Translated from French

Permanent Mission of Switzerland to the United Nations

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The Permanent Mission of Switzerland to the United Nations presents its compliments to the United Nations Secretariat and, with reference to note verbale DDA/1-2004/TSA of 14 January 2004, is pleased to transmit, herewith, a document entitled “National report of the Swiss Confederation 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”.

The Permanent Mission of Switzerland to the United Nations takes this opportunity to convey to the United Nations Secretariat the renewed assurances of its highest consideration.

United Nations Secretariat
Department for Disarmament Affairs
S-3170, New York
National report of the Swiss Confederation on 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

Updated on 30 April 2004

At the national level

1. National coordination agency

*Does your country have a national coordination agency or body that is responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects? (II.4)*

Owing to the complexity of questions relating to the various aspects of small arms and light weapons (SALW), no less than five of the seven Swiss ministries (federal departments) are concerned in one way or another with the subject: the Federal Department of Foreign Affairs (DFA); the Federal Department of Defence, Civil Protection and Sports (DDPS); the Federal Department of Justice and Police (FDJP) and notably its Federal Office for Police Matters; the Federal Department of Economic Affairs (DEA) and in particular its State Secretariat for Economic Affairs (SECO); and finally the Federal Department of Finance (FDF), and above all its Federal Customs Administration.

In addition to the federal authorities, the 26 cantons also have considerable responsibilities in the area of SALW, particularly in respect of criminal proceedings in the context of the law on weapons and the granting of permits for the purchase of arms and of licences for the sale of arms. Switzerland’s police forces are also under the authority of the cantons. The Confederation has no internal security forces at the national level.

At the federal level, the Federal Department of Foreign Affairs (Political Affairs Division IV (PD IV)), and in particular its Peace Policy and Human Security Section (PPHS), is responsible for coordination. The Division organizes regular interdepartmental coordination meetings addressing current issues pertaining to Swiss policy on SALW. It also coordinates Switzerland’s policy in this area at the international level. International projects relating to SALW are organized and financed mainly by DFA (Peace Policy and Human Security Section, International Security Policy Centre) and DDPS.

2. National point of contact

*Does your country have a national point of contact to act as liaison with other States on matters relating to the implementation of the UN Programme of Action? (II.5)*

The SALW desk officer of DFA/PD IV/PPSH is the central clearing office for implementation of the UN Programme of Action.
3. Legislation, administrative regulations and procedures

(i) What national laws, regulations and administrative procedures exist to exercise effective control over SALW?

The relevant laws and ordinances can be consulted in extenso in the Swiss national languages via the Internet, at the following site: http://www.admin.ch/ch/f/rs/rs.html.

The following laws and ordinances are of special importance for the control of small arms and light weapons:

– Federal law of 20 June 1997 on arms, accessories and munitions (Loi sur les armes, LARM, Recueil systématique du droit fédéral [RS] 514.54). Currently under review: the Government’s bill to parliament concerning this revision is due to be submitted at the end of 2003

– Ordinance of 21 September 1998 on arms, accessories and munitions (Ordinance sur les armes, OARM, RS 514.541)

– Federal law of 13 December 1996 on defence equipment (Loi sur le matériel de guerre, LMG, RS 514.51)

– Ordinance of 25 February 1998 on defence equipment (Ordinance sur le matériel de guerre, OMG, RS 514.511)

– Federal law of 13 December 1996 on the control of goods usable for civilian and military purposes and on specific military goods (Loi sur le contrôle des biens, LCB, RS 946.202)

– Ordinance of 25 June 1997 on the export, import and transit of goods that can be used for both civilian and military purposes and on specific military goods (Ordinance sur le contrôle des biens, OCB, RS 946.202.1)

– Federal law of 22 March 2002 on the application of international sanctions (Loi sur les embargoes, LEMB, RS 946.231)

Insofar as weapons of the armed forces are concerned, the main laws and ordinances are as follows:

– Federal law on the armed forces and military administration of 3 February 1995 (Loi fédérale sur l’armée et l’administration militaire) (LAAM, RS 510.10)

– Ordinance on personal equipment of 25 October 1995 (Ordonnance concernant l’équipement personnel) (OEPERS, RS 514.10)

– Ordinance on the acquisition of military equipment of 25 April 1986 (Ordonnance concernant l’acquisition de matériel d’armée) (RS 510.211.1)

– Ordinance of the DDPS on personal equipment of 31 October 1995 (Ordonnance du DDPS concernant l’équipement personnel) (OEPERS-DDPS, RS 514.101)
– Ordinance on target practice of 27 February 1991 (*Ordonnance sur le tir*, SR 512.31)

– Ordinance of the DDPS on target practice of 29 February 1996 (*Ordonnance du DDPS sur le tir*, SR 512.311)

In the following pages, the main provisions concerning production, import, export and transfer are explained in each case. For details, the reader should refer to the full text of the instrument in question.

**Production**

The issuance of authorizations for the manufacture of SALW in principle falls within the sphere of application of LARM and LMG. However, as a result of the coordination of the legislation concerning arms, defence equipment, explosives and the control of goods, the manufacture of personal long guns and handguns (small arms) no longer requires initial authorization in the context of LMG. All that is required is a licence to sell arms in accordance with LMG. A licence to sell arms must be obtained from the competent authority of the canton in which the applicant has established the main office of his company. Only the manufacture of light weapons, which falls within the sphere of application of LMG, requires initial authorization in accordance with the provisions of that law. Such authorization is granted only to individuals or legal entities able to offer the necessary guarantees for proper management of their affairs and only if the proposed activities are not contrary to the national interest. If at any time these conditions are no longer met, the authorization may be revoked. SECO decides on requests for initial authorization in consultation with the Federal Office for Police Matters.

