



# **IMPLEMENTATION OF THE ATT IN JAMAICA**

**ATT SUB-WORKING GROUP MEETING  
GENEVA, SWITZERLAND**

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# STRUCTURE OF THE PRESENTATION

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- ❖ Brief overview of Regional Situation
- ❖ Key Challenges confronted by Jamaica in implementing the ATT
- ❖ Response –
  - Capacity Building through International Assistance
  - National Control System
  - Other Administrative Measures
- ❖ Conclusion

# REGIONAL SITUATION

- ❖ Small Island Developing Islands (SIDS) surrounded by territorial waters 15 times larger than their land mass
- ❖ Major Logistics Hub - transit/transshipment
- ❖ Challenges in patrolling and securing territorial waters owing to insufficient resources, which has resulted in borders becoming porous. **Jamaica has approximately 145 unofficial ports which are difficult to patrol.**
- ❖ Porous/unprotected borders have exposed Region to Transnational Organized Crime (TOC) activities such as the illicit trafficking of small arms, ammunition, their parts and components and other contraband such as narcotics.
- ❖ TOC is often accompanied by high levels of crime, violence and disorder.
- ❖ The firearm is the implement of choice used to commit homicide within the Region. **Firearms have accounted for approximately 80% of homicides in Jamaica over the past 3 years. This similar variable is approximately 70% for the Region.**

# OVERVIEW OF CHALLENGES – IMPLEMENTATION OF ATT IN JAMAICA

## ❖ *Legislation*

- Absence of legislation to specifically treat with all of the Articles of the ATT, in particular, the establishment of a ***National Control System***, including ***National Control List*** (Article 5), to regulate the transfer of conventional arms, ammunition and their parts and components and delivery systems through the Jamaican territory.
- Deficiencies with respect to the terms ‘**transit**’ and ‘**transshipment**’ (Article 9) - Section 38 of the Firearms Act only speaks to transshipment (which gives the Minister of National Security the authority to grant, amend or revoke a Transshipment Permit). There is no reference to ‘transit’ or the procedures that should govern ‘transshipment’ or ‘transit’.
- No definitions for the terms ‘**broker**’ or ‘**brokering activities**’ (Article 10)

# OVERVIEW OF CHALLENGES – IMPLEMENTATION OF ATT IN JAMAICA

## ❖ *Inter-Agency Cooperation/Intelligence Sharing*

- No existing legislation or protocol that mandates information sharing among policy makers, law enforcement agencies and other critical stakeholders, on matters relating to conventional arms transfers.
- Some level of inter-agency cooperation among enforcement agencies such as the Police, Military Customs and Port Authority, however, these entities often rely on less than ideal information to carry out their respective investigation.
- At times agencies appear to operate ‘in silos’ and not within an integrated network.

# OVERVIEW OF CHALLENGES – IMPLEMENTATION OF ATT IN JAMAICA

## ❖ *Risk Assessment*

- Absence of comprehensive **Risk Assessment Technology, Tools, Software or Platforms** to support the existing investigative and intelligence gathering framework.

# OVERVIEW OF CHALLENGES – IMPLEMENTATION OF ATT IN JAMAICA

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## ❖ *Record Keeping*

- Primarily paper-based documentation and records keeping systems across various agencies, which hinder efficient storage, processing and dissemination of information and are susceptible to loss of information/data.

# OVERVIEW OF CHALLENGES – IMPLEMENTATION OF ATT IN JAMAICA

- ❖ ***Other Critical Operational/Administrative Challenges***
  - Lack of resources to adequately police/protect our borders
  - Lack of resources to undertake effective screening/scanning of luggage/cargo at our Ports
  - Lack of adequate training/capacity building programmes for Screening and Border Security officials in the identification and detection of conventional arms, their parts and components ammunition and delivery systems
  - Lack of resources to maintain/sustain critical activities under the ***National Small Arms Control Strategy***, such as the marking of firearms under the National Firearm Marking Programme. This includes the lack of funds to undertake the high cost for the maintenance/servicing of the country's two (2) Dot Peen Marking Machines and to acquire hardware for these machines.



