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WORKSHOP PAPER

for

SMALL ARMS PROLIFERATION AND MISUSE: Towards a Caribbean Plan of Action

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EXECUTIVE SUMMARY

Small arms proliferation and misuse

In a 2007 report, the World Bank notes that murder rates in the Caribbean – at 30 per 100,000 population annually – are higher than for any other region of the world. Understandably, mounting fatalities from illegal weapons worry Caribbean policy makers and citizens alike. In the last two years, at least six CARICOM Member States held general elections in which crime and security was a central issue.

The proliferation of illegal small arms threatens the ability of Caribbean states to meet their Millennium Development Goals (MDGs). As the World Bank states, “high rates of crime and violence in the Caribbean are undermining growth, threatening human welfare, and impeding social development.” Crime and violence have become development issues in the Caribbean.

A major factor in the surge of gun-related criminality is the trafficking of narcotics. Illicit drugs are trans-shipped through the region from South America to North America and there is a linked movement of illegal weapons from North America to several destinations in the Caribbean. At the same time, the rise of crime has been characterized by the increased use of more powerful weapons, resulting in higher mortality levels. Caribbean countries exhibit crime patterns similar to other countries where low economic growth has coincided with large populations of young men.

Indeed, youth violence is a high-priority, high-visibility concern across the Caribbean. Youth are disproportionately represented in the incidence and severity of gun violence, both as victims and as perpetrators, and violent crimes are being committed at younger ages in many countries. A wide variety of risk factors contribute to the prevalence of youth violence, including poverty, youth unemployment, large-scale migration to urban areas, drug trafficking, a weak education system, ineffective policing, the widespread availability of weapons, drug and alcohol use, and the presence of organized gangs. Deaths and injuries from youth violence constitute a major public health, social and economic problem across the Caribbean.

The Latin America and the Caribbean region boasts the highest homicide rate of men between the ages of 15 and 29 in the world, more than three times greater than the global average. Across the hemisphere, the communities from which at-risk persons originate and in which the acts of gun-related criminality tend to be concentrated bear many similarities. Called “ghettos” in North America, *barrios marginales*, *villas miseria*, *barrios callampa*, *pueblos jovenes* or *favelas* in Latin America and “garrison communities” in the Caribbean, they tend to be urban, densely populated and underserved, with lower than national levels of most social indicators and standards of living.

Much of the work which seeks to reveal the use and impact of small arms and light weapons in the region has highlighted the masculine perpetrator and victim. Although this is a legitimate space of inquiry, it is important to recognize that a more integrated approach requires an understanding that “masculinity does not exist except in contrast with femininity.” The lives of Caribbean men and women are influenced by the gender disparities and structural inequalities which persist in many facets of Caribbean life. In a post- “structurally adjusted” Caribbean region, and as a result of shifting trading arrangements, there remains a persistent challenge of how the economies of the region are to be positioned to address the challenge of growing levels of poverty. The larger economic shifts have seen the growth of the commoditisation of violence over the years.

Commoditisation of violence speaks to the fact that an increasing number of citizens have had to rely on criminal violence of various kinds as a means of livelihood.

Towards a Caribbean plan of action

CARICOM member states are politically bound by the 2001 *United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (UN PoA) which identifies initiatives and activities required at the national, regional and global levels. Yet, since 2001 only a third of CARICOM members have provided a national report on implementation of the PoA to the Office of Disarmament Affairs and only one state, Trinidad and Tobago, has provided more than one report.

The 2004 report by Trinidad and Tobago describes “regional efforts geared towards reducing crime” through two mechanisms -- the CARICOM Taskforce on Crime and Security and the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS). The CARICOM Taskforce report in 2002 contained 113 recommendations on research, collaboration between government and civil society, strategic interventions based on training and capacity-building, and a financing strategy for sustained funding. Many Taskforce recommendations coincide with commitments arising from the UN Programme of Action.

CARICOM member states are also members of the Organization of American States. In 1997 the OAS adopted the *Inter-American Convention Against the Illicit Manufacturing Of and Trafficking In Firearms, Ammunition, Explosives, and Other Related Materials* (CIFTA). With the exception of Montserrat, all CARICOM members have since signed CIFTA. All but Guyana, Jamaica, Montserrat, St. Vincent and the Grenadines, and Suriname have ratified the treaty but only three of the 10 CARICOM states parties have reported a “Point of Contact” for cooperation and information exchange.

In keeping with the UN PoA, which encourages regional initiatives, a number of sub-regions affected by small arms violence have taken steps to advance regional action on small arms. These regions include the MERCOSUR states of South America and the Great Lakes and Horn of Africa Region of East Africa. CARICOM states could benefit from the experience and lessons-learned of such sub-regions.

The MERCOSUR sub-region of Latin America contains states with some of the highest rates of gun violence in the world. A recent report has noted factors that are relevant to the issue of gun violence in MERCOSUR: the volume of legal imports into the region is high; the region’s geography is characterized by porous borders; and there is a high demand for arms as a result of gangs, drug dealers and other illicit actors with large financial resources. Many countries in the sub-region have legal systems not adequately equipped to deal with these problems and additionally often lack enough judges, police officers and professionals in the judicial and security sectors to enforce the laws that do exist.

The MERCOSUR region has produced its own instruments of small arms control. The *MERCOSUR Joint Mechanism for Registering Buyers and Sellers of Firearms, Ammunition, Explosives and Related Materials* was the first sub-regional agreement on firearms. Since 2000, the *MERCOSUR Working Group on Firearms* has met every few months to strengthen regional cooperation on firearms issues and to harmonize relevant legislation across the region.

In East Africa the 2000 *Nairobi Declaration* on illicit small arms calls for a “concrete and co-ordinated agenda for action” in the sub-region to promote human security. It is worth noting that the declaration gives particular attention to the *civilian possession* of small arms and light weapons, an important concern that was regrettably omitted from the UN Programme of Action. The declaration also emphasizes the need for control of the *transfer* of small arms and light weapons. Given the history of the sub-region, this largely means effective control of arms transfers by supplier states outside the region. The declaration notes that “source countries” should ensure that all manufacturers, traders and brokers are subject to regulation through licensing.

The *Nairobi Protocol*, in contrast to the Nairobi Declaration, is a legally-binding sub-regional agreement that was subsequent to the UN Programme of Action. Signed in 2004 by 11 states, the Nairobi Protocol is a stronger instrument than both the Nairobi Declaration and the UN Programme of Action, not least because it is legally-binding commitment rather than a political agreement. It includes key provisions omitted from the UN Programme of Action such as important measures to control civilian possession of small arms and light weapons. The *Best Practice Guidelines* for implementation of the Nairobi Protocol cover five major areas of work related to the prevention and amelioration of armed violence. These are: stockpile management and disposal; small arms transfer controls; tracing and brokering of weapons; public awareness and education; and legislative measures and assistance.

The impacts of illicit firearms use in the Caribbean argue for a shared regional response. A CARICOM instrument on small arms could be a declaration, political agreement, or even a treaty, according to the perceived urgency, and level of commitment, of Caribbean states. Regardless of its form, there are basic elements necessary to an effective and comprehensive instrument. These elements should be based on the specifics of the illicit firearms problem in the Caribbean region, on the existing commitments of CARICOM member states, and on the experiences of other regions.

The instrument should reference the Caribbean issues and concerns with respect to illicit trafficking and use of small arms that give rise to the need for a regional response. Given the central role now played by the UN Programme of Action in the international response to small arms proliferation and misuse, implementation of the PoA should be central to any Caribbean instrument on small arms. There are other multilateral agreements and instruments signed by Caribbean states that also are pertinent. Finally, a CARICOM instrument would need to set out commitments for small arms control that reflect the particular conditions, concerns and capacities of Caribbean states. These could include a coordinated agenda for action with civil society, a working group on small arms issues, and the harmonization of relevant national legislation and action plans.

The Caribbean, small arms and gun violence

Caribbean societies have the distinction of being the recipients of illegal small arms at a rate that has consistently increased over the last decade despite numerous costly and varied interventions by governments. The uniqueness of the Caribbean situation is linked to the twinning of narcotics and illegal guns. The situation which exists between Jamaica and Haiti in which illegal drugs are traded for illegal weapons is a worrying development for law enforcement agencies since the precedent could encourage other inter-regional trading in drugs and guns.