**Exports**

In accordance with the provisions of article 22 a, paragraph 1 of LARM, the provisions of LMG or LCB are applicable. SECO (DEA) is the competent authority.

In accordance with LMG, the authorization requirements for the export of SALW consist of an initial authorization for general access to this activity and specific authorization for each individual case. In general, such authorization is granted only in the case of deliveries to a foreign Government or a company employed by a foreign Government, and only when the latter has submitted an end-user certificate. In the case of exports to non-governmental entities, the exporter must prove the existence of the import authorization of the country of final destination, or that such authorization is not required. Moreover, no export will be authorized if it is found to be in violation of international law or contrary to the principles of Switzerland’s foreign policy or international obligations. OMG gives additional details on the considerations on which decisions to authorize such exports are based. The main criteria for such decisions are as follows:

- The maintenance of peace, international security and regional stability,
- The nature of the situation in the country of destination, in particular with regard to the observance of human rights,
- Swiss efforts in the area of development cooperation,
- The attitude of the country of destination with regard to the international community and in particular with regard to international law,
The attitude of countries participating (like Switzerland) in international export control regimes.

All requests for authorization are examined by SECO in consultation with DFA. If necessary, a request may be forwarded to the Swiss Government (Federal Council) for its consideration.

Authorizations are granted for a limited time and may be suspended or revoked if the circumstances require.

The legislation on defence equipment is also applicable in cases of transfers of intangibles such as know-how, under conditions which are the same as for other exports.

As for light weapons that fall within the sphere of application of the legislation on the control of goods, the export requirements are slightly different than in the case of exports governed by the legislation on defence equipment. OCB stipulates that anyone wishing to export arms under annexes 3 and 5 of the ordinance (list of specific military goods) must be in the possession of an export permit from SECO. Generally speaking these export authorizations take the form of an individual permit granted to individuals or legal entities whose domicile or head office is in Switzerland. When examining a request for the export of arms to a body other than a foreign Government or a company employed by a foreign Government, SECO requires a copy of the import permit issued by the country of final destination, or proof that such a permit is not needed.

For exports destined to certain specific countries (listed in annex 4 of OCB, being countries which like Switzerland participate in all export control regimes) the authorization procedure is simplified. These exports can be made on the basis of general export licences rather than individual licences.

There are exceptions to the permit requirements. They mainly involve the export of arms for sport or hunting on behalf of persons travelling abroad to engage in such activities or the re-export of arms by security agents after official visits.

Export licences (individual or general) may be refused, notably in the following cases:

- The planned activity would be in violation of international agreements or measures decided upon in the context of export control requirements.
- There is reason to believe that the planned activity would benefit terrorist groups or organized crime.
- The United Nations or certain States which participate in international export control regimes prohibit the export of the goods for which a permit is requested, and Switzerland’s main trading partners respect these bans.
- The goods to be exported would add to the conventional arsenal of a State whose behaviour is a threat to regional or international security.
- The State of origin of a particular good does not consent to its re-export.

Imports

LMG stipulates that the import of defence equipment is subject to authorization by the Swiss Confederation. Specific authorization is required for light
weapons unless these are being supplied to the Confederation. The import of defence equipment will be authorized insofar as it does not violate international law and is not contrary to the national interest. The body responsible for authorization is SECO.

This provision does not apply, however, to personal long guns or handguns, in accordance with the legislation on arms (small arms). The import of small arms (pursuant to LARM, art. 4) is governed by LARM.

The Central Office for Arms monitors the import of arms in accordance with the requirements of article 4 of LARM and issues the necessary authorizations in accordance with articles 24 and 25 of LARM, together with articles 22, 24, 24 a and 25 a of OARM.

Authorization is generally granted unless there are reasons for refusing it such as those cited in article 8, paragraph 2 of LARM.

A distinction is made between import authorizations granted to the holders of a licence for the sale of arms and those granted to private individuals.

Holders of a licence for the sale of arms are granted a general authorization enabling them to import arms and munitions to Switzerland for a period of 12 months in accordance with article 22 of OARM. The prerequisite for the granting of such authorization is the possession of a valid licence for the sale of arms in accordance with article 17 of LARM. A general authorization for the import of arms does not cover the import of arms within the meaning of article 5 of LARM. In the latter case, it is necessary to request exceptional authorization from the Central Office for Arms in accordance with article 5, paragraph 3 bis of LARM, and article 48, paragraph 3 of OARM.

The Central Office for Arms issues private persons with special authorization enabling the holder to import arms and munitions in accordance with article 25, paragraph 3, of LARM, insofar as none of the reasons for refusing such authorization exist in accordance with article 8, paragraph 2, of LARM. The authorization, which is valid for six months, covers the import of three weapons, essential components of arms, munitions or munitions components. It may be extended for three months.

For the arms mentioned under article 5, paragraph 1 of LARM, exceptional authorization must be obtained from the Central Office for Arms, in accordance with the procedure described in the provisions of article 48 of OARM. Exceptional import authorizations are granted only in cases where exceptional cantonal authorization pursuant to article 5, paragraph 3 of LARM has been granted in accordance with article 24 a, subparagraph (b) of OARM.

Exceptions to these provisions are as follows:

– Weapons which are not covered by LARM (e.g. grenade launchers)
– Weapons intended for police forces, customs authorities, and the armed forces (LARM, art. 2, para. 1)

Transit

In accordance with the provisions of article 22 a, paragraph 1 of LARM, the provisions of LMG or LCB are applicable, under the authority of SECO (DEA).
The transit of SALW is regulated in a manner similar to export under the legislation on defence equipment and on the control of goods. LMG stipulates that such transit is subject to authorization in the same way as exports and under the same conditions. The authorization criteria are identical to those which apply to decisions on exports. Exceptions to the normal procedures include persons travelling by air carrying firearms for their personal use and security agents accompanying official visits.