# RESPONSE – CAPACITY BUILDING EFFORTS

- ❖ Engagement of International Community to facilitate capacity building of local experts in critical aspects of the ATT to include:
  - *Enforcement Capabilities/Customs Best Practices*
  - *Inter-agency Cooperation*
  - *Licensing Best Practices*
  - *Sanctions*
  - *Awareness Raising*
  - *National Legislation*

# RESPONSE - NATIONAL CONTROL SYSTEM

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## ❖ *Legislation*

- Comprehensive amendments to the Firearms Act (1967) - which is the primary legislation governing the regulation of the possession, use and transfer of firearms.
- Legislative amendments will drive the process for the implementation of the ATT.

# NATIONAL CONTROL SYSTEM

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## ❖ *Legislation*

### International Trade

Introduction of new definitions and provisions to regulate the movement of conventional arms, especially SALWs, through the Jamaican territory:

- i. Transit
- ii. Brokering - Regime to regulate brokering activities
- iii. Transit/Transshipment Permit

# NATIONAL CONTROL SYSTEM

## ❖ *Legislation*

Introduction of new provisions to deal with perpetrators of offences involving conventional arms, specifically SALWs:

- i. Illicit Trafficking
- ii. Illicit Dealing
- iii. Diversio
- iv. Distribution

# NATIONAL CONTROL SYSTEM

## ❖ *National Authority*

- Proposed National Inter-Agency Committee/Authority will comprise policy/enforcement agencies:
  - i. Ministry of National Security (MNS)
  - ii. Ministry of Foreign Affairs & Foreign Trade (MFAFT)
  - iii. Jamaica Constabulary Force (JCF)
  - iv. Jamaica Defence Force (JDF)
  - v. Firearm Licensing Authority (FLA)
  - vi. Trade Board Limited (TBL)
  - vii. Port Security Corps (PSC)
  - viii. Port Authority of Jamaica (PAJ)
  - ix. Airport Authority of Jamaica (AAJ)
  
- Responsibilities of Committee/Authority –
  - i. Review import/export/transit/transshipment applications/requests and provide recommendations
  - ii. Conduct the requisite risk assessment/due diligence exercises as well as other consultation activities
  - iii. Review and update National Control List
  - iv. Identify legislative gaps and provide technical assistance/advice
  - v. Conduct capacity building and other training activities

# NATIONAL CONTROL SYSTEM

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## ❖ *National Control List*

- Will be harmonized with other national legislation pertaining to the trade of Strategic Goods/Dual-use Items – UNSCR 1540

# NATIONAL CONTROL SYSTEM

## ❖ *Other Administrative/Policy Initiatives*

- Introduction of mechanism to facilitate e-authorizations of permits – through Digital Portal to Customs ASYCUDA
- Strengthening of oversight mechanisms to streamline transportation of firearms and ammunition upon importation
- Continued coordination of Stockpile Management Activities –
  - ✓ **National Firearm Marking Programme & Database** (to date **2,771** State-owned and **500** privately-owned weapons have been marked)
  - ✓ **Timely disposal of Firearm/Ammunition** (to date **5,117** state and privately owned firearms have been destroyed and **374,466** assorted rounds of ammunition/munition have been destroyed)
- Establishment of mechanism to synergize International Reporting Instruments (e.g. ATT, UN PoA) which will streamline the international reporting process and lessen the burden of collating and reporting on the same information

# AREAS REQUIRING ADDITIONAL FOCUS AND TECHNICAL SUPPORT

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- ***Border Security*** – Portable x-ray/scanning equipment to strengthen screening capability at Ports
- ***Stockpile Management*** – Electronic Marking Machines or support to maintain servicing and acquisition of hardware for Marking Machines
- ***Records Keeping*** - Comprehensive National Database to capture all conventional arms transfers and **Risk Assessment Technology, Tools, Software or Platforms** that can be easily adapted to support investigative and intelligence gathering activities
- ***Capacity Building*** – Specialized capacity building for elite Law Enforcement squad that will be primarily responsible for in-depth risk assessment and investigation of offences involving illicit conventional arms transfers