12. c) 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

New York, 31 May 2001

ENTRY INTO FORCE: 3 July 2005, in accordance with article 18(1) which reads as follows: "1. This Protocol shall enter into force on the fortieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization. 2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocole enters into force pursuant to paragraph 1 of this article, whichever is the later."

REGISTRATION: 3 July 2005, No. 39574.


Note: The Protocol was adopted by resolution 55/255 of 31 May 2001 at the fifty-fifth session of the General Assembly of the United Nations. In accordance with its article 17, paragraphs 1 and 2, the Protocol will be open for signature by all States and by regional economic integration organizations, provided that at least one member State of such organization has signed the Protocol, from 2 July 2001 to 12 December 2002, at United Nations Headquarters in New York.

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Switzerland

Sweden

Sudan

St. Vincent and the Grenadines

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Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification

Uganda

Ukraine

United Kingdom of Great Britain and Northern Ireland

United Republic of Tanzania

Uruguay

Venezuela (Bolivarian Republic of)

Zambia

28 Jun 2002

29 Nov 2012 a

17 Jul 2012 a

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28 Jun 2002

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24 May 2006 a

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Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance, approval or accession.)

ALGERIA

Reservation:
The Government of the People's Democratic Republic of Algeria does not consider itself bound by the provisions of article 16, paragraph 2 of this Protocol, which provides that any dispute between two or more States Parties concerning the interpretation or application of the Protocol that cannot be settled through negotiation shall, at the request of one of those States Parties, be submitted to arbitration or to the International Court of Justice.

The Government of the People's Democratic Republic of Algeria considers that no dispute of such nature may be submitted to arbitration or to the International Court of Justice without the consent of all the parties to the dispute.

Declaration:
The ratification of this Protocol by the People's Democratic Republic of Algeria does not in any way signify recognition of Israel.

The present ratification may not be interpreted as leading to the establishment of relations of any kind with Israel.

ARGENTINA

The Argentine Republic declares that, in relation to article 2, the provisions of the Protocol shall be without prejudice to the right of the Argentine Republic to adopt, at the domestic level, stricter provisions designed to fullfill the objectives of the Protocol of preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

AZERBAIJAN

"The Republic of Azerbaijan declares that it will be unable to guarantee compliance with the provisions of this Protocol in its territories occupied by the Republic of Armenia until these territories are liberated from that occupation."

"With regard to Article 16, paragraph 3, of the Protocol, the Republic of Azerbaijan does not consider itself bound by paragraph 2 of Article 16."

BAHAMAS

"In accordance with Article 16 paragraph 3, the Commonwealth of The Bahamas enters a specific reservation to the procedure established under Article 16 paragraph 2 of the Protocol on the basis that referral of a dispute concerning the application or interpretation of the provisions of the Protocol to arbitration or to the International Court of Justice must be by consent of all the parties to the dispute."

BELGIUM

The Government of Belgium makes the following reservation concerning article 4, paragraph 2 of the Additional Protocol: the activities of armed forces during a period of armed conflict, in the sense given these terms under international humanitarian law, which are governed by this law, are not governed by the present Protocol.

BOLIVIA (PLURINATIONAL STATE OF)

The Plurinational State of Bolivia declares the non-applicability of article 16, paragraph 2, of 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, which could be interpreted as contrary to the existing legal framework.

CUBA

In accordance with the provisions of article 16, paragraph 3, of the Protocol, [Cuba] declares that it does not consider itself bound by paragraph 2 of said article, which refers to the settlement of disputes between two or more States Parties.

EL SALVADOR

The Government of the Republic of El Salvador does not consider itself bound by paragraph 2 of article 16,
inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice.

With regard to article 16, paragraph 3, of the Protocol, the Government of the Republic of El Salvador does not consider itself bound by paragraph 3 of this article, inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice.