OCB prohibits the transit of small arms and light weapons in cases where their export is prohibited by the country of origin. Transit is also prohibited in cases where there are reasons to believe that it would be in violation of export control measures supported by Switzerland. Finally, as in the legislation on defence equipment, the prohibitions may be eased in the case of arms for the personal use of travellers who are passing in transit through Switzerland as well as security agents who provide protection during official visits.

Re-export

Pursuant to article 22 (a), paragraph 1 of LARM, the provisions of LMG or LCB are applicable. The State Secretariat for Economic Affairs (SECO) of DEA is the competent authority.

(ii) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW? How have these been implemented? (II.8)

Civilian arms

Generally speaking, the legal provisions concerned (i.e. laws and ordinances on arms and defence equipment) do not include measures concerning the marking of light weapons.

Most arms manufacturers in Switzerland have their own marking system. Usually, markings include the name of the manufacturer and the serial number as well as in many cases the country in which the weapon was manufactured.

Regulations that would cover all aspects are currently being studied. Up to now it has been possible to manufacture arms without markings and to put these into circulation. It is foreseen that the future article 18 a of the revised law on arms will contain the following provisions on the marking of firearms:

1. The manufacturers of firearms and of their main components and accessories must mark each of these objects to enable their identification and traceability.
2. Each firearm as well as each main component or accessory imported to Switzerland must be clearly marked.
3. All markings must be made in such a way that they cannot be removed or modified without the aid of mechanical methods.
4. The Swiss Government (Federal Council) will define exceptional cases in which unmarked firearms may be imported for a maximum of one year.

As to whether the provisions concerning the marking requirement will remain in the definitive version of the law, and in what form, it is not yet possible to say.
SCHENGEN/DUBLIN GUIDELINES

Negotiations are currently under way on Switzerland’s possible accession to the Schengen Agreement/Dublin Convention of the European Union. Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons is important for the agreement, since Switzerland would have to apply the directive if it joins. Among other things, this would require the addition of a provision on the marking of firearms to LARM.

UNITED NATIONS PROTOCOL ON FIREARMS

Article 8 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, makes it obligatory to mark firearms for the purpose of identification and tracing. The Protocol has not yet come into force, as at the time of writing it has not been ratified by 40 States. Switzerland is expected to adhere to the Protocol, but has not yet actually done so. This too will require the adaptation of existing legislation.

Weapons of the armed forces

BASIC MARKING

All arms belonging to the Swiss armed forces have been marked in a way that can only be modified or removed by mechanical methods.

The Swiss armed forces define “personal long guns and handguns” as arms that are provided to armed forces personnel as personal weapons (this is notably the case with 9 mm pistols of the 49 and 75 type, as well as the 5.6 mm type 90 assault rifle).

“Collective long guns and handguns” are weapons provided to military units on a temporary basis for the purpose of instruction and for use in engagements (e.g. submachine guns, machine guns, portable missiles, etc.).

The present numbering system for personal long guns or handguns, as well as for collective long guns or handguns — which above all consist of pistols and assault rifles — is based on the General Staff Directives of 1977, which were issued at the time of the acquisition of the 9 mm type 75 pistol.

The General Staff Directives of 4 July 1977 state the following:

A new seven digit numbering system was introduced at the time of the acquisition of the 9 mm 75 pistol. This new system makes it possible to identify a weapon exclusively by means of the weapon number (first digit) without knowledge of the type of weapon. Moreover, this numbering system will simplify the registration of weapons in the future. These Directives came into force on 4 July 1977 for all personal long guns and handguns, as well as newly acquired collective long guns and handguns.

These Directives were also applied, inter alia, at the time of the acquisition of 5.6 mm calibre 90 assault rifles.

They did not, however, apply to the acquisition of the following light weapons:
(a) 40 mm grenade launcher for the 90 assault rifle
   A separate directive provided for the application of a five digit number.

(b) 9 mm machine pistol HK5 (Heckler und Koch)
   The weapon number was applied by the manufacturer.

ADDITIONAL MARKING

In order to be able to identify armed forces weapons without any risk of error, the Defence Procurement Agency called for new markings to distinguish Swiss armed forces pistols and assault rifles, in addition to the weapon number. These markings provide information on three other points, namely:

(a) The letter “A” for armed forces
(b) The “shield with the Swiss cross” (= ordnance weapon)
(c) The letters “W+K” (= weapon subject to federal arms control)

These additional markings have been applied to 9 mm pistols (types 49 and 75), the 57 assault rifle (7.5 mm) and the 90 assault rifle (5.6 mm).

The various weapon types do not all have the same markings. The decision on the marking method is taken by the Defence Procurement Agency in consultation with the General Staff planning group, taking into account the following factors:

- The quantity of weapons to be manufactured
- The manufacturer’s marking and numbering
- The possibility of applying the marking at the time of manufacture (including cost)

The final decision concerning a particular marking technique (die stamping, engraving, laser, etc.) is taken by the General Staff. The Defence Procurement Agency is responsible for its application throughout the acquisition process.

The weapons are supplied to the armed forces together with a statement of account. Once the weapons have been delivered, the Federal Office for Land Forces Support or the Federal Office for Air Force Logistics has responsibility for accounting as well as for the maintenance and repair of defective markings.

(ii) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW? How have these been implemented? (II.8)

None of the provisions of laws currently in force in Switzerland, specifically LARM and LMG, requires the manufacturer to mark his products.

However, a provision to that end is due to be inserted in LARM, which is currently being revised.
4. Application of the law and criminalization

(i) What national legislative or other measures exist to make the illegal manufacture, possession, stockpiling and trade of SALW criminal offences under domestic law? How have these measures been implemented? (II.3)

Weapons of the armed forces

See section 6 of annex 1 on the administration of depots and the national security procedures of the Swiss armed forces.