The supply of illicit small arms and narco-trafficking are both made possible by the porous borders of the region. The established supply routes are well known but not well patrolled due to resource constraints suffered by all countries. A recent report makes reference to the distribution sources in the region as Haiti and Jamaica, which move illicit weapons southwards throughout the Caribbean, and Suriname, Guyana and Trinidad and Tobago with routes in the reverse direction. St Lucia, St Vincent and Martinique are another grouping and St Vincent, Antigua and St Marten form an eastern Caribbean arrangement.¹

The report also notes that small arms are manufactured legally in several Latin American countries and smuggled from countries such as Venezuela, Brazil, Colombia, Mexico and the Dominican Republic into the archipelago. Weapons from the United States and Canada also are transported southward following the sale of the illegal drugs which make their way through the Caribbean from south and central America to north America.

Mounting fatalities from illegal weapons, especially among young men, worry Caribbean policy makers and citizens alike. In the last two years, at least six CARICOM Member States held general elections. Crime and security was a priority issue in each of these elections and some analysts suggest that the issue was at the core of the demise of several incumbent governments. The illicit trafficking and misuse of small arms and light weapons in the region is widespread and has taken a development toll.

Small arms and development

In the Caribbean, the proliferation of illegal small arms threatens the region's ability to meet its Millennium Development Goals (MDG). The intractable difficulties related to the region's failure to meet its development goals will impose high levels of social and economic decay and recalcitrant populations. The combination of small arms availability and demand in the region presents a disconsolate scenario for a region characterized by its vitality and creativity.

The proliferation of small arms, and munitions and explosives has also aggravated the violence associated with terrorism and organized crime. Even in societies not beset by civil war, the easy availability of small arms has in many cases contributed to violence and political instability. These, in turn, have damaged development prospects and imperilled human security in every way. *Kofi Annan, UN Secretary-General*

In June 2006, government ministers and representatives from forty-two countries representing all regions of the world agreed to ***The Geneva Declaration on Armed Violence and Development***. Jamaica represented the Caribbean region at the meeting. The meeting agreed to promote active

partnerships between governments, international organizations and civil society. The Declaration signatories “will strive to achieve, by 2015, measurable reductions in the global burden of armed violence and tangible improvements in human security worldwide”.

The Geneva Declaration is relevant to the Caribbean context in its approach to linking armed violence and development. Crime and violence are development issues in the Caribbean. This position has been articulated in several regional discussions at the government and civil society levels and was reinforced in the 2007 World Bank and the UN Office on Drugs and Crime report on *Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean*. According to the World Bank, “the report clearly shows that crime and violence are development issues”. The report further states, “High rates of crime and violence in the Caribbean are undermining growth, threatening human welfare, and impeding social development.”

CARICOM views security in the Caribbean as a multi-dimensional phenomena. Consequently, security has been designated a fourth pillar of the Community. At the 2007 “Conference on the Caribbean: 2020 Vision” held in Washington D.C, CARICOM governments and the Caribbean Diaspora Community identified crime and violence as barriers to economic development in the region.

Growing rates of crime and gun violence are a substantial barrier to economic development in the Caribbean, and one of the factors leading to high emigration of skilled persons from the Region. Intense collaborative efforts should be made with the US Government to limit the drug trade, to decrease export of guns from the US to the Caribbean, and to develop programmes in the Caribbean to address rising crime and violence. These efforts should include promotion of poverty reduction, greater family cohesion, and more effective methods to promote competency-based education and to reduction of delinquency. *Conference on the Caribbean 2007*

The impact of crime on overall economic growth can also be estimated using cross-country panel data. Results from this kind of analysis suggest very large potential gains from reduction in violence for Haiti and Jamaica. Both countries could boost annual economic growth per capita by 5.4 percent if they were to bring their homicide rates down to the levels of Costa Rica. Guyana and the Dominican Republic would also benefit substantially, with potential growth rate increases of 1.7 percent and 1.8 percent, respectively.²

Small arms and crime

Over a period of 20 years, 1980–2000, crime rates in the world increased by about 30 per cent, from 2,300 to over 3,000 crimes per 100,000 people. Over the past five years, 60 per cent of all urban residents in developing countries have been victims of crime.¹

The fear of crime and violence is pervasive in both developed and developing countries.

According to the World Bank², murder rates in the Caribbean — at 30 per 100,000 population annually — are higher than for any other region of the world and have risen in recent years for many

¹ *Global Reports on Human Settlements, Crime and Crime and Violence at a Glance – UN Habitat*

of the region's countries. Assault rates, at least based on assaults reported to police, are also significantly above the world average. The data for several countries shows that not only have levels of crime and violence increased, but so too has the use of weapons in criminal acts. The profile of these incidents has also changed, with increased use of more powerful weapons resulting in higher mortality levels. The escalating violence in the region has introduced a level of fear and insecurity never before experienced. This violence has resulted in families being traumatized and communities being under siege. Law enforcement has been seriously challenged by the new wave of rapid and senseless killing.

A most disturbing reality is that young people are also disproportionately represented in the incidence and severity of this trend, both as victims and as perpetrators. Moreover, violent crimes are being committed at younger ages in many countries.

During the last decade, and continuing, a number of Caribbean countries have experienced steadily increasing incidence of gun use in the commission of violent crimes. This problem is particularly acute in Jamaica, Trinidad and Tobago and Guyana, but is not restricted to these countries. The CARICOM Task Force on Crime and Security's report on the proliferation of small arms and light weapons (SALW) in the Caribbean³ identified three levels of SALW proliferation in the region: countries with *established* high levels and patterns of armed crime (Jamaica); countries with *emerging* high levels of armed and organized criminality (Guyana, Trinidad and Tobago); and countries with *indications of increased use* and availability of small arms (Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines).

While this section aims to provide a statistical picture of the extent of violence and of armed violence in particular, the unavailability of data for the entire region results in a presentation of those island states for which data is available.

Jamaica

During the four year period 1997-2000, 2361 reported murders, 6,812 robberies were committed with the use of firearms. This represents 65% and 62% of these categories of these crimes respectively. 4,642 shootings were also recorded. In 1990, 50% of all reported murders and 57% of all robberies involved firearm use, in 2000; these proportions had increased to 61% and 68% respectively.

In 2004, an average of four murders was committed each day in Jamaica. A total of 1,471 persons were murdered during the year. Access to weapons (mainly the gun) and poor conflict resolution skills play a major role in the number of murders and violence-related injuries in the island. **Figure 1** provides a graphical representation of murders per 100,000 by parish while **Figure 2** provides a graphical representation of arrestees per 100,000.

² *Crime, Violence and Development: Trends, Costs and Policy Options in the Caribbean – A Joint Report by the United Nations Office on Drugs and Crime and the Caribbean Region of the World Bank, March 2007*

³ *Report of the CARICOM Regional Task Force on Crime and Security, September 2002.*

