for destruction.

3. General conclusions

As repeatedly stated, the regulations analysed in this document are those regulating firearms and ammunition whose possession is permitted to individuals. As a result, it does not extend to light weapons or the rest of conventional arms. For that reason, sensitive issues like the management of State stockpile management are beyond the confines of this study.

Nonetheless, a first conclusion to be reached from this review of national legislation is the absence of laws and regulations establishing control measures over the rest of the ammunition: ammunition for light weapons and even for firearms (small arms), to which citizens are not permitted to accede. It is of crucial importance that the States strengthen their regulatory frameworks and essential that - in doing so - they consider the need to differentiate small arms and light weapons.

Another conclusion to be extracted from this review of Latin American and Caribbean national legislation is that the ammunition control measures that have been adopted differ heavily among those States. This is in keeping with the diverse situations in the region, where producer and exporter States coexist side-by-side with others, most of which are essentially ammunition importers and consumers. Dialogue and the exchange of experiences among States could contribute a certain degree of regulatory harmonisation to the situation that would result in more effective control of international transfers and, as a result, the prevention of illicit trafficking in, and diversion of, ammunition.

In the area of international transfers, it is to be emphasised that the region's countries have paid more attention to import control, while there are cases in which the rest of the international transfers, including export, are unregulated or are regulated very laxly. This constitutes an important challenge for the control of these international movements, especially in light of ATT requirements.

Technical aspects of ammunition control areas, like storage or destruction/final disposal have not been found to be deeply regulated. Even so, the fact that this document has constrained its analysis to laws and regulations limits its coverage in analysing the application of technical guidelines in the region.

This document set itself the basic objective of reflecting the region's ammunition control regulations and norms, without undertaking a comparative analysis with the obligations stemming from the international instruments, particularly the Firearms Protocol and the ATT or recommendations reflected in technical guidelines. However, cross-cutting consideration of these mandates - over the course of the review - allow us to affirm that, generally speaking, it is still necessary to redouble efforts for their full implementation and to maximise ammunition control from a regulatory standpoint.

It is evident that some gaps in international ammunition regulations have not found a response on the domestic level, either, with few exceptions. Such is the case of aspects like marking, which some countries of the region are beginning to incorporate, in a reflection of growing interest, is a key issue for facilitating ammunition control and tracing. National legal systems, however, regulate a whole series of issues left unregulated by international law, like domestic marketing. In this sphere, there is a noticeably strong degree of homogeneity in the region with regard to the coordination of basic principles like conditioning ammunition purchases on prior ownership of the corresponding licence, but huge differences in practically all other aspects.

Lastly, the fact is to be highlighted that national provisions in effect tend to extend firearm control measures to ammunition, as well, occasionally in areas where the international regulation only makes a recommendation. This is coherent with the position of the region's countries of addressing ammunition control more broadly on the international scene.

References to national norms

Antigua and Barbuda, Firearms (Amendment) Act, 2015.

Antigua and Barbuda, Firearms Act.

Argentina, *Ley N° 20.429, Ley nacional de armas y explosivos (1973)*.

Argentina, *Ley 27192 que crea la Agencia Nacional de Materiales Controlados, sancionada el 7 de octubre de 2015 y promulgada el 19 de octubre de 2015*.

Argentina, *Reglamentación parcial del Decreto Ley 20.429/73 sobre armas y explosivos (Decreto Nacional 395/75)*.

Argentina, *Ley 12.709 sobre Creación de la Dirección General de Fabricaciones Militares (1941)*.

Argentina, *Decreto 531/2005 (Registro nacional de armas de fuego y materiales controlados, secuestrados o incautados) – Reglamentación de la Ley N° 25.938. Marco normativo para la implementación, puesta en funcionamiento y mantenimiento del mencionado Registro*.

Argentina, *Disposición 142/07 de la RENAR sobre equipos de recarga de municiones – operación de importación, comercialización, adquisición y transferencia (2007)*.

Argentina, *Disposición 36/2016 de la RENAR sobre autorizaciones de importación de armas de fuego, repuestos principales, municiones y otros*.

The Bahamas, Firearms Act.

The Bahamas, Firearms (Amendment) Act, 2011.

Barbados, Firearms Act.

Belize, Firearms Act, Chapter 143, Revised Edition 2011.

Belize, Firearms (International Movement of Firearms, Firearms Parts, Components and Ammunition) (Control) Regulations.

Bolivia, *Ley de control de armas de fuego, municiones, explosivos y otros materiales relacionados (Ley de 18 de septiembre de 2013, No. 400)*.

Bolivia, *Decreto supremo N° 2175 de 5 de noviembre de 2014, que reglamenta la Ley N° 400 de 18 de septiembre de 2013, sobre control de armas de fuego, munición, explosivos y otros materiales relacionados*.

Bolivia, *Decreto supremo 2470 de 29 de julio de 2015 que modifica los artículos 15, 16, 25, 26, 31 y 32 del Decreto Supremo 2175 de 5 de noviembre de 2014, Reglamento de la Ley N° 400 de control de armas de fuego, munición, explosivos y otros materiales relacionados.*

Brazil, *Constituição da República Federativa do Brasil (Texto compilado até a Emenda Constitucional nº 96 de 06/06/2017).*

Brazil, *Ley N° 10.826 de 22 de diciembre de 2003 sobre registro, posse e comercialização de armas de fogo e munição, sobre o Sistema Nacional de Armas – Sinarm, define crimes e dá outras providências.*

Brazil, *Decreto N° 9.847, de 25 de junho de 2019, regulamenta a Lei n° 10.826, de 22 de dezembro de 2003, para dispor sobre a aquisição, o cadastro, o registro, o porte e a comercialização de armas de fogo e de munição e sobre o Sistema Nacional de Armas e o Sistema de Gerenciamento Militar de Armas.*

Brazil, *Regulamento do Produtos Controlados (Decreto N° 10.030 de 30 de septiembre de 2019).*

Brazil, *Portaria N° 16-D LOG, de 28 de dezembro de 2004, Norma reguladora da Marcação de Embalagens e Cartuchos de Munição.*

Brazil, *Portaria N° 61 – COLOG, de 15 de abril de 2020, Dispõe sobre marcação de embalagens e cartuchos de munição, Diário Oficial da União, 17 de abril de 2020.*

Brazil, *Portaria Nº 46 – COLOG, de 18 de março de 2020, Dispõe sobre os procedimentos administrativos relativos ao acompanhamento e ao rastreamento de produtos controlados pelo Exército e o Sistema Nacional de Rastreamento de Produtos Controlados pelo Exército, Diário Oficial da União, 20 de marzo de 2020.*

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