Civilian arms

Article 36 of LARM states that any decision to initiate criminal proceedings is the responsibility of the cantons.

Activities carried out without the approval of the federal authorities, when such approval is required in accordance with LMG, are considered illicit. Any persons who commit such offences are liable to the payment of a fine or to imprisonment.

LCB provides that anyone who exports firearms without being in possession of the necessary export permit will be subject to criminal penalties (imprisonment or a fine). It also stipulates that anyone who provides goods to a third party who they know or might assume would transfer them to an unauthorized end-user will be subject to a fine or imprisonment.

(ii) What national measures have been taken, including legal or administrative means, against activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations? (II.15)

The Federal Law on the application of international sanctions of 22 March 2002 (LEMB) enables the Swiss Confederation to promulgate coercive measures, in particular for the implementation of embargoes imposed by the United Nations Security Council. LMG stipulates specifically that no authorization shall be granted once such measures have been taken. As for LCB, it provides that permits for specific military goods (i.e. including the firearms indicated in annexes 3 and 5 of the ordinance) shall be denied if the United Nations prohibits export of the arms in question.

The various sanctions regimes are introduced in the form of ordinances. Violation of these ordinances is punishable in accordance with LEMB. To facilitate the implementation of coercive measures, the law includes provisions which enable the Swiss authorities to cooperate with the authorities of other countries or with international organizations.

5. Management and security of stocks

(i) What national standards and procedures exist for the management and security of SALW stocks held by armed forces, police or other authorized bodies? (II.17)

On 30 June 2002, Switzerland submitted information on small arms and light weapons within the framework of the exchange of information organized by the
Organization for Security and Cooperation in Europe (OSCE). The exchange focused mainly on information relating to the national administration of stockpiles and the national security procedures of the Swiss armed forces. Annex 1 on the administration of depots and the national security procedures of the Swiss armed forces reproduces extracts from this exchange of information.

The stockpiling of arms belonging to the police is governed by cantonal legislation. There are thus 26 different models, too many to describe in the context of this report.

LARM does not stipulate the way in which arms in the possession of individuals are to be stockpiled except to say that care must be taken with all arms and munitions, which must not be accessible to unauthorized persons, as per article 26, paragraph 1, of LARM, and article 28 of OARM. Article 28, paragraph 2 of OARM refers explicitly to military law.

Insofar persons selling weapons are concerned, the provisions of the ordinance on the minimum requirements for premises used for trade in weapons (RS 514.544.2) are applicable.

**Article 1**
**Purpose**

The present ordinance stipulates the minimum requirements for the commercial premises of the holder of a licence to sell arms.

**Article 2**
**Security against break-ins**

1. The exterior of such premises (outer walls, floors and ceilings) must be of solid construction and offer sufficient mechanical protection against break-ins.
2. Doors, windows and all other openings must offer sufficient mechanical protection against break-ins. If this is not the case, additional mechanical security devices (gratings, shutters, etc.) must be installed.
3. Commercial premises must be fitted with an alarm to warn of intrusion, connected to a monitoring station that is manned around the clock.

**Article 3**
**Security against theft**

1. Firearm in commercial premises must be kept in locked display cases, or otherwise protected by electronic or mechanical devices.
2. Munitions must always be kept under lock and key.

**Article 4**
**Protection against armed attack**

Commercial premises must be fitted with an alarm device to warn of any acts of aggression, connected to a monitoring station that is manned around the clock.
Article 5
Exceptions

If the applicant does not trade in either firearms or munitions, or is involved only in the brokering of arms, the cantons may grant a licence for the sale of arms expressly limited to this activity, even in cases where the commercial premises do not meet the minimum requirements of the present ordinance.

A possibility peculiar to Switzerland is that of ceding personal weapons to members of the armed forces, as per the ordinance on personal equipment of 25 October 1995 (OEPERS, RS 514.10), article 18:

1. A member of the Swiss armed forces at the end of his military service has a right to keep all or part of his equipment and, if this includes the 57 assault rifle, is entitled to keep the weapon free of charge on condition that he has completed at least two federal programmes over the previous three years and has had these registered in his shooting log book or in the certificate of fitness for military service. In exceptional cases, if there is sufficient reason, target practice may be completed in the year following dispensation from further military duty. The decision is made by the Office.

2. A member of the armed forces equipped with a 90 assault rifle who satisfies the conditions in paragraph 1 above, shall receive free of charge a 57 assault rifle on restitution of his weapon.

3. Before being handed over, the assault rifle shall be converted at the expense of the Confederation from a semi-automatic to a rifle capable of firing only one shot at a time.

4. A pistol shall be supplied to all members of the armed forces as their sole property without any need to show an attestation of target practice.

5. At the time of relinquishing ownership of the assault rifle or pistol, the Office shall record in writing the following:
   a. The family name and first name of the recipient;
   b. His regimental number;
   c. His address;
   d. The weapon number;
   e. The year the weapon was handed over.

6. The data given in paragraph 5 shall be kept by the Office for a period of at least 10 years.

7. The provisions of the legislation on arms are applicable as soon as the personal weapon is handed over to become the property of a member of the armed forces. The latter shall be informed of this by the Office.

8. Where there are obstacles within the meaning of article 8, paragraph 2, of the Federal Law on arms, accessories and munitions (LARM) of 20 June 1997, the member of the armed forces in question shall not be granted ownership of his personal weapon.
(ii) **How often are stocks of SALW held by armed forces, police and other authorized bodies reviewed? (II.18)**

The stockpiling of arms belonging to the police and all related aspects are governed by cantonal legislation. There are thus 26 different models, i.e. too many to describe in the context of this report.