Figure 1. Murder per 100,000 by Parish in 2004 - Jamaica⁴

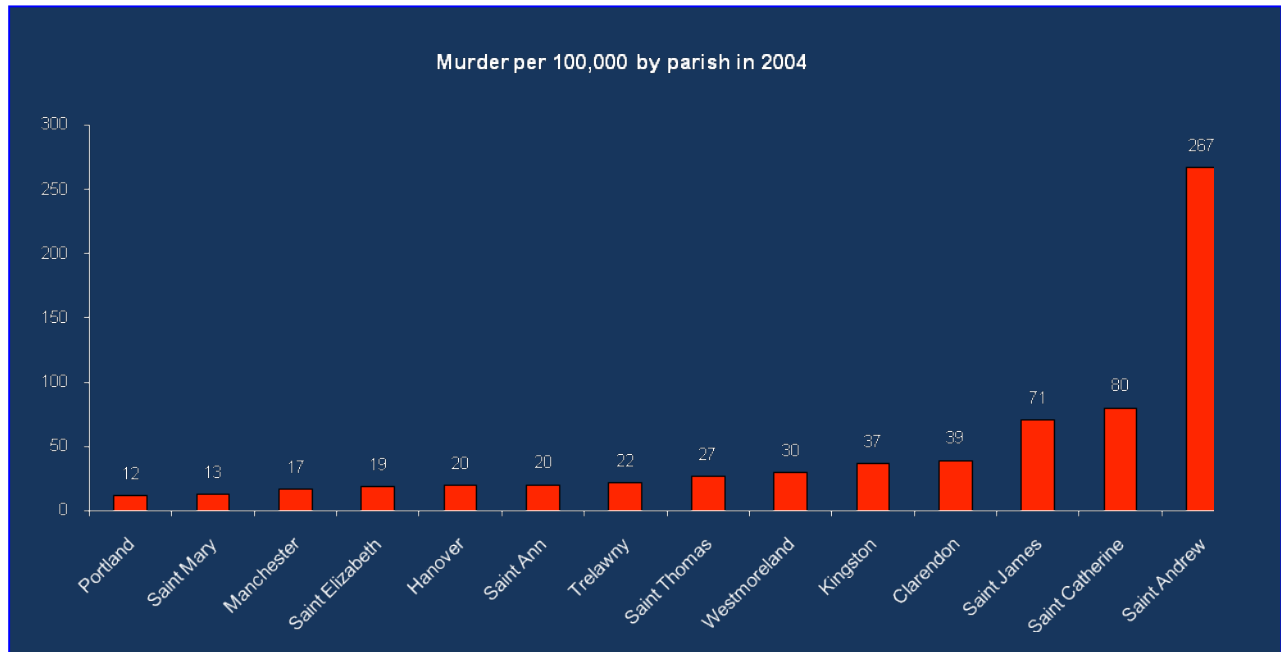
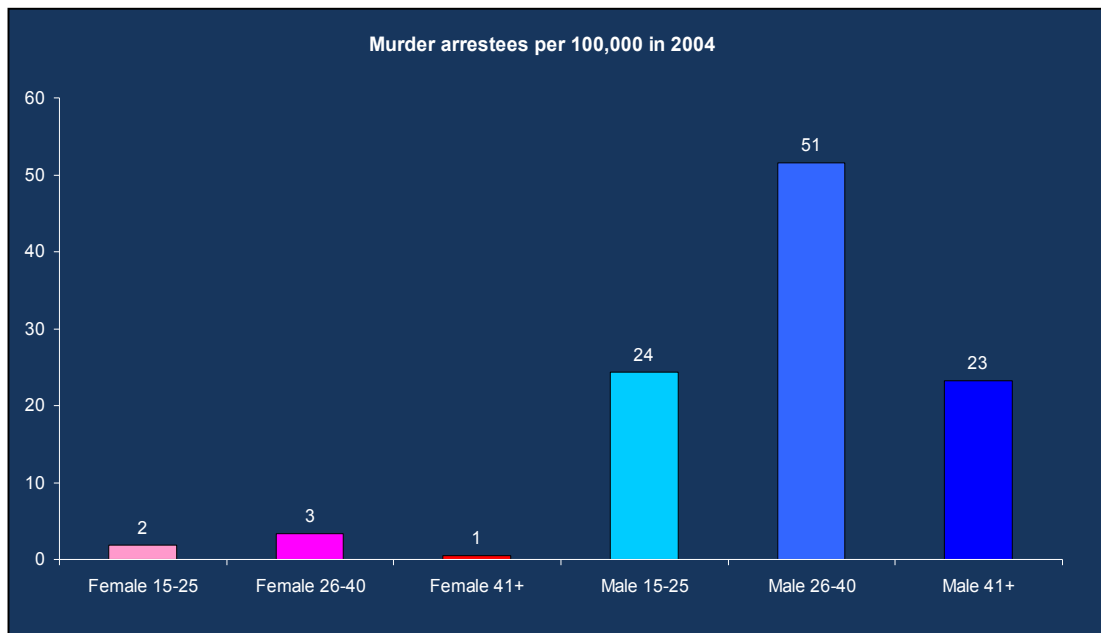


Figure 2. Murder Arrestees per 100,000 by age in 2004⁵.

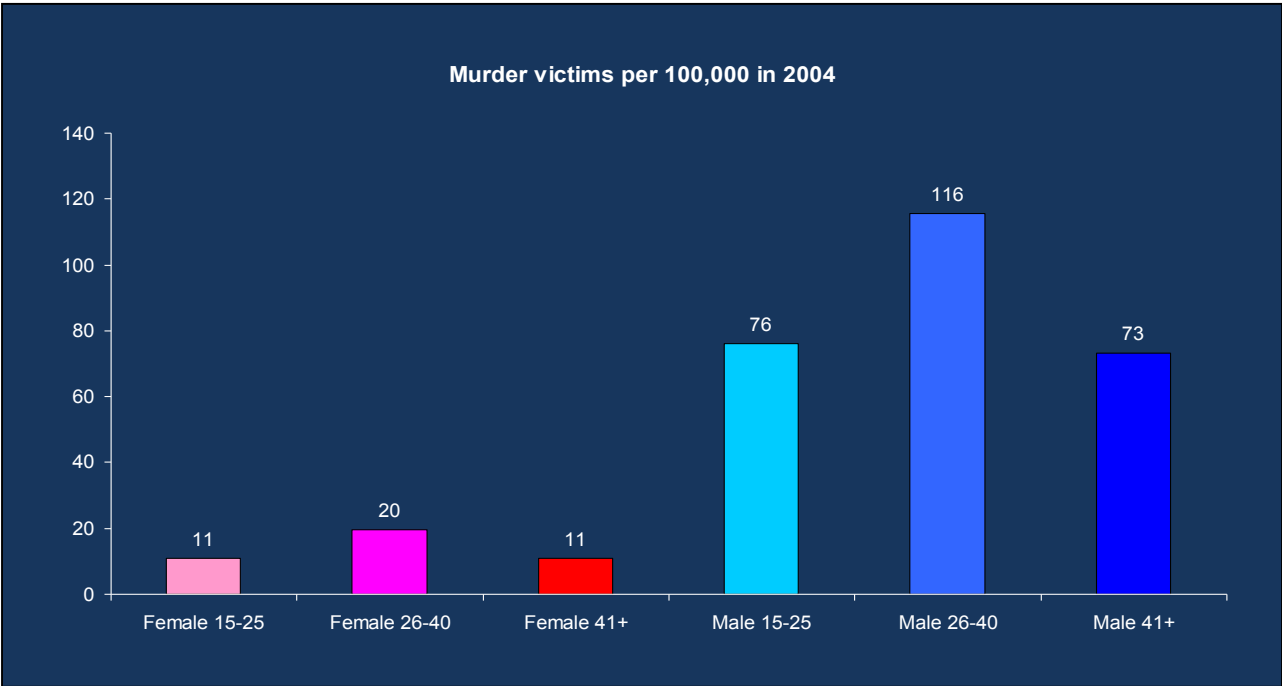


⁴ Presentation by the United Nations Office on Drugs and Crime at the Consultation on “Reducing the Impact of Small Arms and Light Weapons on Children and their Communities, 5-6 March 2008, Kingston, Jamaica

⁵ Ibid

Figure 3 provides a graphical representation of murder victims per 100,000 by age in 2004.

Figure 3. Murder Victims per 100,000 in 2004⁶



In an effort to stem the tide of violence caused by the easy availability and accessibility of firearms, the Jamaican authorities focus their efforts on tracing the sources of illegal arms which have been seized, mount interdiction efforts on areas used as conduits and pay special attention to the local markets and gang activities in Jamaica.

An average of 500 firearms is seized annually and a variety of methods are used for concealment including in open areas/grounds; in houses/premises and in conveyances/vehicles. Authorities note the existence of a thriving “gun for drugs trade” between Jamaica and the following:

⁶ *Ibid*

Country	Factors
Haiti	<ul style="list-style-type: none"> - Availability of low cost, low quality marijuana in Jamaica and high demand for guns - Availability of guns and high demand for marijuana in Haiti
Colombia	<ul style="list-style-type: none"> - Long believed that guns that come in through this vector is solely for protection while at sea and then left in Jamaica - However, Seizures have shown otherwise - Larger quantities than would be necessary for protection - Many high powered weapons - Usually new weapons
Honduras	<ul style="list-style-type: none"> - Most recently identified vector - Intelligence picture not yet fully understood - Honduran fishermen diversify operations by satisfying the high demand for weapons in Jamaica

Trinidad and Tobago

In Trinidad and Tobago, the trafficking in narcotics has been noted as a major factor in the increasing availability of and accessibility to firearms and the consequent rise armed violence. As noted for the rest of the region firearms that are required for protection of contraband during transportation are smuggled along with drugs. Unlike illicit drugs, they are not destined for North American or European consumer markets and therefore remain in the country to satisfy an ever-increasing demand for their use.