The Republic of El Salvador, in accordance with its domestic law (Act on Control and Monitoring of Firearms, Ammunition, Explosives and Similar Articles and their Regulation) interprets the following as collector’s weapons: weapons of war which have been deactivated; and antique and obsolete weapons and those of historical value which shall not be utilized, subject to technical review by the Ministry of National Defence which shall so certify them; weapons of war: pistols, rifles and carbines with automatic firing action as well as those classified as light and heavy, mines, grenades and military explosives; antique weapons are those which are no longer manufactured and may be registered only for purposes of collection, in accordance with technical certification and prior authorization of the Ministry of National Defence; deactivated weapons: any weapon of war that, for purposes of collection, has been deactivated for its original use, with prior authorization by the Ministry of National Defence; firearm: weapons that, by the use of rimfire or centerfire percussion cartridges, expel projectiles through a smooth or rifled barrel, by means of the expansion of gases produced by the combustion of explosive solids or powder or other flammable material contained in the cartridge; furthermore, for identification purposes, pistols and revolvers shall be marked on the weapon and for rifles, carbines and shotguns, the serial number shall appear on the case of the mechanism; explosives are the combination of various substances and mixtures that produce an exothermic reaction when ignited. Any substance or material which, when struck, subjected to friction, heated or subjected to the effect of a small detonation or a chemical reaction, reacts violently, producing gases at high temperature and pressure that impact anything found in their vicinity; articles similar to firearms or ammunition: any articles or objects made by hand that have similar characteristics or can be used for the same purposes.

ETHIOPIA
Ethiopia does not accept the jurisdiction of the International Court of Justice which is provided under Article 16(2) of the said Protocol.

EUROPEAN UNION

“Article 17 (3) of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition shall apply, with regard to the competences transferred to the Union, to the territories in which the Treaty on the Functioning of the European Union is applied and under the conditions laid down in that Treaty.

The scope and the exercise of such Union competence are, by their nature, subject to continuous development, and the Union will complete or amend this declaration, if necessary, in accordance with Article 17(3) of the Protocol.

FIJI

“Fiji reserves waiving its sovereign rights and declares that it does not consider itself bound by the provisions of paragraph 2 of article 16.

FRANCE

With regard to the definition of “antique firearms”, provided for in article 3 (a) of the Protocol, the French Republic will apply the definition of historical and collectible firearms as set out in its domestic law, namely marksmen of firearms manufactured prior to 1st January 1900 and the limited list of firearms manufactured after 1st January 1900 but that are of cultural, scientific or historical interest.

With regard to article 8, paragraph 1, of the Protocol, the French Republic will, for the purpose of identifying and tracing each firearm, add a proof mark to firearms manufactured in or imported into the national territory, in accordance with the Convention for the reciprocal recognition of proof marks on small arms of 1st July 1969. The proof mark allows for the identification of the national proof house that added it and is recognized by Council Directive 91/477/EEC as amended by Directive 2017/853 of the European Parliament and of the Council of 17 May 2017 in its article 4 as an alternative to marking for the purpose of tracing firearms.

GUATEMALA

The Republic of Guatemala shall provide the information referred to in article 12 of the Protocol in the case of information disclosed by individuals on a confidential basis only in the context of a request for judicial assistance.

LAO PEOPLE’S DEMOCRATIC REPUBLIC

“In accordance with paragraph 3, Article 16 of the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplemeting the United Nations Convention Against Transnational Organized Crime, the Lao People’s Democratic Republic does not consider itself bound by paragraph 2, Article 16 of the present Protocol. The Lao People’s Democratic Republic declares that to refer a dispute relating to interpretation and application of the present Protocol to arbitration or the International Court of Justice, the agreement of all parties concerned in the dispute is necessary.”

LIECHTENSTEIN

In the absence of objection to the transit within 30 days from the date of the written request of non-objection to transit, the requested transit State shall be deemed not to have objected and to have tacitly agreed to the transit.

According to the Customs Union Treaty concluded between Liechtenstein and Switzerland on 29 March 1923, Liechtenstein became part of the Swiss Customs Territory. According to article 4 of that treaty, Swiss customs legislation as well as any other Swiss Federal legislation whose application is necessary for the proper functioning of the Customs Union – is applicable in Liechtenstein.