For weapons belonging to the armed forces, see sections 1 and 4 of annex 1 on the administration of depots and the national security procedures of the Swiss armed forces.

(iii) **How are those stocks of SALW that are surplus to requirements identified? (II.18)**

The stockpiling of arms belonging to the police and all related aspects are governed by cantonal legislation. There are thus 26 different models, i.e. too many to describe in the framework of this report.

As DDPS is involved in a reform process known as “Army XXI”, it is not possible at this time to provide quantitative data.

At the national level, the General Staff planning group is the body responsible for defining and identifying stocks that are surplus to requirements. As the Swiss armed forces are in a transitional phase due to the ongoing Army XXI reform process, they are not yet in a position to define what stocks are surplus to requirements. Moreover, it is difficult to reduce calculations of this type to simple formulas in view of the fact that the Swiss armed forces are based on a militia system with varying reserve numbers.

### 6. Collection and disposal

(i) **Please give details of any national programmes that have been established and implemented for the responsible disposal of surplus stocks of SALW held by the armed forces, police and other authorized bodies. (II.18)**

As far as the confiscation/impoundment and reutilization of withdrawn civilian arms is concerned, the provisions applicable are article 31, paragraph 4 of LARM, together with article 34 of OARM. Implementation is the responsibility of the cantons.

For weapons surplus to the requirements of the armed forces see response to question 5.iii.

The disposal of weapons belonging to the armed forces is governed by the Ordinance on the acquisition of military equipment. According to article 29 of the Ordinance, the defence procurement council is the decision-making body with respect to the disposal of military equipment. The defence procurement council is chaired by the Chief of Staff and includes the Chiefs of Training and Defence Procurement. The Deputy Chief of Staff for planning participates in all meetings of the defence procurement council in a consultative role. The group deputy chiefs of staff, the service vice-chiefs and the directors of federal offices participate in meetings and have a consultative role if involved in the project in question.
All decisions involving the disposal of large stocks are taken by the head of DDPS. The actual disposal is the job of the agencies responsible for managing the equipment in question. Disposal of munitions is the responsibility of the Chief of Procurement Defence (Ordinance on the acquisition of military equipment, art. 30).

(ii) Is destruction the means used to dispose of such stocks? (II.18)

For weapons surplus to the requirements of the armed forces, see response to question 5.iii.

(iii) What national measures exist to safeguard such stocks prior to their disposal? (II.18)

For weapons surplus to the requirements of the armed forces, see response to question 5.iii.

(iv) Subject to the exceptions set out in paragraph II.16 of the Programme of Action, are all confiscated, seized or collected SALW destroyed? (II.16)

Generally speaking, police forces in Switzerland are under the authority of the cantons. For this reason, small arms and light weapons belonging to criminals or acquired illegally are impounded or confiscated at the cantonal level. In such cases, the police forces take their orders from the district courts or cantonal courts. Most of the arms confiscated by the cantonal authorities are destroyed by crushing in plants belonging to civilian recycling companies, in accordance with ISO 9000. Other arms are destroyed under the supervision of RUAG Land Systems, a subsidiary of RUAG Holding, which is wholly owned by the Swiss Confederation. Ammunition is destroyed by RUAG Munition, which is also part of RUAG Holding. A register is kept of arms disposed of in this way.

(v) What methods are used to destroy surplus stocks of SALW? (II.19)

Concerning the destruction of light weapons belonging to the armed forces, the Defence Procurement Agency of the Federal Department of Defence, Civil Protection and Sports (DDPS) manages the system in the military equipment sectors under its responsibility, from the definition phase up to the actual disposal of the equipment (see response to question 6.i for details). The Agency entrusts the disposal of light weapons belonging to the Swiss armed forces to RUAG Munition.

(vi) Please give details of any information on SALW confiscated or destroyed within your jurisdiction that is submitted to relevant regional and international organizations. (II.23)

In the context of article IV.E of the OSCE Document on Small Arms and Light Weapons (finalized in November 2000), the States Parties have agreed to:

- Exchange information by 30 June 2001 on their techniques and procedures for the destruction of small arms and on relevant national legislation and current practice on export policy, procedures and documentation;
- Share available information on an annual basis, not later than 30 June, beginning in 2002 on the category, subcategory and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territory during the previous calendar year and on their small arms imports and exports 2002.
In this context, Switzerland provided information to OSCE on its techniques and procedures for the destruction of small arms in June 2001. In June 2002, it provided OSCE with quantitative information on arms identified as being surplus to requirements and/or confiscated and destroyed. It is Switzerland’s intention to continue to supply this quantitative information to OSCE every year, as required by the provisions of the OSCE Document.

7. Export controls

(i) Please describe the system of export and import licensing or authorization, as well as measures on international transit, used by your country for the transfer of all SALW and to combat the illicit trade in SALW. (II.11)

In accordance with article 22, paragraph 1 of LARM, the provisions of LMG or LCB are applicable. The competent authority is the State Secretariat for Economic Affairs (SECO of DEA).

See also the responses under section 3.

(ii) Please describe the national laws, regulations and administrative procedures used by your country to ensure effective control over the export and transit of SALW. How are these measures implemented? (II.12)

When shipments of SALW cross the border, the customs authorities check the documentation and, if necessary, conduct a physical inspection, paying particular attention to the export or transit permit issued by SECO. When these permits expire, the original is returned to SECO. This procedure is an important means of control and provides the authorities with an assurance that expired licences will not be used in an illegal manner.

(iii) Does your country use authenticated end-user certificates for this purpose? (II.12)

Under LMG authorization to export SALW is granted only if the Government of the State for which the merchandise is destined has issued a declaration stating that the SALW will not be re-exported. If there is any doubt as to the validity of such a document, the authorities ask the Swiss embassy in the country in question to verify the certificate.