A pattern of steadily increasing violence within the last decade has also been noted. During the period 2000 to 2007 the incidence of murder increased by 229%. In 2000, some 61 murders, or 50% of all cases of murder, were committed with the use of firearms. In 2007, 78% (302) of the total of 388 murders were committed with the use of firearms.

Table 1. Proliferation of firearms in serious crimes (total population)⁷

	2004	2005	2006	2007*
Homicides	195	272	269	51
Robberies/Aggrav.	426	1,634	2,039	461
Shooting	122	121	144	53
Robbery/Violence	347	407	490	117
Wounding/Intent	125	299	510	48
TOTAL	2,205	2,733	3,452	730

* At 23 April 2007 Source: Trinidad and Tobago Police Service

It is a well known fact that the great majority of victims of gun violence are men, more especially young men; much of which has been attributed to the existence of gangs and related gang rivalry. A brief examination at the phenomenon of gangs reveals that the perpetrators and victims belong to the same demographic group and normally range between ages 15-30 years. There is anecdotal evidence of this gang-type culture among the student population in schools throughout the country.

Table 2 provides a breakdown of murder victims by gender for the period 2004 to 2007 and indicates that during the same period **1,401** Trinidad and Tobago nationals were murdered.

Table 2. Murder Victims by Gender 2004-2007

YEAR	VICTIMS	
	Males	Females
2004	234	27
2005	349	37
2006	326	44
2007	362	22
TOTAL	1,271	130

Source: Trinidad and Tobago Police Service

The phenomenon of youth induction into criminal activity at or before the age of 15 calls for the consistent and sustainable programmes for youth development. **Figure 3** provides statistics on the involvement of children in serious crimes for 2002-2006.

⁷ *The Impact of Small Arms on Children and Adolescents in Central America and the Caribbean: A Case Study of El Salvador, Guatemala, Jamaica and Trinidad and Tobago, May 2007*

Table 3. Child involvement in serious crimes (2002- 2006)⁸

Crime	2002	2003	2004	2005	2006
Murder	7	4	2	1	-
Wounding	44	5	8	21	46
Sexual offences	18	3	8	18	37
Drugs	285	95	97	158	285
Firearms	29	3	10	99	55
Robberies	64	25	32	46	55
Breakings	66	43	41	27	53
Other	279	117	66	106	279

Source: Trinidad and Tobago Police Service

Guyana

In Guyana, the picture is not very different. Statistical data points to both an increase in armed criminality and the involvement of youth in violence. Tables 4 and 5 refer respectively.

Table 4. Types of Firearms used in Robbery 1996-2006

Type	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
Shotguns	287	315	247	142	159	307	552	514	371		n.a	2894
Revolvers	8	19	24	7	5	0	3	78	76		n.a	220
Pistols	4	14	91	13	3	5	211	60	287		n.a	688
Rifles	0	0	1	0	0	0	41	0	5		n.a	47
	299	348	363	162	167	312	807	652	739	13	n.a	3862

Table 5. Major Crime Committed by Youth

Crime	1997		1998		1999		2000		2001		2002		2003		2004		2005		2006	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
Manslaughter\Murder	0	3	0	0	0	0	0	0	0	0	0	0	1	0	4	0	0	3	3	
Grievous Bodily Harm	2	10	0	17	2	8	0	3	0	14	0	9	0	0	4	0	3	1	4	
Assault	1	24	11	27	15	15	2	17	0	0	3	10	0	23	2	15	7	25	0	0
Rape and indecent assault	0	0	2	2	0	4	0	2	0	1	0	14	0	0	0	7	0	2	0	0
Attempted Murder/suicide	0	0	0	0	0	6	0	0	0	0	0	0	0	0	0	3	0	0	0	0

⁸ Ibid

In 2005, Guyana's President presented a comprehensive five-year plan which details a number of interventions which aims to create a safer environment and to equip the Police Force with the skills and intelligence in dealing with crime related activities. The enhanced interventions include:

- **Gun control:**
Enhanced security at ports of entry to detect any illegal smuggling operations.
Review of legislation is ongoing to allow for crimes executed using guns to be treated more seriously.
- **Heighten attention to vulnerable and at-risk groups:**
Specific emphasis on the implementation and enhancing of the national training Programme for Youth empowerment and the Youth Entrepreneurial Skills Training (YEST)
- **Heightening stakeholders' involvement in implementing crime prevention and crime fighting measures**
- **Establishment of a National Commission on Law and Order**
- **Creation of Community Policing Ministerial Unit**
- **Greater NGO Involvement In Crime Prevention**
- **Introduction of the Neighbourhood Police**
- **Penal Reform with emphasis on correction and reintegration**
- **Strengthening law enforcement agencies**

Even in the traditionally more peaceful islands of the Caribbean violence and armed violence in particular has been on the increase. In the Organization of Eastern Caribbean States, which consists of Anguilla, Antigua and Barbuda, Dominica, Grenada, Montserrat, St Kitts and Nevis, Saint Lucia, and St Vincent and the Grenadines the average murder rate rose sharply from 15.7/100,000 in 2004 to 19.9/100,000 in 2007, despite relatively strong economic growth and falling.⁹

Gender and gun violence

The Caribbean is not in an active state of war; the overt use of small arms and light weapons then, is a direct product of the socio-cultural, socio-economic and political reality playing itself out in the life of different groups of people. Therefore any attempt to discuss the social reality of the excessive use and misuse of small arms should do so in a manner cognizant of the ways in which gender norms shape this interaction. This is imperative because, at the heart of the pervasive social context is the fact that Gender is a way in which social practice is ordered (Kaufman, 2003: 73).

Gender should be understood within the context of the conduct of everyday life and its organization. Accordingly, "gender refers to the cultural expectations and social arrangements by

⁹ *Economist Intelligence Unit Briefing, March 20th 2008*

which women and men have different experiences in society” (Andersen, 2006: 16). This definition brings to the fore integral factors which give life to gender in our everyday lives, the most important of which is the fact that all aspects of our lives -- our thinking, our interaction and our life chances are influenced by gender. Gender affects the lives of both men and women.

Issues of gender are important to an organization such as WINAD because, within the Caribbean context, although equality of men and women is a de jure legal reality the defacto actuality produces a different experience. To ensure that work of organizations such as WINAD remains relevant to lived reality, gender must be central to the analysis undertaken. The lives of Caribbean men and women are influenced by the gender disparities and structural inequalities which persist in many facets of Caribbean life. These inequalities act as vectors for many of the social ills which challenge our development. Inequity and inequality are manifest in areas like earnings, the likelihood of poverty, the risk of violence and advancement. These are exacerbated within the region when cross cutting factors such as race and class are added to the analysis.

Much of the work which seeks to reveal the use and impact of small arms and light weapons in the region has highlighted the masculine perpetrator and victim. Although this is a legitimate space of inquiry, it is important to recognize that the view is an unbalanced one. A more integrated approach requires an understanding that “masculinity does not exist except in contrast with femininity.”³ This understanding is important to a deepening of the discourse on reducing the violence and movement of these weapons. To date, much of the investigation has examined the place of a working class representation of masculinity within the larger context of the movement of small arms.