XVIII 12 C. PENAL MATTERS
Information on transit States shall not be systematically mentioned in the authorizations for export from and import into Liechtenstein/Swiss customs territory, or in the corresponding accompanying documentation, in accordance with Swiss law applicable in Liechtenstein on the basis of the Customs Union Treaty, which does not always require such mention."

LITHUANIA

"...in accordance with Article 16 (3) of the Protocol, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania does not consider itself bound by paragraph 2, Article 16 of the Protocol providing the settlement of disputes concerning the interpretation and application of this Protocol at the International Court of Justice."

MALAWI

"The Government of the Republic of Malawi in its efforts to curb and stamp out offences related to trafficking in persons especially women and children has embarked upon various social and legal reforms to incorporate obligations emanating from this Protocol (Article 17 (4)); Furthermore, expressly declares its acceptance of Article 16 (2) on settlement of disputes concerning interpretation and application of this Protocol in consonant with Article 16 (3)."

REPUBLIC OF MOLDOVA

Until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Protocol shall be applied only on the territory controlled effectively by the authorities of the Republic of Moldova.

SAUDI ARABIA

"The Government of the Kingdom of Saudi Arabia does not consider itself obligated under paragraph 2 of Article 16 of this Protocol, concerning the settlement of disputes."

SOUTH AFRICA

"AND WHEREAS pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court of Justice, the Government of the Republic does not consider itself bound by the terms of Article 16 (2) of the Protocol which provided for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Protocol. The Republic will adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case."

SPAIN

1. Spain is not opposed to the application of the principle of self-determination in the process of decolonization but wishes to emphasize that the application of the principle of self-determination must be compatible with the principle of the territorial integrity of States. This is particularly relevant in those cases in which a sovereignty dispute exists concerning the territory in question, as is the case with Gibraltar.

2. This position taken by Spain is based on the doctrine established by the United Nations on this point, to be found in General Assembly resolutions 1514 (XV), 2353 (XXII), 2429 (XXIII) and 2625 (XXV), among others.

SWITZERLAND

Reservation with regard to article 10 (2) b):
In the absence of objection to the transit within 30 days from the date of the written request of non-objection to transit, the requested transit State shall be deemed not to have objected and to have tacitly agreed to the transit. Reservation with regard to article 10 (3):
Information on transit States shall not be systematically mentioned in the authorizations for export from and import into Swiss territory, or in the corresponding accompanying documentation, in accordance with Swiss law, which does not always require such mention.

TUNISIA

.... With a reservation to article 16 (2).
... with a reservation to article 16 (2).

VENEZUELA (BOLIVARIAN REPUBLIC OF)

The Bolivarian Republic of Venezuela, in accordance with the provisions of article 16 (3) of 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, formulates an express reservation with respect to the provisions of article 16 (2). Consequently, it does not consider itself bound by the referral of a dispute to arbitration as a means of settlement of disputes, nor does it recognize the compulsory jurisdiction of the International Court of Justice.

Objections

(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

ARMENIA

“Objection of the Republic of Armenia against the Declaration made by the Republic of Azerbaijan to 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 the Republic of Armenia declares:

The Republic of Azerbaijan deliberately misrepresents the essence of the Nagorno-Karabakh issue, with respect to cause and effect of the conflict. The conflict arose due to the policy of ethnic cleansing by the Republic of Azerbaijan followed by the massive military aggression against the self-determined Nagorno-Karabakh Republic – with the aim to repress the free will of the Nagorno-Karabakh population. As a result, the Republic of Azerbaijan has occupied several territories of the Nagorno-Karabakh Republic.”

 XVIII 12 C. PENAL MATTERS 5
Notifications made under article 13
(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance, approval or accession.)

AZERBAIJAN
"... designated the Ministry of Internal Affairs of the Republic of Azerbaijan as the national body.”

BELARUS
.....in accordance with article 13, paragraph 2 of 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, the Ministry of Interior of the Republic of Belarus has been designated as the national authority to maintain contacts between the Republic of Belarus and other States Parties on matters relating to the Protocol.