(iv) Does your country notify the original exporting State when re-exporting or retransferring previously imported SALW? (II.13)

LMG does not expressly require Switzerland to notify the original exporting State when re-exporting SALW. LCB stipulates that the original exporting State must be consulted if that State requires that its consent should be sought in case of re-export. Consequently, the export permit may be denied in the absence of approval by the original exporting State.
8. Brokering

(i) What national legislation or administrative procedures exist to regulate the activities of those who engage in SALW brokering? (e.g. registration of brokers, licensing or authorization of brokering transactions and appropriate penalties)? (II.14)

Brokering of SALW is governed by the legislation on defence equipment. Under LCB, the Swiss Government may supervise the brokering of goods, but the implementing ordinance does not yet contain any provisions to that effect.

The Federal Law on defence equipment requires anyone who wishes to engage in SALW brokering to obtain an initial authorization (or a commercial licence, in accordance with LARM, for the brokering of personal shoulder-fired weapons and handguns), as well as a specific authorization. Such authorizations are necessary for anyone doing business on Swiss territory, regardless of where the equipment is located.

No specific authorization is required for brokering activities involving countries listed in annex 2 of the Ordinance on defence equipment. In addition, no specific authorization is required for enterprises manufacturing defence equipment that have received an initial authorization to broker defence equipment similar to the goods manufactured in their workshops. Thus, when a customer’s order exceeds the current production capacity of a Swiss manufacturer, it is able to supply the customer from its foreign branches without a specific authorization.

9. Marking, record keeping and tracing

(i) Does your country require licensed manufacturers of SALW to apply an appropriate and reliable marking on each weapon as an integral part of the production process? (II.7)

See response to question 3.i.

(ii) Is this marking unique? (II.7)

See response to question 3.i.

(iii) Does this marking identify the country of manufacture? (II.7)

See response to question 3.i.

(iv) How does this marking otherwise allow concerned authorities to identify and trace the relevant weapon? (II.7)

See response to question 3.i.

(v) How long are records kept on the manufacture, holding and transfer of SALW under your jurisdiction? (II.9)

See response to question 3.i.

(vi) What national measures exist for tracing SALW held and issued by the State? (II.10)

See response to question 3.i.
(vii) Please give details of any steps taken by your country to cooperate in tracing illicit SALW, including the strengthening of mechanisms based on the exchange of relevant information. (II.11)

See overall report and response to question 3.ii.

10. Disarmament, demobilization and reintegration (DDR)

(i) Please describe any disarmament, demobilization and reintegration (DDR) programmes your country has developed and implemented, including the effective collection, control, storage and destruction of SALW. Please also give details of any peace agreements involving your country that have made provision for these programmes. (II.21)

Since the situation in Switzerland is not a post-conflict one, there are no DDR programmes.

(ii) Please describe how your country has addressed the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation. (II.22)

A detailed description of Swiss activities with respect to the problem of children in armed conflict is given in annex 2.

In 2002, Political Affairs Division IV of DFA, gave SwF 262,500 to the United Nations Development Programme (UNDP) Trust Fund for Children in Armed Conflict.

The Humanitarian Aid Division of the Swiss Agency for Development and Co-operation (SDC) has supported the activities of the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children’s Fund and various non-governmental organizations since the time of the conflict in Sierra Leone, with a particular focus on the different aspects of the problem of children in armed conflict. Since 2001, virtually all humanitarian aid contributions for Sierra Leone have been devoted, to a lesser or greater extent, to this issue. The following contributions are of particular importance in this light:

- Since mid-2002, secondment of two experts in child protection to UNHCR;
- In 2002, financing for six months of a post of child protection expert for the United Nations Office for the Coordination of Humanitarian Affairs; since mid-2002, financial support to the non-governmental organization Enfants réfugiés du monde for its psycho-social support programme for children; in 2002 financial support to the non-governmental organization COOPI for a rehabilitation programme for single mothers;
- Since 2002, financial support to the non-governmental organization Handicap International for its psycho-social rehabilitation programme for children.
(iii) Please describe any DDR programmes or activities that your country has supported. (II.30, 34)

Since 2000, the Humanitarian Aid Division and Swiss Humanitarian Aid Unit of SDC have provided support to the DDR programme for Sierra Leone through contributions to the World Bank Trust Fund totalling SwF 2,325,000.

In 2004, the Humanitarian Aid Division and Swiss Humanitarian Aid Unit of SDC made a contribution of SwF 1,000,000 to the UNDP Trust Fund to finance DDRR measures in Liberia.

Regional level

1. Legally binding instruments

(i) Has your country been involved in negotiations for the conclusion of legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects? (II.25)

Switzerland has not been involved in the conclusion at the regional level of legally binding documents on SALW. Indeed no legally binding document has been negotiated in this area either at the European or Euro-Atlantic level.

(ii) Where such instruments exist, please describe the steps your country has taken to ratify and fully implement them. (II.25)

See above.

2. Moratoria and action programmes

(i) Please give details of any support your country has given moratoria or similar initiatives on the transfer and manufacture of SALW, and/or regional action programmes to prevent, combat and eradicate the illicit trade in SALW in all its aspects (including cooperation with States concerned in the implementation of these initiatives). (II.26)

There are no regional moratoria in which Switzerland can take part.

Switzerland contributed SwF 400,000 to the first phase of the Economic Community of West African States (ECOWAS) moratorium.

3. Regional cooperation

(i) Please describe any involvement your country has had in the establishment of subregional or regional mechanisms with a view to preventing, combating and eradicating the illicit trade in SALW across borders (in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies). (II.27)

Switzerland played an active part in preparing the OSCE Document on Small Arms and Light Weapons adopted in November 2000. It is also an active participant in efforts to ensure full implementation of the Document. Switzerland takes part in
exchange of information concerning the Document (see response to question 4 below) and also coordinated the preparation of one of the eight best practice guides, namely, the Best Practice Guide on National Procedures for Stockpile Management and Security. Switzerland also took an active part in preparing the OSCE Document on Stockpiles of Conventional Ammunition, which was adopted in December 2003.