This representation draws on particular trends which are seen throughout the movement of small and light weight weapons within the region. In a post- “structurally adjusted” Caribbean region, and as a result of shifting trading arrangements, there remains a persistent challenge of how the economies of the region are to be positioned to address the challenge of growing levels of poverty. The larger economic shifts have seen the growth of the commoditisation of violence over the years. Commoditisation of violence speaks to the fact that an increasing number of citizens have had to rely on criminal violence of various kinds as a means of livelihood.⁴

Some preliminary figures create an understanding of the phenomenon over the years. In Jamaica the homicide rate was approximately seven per 100,000 people: by the 1980s it was 23 per 100,000. During 1961-62 there were 183 homicides in Jamaica. In 1989-1990 there were 981, while in 1996 there were 922 homicides (Moser et. al., World Bank: 1). In Jamaica, like the other territories⁵ struggling to come to terms with the growth of violence and the use of small arms and light weapons, there are some persistent trends. These trends include the following:

- The violence is not confined to urban areas or poor people, violent crime tends to be geographically concentrated in poor urban communities. (One example of this in the Jamaica context -- in 1994 80 percent of the shootings took place in the Kingston, St Andrew or Spanish Town.)
- Both victims and perpetrators of violent crime tend to be young men who account for 60 percent of all arrests for murders.
- 21 to 25 year olds are the leading group arrested for all serious crime. (Ibid: 2)

In recent years the ease of access of small arms throughout the region has created for many young men within the poor communities a powerful militarization-masculinism nexus (Cock, 2001: 6). This nexus sees guns being evoked with contested social meanings and identities, with the resultant violence a part of a system of domination controlled by young males. It is important to note that the gun culture which has evolved is not a fixed, ahistorical entity, it is based on a set of highly heterogeneous resources which are used selectively by members of different groupings.

CARICOM and international action on small arms and light weapons

The persistent and lethal impact of the small arms plague in the region has forced Caribbean decision makers to align CARICOM to the global movement to control the spread of weapons. CARICOM states have made important commitments as part of their participation in a number of global and regional instruments intended to reverse the dire consequences of the illicit trafficking and use of small arms. These instruments include the *United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (UN PoA), agreed in New York in 2001.

The UN Programme of Action on small arms

The UN PoA was approved following a meeting of UN member states that was gravely concerned about the humanitarian and socio-economic effects of the illicit trade in small arms on children, women, the elderly and other disadvantaged populations as well as the link between trafficking in drugs and trafficking in small arms. In its attempts to reduce the human suffering caused by the illicit small arms trade, the PoA recognizes the rights and responsibilities of governments to provide security for their populations,

Believing that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects and, accordingly, should intensify their efforts to define the problems associated with such trade and find ways of resolving them. (UN PoA: I:13)

Cooperation with civil society is encouraged in the PoA to ensure coordination, partnerships at all levels, and synergy in the varied efforts, including action-oriented research, to deal with the illicit trade in small arms through the implementation of the PoA.

CARICOM member states are politically bound by the UN PoA which identifies initiatives and activities required at the national, regional and global levels. At the national level, the PoA tasks UN member states with, *inter alia*, establishing a national point of contact “to act as liaison between States on matters relating to the implementation of the Programme of Action.” As shown by Table 1, to date seven Caribbean states, less than half of CARICOM members, have designated a national point of contact and notified the UN Office of Disarmament Affairs. Similarly, the PoA calls for national coordination agencies or bodies “responsible for policy guidance, research and monitoring” of efforts to control small arms trafficking and misuse. Yet, as of the 2006 PoA Review Conference, only one CARICOM member state, Haiti, had reported a national coordination mechanism.⁶ Although under half of states worldwide have established national coordination mechanisms (90 in total), the situation in the Caribbean is markedly low and suggests a significant sub-regional disengagement from the UN Programme of Action process. This view is reinforced by the fact that since 2001 only a third of CARICOM members have provided a national report on implementation

of the PoA to the Office of Disarmament Affairs and only one state, Trinidad and Tobago, has provided more than one report.

Similarly, the region has not been represented in any of the major committees set up to explore the various aspects of the PoA except in the case of Jamaica which sat on the UN Group of Governmental Experts (GGE) on tracing illicit small arms. Two related recent UN expert groups also do not have CARICOM representation i.e. the GGE on Ammunition and the GGE on the Arms Trade Treaty. Ammunition, in particular, is a major source of concern for CARICOM and in missing participation on the recent Group of Governmental Experts, the region has once more missed the opportunity to provide expertise on a matter of regional interest.

Table 1: CARICOM member states and the UN Programme of Action on Small Arms

CARICOM member state	Report on implementation of UN PoA						National Point of Contact 2007
	2002	2003	2004	2005	2006	2007	
Antigua & Barbuda							Yes
The Bahamas							
Barbados		Yes					Yes
Belize							
Dominica							
Grenada			Yes				Yes
Guyana							
Haiti		Yes					Yes
Jamaica				Yes			Yes
Montserrat							
St Kitts & Nevis							Yes
St Lucia							
St Vincent & the Grenadines							
Suriname							
Trinidad & Tobago		Yes	Yes				Yes

Source: UN Office of Disarmament Affairs (<http://disarmament.un.org/cab/salw.html>)

The submitted national reports document national-level implementation of the UN Programme of Action by a minority of CARICOM member states. The reports range from one-page submissions on relevant national activities and legislation by Barbados and Grenada to more extensive discussion of national action by Haiti, Trinidad and Tobago, and Jamaica. The brief 2003 report by Barbados outlines the “fight against crime” and possession of illegal firearms, noting the passage of the Firearms Act now provides for additional and harsher penalties for illegal possession. The Grenada report states the island has no armament industry nor SALW stockpiles, the possession of or trade in firearms requires a license, and permits are required to import or trans-ship weapons.

In addition to providing some analysis of the firearms problem within the state and the region, the 2003 and 2004 reports by Trinidad and Tobago outline national legislation and administrative procedures relevant to implementation of the UN Programme of Action. These include the Firearms (Amendment) Act assented to in 2004 which, inter alia, requires all imported firearms to be marked by the manufacturer, and disqualifies persons convicted of domestic violence from firearm possession for five years. They also include the “Anti-Personnel Mines Act” of 2000 which “is the

only piece of local legislation enforcing an international disarmament convention.”⁷ The Trinidad and Tobago reports go on to identify national technical and other assistance required to implement the PoA and relevant to provisions under its “Implementation, international cooperation and assistance” component. Similarly, the 2005 report by Jamaica identifies national concerns – in particular, the connection between illicit small arms and illicit drugs – as well as national measures, including seven pieces of relevant legislation that at the time were under debate by parliament. The Jamaica report welcomed “increased international aid and assistance to help reduce the inflow of these weapons in order to bolster the capacity of the country to deal with this problem.”⁸

The UN PoA also calls for initiatives at the regional level. The more detailed reports to the UN by CARICOM members identify the key organizations and instruments that make up the regional response to small arms proliferation and misuse. The 2004 report by Trinidad and Tobago describes “regional efforts geared towards reducing crime” through two mechanisms -- the CARICOM Taskforce on Crime and Security and the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS). The CARICOM Taskforce presented its first report in 2002 to the CARICOM Heads of Government Conference. The Taskforce report contained 113 recommendations on research, collaboration between government and civil society, strategic interventions based on training and capacity-building, and a financing strategy for sustained funding. Many of the Taskforce recommendations, particularly those categorized under the “Illegal Firearms” section, coincide with commitments arising from the UN Programme of Action. In other cases, the Taskforce recommendations go beyond the PoA, including for example a call to “limit civilian access to weapons manufactured for military use.”⁹

Regional commitments

CARICOM member states are also members of the Organization of American States. In 1997 the OAS adopted the *Inter-American Convention Against the Illicit Manufacturing Of and Trafficking In Firearms, Ammunition, Explosives, and Other Related Materials* (CIFTA). As its full title indicates, CIFTA is intended to address illicit firearms manufacturing and trafficking across the Americas, including within the Caribbean. Although its scope does not include all firearms transfers (it excludes government-to-government transfers), the convention contains a number of important legal requirements of states parties to create or strengthen firearms controls in CARICOM and the other sub-regions of the hemisphere. These include:

- Legislation to criminalize acts of illicit manufacture of and trafficking in firearms, ammunition, explosives and related materials;
- Appropriate markings during the manufacture and as part of the importing of firearms;
- An effective system of export, import and transit licensing; and
- Record-keeping to trace and identify illicit weapons.

In addition, the treaty calls for collaborative state action on illicit firearms manufacture and trade. This includes:

- Confidential sharing of information including smuggling routes;
- A national point of contact for liaison and to facilitate cooperation;
- Provision of technical assistance for relevant capacity building;
- Programs to share experience and for training; and
- Cooperation on law enforcement.¹⁰

To assist with the implementation of CIFTA the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States has developed model regulations for international commercial movement of firearms and for firearms brokering. These model regulations are intended to guide the policy and practice of OAS member states, including CARICOM members.