BELGIUM
Pursuant to article 13 (2) of the Additional Protocol, the Federal Ministry of Justice, Department of Legislation, Fundamental Rights and Liberties, 115 Boulevard de Waterloo, 1000 Brussels, is designated as the sole contact point.

CAMBODIA
"Police Brigadier Gen. NHEAN VIBOL (Chairman)
Address: House No. 275 Preah Norodom Boulevard
Cell phone: (855)-12810-428
Fax: (855) 23-726 052
E-mail: vibolnhean@yahoo.com"

CROATIA
"In accordance with Article 13, paragraph 2 of 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, the body of contact, to act as liaison with other States Parties on matters relating to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, shall be the Ministry of the Interior.”

EL SALVADOR
With regard to article 13, paragraph 2, of this Protocol and without prejudice to the designation made in accordance with article 13, paragraph 13, of the United Nations Convention against Transnational Organized Crime, the Government of the Republic of El Salvador designates the Ministry of National Defence of the Republic of El Salvador as the central point of contact to provide liaison with other States Parties on matters relating to the Protocol.

FINLAND
“Pursuant to Article 13 (2) of the Protocol, the Republic of Finland declares that a national body to act as liaison between it and other States Parties on matters relating to the Protocol is the National Police Board.”

HONDURAS
In this connection, I wish to inform you that the Ministry of National Defence has designated Director of Planning, Programmes and Military Policy (C-5) Infantry Colonel DEM [Dipomado de Estado Mayor] Leonardo Muñoz Ramirez as the institutional liaison to the Secretary-General of the United Nations in matters related to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

HUNGARY
“... the following authority has been designated as the point of contact to act as liaison between the Republic of Hungary and other States Parties on matters relating to the Protocol.
National Police Headquarters – International Law Enforcement Cooperation Centre (NEBEK)
Address: H-1139 Budapest, Teve u. 4-6
Telephone: (+36-1) 443-5596
Fax: (+36-1) 443-5815
E-mail: nebek@nebek.police.hu”.

LATVIA
“Competent authority in accordance with Article 13, paragraph 2:
Ministry of Interior
Address:
Cierkurkalna 1st line 1, k-2
Riga, LV-1026
Latvia
Phone: + 371 67219263
Fax: + 371 67829686
E-mail: kanceleja@iem.gov.lv
Website: www.iem.gov.lv”

LIECHTENSTEIN
National Police
Crime Investigation Division
Gewerbeweg 4
P.O. Box 684
9490 Vaduz
Principality of Liechtenstein
Phone: +423 236 79 79 (24 hours)
Fax: +423 236 79 70
E-Mail: kripo@andespolizei.li, ipk.lp@llv.li
Languages: German, English
Office hours: 08:30 - 16:30
GMT: +1
Request by Interpol: yes

LITHUANIA
".....in accordance with Article 13 (2) of the Protocol, the Seimas of the Republic of Lithuania declares that the Police Department under the Ministry of the Interior of the Republic of Lithuania is designated as the point of contact to act as liaison between it and other States Parties on matters relating to this Protocol."

MALAWI
“The Competent Authority charged with the responsibility of coordinating and the rendering of mutual legal assistance is:
The Principal Secretary Ministry of Home Affairs and Internal Security
Private Bag 331, Lilongwe 3. MALAWI
said Protocol."

**Norway**

"The agency that may act pursuant to Article 13 of the Firearms Protocol as liaison for Norway with regard to the exchange of information between States Parties in connection with the efforts to combat violations of the Firearms Protocol is the National Criminal Investigation Service."

**Panama**

.....in accordance with article 13 (2) of the aforementioned Protocol, the Republic of Panama has designated the Ministry of Government and Justice as the national body or single point of contact to act as liaison between it and other States Parties on matters relating to the Protocol.

**Poland**

"With regard to article 13, paragraph 2 of this Protocol, without prejudice to article 18, paragraph 13 of the Convention, the Government of the Republic of Poland designates the Chief Commander of the Police as the national body to act as a liaison between the Republic of Poland and other States Parties on matters relating to this Protocol."