Switzerland was involved in setting up the mechanism established by the Stability Pact for South Eastern Europe in the area of SALW. This took the form of a Regional Implementation Plan for Combating the Proliferation of Small Arms and Light Weapons in South East Europe, drawn up in November 2001 — Switzerland participated in its preparation as a member of the Stability Pact — and the creation of the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), which is charged with supporting the countries concerned in their efforts to combat proliferation and trafficking in SALW.

Switzerland has also provided financial support for the Stability Pact. It contributed SwF 250,000 to SEESAC activities in 2002 and SwF 200,000 in 2003.

Furthermore, Switzerland participates as an observer in the Regional Steering Group, which is responsible for defining the political, strategic and operational direction of SEESAC, and comprises Albania, Bosnia and Herzegovina, Bulgaria, Macedonia, Moldavia, Romania and Serbia and Montenegro.

(ii) Please describe any initiatives your country has undertaken to encourage regional and subregional action on illicit trade in SALW in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures. (II.28)

Within the framework of the Euro-Atlantic Partnership Council/Partnership for Peace (EAPC/PfP), Switzerland, in cooperation with other States, organized two seminars on the implementation of the OSCE Document on SALW. The first seminar was held in Baku (2001) and the second at in Zagreb (2002).

See also the response to question 3 (i) for the contribution made to SEESAC in Belgrade.

Global level

1. International instruments against terrorism and transnational organized crime

(i) What existing international legal instruments against terrorism and transnational organized crime has your country ratified or acceded to? (II.38)

Switzerland has ratified the 12 conventions against terrorism negotiated within the framework of the United Nations. It has now acceded to the two instruments that it had not yet ratified: the International Convention for the Suppression of the Financing of Terrorism (signed on 13 June 2001), and the International Convention for the Suppression of Terrorist Bombings, which were ratified by Parliament in 2003. Switzerland is also playing an active part in the elaboration of a general convention against international terrorism.

**Conventions against terrorism**

1. **United Nations conventions against terrorism**

   - Convention of 14 September 1963 on Offences and Certain Other Acts Committed on Board Aircraft (ratified by Switzerland);
   - Convention of 16 December 1970 for the Suppression of Unlawful Seizure of Aircraft (ratified by Switzerland);
   - Convention of 23 September 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation (ratified by Switzerland);
   - Convention of 14 December 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (ratified by Switzerland);
   - International Convention of 17 December 1979 against the Taking of Hostages (ratified by Switzerland);
   - Convention of 3 March 1980 on the Physical Protection of Nuclear Material (ratified by Switzerland);
   - Protocol of 24 February 1988 on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (ratified by Switzerland);
   - Convention of 10 March 1988 for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (ratified by Switzerland);
   - Protocol of 10 March 1988 for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (ratified by Switzerland);
   - Convention of 1 March 1991 on the Marking of Plastic Explosives for the Purpose of Detection (ratified by Switzerland);
   - International Convention of 15 December 1997 for the Suppression of Terrorist Bombings (ratified by Switzerland);
   - International Convention of 9 December 1999 for the Suppression of the Financing of Terrorism (ratified by Switzerland).
2. Council of Europe

(a) Convention against Terrorism

– European Convention on the Suppression of Terrorism, of 27 January 1977 (ratified by Switzerland);

(b) Other conventions and protocols

– European Convention on Extradition, of 13 December 1957 (ratified by Switzerland);

– Additional Protocol to the European Convention on Extradition, of 15 October 1975 (ratified by Switzerland);

– Second Additional Protocol to the European Convention on Extradition, of 17 March 1978 (ratified by Switzerland);

– European Convention on Mutual Assistance in Criminal Matters, of 20 April 1959 (ratified by Switzerland);

– Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, of 17 March 1978 (signed by Switzerland on 17 November 1981);

– Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, of 8 November 2001 (signed by Switzerland on 15 February 2002);


– Convention on the Transfer of Sentenced Persons, of 21 March 1983 (ratified by Switzerland);

– Additional Protocol to the Convention on the Transfer of Sentenced Persons, of 18 December 1997 (signed by Switzerland on 9 July 2001);

– Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, of 8 November 1990 (ratified by Switzerland);


2. International cooperation and assistance

(i) Please give details of any assistance, including technical and financial assistance, your country has provided for purposes of supporting the implementation of the measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN Programme of Action. (III.3, 6, 10, 14)

In 2002 the general staff of DDPS held the following courses in the framework of the Partnership for Peace (PfP):

– 2nd Swiss PfP training course on the management collection and destruction of small arms and light weapons (Spiez, Switzerland, 16-21 June 2002);
2nd Swiss PfP training course on the management of small arms and light weapons, management of stockpiles and security (Spiez, Switzerland, 23-28 June 2002)

Political Affairs Division IV of DFA provided support for the following projects during 2002-2004:

### 2002

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<tr>
<td>Small Arms Survey, Geneva (funding of yearbook)</td>
<td>SwF 1,394,429</td>
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<tr>
<td>Biting the Bullet II, London (for non-State actors);</td>
<td>£ 20,000</td>
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<tr>
<td>United Nations Institute for Disarmament Research (UNIDIR)/Small Arms Survey (SAS), Study on tracing</td>
<td>SwF 30,000</td>
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<tr>
<td>Centre for Humanitarian Dialogue, Geneva (SALW and human security)</td>
<td>SwF 35,000</td>
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<td>UNDP Trust Fund for Support to Prevention and Reduction of the Proliferation of Small Arms</td>
<td>SwF 1,000,000</td>
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<tr>
<td>UNDP Trust Fund for Children in Armed Conflict</td>
<td>SwF 262,500</td>
</tr>
<tr>
<td>Institute for Security Studies (ISS), Pretoria. Arms Management Programme</td>
<td>SwF 157,500</td>
</tr>
<tr>
<td>Contribution to Conference held by Safer Africa/Organisation for Economic Cooperation and Development (OECD)</td>
<td>SwF 6,558</td>
</tr>
<tr>
<td>United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) seminars in Lima, Peru and in Paraguay</td>
<td>SwF 87,500</td>
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<tr>
<td>Support for the non-governmental organization the Instituto de Enseñanza para el Desarrollo Sostenible (IEPDES), for the development of a national plan on the control of SALW in Guatemala</td>
<td>SwF 30,000</td>
</tr>
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2004

- Small Arms Survey, Geneva (funding of yearbook) SwF 2,000,000
- Government of Mali Small Arms Survey: Study on armed non-State actors in the ECOWAS region US$ 45,250
- Centre for Humanitarian Dialogue, Geneva (SALW and human security, Phase II) SwF 100,000

(ii) Please describe any initiatives your country has undertaken to enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in SALW in all its aspects. (III.13)

Switzerland and France launched a joint project under the French-Swiss initiative on the marking, registration and tracing of SALW, thereby bringing the issue into the international spotlight. The aim of the project is to formulate an international instrument that will allow better control of the production, circulation and management of SALW stockpiles intended for military use with the help of mechanisms for prevention (marking, registration) and cooperation (weapons tracing). In collaboration with a group of interested States, a working paper has been formulated containing elements for a treaty on tracing (see annex 3).

The United Nations mandated a group of governmental experts to study the feasibility of a universal instrument on tracing. A Swiss expert served on the group.

General Assembly Resolution 58/241 established an open-ended working group to negotiate an international instrument to enable States to identify and trace illicit SALW in a timely and reliable manner. Switzerland was appointed to the presidency of the working group.

(iii) Please give details of any assistance your country has provided to combat the illicit trade in SALW linked to drug trafficking, transnational organized crime and terrorism. (III.15)

Switzerland’s cooperation is based on existing legal provisions, and specifically on the Federal Law on International Mutual Assistance in Criminal matters (EIMP, RS 351.1) and the related ordinance (OEIMP, RS 351.11), the Ordinance on the Swiss National Central Interpol Bureau (RS 351.21), and the Ordinance governing police cooperation agreements.

(iv) Please give details of your country’s cooperation with Interpol for the purpose of identifying those groups and individuals engaged in the illicit trade in SALW in all its aspects. (II.37)

See response to question 4 (iii).
3. Cooperation with civil society and NGOs

(i) Please give details of cooperation with civil society and non-governmental organizations in activities related to the prevention, combat and eradication of the illicit trade in SALW in all its aspects, at the national, regional and global levels. (II.20, 40, 41; III.2, 18)

See response to question 3 (ii) (Global level).

4. Information exchange

(i) Please describe any steps taken by your country to exchange information on national marking systems on SALW. (III.12)

Within the framework of article IV.E of the OSCE Document on Small Arms and Light Weapons (finalized in November 2000), the participating States agreed to:

• Exchange information by 30 June 2001 on their techniques and procedures for the destruction of small arms as well as on relevant national legislation and current practices on export policy, procedures and documentation.

• Share available information on an annual basis not later than 30 June, beginning in 2002, on the category, subcategory and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territory during the previous calendar year, as well as on their imports and exports of SALW.

In this context, Switzerland provided information to OSCE on its techniques and procedures for the destruction of small arms in June 2001. This information was supplemented and updated in March 2003.

In June 2002, Switzerland provided OSCE with quantitative information on arms identified as being surplus to requirements and/or confiscated and destroyed, as well as on its imports and exports of SALW. It repeated this exercise in 2003.

5. Training and research

(i) Please describe any initiatives your country has undertaken to enhance cooperation and exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in SALW in all its aspects. (III.7)

As part of its activities within EAPC/PfP of the North Atlantic Treaty Organization (NATO), Switzerland organized a seminar in June 2001, in cooperation with Azerbaijan, to support implementation of the relevant international documents. The purpose of this seminar was to exchange information on the different national practices with regard to certain problems (legislation, exports, brokering, etc.) and to strengthen cooperation between the various multilateral institutions active in the area of SALW in the Euro-Atlantic zone.

Switzerland organized an event with a similar format in Zagreb in October 2002, in cooperation with Croatia and Germany. The seminar addressed a range of issues (border security, management of arms stocks, etc.) and in particular enabled
participants to exchange information and work to improve cooperation and the coordination of actions undertaken by the various regional institutions. Switzerland also promoted an exchange of views between the States of EAPC/PfP and those of the NATO Mediterranean Dialogue, in order to determine whether the specific expertise of EAPC/PfP in the area of SALW might be of benefit to the countries of the Dialogue in certain areas.

At the beginning of 2004 Switzerland organized an EAPC/PfP regional workshop, in cooperation with Moldavia, the Netherlands and SEESAC, on SALW issues in the Black Sea region. The goal of the workshop was to assist in the implementation of the various international instruments in the countries of the Black Sea region, identify more closely the related needs of the countries concerned, and provide a response to those needs.

(ii) Please describe any regional and international programmes for specialist training on small arms stockpile management and security that your country has developed or supported. (III.8)

2nd Swiss PfP training course on the management of small arms and light weapons. Management of stockpiles and security (Spiez, Switzerland, 23-28 June 2002)

(iii) Please give details of any action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in SALW in all its aspects that your country has developed or supported. (III.18)

During the period 2002-2004 Switzerland supported the following research projects:

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