With the exception of Montserrat, all CARICOM members have signed CIFTA. All but Guyana, Jamaica, Montserrat, St. Vincent and the Grenadines, and Suriname have ratified the treaty although only three of the 10 CARICOM states parties have reported a “Point of Contact” for cooperation and information exchange (see Table 2).

Table 2: CARICOM states participation in multilateral firearms instruments

CARICOM member state	CIFTA			UN Firearms Protocol ^o	
	Signed*	Ratified*	Contact Point*	Signed	Ratified
Antigua & Barbuda	1997	2003	Yes		
The Bahamas	1998	1998	Yes		
Barbados	2001	2004		Yes	
Belize	1997	1997			
Dominica		2004			
Grenada	1997	2001			Yes
Guyana	1997		Not applicable		
Haiti	1997	2007			
Jamaica	1997		Not applicable	Yes	Yes
Montserrat					
St Kitts & Nevis	1997	2004			Yes
St Lucia	1998	2003			
St Vincent & the Grenadines	1997		Not applicable		
Suriname	1997		Not applicable		
Trinidad & Tobago	1998	2004	Yes	Yes**	
*Sources: OAS-CIFTA website; Summary of Country Compliance with CIFTA, OEA/ser.L/XXII.4.2, 8 Feb 2008					
“Contact Point” for cooperation and information exchange.					
^o Source: International Action Network on Small Arms (IANSA)					
**According to the 2004 Trinidad and Tobago report on implementation of the UN PoA.					

Although not cited in CARICOM member reports on PoA implementation, an important regional perspective and commitment to small arms action emerged in the 2006 *Antigua Guatemala Declaration of the Regional Preparatory Meeting of the Latin American and Caribbean States for the UN Review Conference on the PoA*.¹¹ The Antigua Guatemala Declaration reiterated the fundamentals of the Programme of Action, including the need for international cooperation, the importance of the work of civil society, and the importance of minimum standards for the safety and security of small arms stockpiles. The Declaration committed the Latin American and Caribbean states to not only implement the politically binding international instrument on marking and tracing small arms and light weapons, adopted by the UN General Assembly in 2005, but also to work towards a legally binding instrument. The Declaration reflected the views and concerns of the region, noting that “crime prevention must ... be an integral part of the approach to combating the illicit trade in small arms and light weapons.” Going beyond PoA commitments, the Declaration

called for a legally binding instrument on brokering, for common criteria for the authorization of small arms transfers,¹² and for regulations on the civilian acquisition and possession of small arms.

CARICOM states have made important multilateral commitments to end the proliferation and misuse of small arms. Implementation of the PoA, in particular, is vital to Caribbean interests. The need for resource mobilization and expertise in pursuance of this goal cannot be over-stated as CARICOM takes its place in the family of nations plagued by armed conflict and violent crime and resolute in their resolve to eradicate the scourge.

Lessons from other regions

In keeping with the UN PoA, which encourages regional initiatives, a number of sub-regions affected by small arms violence have taken steps to advance regional action on small arms. These sub-regions include the MERCOSUR states of South America and the Great Lakes and Horn of Africa Region of East Africa. CARICOM states could benefit from the experience and lessons-learned of these subregions.

The experience of MERCOSUR

The MERCOSUR sub-region of Latin America¹³ contains states with some of the highest rates of gun violence in the world. Brazil and Venezuela, and associate member state Colombia, suffer armed violence on a major scale, the first two in the form of urban violence, and last as a combination of urban violence and armed conflict. Across MERCOSUR the problem of gun violence is linked to youth gangs and drugs. Many of the sub-regional states are involved in the hemispheric cycle of narco-trafficking north and arms trafficking south.

A report on the sub-region by the non-governmental organization Viva Rio has noted several regional factors that are relevant to the issue of gun violence and arms transfers. The report notes that “in the MERCOSUR region:

- The volume of legal imports into the sub-region is high;
- The region’s geography is characterized by porous borders. There exist a large number of clandestine airports and small seaports that make it challenging to adequately control and monitor import and export activities.
- There is a high demand for arms as a result of gangs, drug dealers and other illicit actors that often have large financial resources enabling them to easily purchase weapons.
- Many countries in the region have legal systems not adequately equipped to deal with these problems and additionally often lack enough judges, police officers and professionals in the judicial and security sectors to enforce the laws that do exist.”¹⁴

The MERCOSUR member states are party to several multilateral instruments that are relevant to a sub-regional approach to reduction in gun violence and control of small arms and light weapons. In addition to political commitment to the UN Programme of Action, all MERCOSUR states have signed and ratified the hemispheric treaty, the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials* -- more commonly known by the Spanish acronym CIFTA. The MERCOSUR members have also signed the *Inter-American Convention on Transparency in Conventional Weapons*, although not all have ratified the treaty.¹⁵ The OAS transparency convention obligates states to annually report all transfers of the seven

categories of convention weapons that states voluntarily report to the UN Register of Conventional Arms, as well as to make timely notifications of weapons acquisitions, including weapons produced domestically.

Some MERCOSUR members are party to other relevant multilateral instruments. Two member states, Argentina and Brazil, and one associate member, Peru, have ratified the *Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, commonly referred to as the Firearms Protocol.¹⁶ Ecuador has signed the protocol, but not yet ratified. The Firearms Protocol is the third protocol to accompany the United Nations *Convention Against Transnational Organized Crime* and it requires signatories to pass legislation criminalizing illicit manufacturing and trafficking of firearms, establish effective export control systems, and share information, technical experience and training to enable cooperation in preventing illegal shipments of firearms. States-parties must keep records for at least 10 years on their marking and transfer activities to assist the tracing of firearms across borders.¹⁷ Like CIFTA, and as a component of an international convention, the Firearms Protocol is legally-binding on states parties. As with CIFTA also, the scope of the Firearms Protocol is not comprehensive – it is intended to strengthen the regulation of commercial firearms manufacture and trade and does not extend to state transfers of small arms.

Argentina is the sole MERCOSUR member of the association of arms supplier states, the *Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies*. Although the scope of the Wassenaar Arrangement involves all conventional weapons and dual-use goods, the supplier group has provided specific guidance on small arms transfers via the 2002 *Best Practice Guidelines for Exports of Small Arms and Light Weapons*. The guidelines include principles for export authorization decisions which are in keeping with the core principles proposed for the international Arms Trade Treaty.

Associate members of MERCOSUR, Bolivia, Colombia, Ecuador and Peru, have ratified the 2003 *Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects* (the Andean Community's Decision 552, known as Decision 552). In recognition of the Andean states commitments under the UN Programme of Action, the Firearms Protocol and CIFTA, Decision 552 provides a detailed action agenda on small arms. Indeed, Decision 552 is “comprehensive, ambitious, and binding,” although to date its “implementation has been lagging severely.”¹⁸

In addition to member participation in these multilateral initiatives, the MERCOSUR sub-region has produced its own instruments of small arms control. The *MERCOSUR Joint Mechanism for Registering Buyers and Sellers of Firearms, Ammunition, Explosives and Related Materials* was the first sub-regional agreement on firearms. The Joint Mechanism arose from the 1998 *Presidents' Declaration on Combating the Manufacturing of Illicit Trafficking in Arms, Ammunitions and Related Materials in the Southern Cone*. To advance implementation of the mechanism, the sub-regional states developed a registry, the MERCOSUR Security Information Exchange System (SISME), intended for the exchange of data on purchasing, selling, importing and exporting of firearms.

Since 2000, moreover, the *MERCOSUR Working Group on Firearms* has met every few months to strengthen sub-regional cooperation on firearms issues and to harmonize relevant legislation across the sub-region. The Working Group operates as both an information exchange and a platform for developing common positions in multilateral forums such as meetings of the OAS and the UN. The

Working Group regularly liaises with civil society groups with expertise in relevant firearms issues such as national legislation.