**Romania**

"In accordance with Article 13 paragraph 2 of the Protocol, Romania declares that the National Agency for Export Control is the national point of contact designated to liaise with other States Parties in matters relating to the said Protocol."

**Serbia**

"The Permanent Mission of the Republic of Serbia to the OSCE and other International Organizations in Vienna ... has the honour to notify of the Serbian competent authorities for the implementation of the Article 13 (Cooperation) of the Protocol ...

The requests shall be addressed to:

Name of Authority: Ministry of Interior of the Republic of Serbia
Name of Office: Ministry of Interior, 2, Bulevar Mihaila
Full postal address: Pupina, 11000 Belgrade, Republic of Serbia
Name of Service to be contacted: Service for Combating Organized Crime
Name of Person to be contacted: Mr. Svetislav Djurovic, Head of Service for Combating Organized Crime
Telephone: +381 11 311 84 65
Fax: +381 11 311 84 64
Office hours: from 08:30 to 16:30
Time zone: GMT +1
Languages: English, French, German, Spanish."

**South Africa**

"AND WHEREAS the Secretary-General is hereby notified, in accordance with Article 13 (2) of the Protocol, that the National Commissioner of the South African Police Service has been designated as the single point of contact to liaise with other States Parties on matters relating to the Protocol as required by Article 13 (2) of said Protocol."

**Spain**

Ministerio del Interior

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**Switzerland**

The designated authority is the Office fédéral de la police, Office central des armes, Nussbaumstrasse 29, CH-3003 Berne, telephone +41 31 324 54 00, télécopie +41 31 324 79 48, courriel zsw@fedpol.admin.ch.

**Trinidad and Tobago**

Assistant Superintendent of Police Wendy Wilkinson
Organised Crime, Narcotics and Firearms Bureau
Corner Park and Richmond Streets
Port of Spain
Trinidad and Tobago
Telephone: (868) 625-3924
Facsimile: (868) 624-9778
Electronic mail: ocnfbadmin@ttps.gov.tt."

**Turkey**

On 3 June 2005, the Government of Turkey notified the Secretary-General of the following:

"National Body:
General Command of Gendarmerie
Department of Combating Smuggling and Organized Crime
Point of Contact:
Senior Colonel Cengiz Yildirim
Head of Department
Department of Combating Smuggling and Organized Crime General Command of Gendarmerie."

Furthermore, on 20 April 2009, the Secretary-General received from the Government of Turkey the following notification:

".....information on the single point of contact, nominated by relevant Turkish authorities, to act as liaison between Turkey and other States Parties on matters relating to Protocol against the Illicit Manufacture of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, is as follows:
Mr. Ferhat KONYA
Senior Colonel
General Command of Gendarmerie
Tel: +90 312 456 33 00
Fax:e]: + 90 312 231 29 69
E-Mail: dia@jandarma.gov.tr."

**Uganda**

"...The National Focal Point for the Protocol Against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition is as follows:
The Coordinator
Uganda National Focal Point on Small Arms and Light Weapons
P.O.Box 7191
KAMPALA
Telephone No: 256-41-252091
Cell No: 256-71-667720

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The Official Language of communication is English."
Notes:

1. In a communication received on 4 February 2015, the Government of Denmark informed the Secretary-General of the Territorial exclusion with regard to Greenland and the Faroe Islands.

2. See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

3. In a communication received on 5 March 2008, the Government of Spain informed the Secretary-General of the following:

   1. Gibraltar is a Non-Self-Governing Territory for whose international relations the Government of the United Kingdom is responsible and which is subject to a process of decolonization in accordance with the relevant decisions and resolutions of the General Assembly.

   2. The Gibraltarian authorities are local in character, and exercise competences exclusively over internal affairs that originate in and are based on the powers allocated to and conferred on them by the United Kingdom, in accordance with its domestic legislation and in its capacity as the sovereign State upon which depends the said Non-Self-Governing Territory.

   3. Consequently, any involvement by the Gibraltarian authorities in the implementation of this Convention shall be understood to take place exclusively within the framework of the internal affairs of Gibraltar and shall not be considered to affect in any way the content of the two preceding paragraphs.