In 2006, the meeting in Uruguay of the Latin American Parliament (Parlatino) -- which includes representatives of parliaments from Latin America and the Caribbean -- discussed framework legislation for the regulation of small arms and light weapons. The meeting documentation included a draft bill prepared by the Brazilian NGO, Viva Rio, in conjunction with a team of civil society group members of the Latin American Coalition for the Prevention of Armed Violence (CLAVE). The draft bill of 160 articles addressed the context of small arms proliferation and misuse in Latin America and the Caribbean.¹⁹

Nairobi Declaration and Protocol

The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa is a sub-regional instrument in response to “easy availability” of illicit small arms which was agreed in advance of the 2001 UN Programme of Action. The political declaration expresses grave concern with the “devastating consequences” of the proliferation of illicit small arms and light weapons, noting in particular their regional role in “sustaining armed conflict and abetting terrorism, cattle rustling and other serious crimes in the region.” The declaration was signed by 10 states.²⁰

The declaration calls for a “concrete and co-ordinated agenda for action” in the sub-region to promote human security. It notes that all states in the sub-region should have in place “adequate laws, regulations and administrative procedures to exercise effective control over the possession and transfer of small arms and light weapons.” Several measures are identified to advance such regulations and procedures.

It is worth noting that the declaration gives particular attention to the *civilian possession* of small arms and light weapons, an important concern which was regrettably omitted from the UN Programme of Action agreed a year later. The declaration calls on signatory states to strengthen, adopt, co-ordinate, and publicize national laws to effectively regulate the possession of arms by civilians. It also endorses policies and measures to “create social, economic and political environments to reduce the resort to arms by individuals and communities.” If effect, the declaration calls for attention to the conditions that produce the demand for weapons.

The declaration also emphasizes the need for control of the *transfer* of small arms and light weapons. Given the history of the sub-region, this largely means effective control of arms transfers by supplier states outside the region. The declaration notes that “source countries” should ensure that all manufacturers, traders and brokers are subject to regulation through licensing. It also reinforces the need for national controls, calling for action by signatories to monitor and control through licensing all small arms transactions. National licensing should be strengthened by sub-regional co-operation among security officials, including police and border control officials, typically the front-line agents in efforts to combat the illicit circulation and trafficking in small arms.

The Nairobi Declaration identifies other measures to assist more effective controls on the possession and transfer of small arms and light weapons. These include information-sharing in the region through research and data collection; co-operation of the United Nations and other

international and regional organizations, as well as civil society with respect to implementation of the declaration; and, financial, technical and political support from the international community.

The declaration was bolstered in the same year by an Implementation Plan that established a coordinated agenda for action among the state signatories. The Implementation Plan called for National Focal Points to coordinate each state's response to the small arms problem. In addition, the plan included:

- National databases and communications systems to monitor and control the movement of small arms within the country and across borders;
- A regional agenda to coordinate a long-term sustainable response;
- Harmonization of, and minimum standards in, national regulations; and
- Capacity-building within states to verify, safely store, and control state stockpiles as well as weapons owned by private security companies and dealers.

As a result of the Implementation Plan, a Regional Secretariat to coordinate the regional action agenda was established in Nairobi, Kenya in 2002. The secretariat has since been upgraded to the Regional Centre on Small Arms (RECSA).²¹

The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, in contrast to the Nairobi Declaration, is a legally-binding sub-regional agreement that was subsequent to the UN Programme of Action. Signed in 2004 by 11 states, the Nairobi Protocol entered into force on May 5, 2006.²²

The text of the Nairobi Protocol was informed by the Nairobi Declaration and the UN Programme of Action. The preamble to both the Nairobi Declaration and Protocol identifies the impact of the proliferation and misuse of small arms and light weapons in the sub-region of the Great Lakes and the Horn of Africa. Several of the articles of the Nairobi Protocol reflect components of the UN Programme of Action, notably the articles on legislative measures, operational capacity, transfers, and brokering.

The Nairobi Protocol is a stronger instrument than both the Nairobi Declaration and the UN Programme of Action, not least because it is legally-binding commitment rather than a political agreement. The Nairobi Protocol establishes common legislative and procedural standards across a region that has been severely affected by small arms and includes key provisions omitted from the UN Programme of Action. Among the latter are important measures to control civilian possession of small arms and light weapons, including:

- A ban on civilian possession of semi-automatic and automatic rifles;
- Registration and centralized registration of all civilian-owned small arms;
- Competency testing of prospective small arms owners;
- Restrictions on the number of small arms that may be owned;
- A ban on the pawning of small arms;
- Accountability and control of weapons owned by private security companies;
- Programmes to encourage voluntary surrender of small arms for destruction; and
- Harmonized, heavy minimum sentences for small arms crimes.

The Nairobi Declaration and Protocol process was advanced by the development of *Best Practice Guidelines on Implementation of the Nairobi Protocol*. The Best Practice Guidelines arose from a series of workshops held between September 2004 and April 2005 and hosted by RECSA in collaboration

with civil society partners and National Focal Point coordinators. The guidelines were approved by a ministerial conference in June 2005. In July 2005, they were presented by RECSA to the Second Biennial Meeting of States on the UN Programme of Action on small arms.²³

The Best Practice Guidelines cover five major areas of work related to the prevention and amelioration of armed violence. These are: stockpile management and disposal; small arms transfer controls; tracing and brokering of weapons; public awareness and education; and legislative measures and assistance. The guidelines related to the “Import, Export, Transfer and Transit of SALW” are particularly noteworthy since they detail the obligations of signatories regarding licensing of arms transfers and provide important criteria for arms transfer authorization that closely match the global principles proposed for an international Arms Trade Treaty.

Although many implementation challenges remain, not the least being capacity-building across a range of arms control areas, the Nairobi Declaration and Protocol process has provided important lessons for any regional or sub-regional approach to small arms proliferation and misuse. These lessons include:

- States in regions affected by gun violence can come together to formulate a collective response -- based on the conditions and needs of the region -- to the illicit use and transfer of small arms and light weapons. Variations in social, economic and political dynamics need not prevent a common regional approach to reducing and ending the devastation of weapons misuse.
- National laws and procedures will remain the frontline tools for the control of weapons, but common standards are necessary across a region. These prevent weaker regulations of some states from undermining regulations of neighbouring states. Common standards can also be agreed to encourage all states in the region to improve their laws and practices.
- Regional instruments aid the implementation of the UN Programme of Action on small arms. They also can stipulate objectives and standards that surpass the PoA, especially in those areas, such as civilian possession of firearms, where the PoA is notoriously weak.
- Regional instruments benefit, in turn, from global instruments. An international Arms Trade Treaty in particular would aid the implementation of regional agreements on small arms. An ATT would set global standards for the transfer of conventional weapons – including small arms and light weapons – to more effectively control the flow of weapons into, and within, regions affected by armed violence.
- Implementation of regional agreements provides opportunities for state and civil society collaboration and capacity building. These opportunities come in many forms. The nature and diffusion of small arms requires collaboration between government and civil society to mount an effective response. States may benefit from the implementation experiences of other states as well as from exchanges of technical and legal expertise. The implementation of regional agreements may also be the focus of international cooperation and assistance as stipulated in the UN PoA.

Next steps: conclusions and recommendations

The CARICOM regional experience of gun violence, its members’ obligations under a number of multilateral instruments, and recommendations of regional studies and analyses, suggest that each CARICOM member state could and should take further steps to prevent, combat and eradicate the illicit trafficking and use of small arms and light weapons. As we have seen, in other affected regions, one or more regional instruments have proven beneficial to the implementation of national

commitments on small arms, and in particular, commitments under the UN Programme of Action. Moreover, the common pressing conditions and impacts of illicit firearms use in the Caribbean argue for a regional instrument as a shared response.

Towards a regional instrument

A CARICOM instrument on small arms could be a declaration, political agreement, or even a treaty, according to the perceived urgency, and level of commitment, of Caribbean states. Regardless of its form, it is worth noting the elements that would be necessary to make the instrument effective and comprehensive. Although these elements must be based on the specifics of the illicit firearms problem in the Caribbean region, they also need to draw on existing commitments, as well as the experiences of other regions.

Early in an instrument it would be important to reference the Caribbean issues and concerns with respect to illicit trafficking and use of small arms that give rise to the need for a sub-regional response. Research suggests particular factors shared by all states in the region – such as employment levels among male youth -- have shaped the regional rise in gun violence. Existing national and sub-regional policies point to common concerns in the region including: linkages between illicit firearms and illicit drug trafficking; trafficking in firearms components; and transshipment of firearms. And some identified common needs have been crime prevention strategies, technical training of security services, and capacity building across a range of areas.

Given the central role now played by the UN Programme of Action in the international response to the global challenge of small arms proliferation and misuse, it seems prudent to ensure that the PoA is central to any Caribbean instrument on small arms. Indeed, full implementation of relevant commitments in the UN PoA by CARICOM member states would likely result in significant reversals in the misuse of small arms and light weapons. Similarly, implementation of the OAS CIFTA firearms convention, a treaty which the majority of CARICOM members have ratified, would meet many UN PoA requirements, in addition to the obligations of CIFTA states parties. The CICAD model regulations, intended for CIFTA implementation, are worthy of citation, including the model regulations for brokering. The multilateral and regional significance of both the PoA and CIFTA suggest they are worthy of early reference in any regional instrument regarding small arms and light weapons.

There are other multilateral agreements and instruments signed by Caribbean states that also are pertinent. These include the UN Firearms Protocol of the UN Convention against Transnational Organized Crime and the 2006 Antigua Guatemala Declaration of Latin America and Caribbean States. Of particular importance, given its origin and formulation in the particular challenges of the Caribbean, are the “illegal firearms” recommendations of the CARICOM Regional Taskforce on Crime and Security.

Since subregions outside the Caribbean have developed important and relevant initiatives it would be important to note the lessons and “best practices” to be learned from existing sub-regional instruments. These include especially the Nairobi Declaration and Protocol agreements of the Great Lakes and Horn of Africa sub-region of Africa. Another recent pivotal African sub-regional agreement is the 2006 *ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials*. Among many other requirements, the treaty establishes a presumption against small arms imports unless approved by the ECOWAS Executive Secretariat and calls for all states

parties to formulate national action plans on small arms. Closer to the Caribbean, the MERCOSUR Joint Mechanism for Registering Buyers and Sellers of Firearms may be a model for a sub-regional data exchange mechanism.

Following recognition of existing commitments and relevant instruments of other sub-regions, a CARICOM instrument would need to set out commitments for small arms control that reflect the particular conditions and concerns of the Caribbean. This process could begin by acknowledging the importance of shared objectives and approaches, for example, by calling for a coordinated agenda for action on illicit SALW. A CARICOM Working Group on SALW issues could formulate and update an action agenda, as well as establish common positions for relevant multilateral forums. The agenda also could provide a mutually-supportive approach to national action plans on small arms. And given the complexities of the small arms challenges in the region, the formulation and implementation of a coordinated action agenda would benefit from cooperation with civil society.

Table 3 identifies these and other elements of a possible CARICOM instrument on small arms and light weapons. Since it is the role of states to negotiate such instruments, the elements identified in the table are suggestions, and intended merely to support state discussion. The table is not comprehensive and makes no claim to establish all the relevant elements needed in an instrument. Moreover, during negotiations, state expertise undoubtedly would reveal new areas of emphasis and priority. Rather, the table provides a kind of check-list of existing commitments, worthwhile components of other sub-regional instruments, and previously identified areas of Caribbean concern.

Table 3: Elements of a CARICOM instrument on small arms and light weapons

Preamble:

- The Caribbean conditions and concerns related to illicit small arms trafficking and use;
- The importance of relevant multilateral agreements, particularly the UN PoA, CIFTA, CICAD Model Regulations, UN Firearms Protocol, the Geneva Declaration on Armed Violence and Development;
- The work of the CARICOM Taskforce on Crime and Security and its report recommendations;
- The best practices of other sub-regions, including relevant agreements.

Provisions:

- A coordinated agenda of action on illicit SALW, possibly including:
 - Working Group re common positions;
 - National action plans;
 - Cooperation with civil society
 - Public awareness and education programmes;
- Signing, ratifying, implementing multilateral agreements as appropriate, including establishing national contact points and national coordinating mechanisms;
- Harmonized effective national legislation and practice, using model regulations;
- Implementation of particular commitments of the UN PoA and CIFTA including:
 - National legislation on brokering, and marking and tracing;
 - Programs for public awareness and voluntary firearms surrender;
 - Destruction of surplus weapons;
 - Effective border controls;
 - Standardized data acquisition and information sharing;
- Implementation of additional commitments arising from sub-regional interests including:
 - National regulation of civilian possession of firearms;
 - Banning civilian possession of military firearms;
 - Controls on firearms components and ammunition;
- Other relevant commitments, such as:
 - Common principles for the import, export and transshipment of SALW;
 - Gender analysis and programming.

International aspects:

- International cooperation and assistance to:
 - implement the coordinated agenda for action;
 - technical training, including security sector training;
 - capacity building, including within civil society;
- Relevant multilateral institutions (such as the World Bank) to support the integration of National Action Plans on small arms with Poverty Reduction Strategy Papers etc.
- States which are SALW sources to more effectively control SALW manufacture, possession, stockpiling and transfer, and to work to prevent diversion.

¹United Nations Office on Drugs and Crime and the Latin America and the Caribbean Region of the World Bank, Report No. 37820, *Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean*, March 2007, Chapter 9.

² *Ibid.*

³ Kaufman, 2003: 70

⁴ Cock, 2001:3

⁵ Other territories include Trinidad & Tobago and Guyana who are similarly positioned as Jamaica, also Haiti which grapples with weak State Machinery and other novel factors which produces the ongoing proliferation of violence.

⁶ Biting the Bullet and IANSA, “Reviewing Action on Small Arms 2006: Assessing the first five years of the UN Programme of Action,” pp. 36-37. Although the Biting the Bullet document reported no national coordination mechanisms among the CARICOM states, the 2003 national report by Haiti identified a “National Commission on Disarmament” as the coordinating agency.

⁷ Trinidad and Tobago Ministry of National Security, Strategic Services Agency, “National Status Report: Small Arms & Light Weapons,” May 2004, p.6.

⁸ “National report by Jamaica on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,” 2005.

⁹ *Report of the CARICOM Regional Task Force on Crime and Security*, September 2002, recommendation 44, p. xii.

¹⁰ Matthew Schroeder, *Small Arms, Terrorism and the OAS Firearms Convention*, Federation of American Scientists Occasional Paper No. 1, March 2004, pp. 15-17.

¹¹ *Antigua Guatemala Declaration of the Regional Preparatory Meeting of the Latin American and Caribbean States for the United Nations Conference to Review Progress Made in the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, La Antigua, Guatemala, 2-4 May 2006 available at

<http://www.iansa.org/un/review2006/documents/english/La-Antigua-Declaration-English.pdf>

¹² Also, “these common criteria must contain technical and normative aspects, and ... they need to be objective, non-discriminatory, transparent, adopted at the multilateral level and take into account the particularities of each region.”

¹³ The Mercado Comun del Sur (MERCOSUR) sub-region consists of five member states – Argentina, Brazil, Paraguay, Uruguay and Venezuela – and five associate states – Bolivia, Chile, Colombia, Ecuador and Peru.

¹⁴ Rebecca Pérez Mellado, *Hacia un tratado internacional de control de transferencias de armas pequeñas y ligeras: Una mirada desde el MERCOSUR*, Viva Rio, 2007, pp.10-11.

¹⁵ The states that have ratified the treaty are Argentina, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela. Brazil is in the process of ratification. (See Daniel Mack, “Regional Dynamics and Global Principles for Small Arms Transfers: The Case of MERCOSUR” in *Towards Global Standards: Regional Experience in Small Arms Transfer Controls*, Project Ploughshares, 2007, p.10.)

¹⁶ *Ibid.*

¹⁷ Wade Boese, “UN General Assembly Adopts Illicit Firearms Protocol,” *Arms Control Today*, July/August 2001 available at http://www.armscontrol.org/act/2001_07-08/armsjul_aug01.asp.

¹⁸ Mack, p.13.

¹⁹ See <http://www.comunidadessegura.org/?q=en/node/30718> .

²⁰ The states are Burundi, Djibouti, Democratic Republic of Congo, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda.

²¹ Ambassador Ochieng Adala, “Principled Action: Advancing Regional Implementation of Small Arms Transfer Controls in the Great Lakes Region and the Horn of Africa (The Nairobi Protocol States) in *Towards Global Standards: Regional Experience in Small Arms Transfer Controls*, Project Ploughshares, 2007, p. 57.

²² In addition to the 10 state signatories to the Nairobi Declaration, Seychelles signed the Nairobi Protocol.

²³ Adala, p.58.